

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, April 19, 2016
10:30 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN ALLAN DOMB
COUNCILMAN DEREK S. GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN CHERELLE L. PARKER
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA
COUNCILMAN AL TAUBENBERGER

BILLS 160170, 160171, and 160172
RESOLUTION 160180

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1
2 COUNCIL PRESIDENT CLARKE: Good
3 morning.

4 CONTROLLER BUTKOVITZ: Good
5 morning.

6 COUNCIL PRESIDENT CLARKE:
7 We're going to start now. This is a
8 public hearing of the Committee of the
9 Whole regarding Bills No. 160170, 160171,
10 160172, and Resolution No. 160180.

11 Mr. Stitt, please read the
12 titles of the bills and resolution.

13 THE CLERK: Bill No. 160170, an
14 ordinance to adopt a Capital Program for
15 the six Fiscal Years 2017 through 2022
16 inclusive.

17 Bill No. 160171, an ordinance
18 to adopt a Fiscal 2017 Capital Budget.

19 Bill No. 160172, an ordinance
20 adopting the Operating Budget for Fiscal
21 Year 2017.

22 Resolution No. 160180,
23 resolution providing for the approval by
24 the Council of the City of Philadelphia
25 of a Revised Five Year Financial Plan for

1 4/19/16 - WHOLE - BILL 160170, etc.
2 the City of Philadelphia covering Fiscal
3 Years 2017 through 2021, and
4 incorporating proposed changes with
5 respect to Fiscal Year 2016, which is to
6 be submitted by the Mayor to the
7 Pennsylvania Intergovernmental
8 Cooperation Authority, (the "Authority")
9 pursuant to the Intergovernmental
10 Cooperation Agreement, authorized by an
11 ordinance of this Council approved by the
12 Mayor on January 3, 1992 (Bill No.
13 1563-A), by and between the City and the
14 Authority.

15 COUNCIL PRESIDENT CLARKE:

16 Thank you, Mr. Stitt.

17 Today we continue the public
18 hearing of the Committee of the Whole to
19 consider the bills read by the Clerk that
20 constitute proposed operating and capital
21 spending measures for Fiscal 2017, a
22 Capital Program, and a forward-looking
23 Capital Plan for Fiscal 2017 through
24 Fiscal 2022.

25 Today we will hear testimony

1 4/19/16 - WHOLE - BILL 160170, etc.
2 from the following departments: The City
3 Controller's Office and the Sheriff's
4 Office.

5 We are ready to start.

6 Mr. Stitt --

7 CONTROLLER BUTKOVITZ: Good
8 morning.

9 COUNCIL PRESIDENT CLARKE: Wait
10 a minute.

11 First person to testify -- I
12 understand you being anxious. I know how
13 people love coming in here to testify.

14 Mr. Stitt, the first person to
15 testify?

16 THE CLERK: City Controller,
17 Alan Butkovitz.

18 COUNCIL PRESIDENT CLARKE:
19 Thank you very much.

20 Good morning, sir.

21 CONTROLLER BUTKOVITZ: Good
22 morning.

23 COUNCIL PRESIDENT CLARKE: Good
24 morning to your team. Please state your
25 name for the record and proceed with your

1 4/19/16 - WHOLE - BILL 160170, etc.
2 testimony.

3 CONTROLLER BUTKOVITZ: I'm City
4 Controller Alan Butkovitz. I'm joined by
5 Deputy City Controllers Bill Rubin, Gerry
6 Micciulla, and John Thomas, as well as
7 our Administrative Services Director,
8 Andrea Rose, and Audit Director and
9 transitioning to Post-Audit Deputy,
10 Christy Brady.

11 The Mayor's proposed Fiscal
12 Year 2017 Operating Budget for the City
13 Controller's Office includes a General
14 Fund appropriation of \$8,431,962. I
15 would like to once again this year
16 publicly thank all of our employees who
17 continue to provide quality needed
18 service to the citizens of Philadelphia.
19 They are to be commended and
20 congratulated.

21 My Post-Audit Division
22 performed and produced its Annual
23 Auditor's Report, which encompassed an
24 audit of all 42 City departments. In
25 addition, Post-Audit completed the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 following: three performance audits,
3 including the follow-up of Licenses and
4 Inspections, Fire Department response
5 times, and Philacor, the inmate trades
6 program; four opinions on the financial
7 statements of the City and the School
8 District of Philadelphia; two reports on
9 internal controls related to the four
10 opinion audits; 12 grant-related audit
11 reports; and an opinion on the City's
12 Five Year Forecasted Statements for
13 Fiscal Year 2016 to 2020.

14 From the audits and reports I
15 just listed, we made a total of 245
16 recommendations to safeguard City and
17 School District assets, enhance financial
18 management, strengthen internal
19 accounting controls, and improve
20 economies and efficiencies. In all, my
21 Post-Audit Division identified financial
22 reporting errors, compliance
23 deficiencies, cost reductions, and
24 increased revenues totalling more than
25 \$2.2 billion.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Our Pre-Audit Division provides
3 oversight of the City's payment and
4 purchasing processes. Pre-Audit
5 monitors, reviews, and approves or
6 disapproves all requisitions for payment
7 of City funds and responds to daily
8 requests for information regarding vendor
9 payments. This division processed more
10 than 300,000 payment vouchers
11 representing more than \$4.8 billion in
12 expenditures.

13 The Pre-Audit Division also
14 conducted several important
15 investigations and audits, including a
16 follow-up review of the conditions of
17 Philadelphia's public school buildings
18 that uncovered several hazardous
19 conditions at selected schools, including
20 exposed asbestos, electrical and fire
21 dangers, and water damage.

22 Most recently, our Pre-Audit
23 Division, in conjunction with the
24 Office's Finance and Policy Unit,
25 conducted a review on the status of the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 City's diversity and inclusion program
3 and the efficacy of changes implemented
4 over the past seven years. As a result
5 of this review, the Controller's Office
6 made several recommendations regarding
7 contract monitoring and enforcement,
8 reporting participation results,
9 developing a local mentor-protege
10 program, establishing a
11 pre-apprenticeship program, and the
12 certification process.

13 Based on reviews and
14 recommendations from Pre-Audit, three of
15 the four City departments that administer
16 capital projects have invited our
17 technical staff to conduct workshops for
18 their project inspectors and managers to
19 encourage cost savings and to increase
20 accuracy and efficiency in buildings and
21 inspections.

22 The Fraud and Special
23 Investigations Division completed 81
24 cases over the last year, including
25 contract fraud, misuse of City equipment,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 time-keeping fraud, employee misconduct,
3 and residency violations. The unit was
4 heavily involved in our ongoing
5 assessments of L&I's operations and their
6 imminently dangerous building program and
7 the most recent assessment of the Revenue
8 Department's Mail Center operations.

9 The Finance and Policy Division
10 continued its efforts to evaluate the
11 economic climate of our city as well as
12 work with the public and private sector
13 to identify opportunities that can build
14 job growth. This included the following:

15 Continuing the work with the
16 Anchor Procurement Initiative, which laid
17 out a roadmap for boosting job growth,
18 particularly in manufacturing. Our
19 report influenced the national discussion
20 on anchor procurement by pointing out the
21 critical role of supply chain integrators
22 like Aramark and Office Depot. Since
23 January, we have been actively partnering
24 with the Commerce Department on
25 implementing this initiative;

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Conducted an Economic Impact
3 Statement for the Market East Tax
4 Increment Financing (TIF) project. The
5 report concurred with PIDC's contention
6 that the TIF for the proposed renovation
7 of the Gallery makes economic sense and
8 it also raised questions about the
9 applicability of the City's minimum wage
10 standards act to tenants;

11 Performed a study of
12 Southport's economic potential, which
13 concluded that developing the land for
14 the use of auto, containers and/or liquid
15 natural gas would produce new jobs;

16 Analyzed the economic impact of
17 the business community's reaction to the
18 Papal visit, which led to a number of
19 recommendations for the City to consider
20 when hosting large events.

21 All of these reports were
22 models of data-driven policy analysis
23 that we believe can help our city make
24 better decisions on how to allocate
25 scarce resources and adopt policies that

1 4/19/16 - WHOLE - BILL 160170, etc.
2 show real results for our local economy.

3 In addition, we continued our
4 efforts to promote financial literacy for
5 Philadelphians of all ages. We
6 distributed financial resource booklets
7 to every school and have been providing
8 Money Smart Cards to the 12,000 12th
9 graders. With the help of City Council
10 and the School District of Philadelphia,
11 we greatly expanded our reach this year
12 to provide free resources to as many
13 educators, parents, and youth as
14 possible. We look forward to working
15 with City Council as it moves forward
16 with examining the possibility of
17 providing financial education courses in
18 the classroom.

19 Our work with youth over the
20 last year was expanded to our newly
21 created Youth Mentor Program. Students
22 work with our staff to conduct an audit
23 of an issue or topic that the students
24 find important to their daily lives,
25 while having the opportunity to work in a

1 4/19/16 - WHOLE - BILL 160170, etc.
2 professional environment and to learn
3 about career paths. The students have
4 produced exciting findings. One report
5 found a lack of transparency over the
6 lunch program and another report examined
7 crime at recreation centers with
8 surveillance cameras.

9 I will continue working on
10 issues and solutions to make Philadelphia
11 a better place for those who live and
12 work here. And, most importantly, I will
13 continue to find more revenues that are
14 owed the City and identify performance
15 and management efficiencies throughout
16 City government so we can have the added
17 resources needed to fund the programs
18 that provide necessary City services.

19 I appreciate this opportunity
20 to present testimony, and I thank Council
21 President Clarke and the members of City
22 Council for your cooperation and support.
23 I look forward to working with you in the
24 coming year.

25 My staff and I will be happy to

1 4/19/16 - WHOLE - BILL 160170, etc.

2 answer any questions.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you very much, Mr. Controller. I
5 have a question. Page 1 of your
6 testimony you state that your Post-Audit
7 Division identified financial reporting
8 errors, compliance deficiencies, cost
9 reductions, and increased revenues
10 totalling more than 2.2 billion.

11 Part 1-A is, does that include
12 the School District? And, second, can
13 you detail where your team found the most
14 cost reduction and increased revenue
15 opportunities within the City
16 departments?

17 CONTROLLER BUTKOVITZ: Gerry
18 Micciulla.

19 MR. MICCIULLA: My name is
20 Gerry Micciulla. I'm the Post-Audit
21 Deputy City Controller.

22 The answer to your first
23 question was yes, it does include the
24 School District. A lot of those included
25 in that \$2.2 billion amount are a lot of

1 4/19/16 - WHOLE - BILL 160170, etc.
2 mistakes that we find in the preparation
3 of both the School District financial
4 statements and the City of Philadelphia
5 financial statements.

6 In terms of the second
7 question, I think we need to probably do
8 a better job of trying to collect some of
9 the revenues that are out there that have
10 been uncollected. I think we improved
11 some areas in collection from what I
12 know, collection of BMS receivables, for
13 example. So I think there's still more
14 work that can be done in the area of
15 collecting some receivables that are out
16 there.

17 COUNCIL PRESIDENT CLARKE:

18 Okay. So 2.2 billion is a significant
19 number.

20 MR. MICCIULLA: Yes, it is.

21 COUNCIL PRESIDENT CLARKE: I
22 think we all agree. So I guess what I'm
23 trying to determine is how much of that
24 2.2 billion is related to revenues or
25 cost savings?

1 4/19/16 - WHOLE - BILL 160170, etc.

2 MR. MICCIULLA: Off the top of
3 my head, I can't remember the exact
4 amount that would be related to revenue.
5 I believe, though, that a lot of it has
6 to do more with the expenditure side,
7 errors that we find in reporting
8 expenditure amounts.

9 COUNCIL PRESIDENT CLARKE:
10 Okay.

11 MR. MICCIULLA: But I certainly
12 can go back and I certainly can isolate
13 how much of that \$2.2 billion pertained
14 to the revenue side.

15 COUNCIL PRESIDENT CLARKE:
16 Yeah. I mean, any time we are fortunate
17 enough to find revenues beyond the
18 projected amount, we like to know about
19 it.

20 MR. MICCIULLA: Right.

21 COUNCIL PRESIDENT CLARKE: It's
22 rare, but when in fact we do see
23 something like that happening, we would
24 hope that maybe it's not an anomaly.
25 Maybe it's something that can continue to

1 4/19/16 - WHOLE - BILL 160170, etc.
2 reoccur as it relates to our ability to
3 identify additional revenues. As the
4 Controller said, that's a significant
5 part of what he would like to do with
6 this office.

7 All right.

8 COUNCILMAN HENON: Good
9 morning, Controller.

10 CONTROLLER BUTKOVITZ: Good
11 morning.

12 COUNCILMAN HENON: Thank you
13 for your testimony. Thank you for your
14 team and your Post-Audit due diligence as
15 you do, and I got to tell you, over the
16 years I've watched you closely in your
17 career, and we have a jovial kind of
18 relationship, both personally and
19 professionally, and we always say that
20 you speak truth to power. And I think
21 some of your audits certainly indicate
22 that you're doing the right thing for the
23 citizens of the City of Philadelphia.

24 I just want to add a question,
25 and I know this is the post-audit

1 4/19/16 - WHOLE - BILL 160170, etc.
2 regarding the School District. I mean,
3 \$2.2 billion is a tremendous amount of
4 money to be --

5 CONTROLLER BUTKOVITZ: Well,
6 it's not \$2.2 billion in cash. The vast
7 majority of that are corrections to
8 accounting classifications. So there
9 are --

10 COUNCILMAN HENON: I just want
11 to be clear, because just reading the
12 testimony and I just want to make sure
13 that you're not saying that there's 2.2
14 billion in --

15 CONTROLLER BUTKOVITZ: In cash.

16 MR. MICCIULLA: No.

17 COUNCILMAN HENON: --
18 inappropriate or errored and wrong
19 expenditures or lost, can't find.

20 MR. MICCIULLA: No. Most of it
21 has to do with accounting errors. The
22 School District -- the errors that the
23 School District, if my memory serves me
24 correctly, were about 6.2 billion -- 6.2
25 million. I'm sorry. They might accrue

1 4/19/16 - WHOLE - BILL 160170, etc.
2 an expenditure incorrectly this year.
3 For example, there might be a problem --
4 we examine payables every year. So there
5 it's pretty much just a timing
6 difference. They picked up the
7 expenditure in the wrong year. All
8 right. But that requires an adjustment
9 to the financial statements, otherwise
10 they will be incorrect. So, again, it's
11 just not a matter of --

12 COUNCILMAN HENON: Has the
13 School District responded to your
14 post-audit?

15 MR. MICCIULLA: Yes. They
16 haven't done so yet. We're in the
17 process of finalizing, what we call, the
18 letter of internal control, which will
19 probably be sent to them later this week.
20 Okay? Generally, though, in terms of
21 those dollar amounts that we find in the
22 statements, they will make the
23 adjustments to the financial statements.
24 Otherwise, we would have to issue an
25 opinion that would not be, what we call,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 a clean opinion. We'd have to take
3 exception. So they will -- especially if
4 there are dollars that are material to
5 the financial statements, we will have --
6 they will have to make those adjustments
7 or we would have to issue perhaps a
8 qualified opinion.

9 COUNCILMAN HENON: Okay. And
10 are you asking them to respond within a
11 certain time to --

12 MR. MICCIULLA: When they get
13 our letter of internal control, yes, they
14 will be given a certain period of time.
15 Generally we have what we call -- what we
16 refer to as an exit conference. The exit
17 conference is generally about a week
18 after we send them a copy of the report.
19 The report deals with different
20 weaknesses we find in their procedures
21 that we think management has to make some
22 changes. So after we have our exit
23 conference, we generally give them
24 another week to formally respond to the
25 report, and we put their response in our

1 4/19/16 - WHOLE - BILL 160170, etc.
2 report.

3 COUNCILMAN HENON: Okay.
4 Great. Would you expect their due
5 diligence response to be in a timely
6 manner, like while the budget process is
7 taking place here in City Council?

8 MR. MICCIULLA: I believe so.
9 I think it will be. Okay? I don't see
10 why not.

11 COUNCILMAN HENON: So I think
12 Council will be in communication with the
13 Controller's Office. Maybe we can get a
14 call back on the responses. So I
15 appreciate it.

16 Before I turn it over,
17 Mr. Controller, you had a report and
18 press conference and made some
19 suggestions about the pensions and the
20 buyouts with some 31,000 beneficiaries of
21 the City Pension Fund. Has there been a
22 finalized actuarial report on the
23 projected cost and the savings of these
24 buyouts?

25 CONTROLLER BUTKOVITZ: No.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN HENON: Can we
3 accurately project how many people would
4 take the buyout or assume that people
5 would be interested?

6 CONTROLLER BUTKOVITZ: I think
7 there's going to be a number of steps,
8 which the first step is going to be an
9 analysis by the actuary of the costs and
10 of possible savings, and there are at
11 least two parts to this. Number one, the
12 question of if everybody in the City
13 pension system accepted a 50 percent or
14 70 percent buyout, what would that mean
15 to our unfunded liability. And the early
16 indications are that there would have to
17 be at least 80 percent of the pensioners
18 would have to agree to it for it to make
19 any financial sense to the City. And if
20 they did, the City could virtually rid
21 itself of the unfunded liability for
22 about \$6 billion, which is, I guess --
23 they could pay off the entire pension for
24 \$6 billion as opposed to about \$11
25 billion right now. I mean, I have no

1 4/19/16 - WHOLE - BILL 160170, etc.
2 optimism that you'd get that kind of
3 response from City workers.

4 The second proposal, which has
5 more legs, has more possibility, is a
6 little more complicated, and that
7 involves getting the people who are still
8 active under the 1967 plans to agree to
9 accept the benefits that are provided to
10 all City workers under the '87 plans, and
11 that would yield something in -- we don't
12 have the actuarial numbers, so these are
13 very ballpark policy analysis figures.
14 But it would reduce the average annual
15 pension from about \$39,000 to \$34,000 and
16 would yield maybe a \$50,000 lump sum to
17 the City workers who opted in for making
18 that choice. So that could save
19 somewhere in the vicinity of \$200
20 million, which is not anywhere near as
21 dramatic an impact as if everybody bought
22 into it, but it's substantial money, and
23 it points in a direction of trying to
24 accomplish these changes through
25 agreement rather than through ultimatum

1 4/19/16 - WHOLE - BILL 160170, etc.
2 to the unionized workers, which was
3 unfortunately kind of a standard reaction
4 in the prior Administration.

5 COUNCILMAN HENON: So roughly
6 in the '67 plan we got between 3,000,
7 4,000 members?

8 CONTROLLER BUTKOVITZ: About
9 2,500, 2,700.

10 COUNCILMAN HENON: Okay. Thank
11 you. I have several follow-up pension
12 questions, but the Chair would like to
13 recognize Councilman Domb.

14 COUNCILMAN DOMB: Thank you,
15 Councilman Henon.

16 Good morning.

17 CONTROLLER BUTKOVITZ: Good
18 morning.

19 COUNCILMAN DOMB: Just a couple
20 quick questions. Your total is 2.2
21 billion of initiatives that you've
22 outlined basically that could help the
23 City, roughly?

24 CONTROLLER BUTKOVITZ: Well,
25 those are mostly financial reporting

1 4/19/16 - WHOLE - BILL 160170, etc.

2 errors. Those are not cash losses.

3 COUNCILMAN DOMB: So the cash
4 of the potential -- you got a lot of
5 ideas that produce a lot of savings. I
6 guess over the last three, four, five
7 years, what do you think the total is of
8 those ideas that you had developed from
9 the Controller's Office?

10 CONTROLLER BUTKOVITZ: Well,
11 we've reported something like \$600 or
12 \$800 million and we've done a quick
13 analysis of about \$400 million in mostly
14 collection areas, unpaid water and sewer
15 bills, \$132 million; court fines,
16 uncollected court fines and fees, \$70
17 million; trash, false alarm fines
18 uncollected, \$70 million; enhanced
19 demolition building, \$20 million. The
20 City sometimes demolishes buildings and
21 doesn't bother to bill the owner. Excess
22 Sheriff fees, \$7.4 million; Police
23 services that we provide for private auto
24 showrooms and sporting events, \$5
25 million; tax amnesty program, which was

1 4/19/16 - WHOLE - BILL 160170, etc.
2 successful, \$72 million; and increased
3 EMS billing charges, \$27 and a half
4 million; and employee withholding, \$3
5 million. Of that figure, about \$115
6 million was successfully implemented. I
7 would say most of it in the tax amnesty
8 program. So that's about 28 percent of
9 those items.

10 COUNCILMAN DOMB: How much of
11 that is one time and how much of that is
12 recurring on an annual basis?

13 CONTROLLER BUTKOVITZ: The
14 items that I just listed are all
15 cumulative. They're not -- the rescue
16 squad costs would provide a recurring
17 stream of revenue every year. We had a
18 lot of conflict with the Nutter
19 Administration over it for many years.
20 We indicated there was something like \$25
21 million to be recovered by doing things
22 like correctly getting people's Social
23 Security numbers and by changing the
24 vendor, and they kind of begrudgingly
25 listed a million dollars as a potential

1 4/19/16 - WHOLE - BILL 160170, etc.
2 revenue, and then towards the end of the
3 Administration, they accepted our number.
4 But that was the largest operational
5 savings we were able to identify.

6 COUNCILMAN DOMB: And why do
7 you think, in your opinion, these savings
8 haven't been attacked? Why have we not
9 gone after all these different items?

10 CONTROLLER BUTKOVITZ: Well,
11 there's kind of the Philadelphia approach
12 of we've always done it this way, so we
13 always want to do it that way, and there
14 was an unfortunate dynamic that developed
15 during the Nutter Administration, which
16 was any kind of -- I'm sure people in
17 Council are familiar with it. Any kind
18 of initiative that came from outside the
19 Administration was simply rejected out of
20 hand because -- it became very public
21 relations dominated rather than
22 operationally dominated.

23 COUNCILMAN DOMB: But now that
24 we have a new Mayor, we have a new
25 Administration, we have a new attitude,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 is there a way to resurrect these ideas
3 with the new Administration?

4 CONTROLLER BUTKOVITZ: Yeah,
5 and I think the Mayor has been very, very
6 open to new ideas and very willing to
7 share ideas and to use the pencil -- the
8 eraser and the pencil and go over it. I
9 think he's very refreshingly open to
10 that.

11 For example, in the Fire
12 Department, I mean, he very quickly
13 embraced the findings that we made in the
14 Fire Department. There's an ironic
15 situation. There was all that conflict
16 over the last eight years about
17 brownouts, and the stated rationale for
18 it was that it was going to save money.
19 They were going to save \$4 million a
20 year. And then within six months of the
21 initiation of it, we pointed out that
22 they were about minus \$3 million, that
23 they were losing money on overtime and
24 other costs, and it turns out over the
25 life of that program, they lost \$20

1 4/19/16 - WHOLE - BILL 160170, etc.
2 million. So how do you manage to do
3 something where you combine -- you both
4 jeopardize public safety, you make it
5 harder for fire engines to get to their
6 target on time, and you manage to lose
7 money on it. And that was apparent in
8 the way the numbers were coming in within
9 months after the initiative was
10 announced, and the answer is, if you're
11 committed to a public relations strategy
12 where you throw your hat over the fence
13 and then you stubbornly defend everything
14 that you do and you're not open to
15 operational reality, that's where you end
16 up.

17 COUNCILMAN DOMB: Let me ask
18 you a question, because I'm coming from a
19 different viewpoint, from the private
20 world. In the private world, the head of
21 a company would call you in with whoever
22 it applies to, whether it's Revenue or
23 Finance, and sit down with you and say,
24 Listen, we have a potential to save or
25 collect \$100 million, do you guys agree,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 how do we get this done and how do we
3 move forward?

4 Why can't that happen here?

5 CONTROLLER BUTKOVITZ: Well,
6 sometimes it's because the City is not
7 willing or able to invest what's
8 necessary in order to -- so it happened
9 with the creation of the 311 program,
10 which was said that it was going to be
11 like New York's program, but then the
12 investment was a fraction of what was
13 necessary for it.

14 Recently we've talked about L&I
15 where the computer programming that was
16 promised had a price tag of \$7 and a half
17 million, eCLIPSE, and the City only put
18 in 4 and a half million. And then the
19 policy pronouncements expect the same
20 results as if the information -- we have
21 primitive information technology here.
22 One of my most unfavorite examples is the
23 house in Philadelphia that regularly gets
24 a bill for something -- I forget whether
25 it's 40,000 a month or \$200,000 a month,

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2 and there is no way for Water Revenue to
3 correct it, so they just know that that's
4 a problem and they take a pen and they
5 cross it out every month. It's
6 incomprehensible to me that we don't have
7 the capacity in our data system to, after
8 we know about that, to change that. And
9 there are reams of problems like that in
10 the Sheriff's Office. If you have to
11 rely on the database to tell you who owes
12 what and what's the status of things, you
13 can't do it. You really need
14 institutional memory. You need people
15 who are familiar with what kinds of
16 errors are in that system. I mean,
17 nobody in business functions like that in
18 2016.

19 COUNCILMAN DOMB: Okay. Thank
20 you. I'll come back. Thank you.

21 COUNCILMAN HENON: Thank you,
22 Councilman.

23 The Chair recognizes
24 Councilwoman Parker.

25 COUNCILWOMAN PARKER: Thank

1 4/19/16 - WHOLE - BILL 160170, etc.
2 you, Mr. Chair.

3 And good morning, Controller.
4 CONTROLLER BUTKOVITZ: Good
5 morning.

6 COUNCILWOMAN PARKER: Let me
7 start, and I want to go back to the
8 subject that you touched on a little
9 earlier. And just bear with me. I don't
10 usually sound like a husky viking every
11 day, but this thing is taking the best of
12 my voice.

13 The issue associated with
14 buyout. So, one, I wanted to commend you
15 for even attempting to offer a solution,
16 \$5.7 billion of unfunded liability, 5
17 billion of that attributed to Plan '67,
18 laws, courts, precedent saying that we
19 can't do anything to address those
20 currently receiving benefits, so
21 municipalities across the country find
22 themselves like strapped trying to find
23 an answer.

24 So I wanted you to go back and
25 delve into your response when you mention

1 4/19/16 - WHOLE - BILL 160170, etc.
2 a potential option versus everyone
3 thinking when you first talked about this
4 idea that all of those currently
5 receiving benefits under Plan '67 would
6 receive a buyout, and we're just talking
7 about what it would look like. You just
8 described that potentially those who are
9 still active contributors in Plan '67 and
10 how that could roll out. Does that
11 option that you just reference have
12 anything to do with the IRS and the U.S.
13 Treasury's ruling regarding Notice
14 2015-49 where they actually prohibited
15 the private sector from being able to
16 offer lump sum sort of buyouts as a
17 de-risking strategy for the fund?
18 Because at first, people would look and
19 say, Okay, yeah, this is a potential
20 option. Treasury and IRS get together
21 and say, Private sector, no, you can't do
22 this. The second option, is that more in
23 line with that or did that ruling have
24 anything to do with your coming up with
25 that rationale?

1 4/19/16 - WHOLE - BILL 160170, etc.

2 CONTROLLER BUTKOVITZ: No. The
3 IRS rulings don't apply to municipal
4 plans. They apply to ERISA plans, which
5 are private plans. So we exist under
6 state law and we don't have that
7 restriction.

8 COUNCILWOMAN PARKER: So I am
9 not suggesting that our plan falls under
10 their rules and guidelines. I'm
11 suggesting the methodology and the
12 rationale behind their ruling. I'm
13 asking did that have anything to do with
14 the concept that you just described? I'm
15 not suggesting that we're --

16 CONTROLLER BUTKOVITZ: Oh, no,
17 no. There was an active discussion in
18 the Pension Board, and actually one of
19 the other trustees I think had an
20 improvement on my initial question. My
21 initial question had to do with how we
22 could effect the unfunded liability if
23 the buyout option was offered to
24 everybody in the plan, and that's the one
25 that would involve a lot of money, but on

1 4/19/16 - WHOLE - BILL 160170, etc.
2 the other hand, there's a lot of concern
3 that people would sell their birth right
4 for half or three-quarters of what it's
5 worth and that when they got old, they
6 wouldn't have any money to live on.

7 So the discussion -- on the
8 other hand, there has been a series of
9 reforms by this Council over the years,
10 so going back actually to Mayor Goode's
11 tenure, which is when the '87 plan was
12 instituted, and then there was a
13 consensus view that the benefits that the
14 City pays to current employees are humane
15 and enough to live on. So if you can
16 live on '87 benefits, it's kind of a
17 bonus to have benefits that are more
18 generous than that. And if the workers
19 in that plan feel that they have a need
20 to acquire \$50,000 right now to do
21 something that they need -- it's one
22 thing to have money on a monthly basis to
23 pay your rent and your food, but that
24 doesn't necessarily mean people are able
25 to amass \$50,000 or \$70,000 when they

1 4/19/16 - WHOLE - BILL 160170, etc.
2 need it, when there's some major life
3 event. So that second plan could
4 accommodate both requirements. It
5 wouldn't be shoved down anybody's throat.
6 It would involve City workers having to
7 agree by a large majority that they want
8 to see the program, and it would involve
9 choices by City workers to accept that
10 option.

11 COUNCILWOMAN PARKER: But let
12 me --

13 CONTROLLER BUTKOVITZ:
14 Constitutionally, as you know -- and
15 there's been an awful lot of battling
16 about taking away defined benefit
17 pensions and doing things to workers,
18 and, you know, these are property rights
19 that those workers earned and are
20 constitutionally protected. So that's
21 the way that it would have to be
22 approached.

23 COUNCILWOMAN PARKER: Well, let
24 me just say this to you, Mr. Controller:
25 One, again, I thank you for attempting to

1 4/19/16 - WHOLE - BILL 160170, etc.
2 make a recommendation that could be a
3 potential solution to something that I
4 think we all agree is a major crisis
5 facing the City of Philadelphia. I know
6 that Councilman Derek Green has
7 introduced a resolution calling for
8 hearings on this issue. I want you to
9 know that the state of retirement
10 security in the City of Philadelphia --
11 and you and I have had conversation about
12 this -- is something of grave importance
13 to me, and I look forward to working with
14 you in a collaborative manner in the
15 future so that we can come up with some
16 potential solutions to help people in our
17 city.

18 CONTROLLER BUTKOVITZ: You have
19 quite an impressive record of working in
20 the vineyard on this during your years in
21 the State Legislature, and Councilman
22 Derek Green, Councilman Henon, Councilman
23 Domb, just about every member of Council,
24 has recognized both the need to make the
25 pension costs affordable while paying

1 4/19/16 - WHOLE - BILL 160170, etc.
2 attention to what's going to be a
3 burgeoning unmet need as people live
4 longer and longer without sufficient
5 money to remain active in the economy and
6 to have the kind of life they've become
7 adjusted to. And I really am impressed
8 to see the level of intellectual activity
9 and interest on such a large number of
10 Councilmembers, including yourself, on
11 what I think is going to be one of the
12 leading problems over the next decade.

13 COUNCILWOMAN PARKER: Thank
14 you, Mr. Controller.

15 Thank you, Mr. Chair.

16 COUNCILMAN HENON: Thank you,
17 Councilwoman.

18 The Chair recognizes Councilman
19 Green.

20 COUNCILMAN GREEN: Thank you,
21 Councilman Henon.

22 Mr. Controller, good morning.

23 CONTROLLER BUTKOVITZ: Good
24 morning.

25 COUNCILMAN GREEN: I wanted to

1 4/19/16 - WHOLE - BILL 160170, etc.
2 follow up on some questions that the
3 Council President and Councilman Henon
4 asked in reference to the School
5 District.

6 In reference to the information
7 you provided in your testimony, that
8 detail, that \$2.2 billion, that was not
9 based on a performance audit; that was
10 based on a review or opinion on their
11 financial information?

12 CONTROLLER BUTKOVITZ: That's
13 the financial audit, yes.

14 COUNCILMAN GREEN: Right. And
15 I notice that as part of your duties as
16 Controller, you do performance audits,
17 and I know you've stated publicly in
18 other rounds the interest in doing a
19 performance audit on the School District.
20 Can you give some perspective on the
21 current state of that opportunity to
22 review their information in more detail?

23 CONTROLLER BUTKOVITZ: I think
24 Superintendent Hite would be interested
25 in us doing more intensive audits.

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2 That's the sense I've gotten, but I don't
3 think the SRC wants us to do that. And,
4 in fact, there was a vote at the SRC to
5 try to strip us of the power to do some
6 of the auditing that we already do. So
7 they have been -- they've had a history
8 of being very kind of defensive and
9 protective, almost like they should audit
10 and review themselves and not have to
11 answer to anybody. So that's kind of
12 consistent with that approach.

13 I mean, one issue that has been
14 a particular annoyance to me has been the
15 non-transparency of the capital program,
16 because when I came on the scene, the big
17 issue was Vallas's recommendation that he
18 was going to borrow \$3 billion and build
19 75 schools in Philadelphia and everything
20 was going to be wonderful, everybody was
21 going to be in their own Microsoft
22 School, and the schools were going to be
23 round so that you'd be able to see all
24 the way around the school, nobody would
25 be able to ambush anybody. And it was

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2 just a dream. And we've had a hard time
3 tracking down exactly what that spending
4 was for, but a lot of it was for
5 operational costs. It was not for what
6 was sold.

7 Basically the School District
8 is in a negative financial statement
9 position by about \$3 billion, just about
10 by the same number as was touted as that
11 borrowing. And as you know, just about
12 every school building in Philadelphia is
13 below code. They have major asbestos
14 problems. They've got water problems.
15 They've got sick building syndrome. They
16 even had a problem earlier this year
17 where the bathrooms were -- they had
18 floating human waste that couldn't be
19 flushed and couldn't be fixed because
20 they would only get janitorial service
21 one day a week. Now there's a question
22 about water and lead contamination.

23 So, I mean, every year we
24 find -- I'd say the operating side has
25 been getting better since Hite has been

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2 in. The School District has been paying
3 more attention to spending money
4 efficiently and to trying to accomplish
5 their mission.

6 I just -- there was a comment a
7 few weeks ago that the School District
8 has been billed \$7 million for abusing
9 grant money. Now, that was a major fight
10 when we had background 6 and 7, and,
11 again, Vallas's view was money is
12 fungible, money is money and I don't care
13 whether they put it in this grant or that
14 grant, I'm going to use it for what I
15 want. Well, you know that's illegal. I
16 mean, there are plenty of federal
17 investigations pending on using money
18 outside the guidelines of what the money
19 has been entrusted to you for. So now
20 the School District has actually been
21 fortunate, because at one time I think
22 there was a recommendation that they were
23 going to have to pay \$50 million in fines
24 for misusing money that was being
25 provided for school lunches.

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2 So I would commend Hite and --
3 what's his name -- Matt Stanski and now
4 Uri Monson for taking a firmer
5 financial -- control of the financial
6 reins. Still concerned about what
7 happened with the capital spending and
8 how is that going to hamper us with
9 providing the kind of relief and
10 corrections that should be made to school
11 buildings, and based on long experience
12 and suspicious of the bunker mentality in
13 the School District, again, in one year
14 the School District changed their
15 accounting so that items that used to be
16 included in one definition and one column
17 were now included in another column. I
18 mean, that's like changing the calendar
19 every year. What is the point of doing
20 that, other than make it impossible to be
21 reviewed? And Council has really stepped
22 up every year for the last four years to
23 come up with the money that's necessary.
24 They have a right to know how the money
25 is being used.

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2 COUNCILMAN GREEN: I know my
3 time is up. I have some additional
4 questions, but I just wanted to follow up
5 on that point. As you know, your office
6 testified at the hearings that were held
7 regarding a resolution I had regarding
8 concerns and issues regarding school
9 infrastructure. You made reference to
10 lead paint, and I definitely remember
11 when Commissioner Vallas was here, some
12 of the challenges that were identified in
13 reference to the spending of capital
14 dollars and how it was being spent.

15 What would be the cost to do a
16 performance audit of the School District?

17 CONTROLLER BUTKOVITZ: There's
18 so many aspects of the School District,
19 it depends what particular item we would
20 be doing a deep dive on. Most of the
21 performance audits we do are in the --
22 well, when we used private consultants,
23 they were in the range of about \$80,000
24 for each performance audit. We have now
25 philosophically shifted from using

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2 outside consultants to beefing up our
3 staff, and we can perform those -- so I
4 don't think it's a per se question of
5 cost anymore. The question would be how
6 many performance audits can we do in a
7 year.

8 The largest -- the number that
9 I've used, about \$640,000 was used,
10 because the most intense forensic audit
11 we ever did was of the Sheriff's Office
12 and that cost \$640,000. So I knew that
13 took eight months, and that involved a
14 check-by-check and a document-by-document
15 review. So to me, that's kind of an
16 outlier of if you get involved real deep
17 in a very detailed audit, that might be
18 what -- so it would be about \$160,000
19 worth of staff time a year to do a
20 performance audit at the School District.
21 And you're really not talking about one
22 performance audit. One year you might
23 look at how they handled transportation
24 and another year it might be how they do
25 the lunch money or -- it's almost a \$2.3

1 4/19/16 - WHOLE - BILL 160170, etc.
2 billion budget at the -- so to get
3 valuable information, you're not going to
4 do an overview of the whole budget.
5 You're going to take a microscopic look
6 at some aspect of it.

7 COUNCILMAN GREEN: Just to
8 conclude, considering you were able to
9 identify about 2.2 billion in identified
10 audit deficiencies in just reviewing
11 their financial statements, it's pretty
12 clear considering the ongoing issues and
13 concerns that this body and others have
14 had regarding the School District, an
15 ongoing annual performance audit should
16 be done.

17 I have some additional
18 questions and I'll ask them at the next
19 round.

20 COUNCILMAN HENON: Thank you,
21 Councilman.

22 The Chair recognizes Councilman
23 Jones.

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

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2 Welcome back.

3 CONTROLLER BUTKOVITZ: Thank
4 you.

5 COUNCILMAN JONES: Before I get
6 started, I want to say that politics
7 aside sometimes, but your department,
8 your staff, always informative, always on
9 top of fiscal issues related to our city,
10 and for that, I thank you all. And
11 that's sincere.

12 I'd like to just say that each
13 year when we have appropriated money for
14 the School District, finally last year we
15 had an accountability agreement that was
16 signed off on, and I don't even know if
17 it's worth the paper that we wrote on it,
18 because they took the check, it cleared
19 and maybe filed it in the round file of
20 their office for the accountability
21 agreement. But if in some way we could
22 have that enforced, if in some way we
23 could have that looked at, we may get
24 some of the answers that Councilman Green
25 put forth.

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2 So I don't need -- I'm just
3 going to forward the agreement that we
4 had --

5 CONTROLLER BUTKOVITZ: Well,
6 the point should be, we should be part of
7 the memorandum of understanding. When
8 Mayor Nutter several years ago, when the
9 school finances were out of control, he
10 ballyhooed the fact that there was a
11 memorandum of understanding and the City
12 was going to look over the shoulders of
13 the School District and make sure that
14 they spent the money properly, and they
15 never included us in that report, which
16 meant that they didn't have any procedure
17 for doing what they said. And then they
18 appointed a committee that was supposed
19 to review the School District's finances,
20 and we later learned that the committee
21 never met, never did anything. So,
22 again, it was a public relations device
23 to calm everybody's nerves when people
24 were panicking about the School District
25 going broke, but there was -- I mean, how

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2 would Council, how would you penetrate a
3 \$2.3 billion budget? You have your
4 technical staff who would be -- would not
5 be able to do anything else. I mean,
6 they would all have to become experts in
7 areas of the School District budget, and
8 then they would have to -- they'd be on
9 the phone every day checking out what
10 does this mean and what does that mean.
11 I mean, the Controller's Office is
12 basically the mechanism that you have
13 available to you to do that kind of
14 investigation. Even the Auditor General
15 has to do 502 school districts a year.
16 How could they possibly do the kind of
17 detailed review that you're asking for?

18 So we are available. We're
19 willing to do it. I think we've got a
20 very responsive relationship with
21 Council. We looked at NTI years ago at
22 the request of Council and we sorted that
23 all out.

24 COUNCILMAN JONES: But he'll
25 ring my bell, so we agree --

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2 CONTROLLER BUTKOVITZ: We might
3 be working on the same theory.

4 COUNCILMAN JONES: I don't want
5 my bell rung.

6 So we agree that that needs to
7 be taken in a partnership way to task.
8 And particularly as we look at what some
9 of the -- not just new capital projects
10 but some of the maintenance of some of
11 the existing projects is going to be next
12 year as we review reports, I think it's
13 going to be huge. So we need that help
14 and I'm soliciting that help.

15 What I want to talk about as
16 well is outdoor advertising. We have a
17 number of agreements based on Public
18 Property. Are we auditing that
19 relationship, and if we are, are we
20 getting our fair share of the advertising
21 dollars that SEPTA or concourse people,
22 our public right people who build the
23 shelters, are we getting our fair share?

24 CONTROLLER BUTKOVITZ: We
25 haven't looked at that, but that's a good

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2 idea. So we can put that on our list of
3 performance audit ideas.

4 COUNCILMAN JONES: And
5 particularly as we start to -- these
6 relationships start to expire and it is
7 on Council to renew those leases, it
8 would be incumbent to see if we're
9 getting as a municipality what we agreed
10 to. And no disrespect. I have three
11 golf courses in my district, and I know
12 that -- I was a freshman when we entered
13 the contract. I know at some point real
14 soon they're going to come back up, and I
15 want to look at how we use our public
16 assets to the benefit of the public, but
17 also in part to our treasury to make sure
18 that we're not unfairly carrying an
19 administrative load, an operational load
20 that should be passed on to folk who
21 clearly benefit from those kinds of
22 relationships. Whether it is an outdoor
23 skating rink or whether it is a golf
24 course in my district, whether it is
25 SEPTA who uses that advertisement, those

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2 are dollars/revenues that are supposed to
3 come to us to offset expenses that we
4 have. When these places catch on fire or
5 there's a crime committed, we respond
6 promptly to 311, and I want to make sure
7 that that is a reciprocal relationship.

8 CONTROLLER BUTKOVITZ: Okay.

9 COUNCILMAN JONES: Thank you,
10 Mr. Chairman.

11 COUNCILMAN HENON: Thank you,
12 Councilman.

13 The Chair recognizes
14 Councilwoman Bass.

15 COUNCILWOMAN BASS: Thank you,
16 Mr. Chairman.

17 Good morning still.

18 CONTROLLER BUTKOVITZ: Good
19 morning.

20 COUNCILWOMAN BASS: It seems
21 later than that.

22 I want to start by echoing
23 Councilman Jones's comments in terms of
24 our working relationship and it really
25 has been a pleasure to work with you and

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2 your staff, and I always find your
3 reports to be very informative,
4 information that helps guide us as
5 members of Council to do the job that we
6 need to do. And so I really just wanted
7 to thank you and your team for all of the
8 hard work that you all do. I want to
9 start with that.

10 CONTROLLER BUTKOVITZ: Well,
11 that feeling is reciprocal.

12 COUNCILWOMAN BASS: Great.

13 I had a quick question just
14 from your testimony about the report
15 regarding crime at recreation centers
16 with surveillance cameras, and I'm very
17 curious as to that report in particular.
18 I did not see that one. And that's
19 something that we work very hard on. I
20 don't know if you recall a few years ago
21 our office worked with every district
22 member of Council to make sure that there
23 were surveillance cameras in every
24 recreation center and playground in the
25 City of Philadelphia over a three-year

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2 period. And so I know that we worked
3 hard to get these cameras in. So
4 obviously very much of interest to me is
5 what your report said about crime and
6 these particular cameras that we had
7 installed.

8 CONTROLLER BUTKOVITZ: We've
9 developed partnerships with several
10 schools and we take in about seven or
11 eight students per term, and one of the
12 projects is for them to pick an item of
13 interest, and one of those teams wanted
14 to see whether the cameras in their
15 recreation center were actually
16 functioning. So it's used as a learning
17 aid about how do you do an audit, and
18 then they all get personal
19 recommendations for use in their college
20 applications and so on.

21 But we will be happy to
22 forward -- it's not a random sample or
23 anything. It was focused -- so it would
24 be a concrete example for the kids about
25 why auditing can be important in

1 4/19/16 - WHOLE - BILL 160170, etc.
2 improving your life.

3 COUNCILWOMAN BASS: Sure. It's
4 still very useful information for us to
5 have. And the follow-up question to that
6 is, once you determine that cameras are
7 not working at a particular recreation
8 center -- I know this is not your area of
9 expertise especially, but once you have
10 determined that there are cameras that
11 are out, I'm assuming you forward that
12 information on to the proper departments
13 to make sure that they get working, get
14 repaired or whatever needs to be done?

15 CONTROLLER BUTKOVITZ: Yeah.
16 We forward that information to Parks and
17 Recreation.

18 COUNCILWOMAN BASS: Great.
19 Thank you.

20 The other question I had is, as
21 you are aware, we introduced a resolution
22 a few weeks ago about the mentor-protege
23 program that we're asking the City of
24 Philadelphia to look into and to
25 establish that other cities have already

1 4/19/16 - WHOLE - BILL 160170, etc.
2 done, and I just wanted to get your input
3 on that. I know that you've done
4 extensive work on that issue as well.
5 And, as we know, the mentor-protege
6 program we think would be very helpful,
7 particularly for people who are
8 underutilizing construction in the City
9 of Philadelphia, primarily African
10 Americans, Latinos, women who have been
11 struggling and trying to break through
12 for a very long time now. So I want to
13 see what your input is on that.

14 CONTROLLER BUTKOVITZ: Well, as
15 you know, we've been working on this area
16 for a long time.

17 COUNCILWOMAN BASS: Yes.

18 CONTROLLER BUTKOVITZ:
19 Councilman Goode was a leader in Council
20 when we started down that path. John
21 Thomas, who is our Deputy for Pre-Audit,
22 is the office expert on this.

23 MR. THOMAS: Good morning.

24 COUNCILWOMAN BASS: Good
25 morning. Hi, John.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 MR. THOMAS: John Thomas,
3 Pre-Audit Deputy.

4 Councilwoman, as you know, I've
5 been working for you and your staff on
6 this issue.

7 COUNCILWOMAN BASS: Yes.

8 MR. THOMAS: A number of cities
9 have established these programs, and they
10 seem to be working in these cities. The
11 idea is that you have larger firms who
12 have expertise and experience in areas
13 that, say, smaller firms may not be. So
14 we want to establish a structured
15 relationship with the smaller firms so
16 that they work with the larger firms on
17 issues, particularly back-office issues.
18 It's not a matter necessarily of in
19 construction, for example, not to teach a
20 company how to do construction
21 necessarily, but they're the back office,
22 the billing, the estimating, those things
23 where some of the smaller firms may need
24 some help. And even moving from working
25 in private construction to going into

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2 commercial, moving from residential going
3 to commercial, public construction is a
4 whole different ball game. So larger
5 firms can assist smaller firms, women and
6 minority firms in that area.

7 So I think the key for the
8 successful mentor-protege programs have
9 been that it's structured. It's not just
10 someone saying we have a mentor-protege
11 program, but they're a structured program
12 where reporting and those things are
13 built into that model.

14 COUNCILWOMAN BASS: Okay.

15 Boy, that bell comes fast, I'll
16 tell you.

17 But as far as it being
18 structured, I agree. Obviously we need
19 to have as much help as possible to help
20 build capacity for folks that we're
21 trying to make sure are going to be
22 successful once they arrive at the door.

23 But I have more questions.

24 I'll come back around on my second round.

25 Thank you, Mr. Chairman.

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2 COUNCILMAN HENON: Thank you,
3 Councilwoman.

4 The Chair recognizes Councilman
5 Taubenberger.

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

8 Mr. Butkovitz, I admire your
9 work on behalf of the City, your passion
10 which you serve. It is a little bit of a
11 role reversal today as we question your
12 budget. But I reviewed your budget and I
13 don't have any questions for your office,
14 but while you're here, I wanted to take
15 the opportunity to ask you what you think
16 overall of the City's budget and where
17 you think savings could be made.

18 CONTROLLER BUTKOVITZ: I mean,
19 that's hard to do at this stage. You
20 know, we do the review every year of the
21 Five Year Plan, and that is already
22 underway. You know, our last view was
23 that there were some precariousness over
24 the next couple of years about some of
25 the assumptions that were submitted in

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2 the last Nutter Five Year Plan. We were
3 concerned about there being some thin
4 margin on the fund balance. PICA didn't
5 agree with us.

6 You know, other than that, it's
7 really -- the budget is really a policy
8 matter for Council. I mean, we just try
9 to make sure that the numbers add up and
10 that the City is not going to run into a
11 deficit over it. So, I mean, that's the
12 only concern.

13 COUNCILMAN TAUBENBERGER: I
14 just want to learn from your expertise.
15 You're here. You're before us. I'm not
16 going to let you just disappear into the
17 woodwork.

18 Four hundred million, are you
19 concerned at all how the Administration
20 has ascribed the ideas of spending the
21 \$400 million?

22 CONTROLLER BUTKOVITZ: Four
23 hundred million on what?

24 COUNCILMAN TAUBENBERGER: Well,
25 the overall increase in spending.

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2 CONTROLLER BUTKOVITZ: No. I

3 mean, one of the issues over time has
4 been kind of deferred maintenance and
5 neglect of things that are eventually
6 going to come due. That's our whole
7 infrastructure problem. The
8 playgrounds -- we've done many reports on
9 this, just as Councilwoman Bass has been
10 on it -- are dangerous for kids, because
11 you got protruding metal bars and you
12 have all sorts of problems. So in past
13 years, the City has cut back on
14 short-term operating costs. That's why
15 you have potholes. That's why we have --
16 I think this Administration has come in
17 with the idea that people expect the
18 City -- they expect to walk out of their
19 house into a safe environment, not get a
20 flat tire in a pothole, and have things
21 fixed within a reasonable time.

22 So, you know, I would -- I
23 mean, the thing that we are -- AVI has
24 given the City an extraordinary expansion
25 in its borrowing capacity, right? So the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 City was just about at its borrowing
3 limit and because AVI multiplied the
4 value of the real estate in the City by
5 ten, the City now has the power to borrow
6 a billion dollars a year over the next
7 ten years if they want to. The Mayor has
8 assured us that he's not going to
9 recommend any kind of borrowing that
10 doesn't come accompanied with revenues
11 that would pay the debt service, but that
12 is simply a promise by this Mayor. It's
13 nothing that is in concrete or in law.

14 So I guess our structural
15 concern is over the course of the ten
16 years, there might be a temptation to
17 take advantage of the borrowing power.
18 So if the City, hypothetically, was going
19 to borrow \$10 billion over the next ten
20 years, we would more than double our
21 debt, and we would be increasing our
22 annual debt service under current low
23 interest rate by about \$250 million a
24 year. So at a time when everybody is
25 talking about a \$650 million a year

1 4/19/16 - WHOLE - BILL 160170, etc.
2 payment to the Pension Fund, one thing
3 you don't want to do is, like the doctors
4 say, first do no harm. So you don't want
5 to increase that by a third by thinking
6 that that's free money.

7 Now, in the current
8 environment, I haven't seen any
9 indication that anybody is thinking like
10 that, but you have all sorts of potential
11 disasters over the horizon, such as a
12 failure of the state to come to terms
13 with the school funding crisis, and it's
14 going to require, I think, a resolve and
15 an understanding for fiscal discipline to
16 not take advantage of that credit card if
17 the other players don't step up to the
18 plate and do what they're supposed to do
19 to fund our essential services.

20 COUNCILMAN TAUBENBERGER:
21 Mr. Butkovitz, thank you very much.

22 Mr. Chairman, I'm finished.

23 COUNCILMAN HENON: Thank you,
24 Councilman.

25 The Chair recognizes Councilman

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Oh.

3 COUNCILMAN OH: Thank you very
4 much, Mr. Chairman.

5 Two questions. The first,
6 could you give me your thoughts on the
7 pending conclusion of the PICA portion of
8 the wage tax in 2023. What does that do
9 to the Philadelphia budget?

10 CONTROLLER BUTKOVITZ: You
11 probably have me on that one. I don't
12 know offhand what the PICA -- how much of
13 the wage tax is going to PICA right now.

14 COUNCILMAN OH: So it's not the
15 portion that's coming to -- let me
16 clarify my question. I'm sorry. The
17 authorized portion of the wage tax for
18 PICA will conclude in 2023, meaning that
19 if it is not renewed somehow -- and not
20 that it should be. Maybe it should be,
21 but that is about \$350 million per year
22 to the City, which would disappear.

23 CONTROLLER BUTKOVITZ: Well,
24 you know the history of these things,
25 including the Johnstown flood sales tax,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 is the taxes get renewed when they come
3 up for expiration. That's what happened
4 with the 1 percent on the City sales tax,
5 and the City is kind of painted into a
6 corner right now with its almost total
7 reliance on real estate taxes. There's
8 been a general idea that they're much
9 lower than the suburbs, but there's a
10 reason for that, not only the property
11 values but the fact that the people who
12 live in Philadelphia don't have the kind
13 of incomes that people in the suburbs do
14 have. So the fact that -- I think the
15 City is going to be forced to look at a
16 variety of options for revenues, because
17 there's no reason to believe that costs
18 are going to stop in the future. It's
19 hard to speculate on what the situation
20 will be in 2023, but if there's a tax
21 that is expiring, that usually attracts
22 the eye of policymakers.

23 COUNCILMAN OH: Yeah. It's a
24 concern, I believe, because we are now
25 being asked to vote on taxes borrowing

1 4/19/16 - WHOLE - BILL 160170, etc.
2 bonds that will be affected by the fact
3 that -- we're doing a Five Year Plan, so
4 we're only looking from 2016 to 2021 or
5 whatever, but a couple years after that
6 there's a big gaping hole, and I know
7 that our City finance folks say that
8 they're going to work on this starting
9 next year, but it's hard for me to figure
10 out how to vote properly if I don't see
11 that there is a Plan B to how we are
12 going to pay down our pension debts and
13 do everything else if we're going to be
14 absent an amount of money. And me
15 personally, I have said many times, to
16 the disagreement of many, that I'd like
17 to see that portion of the PICA -- the
18 wage tax disappear. I think it's good to
19 have that tax disappear. There might be
20 a need for some additional taxes, but
21 anyway, that is something that maybe I
22 could talk with you about later.

23 Let me ask you then. I had a
24 conversation here with Commissioner Ross,
25 and it was just a conversation. I'd like

1 4/19/16 - WHOLE - BILL 160170, etc.
2 your thoughts on this. We talked about
3 drones. And it was kind of reported as a
4 cost saving, but my interest is in more
5 effective City services for emergency
6 responders, for Police, for Sheriff, for
7 L&I in the sense that I wonder what the
8 costs are when there's a false alarm and
9 we have engine and ladders rushing some
10 place. And I think they should rush. I
11 don't think they should wait, but if a
12 drone could be sent over, and if it's a
13 false alarm, they could go back to the
14 station.

15 Similarly, whether it's
16 apprehending fugitives or if you had a
17 drone providing some eyes and possibly
18 ears on the location. If it is a police
19 emergency and a drone is sent there and
20 there's no emergency. Or if there's an
21 ability for L&I to do inspections of tall
22 buildings, bridges and whatnot with the
23 drones.

24 I see a lot of opportunities
25 for the City to do a better job and, by

1 4/19/16 - WHOLE - BILL 160170, etc.
2 the way, also to de-escalate some
3 tensions because, for example, with the
4 Police Department, sending drones in,
5 helping to patrol, going into places
6 ahead of the police officers, maybe
7 life-saving, may reduce costs. But it is
8 a controversial area because people are
9 concerned about their civil rights,
10 although the drones would be outside in
11 public areas.

12 Is there some report that you
13 can do about the costs and things like
14 that?

15 CONTROLLER BUTKOVITZ: Well, we
16 have a meeting scheduled May 23rd with
17 stakeholders on drones. We're very
18 enthusiastic about the potential. We've
19 explored it already in an area that we've
20 kind of specialized in, building
21 inspections.

22 We've seen efforts by rescue
23 agencies in New Jersey where they didn't
24 do it through drones, they did it through
25 mounted cameras where they could

1 4/19/16 - WHOLE - BILL 160170, etc.
2 determine what is a less congested route
3 for an ambulance. I think there's all
4 sorts of potential there. I think the
5 privacy concerns are always there, but as
6 you point out, as a matter of law,
7 whatever you do in public is not private.
8 So you can't go looking in people's
9 windows and into their private spaces,
10 but people on the street, that's fair
11 game.

12 COUNCILMAN OH: All right.
13 Thank you very much.

14 Thank you, Chairman.

15 COUNCILMAN HENON: Thank you,
16 Councilman.

17 Mr. Controller, one of the
18 findings of the Anchor Procurement
19 Initiative report is that we need a
20 two-way communication between the
21 manufacturers and the purchasers of
22 goods. The Department of Industry and
23 Manufacturing is currently working on a
24 database for manufacturers right now
25 currently. What sort of information

1 4/19/16 - WHOLE - BILL 160170, etc.
2 should they include that will be helpful
3 for manufacturers?

4 CONTROLLER BUTKOVITZ: Well, I
5 mean, it's going to depend on the
6 purchaser. Right now we're working with
7 a number of the hospitals on the creation
8 of a medical laundry in Philadelphia. So
9 in that situation, what you want to know
10 are what are the specifications of the
11 product or service that the purchaser
12 needs. They need absolute guaranteed
13 delivery every morning. They're going to
14 have certain specification regarding
15 sanitary conditions that they may not
16 require in regular -- they're going to
17 have to have an extraordinary capacity to
18 provide that and so on and so forth. The
19 idea is to create a database and a
20 communication base so that you're not
21 doing what they used to do in shop
22 classes when I went to school, which is
23 they taught you for professions that
24 didn't exist for the last 20 or 30 years.
25 You want to be right up to date and make

1 4/19/16 - WHOLE - BILL 160170, etc.
2 sure that the real live potential
3 customers that you have are going to find
4 it within their standards to buy the
5 service or the product that you're
6 providing.

7 COUNCILMAN HENON: Have you
8 been speaking with or have you consulted
9 with the Office of Industry and
10 Manufacturing?

11 CONTROLLER BUTKOVITZ: Yes.

12 COUNCILMAN HENON: So it would
13 be nice to collaborate as they're
14 building their database now so we could,
15 I guess, narrow down specific information
16 that we could provide to institutions
17 that would be beneficial for them for
18 using local procurement or at least
19 working towards more of a local
20 procurement policy.

21 Now, are there policies that we
22 can put into place to further incentivize
23 our local network here to use local
24 manufacturing in procurements? Can we do
25 something in the policy matter with our

1 4/19/16 - WHOLE - BILL 160170, etc.
2 city?

3 CONTROLLER BUTKOVITZ: I think
4 there's a genuine interest on the part of
5 the meds and eds to do that. They
6 recognize it as something that will be
7 important in making sure that the
8 environment they live in is upwardly
9 mobile. I think after we get some
10 concrete results in that area, the next
11 step will be to try to get City
12 government and other large businesses,
13 Comcast, Aramark, other large
14 Philadelphia businesses, to agree to the
15 same kind of approach.

16 We are working with another
17 group, ICIC, which has a specific focus
18 on helping to cultivate inner city
19 businesses and grow them from about a \$2
20 million size to a \$20 million size. The
21 chief executive talks about one business
22 that went from a street vendor sale of
23 hair products into a \$20 million a
24 year -- it's like an \$800 million
25 business manufacturing and distributing

1 4/19/16 - WHOLE - BILL 160170, etc.
2 those products, and they went through
3 their training program and through their
4 access to New York capital markets.

5 So I think there's going to be
6 a multi-layered strategy. For the eight
7 years I've been in here, I think the
8 access to capital is a major problem for
9 all kinds of Philadelphia businesses.
10 So, I mean, there are going to have to be
11 initiatives so that people can grow
12 businesses that have demonstrated that
13 they know how to do their operational
14 task, but they don't have all of the
15 components necessary.

16 When we talked about demolition
17 contracts in construction, for example,
18 the million dollar bond requirement is a
19 major bar to the growth of small
20 demolition and minority demolition
21 companies, because they would need a
22 million dollars in cash that they really
23 could put aside in order to do this deal,
24 and they're just not that big. So you
25 don't start big, so you can't get big.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN HENON: Well, and I
3 agree. Recently I think over the last
4 year and a half, two years having more of
5 a centralized office that's collaborating
6 and working together for better services,
7 trying to work specific packages or
8 profiles towards an individual
9 manufacturing to help incentivize them
10 and not incentivize in a way -- just
11 giving them a better opportunity to share
12 in what we have to offer here as a market
13 share in the City of Philadelphia. But I
14 guess we should be starting with looking
15 to try to incentivize larger scale
16 purchases that are across the board that
17 has the commonalities of the report.

18 CONTROLLER BUTKOVITZ: Well,
19 most of these -- I mean, for example, we
20 met with the Vice President of Comcast,
21 and I think that they are -- they've got
22 active programs. They would like to do
23 local procurement. They would like to do
24 upwardly mobile procurement. The problem
25 that they have is breaking through the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 bureaucratic regiment in their company
3 where a deal has been made at a higher
4 level than them that they're going to
5 procure from certain producers. And the
6 second one is to guarantee that they're
7 going to have reasonable price parity and
8 quality parity with the suppliers that
9 they're going to be displacing.

10 COUNCILMAN HENON: I mean,
11 they're corporate decisions, national
12 corporate decisions, which I believe
13 frustrates a lot of local businesses, and
14 then I think the City -- I mean, we're
15 talking about for the first time in a
16 long time, especially with your report
17 and the refocusing in on workshop of the
18 world and our local businesses, giving at
19 different levels the scale of
20 opportunities, and I think we should be
21 looking to bring it back home here and to
22 keep it here. There's no reason we
23 should be buying products in Jersey when
24 Jersey is trying to attract our local
25 businesses three miles \$3 million to

1 4/19/16 - WHOLE - BILL 160170, etc.
2 move, vacating residents here out of the
3 opportunity to go to work right in our
4 own neighborhoods. So I'd be interested
5 in --

6 CONTROLLER BUTKOVITZ: We very
7 much would like to --

8 COUNCILMAN HENON: -- moving
9 forward with trying to think of what we
10 could do on scale.

11 CONTROLLER BUTKOVITZ: We
12 really appreciate the leadership and the
13 strategic vision you've had on the
14 Delaware waterfront, and what people
15 thought nothing could be done with,
16 you've had a different view. So you've
17 been highly effective on that, and we
18 would love to partner with you on it.

19 COUNCILMAN HENON: I think you
20 have a good base foundation right there
21 that we could work upon.

22 My last question before I turn
23 it over is, last year you were talking
24 about demolitions and everything, several
25 times in your conversations here and

1 4/19/16 - WHOLE - BILL 160170, etc.
2 testimony. Last year you released a
3 report on vacant buildings with open
4 violations. Do you have a cost estimate
5 in terms of inspections, repairs,
6 administration, and court costs versus
7 the demolition? So if you have that cost
8 analysis, would it be beneficial for the
9 City just to demolish them and giving
10 local people the opportunity to bid and
11 go to work on that?

12 CONTROLLER BUTKOVITZ: I think
13 as a generalization, it's about \$20,000
14 per building to do a demolition, but
15 we'll get back to you with more
16 precise --

17 COUNCILMAN HENON: You can
18 provide that to the Chair.

19 The Chair recognizes Councilman
20 Domb.

21 COUNCILMAN DOMB: Thank you,
22 Chairman Henon.

23 Just another question, but it's
24 really asking your opinion on something
25 and, that is, the Mayor's initiatives,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 which I think everyone agrees are great
3 initiatives with the new budget, and I
4 would like to know your opinion on, one,
5 what you think of this potential soda tax
6 or sugary drink tax and, two, if not
7 that, what alternatives would you
8 recommend to us?

9 CONTROLLER BUTKOVITZ: The one
10 thing that you did do is you helped me
11 win a bet with my First Deputy. I
12 thought somebody would ask that question
13 and he didn't think so.

14 MR. RUBIN: Thank you.

15 CONTROLLER BUTKOVITZ: The
16 first thing I'll say is, I mean, the
17 Mayor has a great vision in terms of what
18 he wants to accomplish with
19 pre-kindergarten. I mean, all the
20 research and everything. I think for too
21 often Mayors have kind of deferred
22 delving into education because it's such
23 a thankless task, and he really does seem
24 to have a commitment to doing something
25 about changing the embedded poverty

1 4/19/16 - WHOLE - BILL 160170, etc.
2 problem.

3 My personal philosophy on these
4 kinds of taxes is, the taxes are things
5 that we pay as dues to live in a
6 civilized society and that they ought to
7 be generalized, because the concern is at
8 a certain level, it really tilts the
9 scales industry by industry. So during
10 the Nutter Administration, we had an
11 issue with the agreement that was made on
12 stormwater fees because, again, there was
13 a laudable objective. The Mayor signed
14 on to a \$6 billion environmental
15 enhancement program to improve the
16 handling of stormwater, but on 500
17 businesses the rates went up from \$700 a
18 month to \$4,000 a month. At the ARCO
19 Refinery, they went up by \$384,000 a
20 month. And that's why it's really
21 painfully necessary for the City to have
22 a broader range of options in how it pays
23 for this, because since the Rendell
24 Administration, the mantra has been we
25 can't have the wage tax because that

1 4/19/16 - WHOLE - BILL 160170, etc.
2 stigmatizes Philadelphia as the only big
3 city with that kind of disincentive and
4 it drives businesses into the suburbs,
5 and so now the wage tax has been
6 ensconced in a position where you have to
7 have a financial emergency and you need a
8 special vote in Harrisburg in order to
9 touch it. So you're really left with
10 only the real estate tax, and as the
11 Mayor pointed out, that's been -- they've
12 gone to the well several times over the
13 last few years.

14 So what we're going to do is,
15 we're going to do a survey around the
16 country about revenue options and see if
17 we can contribute anything constructive
18 on possible alternatives or supplements.
19 I think the Mayor is kind of stuck in
20 having a vision and wanting to do these
21 initiatives that are important and having
22 his hands tied by Harrisburg on what he
23 can do for revenue. So I sympathize with
24 the position. I certainly wouldn't want
25 to see him lose on his pre-kindergarten

1 4/19/16 - WHOLE - BILL 160170, etc.
2 or rec. I think those are valuable
3 initiatives, and for our perspective,
4 we're going to see if we can find some
5 way that maybe that could be done easier.
6 And I have no idea where that survey is
7 at this point. We just started it.

8 COUNCILMAN DOMB: And I would
9 welcome those recommendations, by the
10 way.

11 Thank you. I'm glad you won
12 the bet.

13 COUNCILMAN HENON: Thank you,
14 Councilman.

15 The Chair recognizes Councilman
16 Jones.

17 COUNCILMAN JONES: I'm not sure
18 you answered it.

19 CONTROLLER BUTKOVITZ: That's
20 why I'm supposed to get out of here
21 faster.

22 COUNCILMAN JONES: I said so
23 what did he say?

24 COUNCILMAN HENON: Well, what
25 he should say is, you know what, I don't

1 4/19/16 - WHOLE - BILL 160170, etc.
2 have a vote on any of this and then get
3 out.

4 COUNCILMAN JONES: I'm going to
5 relinquish my time on that, because I kid
6 you not.

7 CONTROLLER BUTKOVITZ: The
8 problem was, I had one line of vision
9 with Allan Domb and Debbie Moeller, so...

10 COUNCILMAN JONES: Yeah, I
11 know. That's what it was. I was like
12 waiting for the answer to come down.

13 No. I'm going to pass,
14 literally.

15 COUNCILMAN HENON: All right.
16 Well, good job, Councilman.

17 The Chair now recognizes
18 Councilwoman Bass.

19 COUNCILWOMAN BASS: Thank you
20 so much.

21 Thank you, Councilman.
22 Appreciate it.

23 I have a question about your
24 Fraud and Special Investigations
25 Division. And can you give a little bit

1 4/19/16 - WHOLE - BILL 160170, etc.
2 of detail in terms of how that differs,
3 the work differs, from what happens with
4 the Inspector General. And the reason
5 I'm asking this is because I have really
6 a very specific area of focus that I'm
7 thinking of, which is a lot of the
8 contracts that happen here in the City of
9 Philadelphia where you have general
10 contractors, prime contractors who go
11 into an agreement with the City of
12 Philadelphia who say that they have
13 that -- they're using someone of color, a
14 minority. They use whatever their number
15 is that determines that they are actually
16 on the job, and they have never used this
17 firm or person or whatever. There are no
18 repercussions, and it doesn't seem as if
19 anyone has picked up the ball on this,
20 whether it's the Inspector General or
21 it's your Fraud and Special
22 Investigations Division. So I was
23 wondering if you could comment on that.

24 CONTROLLER BUTKOVITZ: Well,
25 first of all, you know, the Inspector

1 4/19/16 - WHOLE - BILL 160170, etc.
2 General has limited jurisdictions. They
3 can only look at departments under the
4 Mayor's direct control, whereas we have
5 general jurisdiction.

6 Secondly, while it's regarded
7 as an asset that we have a leader in the
8 Inspector General's Office out of the
9 U.S. Attorney's Office, the federal
10 investigation system operates in -- they
11 kind of are able to devote enormous
12 resources over long periods of time to
13 get high-profile targets. So there are
14 federal investigations that go on for
15 five years. We did an audit of the
16 Sheriff's Office and it resulted in an
17 indictment five years after the report,
18 whereas the DA's Office and the local
19 authorities have to do more of a quick
20 and dirty kind of response.

21 So when you're dealing with
22 large volumes of information, we think we
23 are better able to deal with that. Our
24 major target is not to get a prosecution.
25 It is to identify something that the City

1 4/19/16 - WHOLE - BILL 160170, etc.
2 could do better and to change the policy.

3 So as to your specific
4 question, John Thomas is engaged with
5 your staff right now in trying to develop
6 metrics and a system for doing exactly
7 what you've suggested, by identifying
8 some of the other major contractors and
9 doing a deep dive, as we did with Bock
10 Construction a couple of years ago, which
11 John pioneered, to determine whether or
12 not they're being truthful in their
13 claims about minority contracting.

14 COUNCILWOMAN BASS: Right. And
15 it seems -- and we appreciate John and
16 all of his hard work, and I want to thank
17 you specifically for working with our
18 office to make these things happen. But
19 it becomes very, very frustrating when
20 you see case after case after case where
21 the same thing happens over and over
22 again and, again, nobody seems to pick up
23 the mantle. But we look forward to
24 correcting that and to changing that. So
25 thank you.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Thank you, Mr. Chairman.

3 COUNCILMAN HENON: Thank you,
4 Councilwoman.

5 The Chair recognizes Councilman
6 Green.

7 COUNCILMAN GREEN: Thank you,
8 Mr. Chair.

9 I wanted to follow up on some
10 questions that Councilwoman Parker and
11 also Councilman Henon asked regarding
12 your analysis and ideas regarding
13 pensions. I want to get some perspective
14 from your research and analysis what
15 you've seen other jurisdictions who have
16 looked at pension buyout concepts. I
17 know there's an upcoming Pennsylvania
18 Public Employee Retirement System
19 Conference, or PAPERS Conference. I
20 wanted to get some perspective on that as
21 well, if there's been any conversations
22 that you have seen in other jurisdictions
23 either in the Commonwealth or other parts
24 of the country.

25 CONTROLLER BUTKOVITZ: Well,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 Illinois is exploring a buyout and the
3 City of Nashville considered it and
4 decided not to do it, and there's a small
5 city in Florida that I think implemented
6 it. The conversation is generally
7 circled around this idea about should
8 there be defined benefit pensions, should
9 there be 401(k)'s, and I think that kind
10 of misses the point, because the 401(k)
11 doesn't even save any money to the
12 employer unless there's an agreement that
13 the employer is going to contribute less
14 than they're contributing to the defined
15 benefit.

16 We had some nervous moments
17 this year in the stock market, but they
18 came back. The management of these
19 pension funds by sophisticated managers
20 has a much better track record, both in
21 minimizing losses and in making the kind
22 of money that's going to be necessary for
23 us to make to pay our pensioners than
24 does 401(k)'s. And there's a looming
25 national scandal over that. People

1 4/19/16 - WHOLE - BILL 160170, etc.
2 borrow prodigiously from their 401(k)
3 problems. One of the problems that we
4 need is people need to almost be forced
5 to save for retirement, because it's like
6 borrowing against your insurance policy,
7 but if you borrow against your 401(k) and
8 you retire, you are broke. And that
9 doesn't happen to people under the
10 defined benefit system.

11 So I'm happy to have the
12 conversation take place outside of what I
13 consider to be those irrelevant -- all
14 during the last eight years, the City
15 debated this question about whether they
16 should replace the City pension plan with
17 a 401(k). They finally developed a pilot
18 project in the Sheriff's Office and the
19 Police Department. Nobody would join it.
20 They finally forced people into the
21 program at a time when every minute
22 counts and every dollar counts. It's
23 just an expensive distraction to get into
24 that debate.

25 So I'm happy now that we're at

1 4/19/16 - WHOLE - BILL 160170, etc.
2 least confronting the issue about how are
3 we going to pay for what we've already
4 committed to and is there a way that
5 might be mutually beneficial both to the
6 pensioners and to the City to try to
7 reduce those liabilities.

8 COUNCILMAN GREEN: My time is
9 up, but I do have a follow-up question --

10 CONTROLLER BUTKOVITZ: That was
11 the Diocese of Palm Beach in Florida, is
12 the other small city.

13 COUNCILMAN GREEN: I do have
14 another question I'll ask in the next
15 round, but as I wrap up this one, I
16 wanted to follow up some question and
17 comments that Councilwoman Bass had made
18 regarding just the challenges that we've
19 seen in reference to OEO and procurement,
20 especially in reference to providing
21 opportunities for businesses, especially
22 businesses of color in the City. From my
23 observation, from my years of working in
24 this building, there really has not been
25 that level of real, let's say, stick

1 4/19/16 - WHOLE - BILL 160170, etc.
2 approach. There have been conversations
3 and meetings and discussions, but not
4 really getting to that level of
5 enforcement until the work that your
6 office did, especially working with John
7 Thomas in that regard regarding Bock and
8 the debarment process.

9 So I'm curious, what has been
10 the relationship between your office and
11 OEO in procurement, especially as it
12 comes to enforcement matters?

13 MR. THOMAS: I think the
14 relationship has been improving,
15 especially as of late, and with
16 your new --

17 COUNCILMAN HENON: John, can
18 you state your name for the record,
19 please.

20 MR. THOMAS: Sorry. John
21 Thomas, Pre-Audit Deputy Controller.

22 The relationship with OEO and
23 the Controller's Office has been
24 improving. We operate independently in
25 terms of our enforcement activities.

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2 Because our contracts are tied to money
3 and our pre-audit function, we can trace
4 the money, that's how we have the power
5 to do what we do. And so we try to work
6 in conjunction with them, and we do when
7 we can, and if we find that they are not
8 doing what they need to do in terms of
9 monitoring and enforcing contracts and
10 compliance, we work independently of
11 them. But the new Commerce Director has
12 sort of given OEO a charge to work in
13 conjunction with us to try to improve
14 compliance monitoring and enforcement.

15 As Councilwoman Bass mentioned,
16 she and her staff and I are talking about
17 ways to look at contracts on monitoring
18 and enforcement. But monitoring and
19 enforcement is very important, because
20 you can have all the rules -- and the
21 City of Philadelphia has lots of rules
22 related to minority and diversity and
23 inclusion, but it's enforcing those rules
24 that's important. If you don't enforce
25 them, it really doesn't mean anything.

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2 It makes nice paper, but it doesn't
3 really mean anything.

4 COUNCILMAN GREEN: And just to
5 conclude, I agree. It seems like between
6 your work and the Controller's work,
7 you're much more proactive in using that
8 data to bring about change, where it
9 seems from my observation, I do hope it's
10 going to change under the direction of
11 Commerce Director Epps and Nolan
12 Atkinson, but historically OEO and before
13 that MBEC is much more reactive and just
14 receive data, but doesn't really do
15 anything with the data.

16 MR. THOMAS: I agree.

17 COUNCILMAN HENON: Thank you,
18 Councilman.

19 The Chair recognizes
20 Councilwoman Bass.

21 COUNCILWOMAN BASS: Thank you.
22 And I just have two last questions for
23 you. One, have you done an audit on the
24 City's First Source program? Are you
25 familiar with that, which is under the

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2 Commerce Department?

3 CONTROLLER BUTKOVITZ: No. No.

4 COUNCILWOMAN BASS: Okay. All
5 right. And that's something that we
6 could talk about and discuss a little bit
7 further.

8 Philacor, which is something
9 that was listed in your testimony that
10 you have done an audit, and I'm curious
11 to know the results of that audit and how
12 productive it is. This is a program that
13 is actually within the City of
14 Philadelphia Prisons in which they work
15 to make sure that they have actual skills
16 that they can use to gain employment once
17 they leave the facility. So can you talk
18 a little bit about your findings.

19 CONTROLLER BUTKOVITZ: Yeah.

20 The findings there was that the program
21 was a viable program and that
22 operationally it worked very well, but
23 that there were routine issues dealing
24 with the handling of cash that they
25 needed help with.

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2 For example -- and there are
3 issues that City departments have
4 routinely been criticized by us for,
5 things like that not having the same
6 person do the deposits as pays the bills.
7 It's something to have two people check
8 on how the money is being handled.
9 There's a relatively small amount of cash
10 on hand and there was no findings of
11 fraud or anything like that, but they
12 need to get basic financial controls.

13 COUNCILWOMAN BASS: So it's
14 more a matter of just internal controls
15 and procedures?

16 CONTROLLER BUTKOVITZ: Yes.

17 COUNCILWOMAN BASS: But no
18 missing money kind of thing.

19 CONTROLLER BUTKOVITZ: Right.

20 COUNCILWOMAN BASS: All right.

21 Thank you.

22 COUNCILMAN HENON: Thank you.

23 CONTROLLER BUTKOVITZ: All the
24 money is accounted for.

25 COUNCILWOMAN BASS: Great.

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2 That's good. Thank you.

3 COUNCILMAN HENON: Thank you,
4 Councilwoman.

5 I don't see any further -- the
6 Chair recognizes Councilman Green.

7 COUNCILMAN GREEN: Thank you,
8 Mr. Chairman.

9 Just one other quick follow-up.
10 What has been the performance -- I know
11 you do performance audits of various City
12 departments. I'm curious about your
13 performance audits on both OEO,
14 Procurement, as well as OPA. We've had
15 an engaged conversation in this budget
16 process about the CAMA system. I'm
17 curious about the performance audits
18 you've done on OEO, Procurement, and OPA,
19 especially in reference to the CAMA
20 system.

21 CONTROLLER BUTKOVITZ: They're
22 on the list, but we haven't done any
23 recent performance audits of those
24 agencies.

25 COUNCILMAN GREEN: Okay.

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2 CONTROLLER BUTKOVITZ: I have
3 to admit that my heart skips a beat every
4 time I hear "Councilman Green" called
5 out. I'm trying to adjust to the new
6 regime.

7 COUNCILMAN GREEN: And when do
8 you anticipate doing performance audits
9 of those departments?

10 CONTROLLER BUTKOVITZ: It's
11 probably going to be scheduled for next
12 year.

13 COUNCILMAN GREEN: Okay. Thank
14 you.

15 COUNCILMAN HENON: Thank you,
16 Councilman.

17 The Chair recognizes
18 Councilwoman Gym.

19 COUNCILWOMAN GYM: How are you?
20 Thank you very much for the work that
21 you've done. I have a very simple
22 follow-up question to Councilman Green's,
23 which is very similar. I'm curious about
24 whether you'd take a look at the capital
25 budget for OIT, and in part because OIT's

1 4/19/16 - WHOLE - BILL 160170, etc.
2 capital budget often incorporates
3 big-picture projects that sometimes have
4 taken longer than projected to come to
5 fruition, and I'm not sure if that's
6 something that's ever been a reviewable
7 process, but they'll handle big issues
8 like payroll, and to some extent I think
9 the buildup to the CAMA is supposed to
10 come under OIT, and Pensions, One Philly,
11 other types of things that have gone on
12 for a long time, and just curious about
13 where you are with OIT.

14 CONTROLLER BUTKOVITZ: Well,
15 we've -- at the beginning of my tenure,
16 we looked at the Oracle program, and we
17 were pretty detailed in our criticism of
18 that, and we have found that to be
19 basically a guide to the City's
20 technology problems. They constantly buy
21 bits and pieces. And, similarly, we did
22 a review of the surveillance cameras. So
23 we've come at OIT from the outside, and
24 the response to all of those audits has
25 been kind of a depressing response on the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 part of the City, because the ultimate
3 point was that they needed to invest a
4 lot more money to do what they thought
5 they were trying to do than they were
6 going to be able to accomplish with those
7 resources.

8 I've been told that there had
9 been an initial plan to spend over \$100
10 million in technology upgrades that was
11 sidelined by the 2008 recession. So all
12 through our review of L&I, every time we
13 pointed out that the Hanson system was
14 one that could be rewritten over or one
15 that had no controls over it, we were
16 advised that the eCLIPSE program would
17 solve all those problems. Now we hear
18 that the eCLIPSE program is probably at
19 least a year away from implementation and
20 it will not fit the contours of what's
21 needed.

22 It's the same story over and
23 over again. The City basically hasn't
24 really allocated money for a major
25 technological upgrade, so they're putting

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Band-Aids on the existing systems.

3 So we could do another detailed
4 report, but I think it would probably
5 show the same thing, but we feel going --
6 we're able to accomplish more in smaller
7 bites over a variety of departments than
8 taking on that whole OIT problem, unless
9 there's clearly going to be a commitment
10 to make a very major investment in it.

11 COUNCILWOMAN GYM: I guess
12 maybe we can follow this up a little bit
13 separately, but one of the responses I
14 might suggest is also that some projects
15 within OIT actually do get funded fairly
16 robustly and they still struggle to come
17 in on time. But we should -- I would
18 like to be able to follow up with
19 you because I think that there might
20 be -- rather than looking at it as
21 individual project by project, I'm
22 curious about the overall kind of capital
23 timeframe for those kinds of capital
24 investments within the department.

25 CONTROLLER BUTKOVITZ: Sure.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 That would be helpful if you gave us --

3 COUNCILWOMAN GYM: That's it.

4 CONTROLLER BUTKOVITZ: That's

5 it? Councilman Jones and Councilwoman

6 Gym.

7 COUNCILMAN HENON: Thank you,

8 Councilwoman.

9 Any other members have any

10 questions for the Controller and his

11 office?

12 (No response.)

13 COUNCILMAN HENON: Being none,

14 Controller and your staff, thank you so

15 much for what you do, and thank you for

16 coming here today.

17 Next in our budget hearings we

18 would ask that Sheriff Jewell Williams

19 and staff please approach.

20 (Witnesses approached witness

21 table.)

22 COUNCILMAN HENON: You may

23 state your name for the record and begin

24 with your testimony, and welcome.

25 SHERIFF WILLIAMS: Good

1 4/19/16 - WHOLE - BILL 160170, etc.
2 afternoon.

3 COUNCILMAN HENON: Good
4 afternoon, Sheriff.

5 SHERIFF WILLIAMS:
6 Mr. Chairman, members of the Committee of
7 the Whole, we have submitted our budget
8 and I would like to, with your approval,
9 just to speak on some of the speaking
10 points that we have relative to our
11 request. Thank you.

12 The last four years the
13 Sheriff's Office has accomplished a great
14 deal. The delinquent taxes and the fees
15 collected in the Sheriff Sales turned
16 over to the City of Philadelphia has been
17 \$27 million was collected in 2012. Now
18 over \$60 million is collected to this
19 date.

20 We reduced the time of
21 producing deeds from 120 days to less
22 than 30 days. We have increased security
23 in all of our courthouses, particularly
24 the new Family Courthouse. As you should
25 know or know, that we transport over

1 4/19/16 - WHOLE - BILL 160170, etc.
2 125,000 people a year, and out of the
3 125,000 people we transport, we secure
4 four courthouses, and to this date, we
5 have no escapes.

6 I am proud for the first time
7 that we are looking for -- we look for
8 people who have lost their homes, but
9 we're able to get the money back, money
10 that's owed to them as a result of a
11 Sheriff Sale. Since taking off, \$7.6
12 million has gone back to people who was
13 owed money as a result of losing their
14 properties in a Sheriff Sale.

15 In FY 2017, we have three major
16 initiatives we would like for City
17 Council support, and we can do this
18 without using tax monies.

19 First, the City and the Courts
20 asked us to take over the FJD unit under
21 the past Administration, and the FJD unit
22 was called the Warrant Unit. We took
23 over that unit of 42 people, who had no
24 certification training, and we were able
25 to get those folks trained. So far to

1 4/19/16 - WHOLE - BILL 160170, etc.
2 this date, 24 have been trained and
3 completed the course, which is a 19-week
4 course in Penn State, the Act 2 program
5 supervised by PCCD.

6 Since this cost is going to be
7 transferred from the Courts to the
8 Sheriff's Office budget, there's no fee
9 or no money that is going to be taken
10 from the General Fund. And we're honored
11 that the Courts has allowed us to take on
12 that responsibility.

13 We conduct four Sheriff Sales a
14 month, and we've collected over \$60
15 million for the City of Philadelphia.
16 The number of sales have increased and
17 the number of property sales has doubled
18 to 20,600 this year. The City wants us
19 to add on another additional sale and
20 have us handle this new Land Bank sale.
21 So there's additional work and
22 responsibilities that the Sheriff's
23 Office will have. We will require
24 clerical staff. We seek 23 clericals,
25 and we plan to pay for them with monies

1 4/19/16 - WHOLE - BILL 160170, etc.
2 that we use -- monies from within our
3 department.

4 Currently, private title
5 companies is charged -- they charge us a
6 fee to do the preparations on those deed
7 sales, those deeds. We prepare the deeds
8 and we use the income -- we will prepare
9 those deeds and use that income and we'll
10 pay for it within our department. So it
11 will be no monies cost to the City of
12 Philadelphia, no taxpayer monies.

13 We also are planning to do
14 security for this building. There are
15 some concerns that we have about safety
16 of a courthouse since this is a
17 courthouse. Our plan is to do adequate
18 security and protection for this building
19 by bringing it to state-of-the-art
20 security for this building.

21 We can avoid using taxpayers'
22 monies by using the revenue that we have
23 from such services in the event there's
24 any increases for any new fee services
25 for the different processes that we do

1 4/19/16 - WHOLE - BILL 160170, etc.
2 here in the Sheriff's Office.

3 We're looking forward to
4 getting Council's support on our request,
5 and we'll take any questions you have
6 available to us.

7 COUNCILMAN HENON: Thank you
8 for your testimony, Sheriff.

9 The Chair recognizes
10 Councilwoman Parker.

11 COUNCILWOMAN PARKER: Thank
12 you. Thank you, Mr. Chair.

13 And welcome, Sheriff Williams
14 and members of your staff. I just really
15 wanted to start off by just saying thank
16 you. Before I was sworn into this body,
17 I remember calling you late during the
18 week after business hours where a senior
19 had walked into the office, had received
20 a notification about a Sheriff Sale, was
21 unclear about the process, needed some
22 direction, and you handled it
23 immediately. And particularly in an area
24 like the 9th District where we're seeing
25 a high concentration of foreclosures due

1 4/19/16 - WHOLE - BILL 160170, etc.
2 to the amount of equity that homeowners
3 have in their property, that attention
4 was greatly appreciated. And if you had
5 not responded, I would have been saying
6 that to you on the record, so because you
7 did, I needed to say thank you.

8 The first question is in
9 regards to Page 6 of your budget
10 testimony, the fifth paragraph. You
11 mention that your office serves warrants
12 for domestic violence, child support, and
13 protection from abuse orders. I just
14 want to make sure I'm clear, because this
15 is a question we're hearing often. Can
16 people contact your office in the event
17 that they want you to serve a PFA? Can
18 they call you? And if they do call your
19 office, what's the process? How does the
20 public access that?

21 SHERIFF WILLIAMS: Well, one of
22 the things that we do and we pride
23 ourselves on is that we assist the
24 Philadelphia Police Department on
25 processes such as protection from abuse

1 4/19/16 - WHOLE - BILL 160170, etc.

2 orders and requests for serving warrants.

3 To answer your question -- and
4 maybe I have to tell you in a manner that
5 the public can understand -- is that when
6 a person gets a protection from abuse
7 order and they go to the Criminal Justice
8 Center, particularly after 5 o'clock, and
9 there's a person assigned to that
10 division and they'll get the
11 authorization, and once they get the
12 authorization for the protection from
13 abuse order, we will attempt to serve it,
14 along with the Philadelphia Police
15 Department.

16 What happens is that we find
17 there's an abundance of families who have
18 a lot of children, when they come to the
19 Criminal Justice Center late at night,
20 and what we've done with the Philadelphia
21 Sheriff's Office, we've opened one of our
22 warrant units up to be accessible to the
23 person who needs to have that protection
24 from abuse order served.

25 Last year we were approached by

1 4/19/16 - WHOLE - BILL 160170, etc.
2 your colleague Councilman Greenlee about
3 over 6,000 protection from abuse orders
4 that was not served. So when we took
5 over the Warrant Unit, we made a live
6 process available. So if there is a
7 request, what we will do, we will assign
8 someone from our office, who will go and
9 serve that protection from abuse order.
10 They will go into the district. They
11 will notify the police district that they
12 go into, and we will attempt to serve
13 that protection from abuse order. If
14 there's weapons there, we will remove the
15 weapons and make that family safe.

16 COUNCILWOMAN PARKER: Okay.
17 Thank you. So once they get the process
18 rolling over at the Criminal Justice
19 Center, then your office -- sort of the
20 domino effect that occurs?

21 SHERIFF WILLIAMS: Yes.

22 COUNCILWOMAN PARKER: My next
23 question is in regards to you mention in
24 your testimony that your office is now
25 seeking out people who lost their home in

1 4/19/16 - WHOLE - BILL 160170, etc.
2 Sheriff Sale, but they are owed money
3 from excess payments on the sale. Tell
4 me, when did you start sort of
5 aggressively pursuing these people, and
6 how do you go about notifying people who
7 are eligible to receive this, and what
8 should we be doing to help you inform
9 these people? Is there some list you
10 have, Sheriff, that's like broken down by
11 maybe Council district that we could find
12 a way to publicly assist you via our
13 offices? Tell us how the process works.

14 MR. VIGNOLA: Councilwoman,
15 good afternoon. My name is Joseph
16 Vignola. I'm the Undersheriff of
17 Philadelphia.

18 Sheriff Williams upon taking
19 office started a unit we called the DART
20 Unit, Defendant Asset Recovery Team.
21 That unit is responsible for trying to
22 get the excess proceeds from tax sales
23 and mortgage sales to the defendant.
24 Mortgage sales are pretty straightforward
25 because in most instances, the owner of

1 4/19/16 - WHOLE - BILL 160170, etc.
2 the property, if the property is sold in
3 excess of what they call the upset price,
4 is still around in the house. But for
5 every hundred mortgage foreclosure sales,
6 90 of those go back to the bank, so there
7 are no excess proceeds. It's a smaller
8 group.

9 For tax sales, for every tax
10 sale there is, 100 percent goes to a
11 third party, but of those third-party
12 buyers, maybe 15 percent are over the
13 amount that the taxpayer owes the City of
14 Philadelphia. And because of the backlog
15 and the long time it takes for the City
16 to actually bring a property to tax sale,
17 in many instances there's no one in that
18 house. There's not a good address. So
19 what we're trying to do and what Sheriff
20 has started, we do now send a letter
21 trying to say there is excess proceeds,
22 and also we're able to track if any of
23 the owners of the property contact us in
24 any way, we try to retain that
25 information. So if there is excess

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2 proceeds, we get it to them.

3 As Sheriff Williams said,
4 unfortunately during his four years in
5 office, we returned about \$8 million.
6 The reason why I say that is unfortunate
7 is that as hard as we try, we still
8 escheat that same amount each year to the
9 City waiting for people to come back.
10 It's very difficult, because tax sales,
11 unlike in the counties where if you miss
12 one quarter tax payment, the counties
13 have your property up for sale. In
14 Philadelphia, sometimes you go three,
15 four, five years and the property is
16 vacant.

17 COUNCILWOMAN PARKER: Well, I
18 know my time is up, Mr. Chair, but I
19 wanted to say to you, Sheriff Williams
20 and Mr. Vignola, thank you so much for
21 that summary, and as you sort of work to
22 streamline that process and continually
23 find ways to improve it, you make sure
24 you keep us in mind. If there is a role
25 for us, particularly the District

1 4/19/16 - WHOLE - BILL 160170, etc.
2 Councilmembers who are sort of very
3 active from a regional perspective in
4 their districts, let us know if we can be
5 helpful.

6 SHERIFF WILLIAMS: Thank you.

7 MR. VIGNOLA: Thank you.

8 SHERIFF WILLIAMS:

9 Councilwoman, I want you to know that
10 every month we send out a quarter report
11 to Council to give you information on
12 what we're doing in the Sheriff's Office
13 relative to people getting their money
14 back.

15 COUNCILMAN HENON: Thank you,
16 Councilwoman.

17 Mr. Vignola, I got a question
18 just to ask a little deeper details on
19 the municipal tax sales. So you made a
20 comment that the City doesn't bring the
21 sales to you. How does that work? Does
22 the particular department, the Law
23 Department or L&I, need to kick it to the
24 Law Department? The Law Department kicks
25 it over to Municipal Court and Municipal

1 4/19/16 - WHOLE - BILL 160170, etc.
2 Court kicks it over to you? How does
3 that process work, and are you ready and
4 available, the Sheriff's Department, in a
5 municipal tax lien sale to get these
6 Sheriff Sales moving?

7 MR. VIGNOLA: Councilman, we're
8 at the end of the process. The Revenue
9 Department brings it to the Law
10 Department's attention that these
11 properties are tax delinquent. The
12 Revenue Department, when Sheriff Williams
13 first started as Sheriff, the Revenue
14 Department was only bringing these tax
15 sales to the Law Department,
16 approximately 100 a month. During
17 Sheriff Williams' first term in office,
18 the Law Department sought outside
19 counsel, two firms, outside counsel to
20 bring more properties to tax sale. They
21 also ramped up the number of properties
22 that they bring to tax sale.

23 So now the process is once a
24 property is determined to be delinquent,
25 they go through a process by which they

1 4/19/16 - WHOLE - BILL 160170, etc.
2 literally have to do a title search to
3 see who all the lienholders are, notify
4 all the lienholders, bring what they call
5 an action or a decree under the Municipal
6 Claims Act to either Municipal Court or
7 the Court of Common Pleas.

8 If a taxpayer shows up, they
9 try to enter into a payment agreement.
10 If a taxpayer doesn't show up, they
11 normally take a default judgment.

12 Once a default judgment is
13 entered, they wait an additional 30 days,
14 and they could begin the process of
15 seeking a writ of execution that is then
16 given to the Sheriff's Office to begin
17 the process of the Sheriff Sale.

18 If there is litigation, if a
19 taxpayer litigates the amount of money
20 that's owed and that goes to a final
21 judgment, then that could go to a writ of
22 execution. But a lot of the properties
23 that the City tries to bring to Sheriff
24 Sale, if the taxpayer shows up, if the
25 property owner shows up, they try to work

1 4/19/16 - WHOLE - BILL 160170, etc.
2 out a payment agreement.

3 COUNCILMAN HENON: Which I
4 think is the responsible thing to do.

5 MR. VIGNOLA: Which is in
6 everybody's best interest, but even --

7 COUNCILMAN HENON: That's a
8 small percentage.

9 MR. VIGNOLA: Yes. But even
10 given that amount, right now, as the
11 Sheriff pointed out, we're doing three
12 tax sales a month, of which today is the
13 first one. We're doing over 200
14 properties, new properties today, over
15 200 properties new tomorrow, and over two
16 on Thursday. There is a fourth sale,
17 which is a tax lien sale, that dates back
18 to the Rendell Administration when we
19 sold taxes to investment banks to help us
20 with the deficits that the City had at
21 the beginning of the Rendell
22 Administration, and beginning July 1st,
23 we're going to add another full tax sale
24 of an additional 300 or so properties.

25 COUNCILMAN HENON: So are they

1 4/19/16 - WHOLE - BILL 160170, etc.

2 bulk sales, that 200?

3 MR. VIGNOLA: Well, that's

4 the --

5 COUNCILMAN HENON: Because I
6 know originally -- let's go back a couple
7 years where you were saying you're doing
8 100 a month. I think we were trying to
9 prepare for 600 a month; is that correct?

10 MR. VIGNOLA: Right.

11 COUNCILMAN HENON: If I call.

12 MR. VIGNOLA: We're talking
13 about new sales, Councilman. A lot get
14 postponed. If the day before a sale a
15 taxpayer comes in and says they want to
16 enter a payment agreement, that property
17 may be postponed by the attorneys for the
18 City to work out a payment agreement.
19 And if one can be worked out, then that
20 sale is cancelled. If one cannot be
21 worked out, then it will go to sale.

22 COUNCILMAN HENON: So just
23 explain to me the 200. They're not bulk
24 sales, they're not --

25 MR. VIGNOLA: They're

1 4/19/16 - WHOLE - BILL 160170, etc.

2 individual --

3 COUNCILMAN HENON: They're 200
4 that made it over to you that went
5 through the process?

6 MR. VIGNOLA: That went through
7 the process, in which there is a final
8 decree or a final judgment.

9 COUNCILMAN HENON: How can you
10 explain -- if you got 200 now, you got
11 200 coming. So, I mean, there's 400
12 where you're only doing 100. What would
13 be the cause? Is it just a renewed focus
14 in trying to push things over and trying
15 to move things in our inventory?

16 MR. VIGNOLA: That was a
17 decision by the prior Administration to
18 increase the number of tax sales. A lot
19 of --

20 COUNCILMAN HENON: They're all
21 just coming to date?

22 MR. VIGNOLA: A lot of it is in
23 response to what this Council is saying.
24 You have hundreds of millions of dollars
25 in uncollected real estate taxes. Why

1 4/19/16 - WHOLE - BILL 160170, etc.

2 don't you do something about it. Well,
3 the prior Administration started to do
4 something about it.

5 COUNCILMAN HENON: They're all
6 just coming due now?

7 MR. VIGNOLA: Yes, sir.
8 Correct.

9 COUNCILMAN HENON: Okay. So
10 that's good news.

11 MR. VIGNOLA: Yes.

12 COUNCILMAN HENON: Because you
13 see the numbers at 100, you see
14 inactivity, people rush to judge and rush
15 to look for blame, and the fact of the
16 matter is, it went through the process
17 and now we have hundreds of properties
18 that are actually coming due that's made
19 it to you and they're going to be on the
20 block for Sheriff Sale.

21 My last question and I'll turn
22 it over. Would the Sheriff's Department
23 ever consider resales on site?

24 MR. VIGNOLA: Resales on site?
25 The law doesn't --

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN HENON: I know you
3 get \$1,000 minimum for a property with --

4 MR. VIGNOLA: Well, the law
5 does not permit that. It has to be an
6 open public sale. You'll advertise. And
7 technically when we have a sale, our
8 assembly room is a courtroom. So it's --

9 COUNCILMAN HENON: So when it
10 goes up for Sheriff Sale and you get the
11 auctioneer there, however that process
12 is, and it's opened up at \$1,000 minimum
13 bid and nobody bites, can you resale and
14 go below and just move the inventory so
15 we can put it in the hands of trying to
16 get some taxes in? Are we legally
17 allowed to resale on site? Because it's
18 already been posted. It's already been
19 notified. So the specific property -- we
20 had no -- under normal process, we have
21 no bidders for this house because it's
22 not in good shape, and the amount of
23 municipal liens and everything like that,
24 it could be \$7,000.

25 MR. VIGNOLA: Well, Councilman,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 to address that point, under normal
3 conditions, a property that's brought to
4 sale may have a delinquency. And let's
5 just use a round number. The first time
6 it's listed, \$15,000. There are no
7 bidders. The City is allowed to postpone
8 it for 60 days. They postpone it for 60
9 days. They go back and they lower the
10 opening bid to \$7,500. Again, there are
11 no bidders. They're allowed to postpone
12 it one more time for additional up to 60
13 days, and they come back at \$1,000. At
14 that thousand dollars, there are still no
15 bidders. You know, the sale is what they
16 call stayed or taken off.

17 We do not set -- the Sheriff's
18 Office does not set the opening bid. The
19 City of Philadelphia sets the opening
20 bid.

21 COUNCILMAN HENON: I get that
22 and I understand that. So what I'm going
23 to request, if you could, to the Chair,
24 could you give a list of properties where
25 you have gone through that process of no

1 4/19/16 - WHOLE - BILL 160170, etc.
2 bidders for the opening price and then
3 you come back and either it gets on next
4 month's bid or 60 days later and you
5 actually have a stay and it just remains
6 in our property, our inventory. Because
7 between commercial, residential and our
8 multiple agencies, we have over 12,000
9 properties and we want to try to move
10 them.

11 MR. VIGNOLA: Councilman, that
12 is correct. We could supply you that
13 information of all the stayed, what we
14 call the stayed sales.

15 COUNCILMAN HENON: Correct.

16 MR. VIGNOLA: Now, we may not
17 be able to -- we'll have to check with
18 our IT department -- to delineate if the
19 sale is stayed because the taxpayer came
20 in and made an agreement or was stayed
21 because there was no bidding activity
22 ultimately on the property, but we'll see
23 what we could do.

24 COUNCILMAN HENON: I appreciate
25 it. Thank you.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 The Chair recognizes Councilman
3 Greenlee.

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

6 Very quickly. Good afternoon.
7 I just wanted -- Councilwoman Parker had
8 brought up the subject of protection from
9 abuse orders, and I just wanted to
10 commend you and your office for the
11 aggressiveness you've taken on that. I
12 think it has made a significant
13 difference, talking to groups like Women
14 Against Abuse and all. Obviously, as you
15 know, and we talked, as you said, on
16 record, we talked about this. Those
17 protection against abuse orders literally
18 can save somebody's life given the
19 situation.

20 So, again, I just want to go on
21 record commending you for, again, the
22 aggressiveness you've taken. I think it
23 made a significant difference.

24 Thank you.

25 SHERIFF WILLIAMS: Thank you.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 And also there is a Senate bill that was
3 introduced by John Sabatina, Jr., Senate
4 Bill 1062. You might want to take a look
5 at that, but it encourages the Police
6 Department and the Sheriff's Office to be
7 more attentive to getting those
8 protection from abuse orders out.

9 COUNCILMAN GREENLEE: Great.

10 I'll take a look at that. Thank you.

11 Thank you very much.

12 Thank you, Mr. Chairman.

13 COUNCILMAN HENON: Thank you,
14 Councilman.

15 The Chair recognizes
16 Councilwoman Bass.

17 COUNCILWOMAN BASS: Thank you,
18 Mr. Chairman.

19 Good afternoon.

20 SHERIFF WILLIAMS: Good
21 afternoon.

22 COUNCILWOMAN BASS: Good to see
23 you, as always.

24 SHERIFF WILLIAMS: Likewise.

25 COUNCILWOMAN BASS: And thank

1 4/19/16 - WHOLE - BILL 160170, etc.
2 you so much for all the hard work that
3 you do.

4 I just had a question for you
5 specifically about the Criminal Justice
6 Center and last week. As you may recall,
7 there was a fight, as I understand it,
8 that was in the paper that actually
9 occurred in the hallways, I think, right
10 outside of the judge's chambers. And
11 apparently people were unhappy with the
12 decision or with testimony and it spilled
13 out into the hallway, and I'm assuming
14 that the Sheriff's Office was intricately
15 involved in that. And that's not the
16 first incident of something like that
17 happening, and I know that -- well, I had
18 been told that when the building was
19 built originally, there were supposed to
20 be separate entrance and exit elevators
21 so that things of this nature didn't
22 happen, and as a cost-cutting measure,
23 those extra elevators were taken out,
24 which we now know was a huge mistake.

25 So I wanted to just hear your

1 4/19/16 - WHOLE - BILL 160170, etc.
2 commentary on what happened and how we
3 can make it a little bit safer over there
4 or a whole lot safer over there.

5 SHERIFF WILLIAMS: Thank you.
6 One of the things that we do in our
7 office is with our supervision over in
8 the Criminal Justice Center, whenever
9 there's an incident such as that, the
10 supervisors immediately go to that floor
11 or where that occurrence is, and what
12 they do is, we utilize our Plain Clothes
13 Unit as well as the Bike Unit and the
14 outside unit who patrol the outside of
15 the building, because we make sure when
16 we separate those parties, that we escort
17 them to the subway, escort them to the
18 parking lots so we can get them out of
19 the community -- get them out into the
20 community out of the courthouse.

21 We normally talk to the judge
22 and ask the judge to delay the persons
23 who are involved, either one or the other
24 side. The one who is most aggressive, we
25 try to get them out of the building and

1 4/19/16 - WHOLE - BILL 160170, etc.
2 away. And then sometimes we just
3 separate both groups and wait until the
4 crowds disperse and then we escort them
5 to public transportation or to the
6 parking lots.

7 I'm proud to say that our
8 Patrol Unit that we use on the outside,
9 the Bike Unit, they were designed just
10 for that reason, because we have so many
11 witnesses and so many folks who are
12 involved in different cases and different
13 court hearings, so when there is a
14 disturbance between both parties, the
15 courts has been very supportive in
16 listening to our request of separating
17 those groups.

18 COUNCILWOMAN BASS: Very good.
19 It's a very busy building.

20 SHERIFF WILLIAMS: Yes.

21 COUNCILWOMAN BASS:
22 Unfortunately it's a very busy building.
23 And it's easy to see how something could
24 become explosive very quickly --

25 SHERIFF WILLIAMS: Yes.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCILWOMAN BASS: -- in the
3 building.

4 And then one other quick
5 question I had for you, as you talked
6 about the DART Program. And I know that
7 Mr. Vignola mentioned that there was an
8 attempt to reach folks, because once the
9 property has been sold, usually it's
10 difficult to find folks, and you send a
11 letter out and then there becomes a
12 process in which you're trying to track
13 some folks down. Is it possible that we
14 could advise people up front as far as
15 whatever information they receive from
16 the Sheriff Sale that it's going to
17 Sheriff Sale that there might be assets
18 available to them, that they should check
19 back in? Do we inform people of that?

20 SHERIFF WILLIAMS: Yes. We
21 have a very aggressive community outreach
22 program that we go out and through the
23 community and we inform people of the
24 process. As you know, there's no statute
25 or no law that says that the Sheriff's

1 4/19/16 - WHOLE - BILL 160170, etc.
2 Office must do this. This is a service
3 that we provide, because we believe that
4 the person losing their property have
5 enough hardship on losing the property.
6 So if there's some excess monies, that we
7 can work as hard as we can to find those
8 folks and get them their money.

9 I can tell you of a couple
10 success stories where a person bought a
11 house several years before being notified
12 that their house was lost. Well, that
13 money came to be a help to buy another
14 house.

15 So, again, our Communications
16 Division, we aggressively go out and talk
17 to the people in the community. We do
18 seminars. We do the tangled deeds with
19 some of the Council folks here to make
20 sure that that information goes out.

21 COUNCILWOMAN BASS: Good.

22 MR. VIGNOLA: And one other
23 thing the Sheriff forgot to mention,
24 Councilwoman, is that we post a handbill
25 unfortunately before every sale, but when

1 4/19/16 - WHOLE - BILL 160170, etc.
2 we go to a house with a handbill, the
3 Sheriff also has a brochure that explains
4 the process and says in this brochure,
5 which is not legally mandated, that there
6 may be excess funds, and even if you are
7 going to lose your house, please contact
8 the Sheriff's Office to see if there are
9 excess funds.

10 COUNCILWOMAN BASS: Is that in
11 the fine print or is that big?

12 MR. VIGNOLA: No. It's a
13 brochure. It has lot of his pictures on
14 it, but it's still good.

15 COUNCILWOMAN BASS: Of course.
16 Well, the more we can do to
17 make sure that people know that those
18 funds are available.

19 And if I can ask one last quick
20 question, which is not a long question,
21 but how long does it take to reconcile an
22 account and move those funds? So if my
23 house goes up for Sheriff Sale, what's
24 the process? Is it six months? Is it
25 two years? Can you give us some sense of

1 4/19/16 - WHOLE - BILL 160170, etc.

2 how long it takes to reconcile the total
3 activity around the Sheriff Sale and for
4 me to know that I have funds available?

5 MR. VIGNOLA: Thirty days under
6 Sheriff Williams.

7 COUNCILWOMAN BASS: Thirty days
8 under the Sheriff. Very good. Thank you
9 very much.

10 MR. VIGNOLA: With the new
11 computer system that he put in place.

12 COUNCILWOMAN BASS: Okay.

13 Another reason to say thank you to our
14 Sheriff and his team. Thank you so much.

15 SHERIFF WILLIAMS: You're quite
16 welcome.

17 COUNCILWOMAN BASS: Thank you,
18 Mr. Chairman.

19 COUNCILMAN HENON: Thank you,
20 Councilwoman.

21 The Chair recognizes Councilman
22 Domb.

23 COUNCILMAN DOMB: Thank you,
24 Chairman Henon.

25 Good morning, Sheriff Williams

1 4/19/16 - WHOLE - BILL 160170, etc.
2 and staff. First I want to say thank you
3 for your cooperation that you've given me
4 over these first 105 days or so, but I
5 appreciate that. I just have a few quick
6 questions.

7 In reading through the
8 testimony, I just want to confirm that
9 the 23 new people you're hiring basically
10 will be covered by the cost we're paying
11 currently for outside people to do the
12 work. So it's a revenue neutral issue?

13 SHERIFF WILLIAMS: Yes.

14 COUNCILMAN DOMB: Second
15 question I have is, is there right now a
16 backlog of properties that we need to get
17 through Sheriff Sale and, if so, roughly
18 how many would that be?

19 MR. VIGNOLA: Councilman, the
20 answer to that is yes. That is the
21 reason why the City asked us to go to an
22 additional Sheriff Sale beginning in
23 July, which will be around 300 new
24 properties. According to what we were
25 told by the City Law Department, there

1 4/19/16 - WHOLE - BILL 160170, etc.

2 are 5,400 decrees backed up. By
3 "decrees," we mean judgments that
4 actually a writ of execution can be
5 filed. There are numerous other
6 properties that are in various stages of
7 being brought to court for resolution.

8 COUNCILMAN DOMB: And how many
9 would you say that we are capable of
10 doing per year?

11 MR. VIGNOLA: We do whatever is
12 brought to us. We're selling
13 approximately 200 a month. We're talking
14 about tax sales.

15 COUNCILMAN DOMB: Yeah.

16 MR. VIGNOLA: Two to three
17 hundred a month tax sales.

18 COUNCILMAN DOMB: So if we're
19 going to do 300 in the sale coming up and
20 you have a 5,400 inventory, that sounds
21 like it's an 18-month backlog.

22 MR. VIGNOLA: Well, take about
23 30 percent of that, or 100, will actually
24 go to sale.

25 COUNCILMAN DOMB: I understand

1 4/19/16 - WHOLE - BILL 160170, etc.
2 that, but there's 5,400 in the queue and
3 I guess if you could do 300, that means
4 we're -- it will take us 18 months at 300
5 a month to get through that inventory.

6 MR. VIGNOLA: Yes, sir.
7 Correct.

8 COUNCILMAN DOMB: So do you
9 need, in your opinions, more resources
10 from us in order to speed up this
11 process?

12 SHERIFF WILLIAMS: Yes. I
13 would say yes, because I'm a person that
14 believes more people who work for you,
15 you get more work done. But there is a
16 process dealing with the Revenue
17 Department and Linebarger and GRB, the
18 folks that the City has agreed to work
19 with for several years. Again, if we had
20 the resources to bring more people on
21 board to do the work, we see this with
22 the new computer system that we got in
23 the past Administration, although it took
24 a year and a half for us to get it, and
25 now we can do deeds less than 30 days,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 which is remarkable according to folks
3 who -- lawyers who represent defendants
4 and represent the folks on the financial
5 end.

6 COUNCILMAN DOMB: I don't know
7 if this is allowable, but are we allowed
8 through the Sheriff's Department to sort
9 the 5,400 properties by most money owed
10 or recoverable and work on those first?

11 MR. VIGNOLA: Councilman, we
12 don't bring the properties to Sheriff
13 Sale. It's the City, the Law Department
14 and the lawyers for the City, that bring
15 the properties. So we don't -- we do not
16 literally know what properties they're
17 going to bring.

18 But one additional point that I
19 don't want you to be misled. Of the
20 5,400 backlog, that is 300 and you're
21 quite right about 18 months, but they
22 also fill another GRB sale. So it may
23 not be 18 months. It could be as little
24 as nine months, around 12 months to do
25 away with that backlog.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN DOMB: Would the
3 potential revenue we'd receive from
4 selling these properties potentially
5 offset the additional cost we incur in
6 speeding up the process?

7 MR. VIGNOLA: Well, although
8 people like to say there is a half a
9 billion dollars or a billion dollars
10 worth of delinquent taxes, that's at full
11 value, all interest and penalties in, and
12 the City is selling properties 10, 15
13 cents on the dollar. So, yes, it will
14 more than pay for the million dollars of
15 20 employees at \$50,000 a person, but
16 what's more important is that that
17 property now has a new owner and that new
18 owner we hope is putting it on the tax
19 rolls and is paying the taxes.

20 So, yes, we may forgive
21 something in the past in a way, but
22 that's also the future expectation that
23 property is going to be productive.

24 COUNCILMAN DOMB: The other
25 point is, it also might help blighted

1 4/19/16 - WHOLE - BILL 160170, etc.
2 areas where a property is sold and the
3 neighborhood improves because we're
4 speeding up that process to improve a
5 block.

6 MR. VIGNOLA: And also as the
7 Sheriff pointed out in his testimony, the
8 Land Bank is going to start in May, and
9 that should help.

10 COUNCILMAN DOMB: Can I ask one
11 last question?

12 COUNCILMAN HENON: You may.

13 COUNCILMAN DOMB: Thank you.

14 Any idea of the sales, of
15 Sheriff Sales, the percentage of the
16 sellers who don't live in the City versus
17 live in the City?

18 SHERIFF WILLIAMS: No, but I
19 can tell you at our seminars that we see
20 an influx of different groups and you can
21 break it down to different communities
22 who are now buying properties. Like we
23 get a lot of folks from New York who
24 comes in to the Sheriff Sales for the tax
25 sales, and that's why what we do is the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 community outreach. So we inform people
3 and we see -- most times in some of the
4 seminars we would see more of the Latino
5 community coming to the seminars,
6 learning how to buy at the Sheriff Sales.

7 COUNCILMAN DOMB: Is it
8 possible for you to give us a statistic
9 as to the last 12 or 18 months of the
10 sales that occurred what percentage were
11 Philadelphia residents versus not
12 Philadelphia residents of the properties
13 sold?

14 MR. VIGNOLA: We have to go by
15 the last known address on the property.
16 We'll check to see if we could do a sort
17 by non-191 zip code to see who the
18 defendant is, but our IT people think
19 they could do it.

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

22 Thank you, Mr. Chairman.

23 COUNCILMAN HENON: Thank you,
24 Councilman.

25 And I'm glad you, I think,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 cleared up a couple things. One, shed
3 some clarity on the 5,400 back orders.
4 That's back orders. That's not including
5 what the City brings to you every month;
6 is that correct? Because you can expand
7 your 100 to 300 to 600.

8 MR. VIGNOLA: That's why --

9 COUNCILMAN HENON: So you're
10 capable of 600?

11 MR. VIGNOLA: Councilman, we're
12 going to be up to 1,200 properties a
13 month as of July 1st.

14 COUNCILMAN HENON: So we're
15 going to be moving properties. So I just
16 wanted to say you're doing a heck of a
17 lot more than saying, Hey, we're going to
18 do 300, we're going to do 200, we're only
19 doing 100. So, I mean, properties -- the
20 orders are actually being effectuated
21 right now on a monthly basis at a greater
22 level?

23 MR. VIGNOLA: Yes.

24 COUNCILMAN HENON: And I'm glad
25 the Councilman also asked the question

1 4/19/16 - WHOLE - BILL 160170, etc.
2 and clarified the -- and I think you
3 should be able to do this over the sales
4 of Sheriff Sales with buyers whether
5 they're City residents or out-of-town
6 residents; is that correct?

7 Councilman.

8 COUNCILMAN DOMB: I think we're
9 curious about sellers, because we've
10 heard a statistic that 40 percent of the
11 delinquent taxes are owed by individuals
12 who don't live in the City, but yet I've
13 heard another statistic from, I think,
14 Philadelinquency that 70 percent of the
15 money is not from residents of the City.

16 COUNCILMAN HENON: So the
17 owners whose homes it was, whether they
18 were City residents or not City
19 residents. So I'd like to add the other
20 dataset to that to see who is purchasing
21 these Sheriff Sales, especially now that
22 we got -- I mean, there's somewhat of a
23 housing boom. You're going to be moving
24 1,200 properties a month or we're up to
25 1,200 properties a month. We have Land

1 4/19/16 - WHOLE - BILL 160170, etc.
2 Bank that's coming into play. You have
3 23 additional sales folks for these
4 Sheriff Sales, specifically for Land
5 Bank. Land assemblies are going to be
6 taking place. Economic development is
7 going to be taking place in our economy.
8 More taxes are going to be put on the
9 rolls. We can get them off of our
10 discrepancy debt that we have, whether
11 it's \$600 million, it's \$800 million or
12 it's \$200 million, but things are going
13 to be moving quickly over the next couple
14 years. So I think it's important that we
15 understand what direction we're headed in
16 so we can get a view of who is interested
17 in Philadelphia, and I think
18 Philadelphians are interested in
19 Philadelphia.

20 The Chair recognizes Councilman
21 Jones.

22 COUNCILMAN JONES: Well now,
23 the humanity. I like a well-oiled
24 machine, I like an efficient government,
25 but you haven't lived until somebody

1 4/19/16 - WHOLE - BILL 160170, etc.
2 comes in your house and takes you and
3 removes you. You have not experienced
4 that in my office when someone comes in
5 my office and says, This was my
6 grandmother's house, I'm about to be put
7 out of that house. And, yes, there are
8 property rights. I get all of that, but
9 the humanity of it I take exception to.
10 And I'm not -- this ain't you. I know
11 you have a sworn right, responsibility to
12 do what you do.

13 But as I see these people on
14 the other side of this bar talking about
15 losing their properties, I can only
16 empathize with them on maybe we shouldn't
17 be that damn efficient and slow down a
18 little bit when they raise issues like
19 proper service. Because there's a whole
20 private sector side of this, many of whom
21 live outside of the City, come from as
22 far as Japan, investors from New York,
23 looking at our undervalued real estate
24 here in the City of Philadelphia. We're
25 much cheaper than New York. We're much

1 4/19/16 - WHOLE - BILL 160170, etc.
2 cheaper than Washington, DC on comparable
3 properties, and as I watch whole parts of
4 my district gentrify or become
5 renter-occupied where proud homeowners
6 used to live.

7 Now, there is a responsibility
8 to pay your taxes. There is a
9 responsibility to pay your debts and your
10 mortgages, but there should be humanity
11 that says that if there is an I that is
12 not dotted, a T that is not crossed or a
13 possibility that we got it wrong, to slow
14 up. Because once you get it wrong and
15 people are stealing properties -- it is
16 an absolute fact that people come in here
17 with deed theft, that there are some
18 unscrupulous individuals that file false
19 claims and that we should have every I
20 and every T dotted and crossed and
21 checked so that we don't make those kinds
22 of errors, because once a property goes
23 out of it, yeah, there's a right of
24 redemption, but as they pile those
25 different costs on, it is cost

1 4/19/16 - WHOLE - BILL 160170, etc.
2 prohibitive from an original owner
3 getting them back. We have tangled title
4 issues. We have other issues that we
5 need to -- we are not just open for sale
6 as a city.

7 So, yes, I want you to be
8 efficient. I want you to do all of the
9 wonderful things that you do do well, but
10 this is one area where our humanity
11 should drive us.

12 If you live outside of the City
13 and you have a delinquent property in the
14 City of Philadelphia, I have no mercy on
15 you. You are a business and you run the
16 risk of every other business to have to
17 fulfill your responsibility. But if you
18 live in that home and you've lived in
19 that home for generations, we have to
20 safeguard them.

21 In my district alone, we lost
22 5,000 residents, and the last time we did
23 redistricting, I had to go all the way
24 down to 24th and Lehigh to find people to
25 put there. There are other parts of the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 City that have become homeowners, reverse
3 now renters, and there's a different
4 often mentality that comes with that.

5 So as we look at -- I asked the
6 Mayor's Planning Commission, like we lost
7 these people, where the hell did they go?
8 And nobody -- Oh, I don't know. Maybe
9 they live in, you know, Delaware County
10 or whatever. We should be concerned
11 about that.

12 So I err on the side of
13 caution. I don't want us to move so fast
14 that we run over people. You do a good
15 job, and I should say that, of trying to
16 inform fearful people about their rights.
17 And keep in mind, nobody wants to go to a
18 doctor and get told you have cancer.
19 Nobody wants that visit. And they resist
20 that from you. And you go out and talk
21 about -- I know you do that, but if we
22 find anything wrong and there is a gray
23 area, we should err on the side of
24 caution for people.

25 So as I hear about wonderful

1 4/19/16 - WHOLE - BILL 160170, etc.
2 property values going up, that's nice,
3 but somebody loses every time one of
4 those transactions go, and it's often
5 people that I care a great deal about.
6 And I've called you, and whatever you
7 could do within the realm of the law, you
8 have. But I don't want us to be so
9 efficient, so effective that we change
10 the complexion of neighborhoods, change
11 the reality of homeownership to renter.

12 Thank you very much,
13 Mr. Chairman. That ain't a question.
14 That's a statement.

15 SHERIFF WILLIAMS: Well, let --
16 thank you, Councilman Jones, and I
17 recognize and understand your passion.
18 My prior life before I became a
19 legislator, before I became a police
20 officer, before I became the Sheriff was
21 a housing activist, and certainly that's
22 why we work very hard on that
23 information, getting information to
24 people, having community outreach, having
25 community seminars to try to teach and

1 4/19/16 - WHOLE - BILL 160170, etc.
2 get people to understand that the court's
3 process is the court's process, which is
4 statute and mandated by law. But we go
5 the extra yard by putting these brochures
6 out. We've sent your office packages on
7 information they need to know on how to
8 save your property and how to purchase a
9 property at a Sheriff Sale. As you know,
10 we have to be neutral, but we're fair as
11 a part of the process.

12 We also have our Investigations
13 Unit who actually go out and put people
14 back in their home after they were
15 illegally put out. There is a process
16 even if you purchase a property at a
17 Sheriff Sale and you win the bid and you
18 put your 10 percent down, we have had
19 cases where we had to have our
20 Investigations Unit go into the police
21 district, go to the Police Academy, talk
22 to the police officers when they are
23 given and making decisions and when
24 they're telling people that they have to
25 leave their property or their home. So

1 4/19/16 - WHOLE - BILL 160170, etc.

2 there is --

3 COUNCILMAN JONES: You do all
4 of that.

5 SHERIFF WILLIAMS: There is
6 a --

7 COUNCILMAN JONES: Excuse me,
8 Sheriff. What I'm talking about is that
9 the motive for money and profit
10 supersedes some of the small guys' and
11 gals' ability to fight. They have
12 lawyers and law firms that go in and do
13 service. You used to do a service. I
14 trust you. I trust the integrity of your
15 staff, and when they say that I served
16 so-and-so, I believe it. You have
17 conflicts of interest often where I'm the
18 real estate magnet and I'm doing the
19 service and, yeah, I said there was an
20 adult there, but it might have been a kid
21 that was on the porch that might have
22 looked like he had a little facial hair,
23 so oh, well.

24 We have to check those systems
25 to make sure we give every opportunity

1 4/19/16 - WHOLE - BILL 160170, etc.
2 for someone to save their house. If they
3 don't know -- and I know there's checks
4 and balances all along the way, but every
5 opportunity to summon the courage, gather
6 the resources to save their property.
7 Commercial, get them. Out-of-town folk,
8 get them. Residents, every right.

9 SHERIFF WILLIAMS: But,
10 Councilman, respectfully, you know that
11 that's an act of legislation or an act of
12 law, which we have to work with our
13 legislators to change that process of --

14 COUNCILMAN JONES: Agreed.

15 SHERIFF WILLIAMS: -- giving
16 people legal authority to be a process
17 server, and there should be some
18 penalties based on a person giving a
19 faulty or illegal affidavit of service.
20 That's where the process can get cleaned
21 up. If the House of Representatives,
22 both Senate and House, could change some
23 laws where the process service has to be
24 more educated, more --

25 COUNCILMAN JONES: We're going

1 4/19/16 - WHOLE - BILL 160170, etc.
2 to work on that, but also just because I
3 didn't go to law school does not mean --
4 we have to find more technical assistance
5 dollars, Mr. Chairman -- and I'm going to
6 end on this -- to be able where the
7 little guy goes into an office and, yeah,
8 I could have saved my house, but I did
9 not understand how to file this
10 particular piece of paper in a way that
11 would have protected my rights. So you
12 may have a high-powered lawyer rolling
13 through parts of North Philadelphia,
14 parts of South Philadelphia because the
15 value of those properties are higher.
16 They're running through them. If I don't
17 have an advocate fighting for the little
18 guy, then I'm mismatched. I'm standing
19 against David with a law degree -- I mean
20 Goliath with a law degree. We need to
21 create some Davids with our public
22 dollars to be advocates for these people,
23 because otherwise we're going to lose
24 entire -- we used to be called a city of
25 neighborhoods, and there was something to

1 4/19/16 - WHOLE - BILL 160170, etc.
2 that, and we're becoming because of our
3 own prosperity, because people are
4 discovering us, a city of people who used
5 to live here. And they got whole areas
6 now designed by dislocated people, and we
7 need to be the vanguard to guard those
8 folks.

9 Thank you, Mr. Chairman.

10 COUNCILMAN HENON: Thank you,
11 Councilman.

12 The Chair recognizes Councilman
13 Domb.

14 COUNCILMAN DOMB: Thank you,
15 Mr. Chairman.

16 One last question. I just want
17 to ask you this. In the last two tax
18 lien sales, there were some people who
19 bought the tax liens who were actually
20 delinquent on real estate and other
21 business taxes in the City, yet they
22 bought new liens from us. Do we have any
23 kind of mechanism to prevent that from
24 happening?

25 MR. VIGNOLA: Yes, sir, we do.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 In order to settle -- you could bid on a
3 property, but in order to settle a
4 property, you have to bring at the time
5 you pay the balance on sale a tax
6 compliance certificate from the Revenue
7 Department. And if you do not, the sale
8 is forfeited and we keep your deposit and
9 apply it to the outstanding tax balance
10 that's on that property.

11 COUNCILMAN DOMB: Great. Thank
12 you.

13 Thank you very much.

14 COUNCILMAN HENON: Thank you,
15 Councilman.

16 The Chair recognizes
17 Councilwoman Gym.

18 COUNCILWOMAN GYM: Thank you
19 very much, Mr. Chairman.

20 So thank you very much, Sheriff
21 Williams. Following my colleague
22 Councilman Jones's comments about
23 thinking through what happens to
24 families, one of my questions is is that
25 of the people who are evicted, do you

1 4/19/16 - WHOLE - BILL 160170, etc.

2 know how many -- or go through the
3 Sheriff Sale process, how many actually
4 are able to come forward with
5 representation, legal representation, on
6 their behalf?

7 SHERIFF WILLIAMS: I can't give
8 you an exact number, but I can tell you
9 that every time there is a notice which
10 is posted, there is a document that we
11 develop from the Sheriff's Office to tell
12 folks, Communicate with Community Legal
13 Services and housing counseling agencies
14 on how to save your property and how to
15 look or get legal counsel.

16 COUNCILWOMAN GYM: Do you know
17 how many actually receive representation?

18 SHERIFF WILLIAMS: I could not
19 tell you how many, but I know that every
20 time there's a call to our office, we
21 refer to --

22 COUNCILWOMAN GYM: Would you
23 say it's half and half, a majority?

24 SHERIFF WILLIAMS: In all
25 fairness, I could not give you an exact

1 4/19/16 - WHOLE - BILL 160170, etc.
2 number, but I can tell you from our
3 office, that our people are told to refer
4 people to Community Legal Services every
5 time there's an issue of a Sheriff Sale
6 or a dispute.

7 COUNCILWOMAN GYM: I mean, most
8 national studies indicate that people,
9 particularly if they're indigenous, one,
10 don't even bother showing up if they
11 don't have legal representation or, two,
12 very rarely have legal representation,
13 and one of the things that Councilman
14 Jones has raised is this question of how
15 we create a level of protection for
16 people who are extremely vulnerable.
17 We've been struggling to think about
18 whether people have a right to counsel
19 when it comes to the loss of their homes.
20 We provide that in criminal court.
21 There's a question about whether they
22 have a right to have it when we have
23 civil proceedings in which eviction and a
24 Sheriff Sale could be the end run of it.
25 It would be one thing where it would

1 4/19/16 - WHOLE - BILL 160170, etc.
2 be -- I'd be intrigued about whether your
3 office might take a look at those numbers
4 and data as well about who actually
5 receives representation, what's the
6 percentage of people who are able to go
7 through it. Our guess is is that our
8 statistics will match national
9 statistics, which show that it's a very
10 small fraction that are, one, able to
11 afford it and, two, able to receive it.
12 But this question of whether our
13 residents have civil rights to counsel
14 when it comes to the eviction and/or sale
15 of their home is one that I would like to
16 have with your department.

17 SHERIFF WILLIAMS: Okay. But
18 you do understand that that is really a
19 function of the Law Department.

20 COUNCILWOMAN GYM: Yes, we do.

21 SHERIFF WILLIAMS: But what we
22 do, as I said before, we go beyond by at
23 least developing the brochure, and we'll
24 make sure we send you a package of the
25 information that we send out, and we

1 4/19/16 - WHOLE - BILL 160170, etc.
2 refer people to those Community Legal
3 Services.

4 Now, what I can tell you about
5 people -- and I've been in the people
6 business a long time -- is that people
7 will make a phone call. They will make a
8 phone call before they actually go to the
9 physical place. The phone calls that we
10 get about the issues of eviction or
11 Sheriff Sales, our office -- that's the
12 first thing we do is make sure they get
13 information --

14 COUNCILWOMAN GYM: Understood.
15 Right. Our issue is whether people have
16 the right to counsel, that it would be
17 automatically provided to them, and that
18 that might be a question that we would
19 like to explore with different
20 departments and other legal entities that
21 specifically deal with housing.

22 SHERIFF WILLIAMS: I think it's
23 a great idea, because they're having a
24 service that's going to be brought before
25 a court and it's a courthouse. So I

1 4/19/16 - WHOLE - BILL 160170, etc.
2 think they should have legal
3 representation.

4 COUNCILWOMAN GYM:
5 Mr. Chairman, can I ask just one more
6 quick question?

7 COUNCILMAN HENON: Yes, you
8 may.

9 COUNCILWOMAN GYM: Could you
10 explain -- we have a new language access
11 charter policy. Your department works in
12 crucial areas, not only around domestic
13 violence, which impacts a lot of
14 immigrant families and communities, but
15 potentially around home sales,
16 foreclosures, and that kind of thing
17 where a lot of immigrant communities are
18 often made unaware, don't have access to
19 a lot of services. Could you talk a
20 little bit about how your office -- the
21 number of bilingual staff you have, how
22 you plan to meet the mandates of the
23 language access charter mandate.

24 SHERIFF WILLIAMS: One of the
25 things we can tell you -- I can tell you

1 4/19/16 - WHOLE - BILL 160170, etc.
2 is that when you come to our office,
3 there is a chart and it speaks to all
4 languages, and there's a number for
5 people to call if there's a language
6 issue. We have people in our office who
7 speak very fluent in the Latino language,
8 but there is a brochure and a signage
9 which speaks to various different
10 languages and who to contact for
11 interpretation purposes.

12 COUNCILWOMAN GYM: So if
13 someone were to call your office, though,
14 and does not speak Spanish or English,
15 what would be the process that would
16 actually happen?

17 SHERIFF WILLIAMS: They would
18 get a phone number. They would be told
19 to call this number, and we will give
20 them that number.

21 COUNCILWOMAN GYM: And what's
22 the number actually go to? What is the
23 number?

24 SHERIFF WILLIAMS: It's a
25 number to the City's interpretation unit

1 4/19/16 - WHOLE - BILL 160170, etc.

2 that they use for interpreters.

3 COUNCILWOMAN GYM: Because

4 usually the process is that your

5 department will call Language Line.

6 Language Line would connect you, and that

7 way, the person wouldn't get confused

8 about who they're calling. So has the

9 department been trained on Language Line

10 at all?

11 SHERIFF WILLIAMS: We have -- I

12 don't know if we have the official

13 training, but I know --

14 COUNCILWOMAN GYM: Would you be

15 open to it?

16 SHERIFF WILLIAMS: I would be

17 open to it, yes. Yes. I would be open

18 to any additional services which we can

19 use for communication, yes.

20 COUNCILWOMAN GYM: Thank you

21 very much.

22 COUNCILMAN HENON: Thank you,

23 Councilwoman.

24 The Chair recognizes Councilman

25 Jones.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN JONES: Thank you.

3 I didn't want to leave us on
4 such an emotional note. I wanted to talk
5 about a couple other things. But just an
6 issue of that just gets to me.

7 So how are we doing in court
8 protecting our witnesses in the new
9 facility and others? How are we making
10 out on that? Last year you had some
11 concerns about how we could adequately
12 dispatch that on witness protection in
13 particular. How are we doing on that?

14 SHERIFF WILLIAMS: I think
15 we're at an 80 percent. I mean, I would
16 have some concerns of -- and it's been
17 verified by the District Attorney's
18 Office, and I think you spoke on it
19 before, about cell phones when there are
20 cell phones in the courtrooms, which put
21 witnesses in jeopardy, undercover police
22 officers in jeopardy, because folks are
23 using cell phones to take pictures and
24 they take those pictures and forward it
25 to their friends or gangs or people in

1 4/19/16 - WHOLE - BILL 160170, etc.
2 the street. I think that it's a major
3 issue, and I think it's something that we
4 need to work on both from Council and the
5 financial side, the District Attorney's
6 Office in dealing with witnesses, and as
7 well as on the Sheriff's Office side on
8 how we secure those phones when they come
9 inside of a courthouse. I think it's so
10 dangerous, not only from the witness
11 protection process, but actually the way
12 you hear about this technology of how
13 bombs and stuff are ignited.

14 COUNCILMAN JONES: I just want
15 to acknowledge that you're doing a good
16 job with it. Most recently because of
17 our committee to do an evaluation of the
18 justice system had reason to go into the
19 arraignment court and literally in a
20 high-profile case that we were observing,
21 the guys were taking pictures, putting it
22 out on Facebook, talking about, Look at
23 the snitches, putting people's addresses
24 on Facebook as to where they could be
25 found.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 If you guys -- the thin line
3 between having a witness and having an
4 actual trial often is the ability for a
5 witness to leave the courtroom and make
6 it to the subway. And so we can't
7 underscore how without you guys there is
8 no justice. So, yeah, you put people out
9 the house a little bit, but that's your
10 job, but you also protect people a lot,
11 and that is your job.

12 The other thing -- and I'll end
13 on this -- is, I really would like -- I
14 want to promote using cameras obviously
15 on our commercial corridors when we deal
16 with troubled businesses, particularly
17 those who serve alcohol, but I also would
18 like to see if you guys on the bouncer
19 end or -- I don't know what another word
20 for bouncer is, but it would seem to me
21 that it would be at least something that
22 you could certify people in, because we
23 have sometimes folk who take things too
24 far or not well trained on use of force,
25 that that might be something that your

1 4/19/16 - WHOLE - BILL 160170, etc.
2 office could take into -- what is your
3 opinion on that?

4 SHERIFF WILLIAMS: Well,
5 Councilman, thank you for mentioning
6 that. There is an issue where you will
7 see large crowds in clubs and bars where
8 you see a lot of security persons or they
9 call them agents. Most of them only have
10 Act 235, and in my opinion, they need to
11 be trained on an annual basis or updates
12 like we get in law enforcement. We have
13 to do criminal updates, and when the laws
14 change, we have to be notified that
15 things change. That they need to be
16 certified and they need to learn the
17 process of use of deadly force. I
18 mean -- and some of the security guards
19 and agents, or whatever names they use,
20 or bouncers that they use in these clubs
21 and bars, they have lack of training.
22 And we've had several shootings in the
23 City of Philadelphia, particularly in the
24 5th Councilmanic District, where there
25 were bouncers discharging a weapon in an

1 4/19/16 - WHOLE - BILL 160170, etc.
2 open crowd in the street, in the
3 community. So one who is trained with
4 the proper certification would not
5 discharge their weapon in a crowd of
6 people.

7 So I would agree that is
8 needed, that training is needed.
9 Certainly we have certified, trained
10 instructors. Inspector Washington is one
11 of those folks who certify and train
12 security people also. But I think there
13 needs to be a way that we manage it. I
14 think we need a fee, a registration fee,
15 where the City should get some revenue as
16 a result of their training. There's over
17 7,000 or more people who are security
18 guards or bouncers who carry weapons.

19 So I would recommend that we do
20 a further study on it and get that
21 information back to you.

22 COUNCILMAN JONES:

23 Mr. Chairman, as we become a world-class
24 city, as we deal with the Pope, as we
25 deal with the DNC, as we deal with Jay Z,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 as we deal with hopefully the Olympics,
3 we become a tourist attraction, we need
4 to really take a look at that so that
5 folk who might want to have a libation
6 after a good event don't wind up
7 victimized by an overzealous partygoer or
8 somebody who -- what's the running back
9 that got taken out? Shady. So we could
10 have less of those instances.

11 Thank you, Mr. Chairman.

12 COUNCILMAN HENON: Thank you,
13 Councilman.

14 The Chair recognizes Councilman
15 Taubenberger.

16 COUNCILMAN TAUBENBERGER: I
17 just have a couple comments, and just on
18 the tail end of my colleague Councilman
19 Jones was talking about, and I didn't
20 catch it all, but I do get a sense of it.

21 When it comes to tourism, it is
22 an economic engine in and of itself, and
23 when you have someone particularly from
24 out of town coming to the City of
25 Philadelphia, really all it would take is

1 4/19/16 - WHOLE - BILL 160170, etc.
2 one bad incident. They're not going to
3 ever come back, and they're going to tell
4 all their friends and relatives not to
5 come either. So it is a situation that
6 has to be handled in a good light.

7 But what I did want to say was,
8 every time my office contacted you,
9 Sheriff, we were handled very, very
10 professionally and got the matters done.
11 So I wanted to thank you for your service
12 to the citizenry of Philadelphia, and we
13 appreciate you being there and your
14 leadership.

15 SHERIFF WILLIAMS: Thank you.

16 COUNCILMAN TAUBENBERGER:
17 You're welcome.

18 Mr. Chairman, that's it. Thank
19 you.

20 COUNCILMAN HENON: Thank you,
21 Councilman.

22 And, Sheriff, to you and your
23 staff, I want to thank you for the work
24 that you do every day trying to keep our
25 communities safe and transporting people

1 4/19/16 - WHOLE - BILL 160170, etc.

2 and making sure you do it with respect

3 and with the utmost training.

4 I just want to ask you a quick

5 question. The training that your

6 officers receive, isn't that national

7 standards through --

8 SHERIFF WILLIAMS: Yes.

9 COUNCILMAN HENON: -- the

10 regular Police Academy? I wouldn't say

11 regular Police Academy, but a very high

12 standard?

13 SHERIFF WILLIAMS: Yes.

14 COUNCILMAN HENON: I just want

15 to note that for the record.

16 SHERIFF WILLIAMS: Yeah. We

17 can -- and actually Inspector Washington

18 is our training instructor. We get Act

19 120 and we get Act 2 training, but most

20 of the people we're hiring now has

21 municipal police officers training.

22 COUNCILMAN HENON: Great.

23 SHERIFF WILLIAMS: So we get a

24 litany of different cross law enforcement

25 trainings which keeps us updated with the

1 4/19/16 - WHOLE - BILL 160170, etc.

2 national standard.

3 COUNCILMAN HENON: Absolutely.

4 Well, thank you for your

5 testimony today.

6 This will conclude the

7 testimony with the Sheriff's Office.

8 This Committee will stand in recess until

9 5:00 p.m. this evening.

10 Thank you.

11 SHERIFF WILLIAMS: Thank you.

12 (Recess from 1:05 p.m. to 5:30

13 p.m.)

14 COUNCIL PRESIDENT CLARKE: Good

15 evening, everyone. Can I have your

16 attention, please. Thank you very much.

17 Good evening, everyone. Thank

18 you for being here. This is a

19 continuation of our budget hearing from

20 earlier today. This is about the Fiscal

21 2017 budget and the Capital Program.

22 Because of the volume of

23 individuals that have indicated a

24 willingness to testify, we've had to make

25 some alterations to our normal process.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 We have upwards of 100 people who had
3 indicated a willingness to testify. Very
4 fortunately -- and thank you all for your
5 cooperation -- the organizations have
6 agreed to pare back those numbers so we
7 can have a reasonable approach to having
8 a reasonable dialogue.

9 What we will do, we will call
10 the names, and we tried to panelize
11 these, so we've asked the individuals to
12 come up in groups and sit at the witness
13 table, give your testimony. We would
14 like to ask you, again, because of the
15 number of people, we're going to limit
16 the testimony to two minutes per person.
17 So it's important for you to get to your
18 point, so to speak, what you're here and
19 what you're here to support or what
20 you're here to oppose.

21 I want to thank you so much for
22 your participation and your willingness
23 to come down to City Hall to talk about
24 these very important issues.

25 I do ask for a number of ground

1 4/19/16 - WHOLE - BILL 160170, etc.
2 rules. A week and a half ago we had a
3 hearing up in, I guess, Hunting Park
4 section, and I got to say it was a very,
5 very passionate meeting. People
6 expressed their issues but, most
7 importantly, it was a civil discussion.
8 So I would ask whatever your position is,
9 please be civil to the speaker. Please
10 do not boo. This is America. You have a
11 right to say what you have to say.
12 People should be given that opportunity.
13 So I ask for your respect for the
14 individuals testifying today.

15 With that, I want to thank you
16 very much. What we're going to do
17 initially is call up the panel
18 representing the Parks Alliance. If you
19 come up to the table, and I'd ask for Ron
20 Lewis, Joe Marino, Luther Collins, Abu
21 Edwards, and Dwayne Wharton.

22 (No response.)

23 COUNCIL PRESIDENT CLARKE:

24 Change your mind? I'll go through the
25 names again. Rob Lewis, Joe Marino. Joe

1 4/19/16 - WHOLE - BILL 160170, etc.

2 here?

3 UNIDENTIFIED SPEAKER: He had
4 to leave.

5 COUNCIL PRESIDENT CLARKE: He
6 had to leave? Okay.

7 Luther Collins?

8 (No response.)

9 COUNCIL PRESIDENT CLARKE: Not
10 here?

11 (Witnesses approached witness
12 table.)

13 COUNCIL PRESIDENT CLARKE: And
14 Abu is here. And, Mr. Wharton, is that
15 your name? Okay. Thank you.

16 State your name for the record
17 and please proceed with your testimony.

18 MR. WHARTON: Thank you. Thank
19 you for the opportunity to speak tonight.
20 My name is Dwayne Wharton and I am the
21 Director of External Affairs with The
22 Food Trust. We're a non-profit public
23 health organization working to help build
24 healthier communities. I am here today
25 to voice support for Mayor Kenney's

1 4/19/16 - WHOLE - BILL 160170, etc.
2 proposed 3-cents-an-ounce tax on
3 sugar-sweetened beverages.

4 Hands down, Philadelphia is the
5 greatest city in the nation, but
6 Philadelphia is also one of the poorest,
7 most obese, and most diabetic cities in
8 the nation as well. Approximately
9 one-third of our citizens live below the
10 poverty line, and being poor is one of
11 the leading contributors to poor health.

12 Almost seven out of ten adults
13 and four out of ten children are
14 overweight or obese, and almost two out
15 of ten adults have diabetes. With
16 problems like these, you have to be
17 creative, be intentional, and have strong
18 resolve to solve them.

19 The Mayor is right to put the
20 target on sugar-sweetened beverages.
21 This tax would be a means to pay for
22 universal pre-K. An investment in our
23 children would help lift an entire
24 generation out of poverty. And the tax
25 would also be part of a comprehensive

1 4/19/16 - WHOLE - BILL 160170, etc.
2 strategy to curb the consumption of
3 sugar-sweetened beverages, encourage
4 consumers to make healthier choices, and
5 reduce the obesity and diabetes epidemic.

6 Young adults, non-white, and
7 low-income people drink more sugary
8 drinks than other Americans. Despite
9 promises by major beverage companies to
10 be a part of the solution in addressing
11 childhood obesity, in 2014 the beverage
12 industry spent \$866 million to advertise
13 sugary drinks, with much of that
14 predatory marketing aimed
15 disproportionately to black and Hispanic
16 children and teens. During this period,
17 they spent four times as much to
18 advertise sugar-sweetened beverages
19 compared with water or 100 percent juice.
20 It should be no surprise that more than
21 any other food or beverage,
22 sugar-sweetened beverages make up a
23 majority of our sugar intake and
24 calories.

25 The lobby has been effective --

1 4/19/16 - WHOLE - BILL 160170, etc.
2 the beverage lobby has been incredibly
3 effective in beating back a tax on
4 sugar-sweetened beverages, not just here
5 in Philly twice but in dozens of
6 communities all around the country each
7 time a measure is introduced. I can't go
8 to a movie, turn on the TV, browse the
9 Internet or listen to the radio without
10 being subjected to the message that it's
11 a grocery tax, an attack on the kinds of
12 drinks we buy for our families. I'm not
13 sure who --

14 COUNCIL PRESIDENT CLARKE: Sir,
15 by the way, that bell meant that was two
16 minutes.

17 MR. WHARTON: All right. I'm
18 not sure that we are supposed to be --

19 COUNCIL PRESIDENT CLARKE: Come
20 on, guys. Come on.

21 If you can conclude.

22 MR. WHARTON: Yeah.

23 COUNCIL PRESIDENT CLARKE: I'll
24 say it, when you hear the bell, that
25 means that the two minutes are up.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 MR. WHARTON: But the City has
3 positioned itself in a great position to
4 battle poverty and diet-related disease.
5 It's time to be bold and take action.
6 Support this bill.

7 COUNCIL PRESIDENT CLARKE:
8 Thank you.

9 (Applause.)

10 COUNCIL PRESIDENT CLARKE:
11 Thank you for your testimony.

12 MS. COLLINS: Hi. My name is
13 Susan Burt Collins and I'm a City
14 resident, and I must say, Philadelphia is
15 a city definitely on the move. We're all
16 about development. We have developed our
17 downtown. We've developed Society Hill.
18 We've developed the Navy Yard. We
19 developed skyscrapers. We focus on going
20 forward and developing our most valuable
21 resources, both our history, our
22 landscape, and what are we doing for our
23 people? What are we doing for our
24 children?

25 COUNCIL PRESIDENT CLARKE:

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Excuse me. Real quick. What's your name
3 again?

4 MS. COLLINS: My name is Susan
5 Burt Collins. I'm taking Joe Marino's
6 spot.

7 COUNCIL PRESIDENT CLARKE:
8 Okay.

9 MS. COLLINS: And I'm with --

10 COUNCIL PRESIDENT CLARKE:
11 You're from the Parks Alliance? Okay.

12 MS. COLLINS: No, no, no. I'm
13 with SEPAC, Southeastern Pennsylvania
14 Alliance for Children and --

15 COUNCIL PRESIDENT CLARKE: I'm
16 just trying to keep some order. Are you
17 listed on here?

18 MS. COLLINS: I don't know that
19 I am, but SEPAC has people here and I'm
20 one of the persons here.

21 COUNCIL PRESIDENT CLARKE: So
22 if a person doesn't show up for the
23 testimony, you can't -- somebody can't
24 just say, Oh, well, I'm taking their
25 place.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 MS. COLLINS: Oh, well --

3 COUNCIL PRESIDENT CLARKE: Go
4 ahead, finish your testimony.

5 MS. COLLINS: Okay.

6 (Applause.)

7 MS. COLLINS: Thank you.

8 COUNCIL PRESIDENT CLARKE: Just
9 conclude. I'm sorry. You were on the
10 list, but you were on the list for
11 another group. I'm just trying to keep a
12 little order.

13 MS. COLLINS: Thank you,
14 Council President.

15 COUNCIL PRESIDENT CLARKE:
16 You're welcome.

17 MS. COLLINS: What we are
18 wasting -- we are certainly not wasting
19 the Navy Yard. We're not wasting all
20 those skyscrapers. We're doing a great
21 job with tax abatements. We got tax
22 policy all over the place to encourage
23 development. What we don't have, what we
24 are wasting is, we are wasting our most
25 valuable non-renewable resource, and that

1 4/19/16 - WHOLE - BILL 160170, etc.
2 is our children. And we here are
3 children -- we have a tremendous problem
4 of poverty here, and we all know -- I'm
5 sure you folks know -- the significance
6 of early childhood education and the
7 disadvantage that kids come into without
8 that education.

9 Thank you very much. I ask
10 that you support this tax.

11 (Applause.)

12 COUNCIL PRESIDENT CLARKE:

13 Thank you.

14 MR. EDWARDS: Good evening,
15 Council President Clarke. My name is Abu
16 Edwards. I'm a community leader here in
17 Philadelphia. Actually a couple days ago
18 I was enjoying California and sitting on
19 the beach, and when I got a phone call
20 that this important issue was taking
21 place, I hopped on a plane and came back
22 to Philadelphia. And the reason why I'm
23 here is because, number one, I serve as
24 the President of the Friends of Greater
25 Olney Library and I've been there for

1 4/19/16 - WHOLE - BILL 160170, etc.
2 about five years, and I've been doing a
3 lot of active work in our communities.
4 Our kids deserve better. If 3 percent is
5 all we can do and everyone is flipping
6 out and being pissed off at it, at the
7 end of the day, there are kids who live
8 in these neighborhoods who don't have
9 good recreation centers to go to, who
10 don't have good public libraries to go
11 to, but yet we're in City Council --

12 COUNCIL PRESIDENT CLARKE: Hold
13 on one second.

14 Folks, we're going to be civil.
15 We're going to let the speakers speak,
16 and I'd ask that the speaker not try to
17 ramp the crowd up. Just speak and say
18 what you got to say, please. This is a
19 City Council public hearing. Thank you.

20 MR. EDWARDS: Appreciate it.

21 Like I was stating, I walked
22 around these streets in Philadelphia and
23 it's a shame that certain neighborhoods
24 got better recreation centers than
25 others, certain neighborhoods got better

1 4/19/16 - WHOLE - BILL 160170, etc.
2 libraries than others, certain
3 neighborhoods got better parks and are
4 fully staffed than others. And how do
5 you consider that fair? Every child
6 deserves a quality library, a quality
7 park and recreation center, and a quality
8 education in the City of Philadelphia.
9 It shouldn't matter what part of
10 Philadelphia you live in. And if we can
11 pass this 3 percent soda tax so that it
12 could generate \$300 million to go to
13 those initiatives, I don't see an issue
14 with that. Because every child deserves
15 a quality education, a quality library, a
16 quality park and recreation center.

17 Do you know that --

18 (Applause.)

19 MR. EDWARDS: -- when you walk
20 in some of these park and recreation
21 centers, there's drug needles on the
22 floor, half of those swing sets don't
23 even work, and how do you consider that
24 fair? How can you sit there and tell a
25 parent who's afraid to send their child

1 4/19/16 - WHOLE - BILL 160170, etc.
2 to a library or to a park and recreation
3 center because, number one, it's not safe
4 and, number two, they're afraid that
5 their child might not come back. How do
6 we consider that fair?

7 We just need to pass this 3
8 percent sales tax so every child in
9 Philadelphia can feel safe and feel
10 wanted and feel loved. Not looking on
11 the TV...

12 (Applause.)

13 COUNCIL PRESIDENT CLARKE:

14 Thank you.

15 Sir, what's your name?

16 MR. SHEPPHERD: Rodney
17 Sheppherd.

18 COUNCIL PRESIDENT CLARKE: I'm
19 sorry. What is your name again?

20 MR. SHEPPHERD: Rodney
21 Sheppherd. I spoke to someone from your
22 office today. They told me I was second.

23 COUNCIL PRESIDENT CLARKE: So,
24 folks, you got to come up when your name
25 is called. Did we call your name?

1 4/19/16 - WHOLE - BILL 160170, etc.

2 MR. SHEPPHERD: I don't know.

3 I just left --

4 COUNCIL PRESIDENT CLARKE: You
5 can't just like walk -- you got to wait
6 until your name is called.

7 MR. SHEPPHERD: I just left
8 Hahnemann Hospital.

9 COUNCIL PRESIDENT CLARKE: The
10 first was Ron Lewis, Joe Marino, Luther
11 Collins, Abu Edwards, and Dwayne Wharton.
12 Are you any one of them?

13 MR. SHEPPHERD: She told me I'm
14 number two. I'll wait.

15 COUNCIL PRESIDENT CLARKE:
16 Thank you. Thank you, sir.

17 Next up we will have -- the
18 next panel will be Richardeau Scutt,
19 Amado Abreu, Victor Marciano, Cedrick
20 Blakney, and Amahd Teipa. I hope I get
21 the names correctly.

22 I'll call your name again.
23 Richardeau Scutt, Amado Abreu, Victor
24 Marciano, Cedrick Blakney -- please
25 excuse me if I'm butchering your name --

1 4/19/16 - WHOLE - BILL 160170, etc.
2 and Amahd Teipa.

3 (Witnesses approached witness
4 table.)

5 COUNCIL PRESIDENT CLARKE:
6 Thank you, gentlemen. Just please state
7 your name for the record and proceed with
8 your testimony, from my left to my right.
9 Whoever wants to go first.

10 MR. ABREU: My name is Amado
11 Abreu. I'm a store owner in North
12 Philadelphia.

13 These 3 percent -- I mean,
14 these 3-cent-per-ounce tax going to means
15 the destruction of all the corner stores
16 and the small business of the City. So
17 my belief is that if this pass, most of
18 the revenue that the stores get from the
19 beverage business, about 70 percent. So
20 most of the store would not survive this
21 kind of tax because the revenue wouldn't
22 get there because the sales will go down.
23 So basically this tax will destroy the
24 business and will destroy the family and
25 will destroy the people that work so hard

1 4/19/16 - WHOLE - BILL 160170, etc.
2 to build a business.

3 I have 14 years working in that
4 store business, and this will destroy
5 everything I built to this point, because
6 I'm afraid if this pass, it's going to be
7 over.

8 So I urge you to oppose this
9 tax and think about the businesses that
10 are going to be lost. Think about the
11 people who are going to lose their job.

12 I employ four people. I'm
13 afraid they're going to lose their job,
14 because I cannot pay them if I don't get
15 any revenue. So the companies that
16 employ so many people -- and another
17 thing is, the revenue that going to be
18 generated probably won't be that much,
19 because the sales going to go down and
20 the City going to lose revenue on the
21 sales tax of those sales.

22 (Applause.)

23 COUNCIL PRESIDENT CLARKE:

24 Thank you.

25 Go ahead, sir.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 MR. MARCIANO: Dear City
3 Council, my name is Victor Marciano.
4 Thank you for the opportunity to be heard
5 today. I represent an independent
6 company that operates convenience stores
7 with gas. All of our locations are brand
8 new with Sunoco in the City of
9 Philadelphia.

10 I want to start off by saying
11 I'm here to testify to the fact -- the
12 fact, not the assumption or the
13 possibility -- that this proposed grocery
14 tax will continue to hurt the businesses
15 that I represent and, more importantly,
16 the people and my family who work in our
17 stores.

18 I've heard a lot of people say
19 that this is only the beginning, that
20 maybe they'll go after the snack
21 companies and so on. Well, we go way
22 back as far as the convenience store
23 chain goes. We were taxed at the
24 cigarette level, at the tobacco level
25 with the cigars.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 What I would ask is, what has
3 happened at the cigarette level? What
4 has happened to the cigarette tax? Where
5 is the shortfall there?

6 (Applause.)

7 MR. MARCIANO: At least 40
8 million in revenue, the shortfall as it
9 has been.

10 Our company has not opened a
11 convenience store with gas inside the
12 City of Philadelphia since 2007.

13 I also want to say that our
14 company looks at things in a very similar
15 fashion as the City Council. We want
16 growth for our business and for our
17 employees. We want to attract citizens
18 to our wonderful city and promote growth
19 through investments. This isn't the
20 right means to promote growth.

21 Your job as City Council
22 members is to promote growth through
23 ideas and innovation, not penalize its
24 citizens for its freedom of choice.

25 Thank you.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 (Applause.)

3 COUNCIL PRESIDENT CLARKE:

4 Thank you for your testimony.

5 Please proceed, sir.

6 MR. SCUTT: My name is
7 Richardeau Scutt. I own a Saladworks in
8 the Andorra Shopping Center.

9 This 3 percent -- this
10 3-cents-an-ounce taxes will affect me
11 more than one way. I own a small
12 business. That's the only thing I own,
13 where I have ten people working for me.
14 That's going to affect my business big
15 time. Not just the taxes; even a big
16 percentage of my sales.

17 I have a stand-alone drink
18 where people get what they want. It's
19 going to affect me. It's going to affect
20 my family. If this sales tax pass, I
21 might have to let people go. If the
22 money is not coming in, I'm not going to
23 be able to pay them. It's going to
24 affect me. It's going to affect my
25 family and the people that work for me.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 I understand things have to be
3 done, but keep raising taxes is not the
4 way to go about it. All the taxes are
5 keep going up, but there's still a
6 shortfall somewhere. I'm sure there is
7 other ways to fix that, to fix the
8 priorities. Make the proper priority,
9 things will get done. Taxes is not the
10 way. Keep raising taxes is not the way,
11 and that's going to affect people that
12 own small business, including myself, and
13 most of the people that own smaller
14 business, because drinks going to affect
15 a big percentage of that.

16 Thank you.

17 COUNCIL PRESIDENT CLARKE:

18 Thank you, sir, for your testimony.

19 (Applause.)

20 MR. BLAKNEY: My name is
21 Cedrick Blakney. I'm here -- first of
22 all, I'd like -- first and foremost, I'd
23 like to thank you for having an
24 opportunity to be here to express myself
25 for me and my family and just be able to

1 4/19/16 - WHOLE - BILL 160170, etc.

2 let you know what this tax will do to me
3 and my family and all my constituents
4 that has before me.

5 The tax will -- not only will
6 it make us lose jobs. How can I sit at
7 home and tell my daughter or my son that
8 daddy don't have a house, daddy don't
9 have a job, but you have a beautiful
10 playground to go to across the street?
11 You have a beautiful land that grow, you
12 have a beautiful recreation park, but dad
13 has no job.

14 See, how can I sit there and
15 tell them that because of a tax that's
16 been increased on our soda?

17 I couldn't sit and look at my
18 family and tell them that when things --
19 so many other things that in this city
20 that is overlooked, that I don't want me
21 or my family or any of my constituents to
22 become part of.

23 In Philadelphia alone, there's
24 1.5 million people in the City of
25 Philadelphia, 1.5 million people in the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 City. Do you know that 28 -- 26.3
3 percent of those are in poverty, 26.3
4 percent of those are in poverty right
5 now. That's 440,000 people that's in
6 poverty right now, that I have a chance
7 to fall in that same category as them.
8 If you don't fall in that category, then
9 there's another category called deep
10 poverty. Deep poverty is 12.2 percent of
11 the people in Philadelphia, is in deep
12 poverty. Deep poverty meaning that each
13 family that's a family member of three
14 has an income of less than \$10,000.
15 That's deep poverty. We can all fall
16 into deep poverty.

17 Our children here, 135,000
18 children that's inside this city under
19 the age of 18 falls in poverty. That's
20 37 percent of the children in the City
21 falls in poverty. And I say to you, you
22 want to help the children? You want to
23 say you want to help the children? I
24 don't think that will help our children.
25 I think that will pour gasoline onto a

1 4/19/16 - WHOLE - BILL 160170, etc.
2 fire that's already burning out of
3 control in the City of Philadelphia.

4 (Applause.)

5 COUNCIL PRESIDENT CLARKE:

6 Thank you for your testimony, sir.

7 Next up -- excuse me. Quiet,
8 please. Thank you.

9 Next up from PCCY we will have
10 Flora Wolf, Kathy Fisher, Tanya Morris,
11 and Leslie Winder.

12 (Witnesses approached witness
13 table.)

14 COUNCIL PRESIDENT CLARKE:

15 Thank you. Good evening. Please
16 proceed. Start on the left.

17 MS. WOLF: Your left?

18 COUNCIL PRESIDENT CLARKE: My
19 left.

20 MR. WOLF: Yes, sir. Thank
21 you, Council President.

22 COUNCIL PRESIDENT CLARKE:

23 You're welcome.

24 MS. WOLF: My name is Flora
25 Barth Wolf. I'm here as a member of the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 Board of Public Citizens for Children and
3 Youth and as a retired Family Court
4 judge.

5 It's my experience sitting in
6 Family Court that color is what I want to
7 say to you. We've seen the impact of
8 poverty, and I saw it day after day in my
9 courtroom. Families with no access to
10 pre-K education, children lacking basic
11 language skills, parents who miss work or
12 who don't go to work because they don't
13 have reasonable quality care for their
14 children, and children who fail in school
15 because they arrive so unprepared for
16 education.

17 There are wider consequences to
18 this that apply to all of us. There's a
19 shortage of skilled workers, a waste of
20 talent. You've heard a great deal about
21 dilapidated parks, libraries, and other
22 public institutions.

23 To be a poor city that doesn't
24 look after its needs is to lose status,
25 to be a second-class city. We don't want

1 4/19/16 - WHOLE - BILL 160170, etc.
2 that. We are a first-class city in every
3 sense of the word, and we will save money
4 in the long run as well as promoting the
5 City.

6 The choice really is whether we
7 pay now or pay later. If we invest now,
8 we have a chance to stop --

9 (Applause.)

10 MS. WOLF: By looking after
11 children -- and this is really the core
12 of my approach. By looking after
13 children, we reduce crime and
14 delinquency. We can raise educational
15 success. We can reduce the amount of
16 illness, addiction, and early death that
17 comes from poverty. We need to be
18 proactive, and to do so means raising
19 money now. This is what government does.
20 We pay for services that we need as a
21 whole city, all of us.

22 COUNCIL PRESIDENT CLARKE:
23 Okay. If you can --

24 MS. WOLF: And it serves all
25 the members of the society. We do that

1 4/19/16 - WHOLE - BILL 160170, etc.
2 through taxes. A tax on sugary drinks is
3 a smart way to raise this.

4 COUNCIL PRESIDENT CLARKE: If
5 you can wrap it up.

6 (Applause.)

7 MS. WOLF: That's not my time.

8 COUNCIL PRESIDENT CLARKE:

9 Ma'am, you got to --

10 MS. WOLF: This is not a tax on
11 groceries. This is not a tax on
12 essentials.

13 COUNCIL PRESIDENT CLARKE: I
14 need you to wrap it up.

15 MS. WOLF: Yes. Thank you.
16 I'm at the very end.

17 COUNCIL PRESIDENT CLARKE:
18 Thank you.

19 MS. WOLF: What I'm saying
20 is --

21 COUNCIL PRESIDENT CLARKE:
22 Ma'am, your time is up.

23 MS. WOLF: Thank you for your
24 wider vision for the needs of all the
25 citizens.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you.

4 (Applause.)

5 COUNCIL PRESIDENT CLARKE: Go

6 ahead, ma'am.

7 MS. FISHER: Good evening. My

8 name is --

9 COUNCIL PRESIDENT CLARKE:

10 Excuse me. If there is anyone that has
11 like lengthy testimony, you can submit it
12 for the record if you're not able to read
13 it, because we understand there's a short
14 period of time. So it might actually be
15 better if you have a lengthy testimony,
16 you can just summarize it and that will
17 be put into the record for anybody who
18 has long testimony and want to make sure
19 that everything gets in.

20 Thank you, ma'am. Please.

21 MS. FISHER: Good evening. My

22 name is Kathy Fisher. I'm the Policy

23 Manager at the Greater Philadelphia

24 Coalition Against Hunger. I'm here to

25 voice my support for the proposed

1 4/19/16 - WHOLE - BILL 160170, etc.
2 sugar-sweetened beverage tax. As an
3 anti-hunger advocate, what I can tell you
4 is that far too many Philadelphians
5 simply do not have sufficient income to
6 afford an adequate nutritious diet. The
7 food insecurity they face puts them at
8 higher risk for long-term health
9 conditions, including hypertension,
10 diabetes, and obesity. Nearly half a
11 million Philadelphians receive SNAP
12 benefits, food stamps. Forty percent of
13 them are children. They often run out
14 before the end of the month and they need
15 to go to pantries and food cupboards to
16 get help.

17 As hard as we try, we will
18 never, ever get close to ending hunger in
19 our city if we don't help people move out
20 of poverty. We will continue to enroll
21 thousands in SNAP. We will need ongoing
22 donations to food pantries until the end
23 of time unless we provide what kids need
24 to move ahead in the future.

25 The initiatives this tax will

1 4/19/16 - WHOLE - BILL 160170, etc.
2 fund - pre-K, community schools,
3 improvements to rec centers and more -
4 are exactly the investments
5 Philadelphia's children need to succeed
6 in the future. Furthermore, these
7 initiatives can help immediately fight
8 poverty. Kids who go to pre-K receive
9 breakfast and lunch each day. Rec
10 centers and community schools can provide
11 children access to federally funded meals
12 and snacks year round.

13 Similar tax measures have
14 failed elsewhere because the beverage
15 industry has poured millions into
16 protecting its profits, but I have every
17 confidence that the beverage industry
18 will adapt. As an example, look at big
19 business and food industry fought against
20 the higher nutrition standards that
21 Congress proposed to school meals, but
22 Congress did the right thing, and with
23 new standards in place, the food industry
24 still needed to sell its products. The
25 first year some products like whole grain

1 4/19/16 - WHOLE - BILL 160170, etc.
2 pizza didn't sell very well. You know
3 what the industry did? They reformulated
4 their recipes as well as developed
5 materials and marketing materials for the
6 healthier new products they developed.
7 The beverage industry will do the same.

8 We could wait forever. No
9 sector industry is going to come forward
10 and say please tax us. We need our kids
11 to be the innovators, and they can't wait
12 any longer for us to invest in their
13 future. I urge you to protect the future
14 of the children and put big soda's
15 profits -- children ahead of big soda's
16 profits.

17 Thank you.

18 COUNCIL PRESIDENT CLARKE:

19 Thank you, ma'am, for your testimony.

20 (Applause.)

21 COUNCIL PRESIDENT CLARKE:

22 Thank you.

23 And folks in the audience, let
24 me monitor the clock. Okay? Thank you
25 for your help, but kind of let me. Thank

1 4/19/16 - WHOLE - BILL 160170, etc.
2 you.

3 Yes, ma'am.

4 MS. MORRIS: Good afternoon,
5 Council President and members of Council.
6 My name is Tonya Morris, and as a mentor
7 and social entrepreneur, when I look at
8 the proposed tax, I see opportunity. I
9 see an opportunity for big soda to supply
10 more non-sugary drinks as well as an
11 opportunity for small business to demand
12 and sell more non-sugary drinks.

13 Coca-Cola is recognized as the
14 world's most valuable brand. Its company
15 portfolio includes 12, 12 billion dollar
16 brands, including Diet Coke, Fanta,
17 Sprite, Vitamin Water, Powerade, Simply,
18 Minute Maid, and Dasani.

19 The sugary drink tax will not
20 devastate big or small business.
21 PepsiCo's most valuable, most profitable
22 brand is Frito Lay, a non-beverage. The
23 two largest unionized beverage truck
24 driver employers in Philadelphia are
25 Pepsi and Coke. We both know that.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Their drivers deliver all products under
3 the Pepsi and Coke label, which includes
4 not only sugar-sweetened beverages but
5 also water.

6 If the soda tax results in a
7 lower demand for soda, the beverage
8 companies and truck drivers will still
9 have overall demand for beverage items,
10 and may even see an increase in demand
11 for water. Or how about this, create a
12 sugar-free product that will be
13 subsidized to pay the tax. That's real
14 corporate social responsibility.

15 The soda tax -- that's real
16 corporate social responsibility. The
17 soda tax would be taxing distributors,
18 which does not mean that all consumers
19 will face higher costs. In a recent
20 study completed three months after
21 Berkeley initiated their tax, many stores
22 kept prices the same in sales of
23 multi-pack sodas or liter bottles. Less
24 than half of the tax was passed on to the
25 customer.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 If we want to bring real change
3 to our neighborhoods, our school system,
4 our communities to cities most
5 vulnerable, we need to --

6 COUNCIL PRESIDENT CLARKE: Hold
7 on. Hold on.

8 MS. MORRIS: -- implement
9 serious, radical, ambitious policies.

10 Soda tax revenue is being used
11 nationally to fund programs that will
12 specifically help low-income communities.
13 Why not Philadelphia?

14 (Applause.)

15 COUNCIL PRESIDENT CLARKE:
16 Thank you.

17 MS. WINDER: Good afternoon and
18 thank you for the time.

19 COUNCIL PRESIDENT CLARKE:
20 You're welcome.

21 MS. WINDER: My name is Leslie
22 Russell Winder. I live in Mount Airy.
23 I'm a lifelong resident of Philadelphia
24 and I'm a product of Philadelphia public
25 schools.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 It's time for a national
3 investment in America's children, but
4 that national investment is stuck in a
5 dysfunctional Congress. Pennsylvania
6 does a little bit better. Earlier this
7 year the state budget allocated about
8 1,500 additional pre-K seats for
9 Philadelphia, but we can't wait for the
10 state or Washington to solve our
11 problems. Philadelphia can and should
12 act now.

13 A ReadyNation report studied
14 the multiplier effect of quality pre-K
15 investments and found that for every
16 dollar spent, at least \$1.79 is generated
17 in local spending. In Philadelphia,
18 we're looking to invest \$256 million over
19 five years. That means \$91 million a
20 year or almost a half a billion dollars
21 in economic growth over five years.

22 Early learning investments help
23 our city's businesses. New investments
24 are the early learning centers. New
25 investments are the teachers and the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 staff at these centers. Early learning
3 centers, teachers, and staff buy things.
4 They have supplies, books. They make
5 purchases, which in turn equals new sales
6 in main street businesses. More dollars
7 in main street businesses equals more
8 jobs.

9 For a city with a struggling
10 public school district, quality pre-K is
11 a stabilizing fiscal force. Countless
12 studies demonstrate the effectiveness of
13 quality pre-K to reduce the need for
14 special education services, saving
15 millions of dollars in costs over the
16 long term. According to the City's Pre-K
17 Commission, the School District of
18 Philadelphia could save approximately \$72
19 million over the length of the great
20 cohort's K through 12 school years if all
21 children participated in quality pre-K.
22 This is real money that can be better
23 spent on other school priorities, like
24 staffing, resources, facility
25 improvements, and extracurricular

1 4/19/16 - WHOLE - BILL 160170, etc.
2 activities.

3 I'm not here to sell you on or
4 garner your support for pre-K. There's
5 not one of you here that would argue
6 against the need to expand quality pre-K
7 for all. The question is how do we do
8 it. Let's face it, we don't have a lot
9 of options. There's no real other place
10 to find the money. The beverage industry
11 and their member companies have business
12 plans, and have for years, in place that
13 successfully generate billions and
14 billions of dollars each year. What a
15 smart idea. Isn't it time we have a
16 business plan for our kids?

17 (Applause.)

18 COUNCIL PRESIDENT CLARKE:

19 Thank you all very much for your
20 testimony. Thank you.

21 The next panel will be members
22 of the Beverage Alliance. Ping Tran, Ken
23 Klein, John Quigley, and Lou Morsa.

24 (Witnesses approached witness
25 table.)

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCIL PRESIDENT CLARKE: Good
3 evening.

4 MR. KLEIN: Good evening. My
5 name is Ken Klein. I'm one of the owners
6 of Klein's Supermarket. Our store has
7 been operating in Philadelphia since
8 1892. We're probably one of the oldest,
9 continually run retail businesses in the
10 City. I'm fourth out of fifth
11 generations working at the business. We
12 employ about 25 full- and part-time
13 employees. There are several
14 Councilmembers here that have shopped in
15 my store, as well as past Councilmembers
16 and Mayors have been in my store.

17 To say that we do not support
18 the proposed sugar beverage grocery tax
19 would be an understatement. We support
20 the Mayor in his quest for his
21 compassionate agendas, but we cannot and
22 will not support the concept of a
23 narrow-based tax on specific items to
24 support programs such as the pre-K, which
25 is a great idea to have the pre-K. I

1 4/19/16 - WHOLE - BILL 160170, etc.
2 have no problems with additional taxes,
3 but this tax is myopic and not
4 sustainable in the long run.

5 Over the years we have seen
6 soda sales decline in my business. We
7 went from 300 cases a week to 80 to 100
8 cases. Some of that has come from
9 increased competition, some from
10 consumers switching to water. I'm sure
11 that if you ask a beverage insider, they
12 will concur. The industry is in
13 transition, with the major players
14 expanding their footprint to buying other
15 industries. Pepsi bought Frito Lay and
16 Quaker Foods, the cereal company, and I
17 understand Coca-Cola has quietly expanded
18 into California wines. All the big soda
19 are expanding into waters to increase
20 their margins.

21 Consumers are drinking less
22 carbonated sugar drinks. This tax is too
23 narrow in scope. We should consider
24 taxing other things too like cheese
25 steaks, pizza, ice cream, sugar --

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCIL PRESIDENT CLARKE: Wrap
3 up.

4 MR. KLEIN: -- frosted Flakes.
5 You get the idea.

6 COUNCIL PRESIDENT CLARKE: If
7 you could wrap it up.

8 MR. KLEIN: If this tax is
9 ratified, it will affect my business, not
10 so much with increased prices on targeted
11 beverages, but if you would purchase a 2
12 liter soda that was once 1.99, it will
13 now be \$3.91.

14 COUNCIL PRESIDENT CLARKE: You
15 got to wrap it up. Not keep going. Just
16 say -- we got your position. Thank you.

17 MR. KLEIN: Thank you.

18 (Applause.)

19 MR. KLEIN: I'll submit this
20 for your record.

21 COUNCIL PRESIDENT CLARKE:
22 We'll take your testimony and put it in
23 the record, sir. Thank you.

24 MS. TRAN: Good evening,
25 Mr. President and members --

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCIL PRESIDENT CLARKE: Good
3 evening.

4 MS. TRAN: -- members of City
5 Council. I am Michelle Tran and I'm here
6 to testify on behalf of the Asian
7 American Licensed Beverage Association.

8 As a member of the Asian
9 American Licensed Beverage Association
10 and a business owner myself, I and my
11 fellow business owners strongly urge you
12 to reconsider the soda tax. Not only
13 will the soda tax decimate our businesses
14 by driving sales to the suburbs, it would
15 also create a black market consisting of
16 individuals selling loosies, soda, and
17 other paraphernalia that would create
18 nuisances outside of established
19 legitimate corner stores.

20 The soda tax will kill our
21 business. Ever since the cigarette tax
22 that was enacted a year and a half ago,
23 my business has been down over 40
24 percent. The customers who used to come
25 for cigarettes have instead driven

1 4/19/16 - WHOLE - BILL 160170, etc.
2 outside of City boundaries to purchase
3 them. When they are there, they also
4 purchase the candies and the sodas, the
5 soda and the food and the alcohol that
6 our suburban counterparts also sell. If
7 we add the soda tax, that will create an
8 even bigger incentive for our customers
9 to never return to the City.

10 The cigarette tax also created
11 a black market on loosies, loosies being
12 the loose cigarettes that they sell
13 individually. In my store alone, there
14 is at least one person who sells loosies
15 outside of the store. He alone sells at
16 least ten packs of cigarettes a day, and
17 there are three shifts a day. So you do
18 the math. Ten packs of cigarettes at \$1
19 per loosie times three. These loiterers
20 make over \$300 tax free a day, and that
21 is just one person. If you added the
22 soda tax, this black market will only
23 expand to include sodas. The individuals
24 who sell the loosies will start selling
25 sodas, water, candies, and all other

1 4/19/16 - WHOLE - BILL 160170, etc.
2 things right outside legitimate
3 businesses. With the soda tax coupled
4 with the cigarette tax, you are
5 essentially punishing the legal,
6 law-abiding and tax-paying business while
7 also condoning the actions of the
8 loiterers. With a new nuisance business
9 bill being proposed by Council, how do we
10 as businesses ensure that these loiterers
11 who sell the loosies will go away?

12 Thank you.

13 COUNCIL PRESIDENT CLARKE:

14 Thank you. Thank you for your testimony.

15 (Applause.)

16 MR. MORSA: Good evening,
17 President Clarke.

18 COUNCIL PRESIDENT CLARKE: Good
19 evening.

20 MR. MORSA: My name is Lou
21 Morsa and I work for Canada Dry Delaware
22 Valley for 29 years at a good-paying,
23 family-sustaining job.

24 Please understand the beverage
25 industry is not against the children of

1 4/19/16 - WHOLE - BILL 160170, etc.
2 this city or their well-being or the
3 programs that you're trying to provide.
4 What we are against is being singled out
5 to foot the entire bill.

6 (Applause.)

7 MR. MORSA: Allow me just to
8 ask a few questions. Okay? This targets
9 only one industry, but it affects many
10 businesses and jobs in the residual.
11 It's unfair and discriminatory. We work,
12 live, and spend our hard-earned money in
13 the City of Brotherly Love in which we
14 teach our children not to discriminate,
15 yet we are being discriminated against as
16 the one industry and business that is
17 going to foot this bill.

18 (Applause.)

19 MR. MORSA: In the poorer
20 neighborhoods that other people have
21 spoken about, a soft drink is still an
22 affordable treat. We want to take that
23 away? What's next? Ice cream, candy,
24 cakes, fast food, pizza? The list is
25 endless.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Why is the beverage industry
3 solely being responsible for footing this
4 bill for pre-K and playgrounds? Why can
5 the Mayor cannot come up with a program
6 for everyone to share in it a little bit?

7 It's amazing to me -- and I sat
8 here five years ago and another time when
9 we went through this tax with Mayor
10 Nutter. It's amazing to me -- and I will
11 wrap it up -- how Mayor Kenney as a
12 Councilman strongly opposed this twice.

13 (Applause.)

14 MR. MORSA: Yet now as Mayor of
15 the greatest city in the country, because
16 this is his agenda, he's for it.

17 Thank you very much for your
18 time.

19 COUNCIL PRESIDENT CLARKE:
20 Thank you.

21 (Applause.)

22 COUNCIL PRESIDENT CLARKE: Good
23 evening. Please proceed.

24 MR. QUIGLEY: My name is John
25 Quigley. I'm with Pepsi Cola. I'm a

1 4/19/16 - WHOLE - BILL 160170, etc.
2 sales rep in Center City Philadelphia.

3 If this tax goes through, I
4 would say half the sales reps, half the
5 drivers, not just for Pepsi but for Coke,
6 Canada Dry, are going to be affected by
7 this. You're taxing the middle class,
8 you're taxing the working class. Nobody
9 is looking out for us. The one
10 percenters aren't looking out for us. I
11 don't think you politicians are looking
12 out for us either. That's just the way
13 it is.

14 We're the ones who are going to
15 be taking on this burden. What are we
16 getting from it? I didn't have universal
17 pre-K as a kid. I turned out fine. I
18 know plenty of people that didn't have
19 universal pre-K, turned out fine.

20 The playground in my
21 neighborhood looks fine. I mean, it's
22 not the best, but it's not the worst. We
23 always found things to do, stayed out of
24 trouble, stayed in shape, went to school.
25 It's the parents that have to take

1 4/19/16 - WHOLE - BILL 160170, etc.

2 responsibility, not the soda tax.

3 (Applause.)

4 MR. QUIGLEY: That's all I have
5 to say.

6 (Applause.)

7 COUNCIL PRESIDENT CLARKE:
8 Thank you.

9 Thank you all for your
10 testimony.

11 Thank you. A little quiet,
12 please. We're going to move right along.

13 Folks, can I ask you all to
14 hold it down. We're going to move right
15 along.

16 Next up we have representatives
17 from the PFT and SEIU. Ray Guzman and
18 Jennifer Gock and Ernie Bennett.

19 (Witnesses approached witness
20 table.)

21 COUNCIL PRESIDENT CLARKE: Good
22 evening.

23 MS. GOCK: Good evening.

24 COUNCIL PRESIDENT CLARKE:
25 Folks, can you please hold your voices

1 4/19/16 - WHOLE - BILL 160170, etc.

2 down, please. Thank you.

3 MR. GUZMAN: Good evening,
4 Council. My name is Ray Guzman. I am a
5 school teacher in the Philadelphia School
6 District and I work at one of the few
7 remaining public and free vocational
8 schools. And it's still available to my
9 students simply because of something
10 called a Perkins Fund Act, which was
11 instituted by Congress. Without that
12 money, I don't know that the City of
13 Philadelphia could offer free-of-debt
14 vocational education to our students, who
15 comprise 70 percent minority and 85
16 percent poverty levels. Many of our
17 graduates work for the same industries
18 that these gentlemen say that will be
19 bankrupt.

20 The reason why I support this
21 tax is because there's a lot of
22 apprehension as to the success of it.
23 Without money for pre-K, which is a
24 sister mirror of my school, high-density
25 poverty, majority minority students who

1 4/19/16 - WHOLE - BILL 160170, etc.
2 are not offered early exposure and
3 education, what could possibly come good
4 of this?

5 We need to be better stewards
6 of our city and our children, because if
7 not, our -- my students who are lucky to
8 come to my school will not have a voice
9 for the early years. Not every parent is
10 able in this crazy economy to provide.
11 Both parents have to work. Many of our
12 parents are young. They lack support,
13 and people are indifferent. And I can
14 understand the apprehension, because our
15 kids have many internships in many
16 businesses while they're still in high
17 school, and they understand the
18 constraints of business, but how can you
19 tell young people that they don't have
20 money to go and get educated?

21 Thank you.

22 (Applause.)

23 COUNCIL PRESIDENT CLARKE:

24 Thank you.

25 MR. BENNETT: Good evening,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 Councilman Clarke. Good evening,
3 Council. Good evening, everybody. My
4 name is Ernie Bennett. I am a Staff
5 Director of District 1201 32BJ SEIU, the
6 union that represents blue-collar School
7 District workers.

8 I'm a proud product of the
9 Philadelphia School District. I'm the
10 father of five children, who also are
11 products of the Philadelphia School
12 District.

13 As a Philadelphia School
14 District building engineer for 30-plus
15 years, I have watched our schools go
16 desperately unfunded. Our kids deserve
17 pre-K, community schools, a rec center
18 that are not falling apart, and our city
19 needs the 10,000 green jobs retrofitting
20 the buildings that the soda tax will
21 create.

22 Unfortunately the soda industry
23 has presented us with a false choice.
24 The soda industry wants us to believe
25 that we have to choose between a good

1 4/19/16 - WHOLE - BILL 160170, etc.
2 education for Philly children or jobs for
3 the hard-working men that's in this room
4 and women who deliver the soda drinks.
5 This is a false choice.

6 (Applause.)

7 MR. BENNETT: This is a
8 multibillion-dollar soda industry. I
9 repeat, this is a multibillion-dollar
10 soda industry doing its best to put us up
11 against each other. They want us to
12 fight for each other and they want us to
13 fight their battles for them.

14 The CEO of Coca-Cola, Muhtar
15 Kent, made 14.6 million last year.
16 That's after his pay was cut. His pay
17 was cut from 25.2 million in 2014 to
18 appease his investors. This poor guy.
19 Really?

20 (Applause.)

21 MR. BENNETT: So before you
22 feel too sorry for our friend Muhtar,
23 let's look at the math. His 25.2 million
24 salary last year could have funded nearly
25 20 community schools alone.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 I'd like to take this
3 opportunity to invite Muhtar, the CEO of
4 Coke, to a Philadelphia public school
5 where kids are crowded 35 to 40 to a
6 classroom. I'd like to take him to see
7 the challenges that the cleaners in the
8 Maintenance Department work in space
9 every day to keep schools clean and safe
10 with inadequate staff. I'd like for him
11 to see what it's like for kids who start
12 to slip behind on day one of elementary
13 school because they don't have the basic
14 funding skills they need.

15 The soda industry makes
16 numerous in profits, especially off poor
17 people. They could do better. It's not
18 about the brothers losing their jobs.
19 It's about corporate America not making
20 enough money.

21 Thank you.

22 (Applause.)

23 COUNCIL PRESIDENT CLARKE:

24 Thank you for your testimony.

25 MS. GOCK: Hello. My name is

1 4/19/16 - WHOLE - BILL 160170, etc.
2 Jennifer Gock and I'm an emotional
3 support teacher and a special ed liaison
4 for Comegys School at 51st and Greenway
5 in the Southwest region. I'm here today
6 to urge you to support the Mayor's budget
7 specifically in relation to the community
8 school initiative and the push for early
9 intervention and pre-K programs
10 throughout the City. I am also here
11 today to support having the soda tax
12 passed as a means to fund these
13 much-needed programs for our city's
14 students. There are no other sources of
15 money for these investments, as more
16 taxes on homeowners, workers, and
17 businesses will only drive families and
18 jobs out of Philadelphia.

19 As a teacher in the
20 Philadelphia School District for the last
21 ten years, I cannot fully express the
22 dire need for early intervention and
23 preschool and community school programs
24 throughout the City for the benefit of
25 our city's students.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Why are we continuing to
3 shortchange our city's youth by depriving
4 them of the much-needed academic and
5 behavioral health supports and services
6 so they can have a chance of succeeding
7 in life?

8 By passing this soda tax to
9 help fund this much-needed -- these
10 much-needed programs throughout the City,
11 we are taking a huge leap towards
12 regaining local control of the
13 Philadelphia School District, as the SRC
14 felt the need to take these programs away
15 from our city's youth. Our academic
16 gains since then are practically
17 invisible as a result of depriving our
18 city's students with these much-needed
19 resources.

20 Why am I teaching third grade
21 students how to spell their names
22 correctly and sound out pre-primer Dolch
23 sight words rather than introducing them
24 to the literary elements?

25 How is it fair for our students

1 4/19/16 - WHOLE - BILL 160170, etc.
2 not to be exposed to these much-needed
3 skills and socialization experiences that
4 are provided in early intervention and
5 preschool programs, yet our students are
6 still being held accountable to the same
7 standardized testing scores without
8 having the basic skills they need.

9 Big soda is not on our side, as
10 they reap on the huge profits from the
11 poor communities by pushing their
12 products on our youth and the
13 underprivileged. By passing the soda
14 tax, grocery stores will not be taxed,
15 but rather the distributors of big soda.
16 The soda tax does not have to be pawned
17 off on the consumer entirely. For
18 instance, if this soda tax of 3 cents is
19 passed on, the big soda distributors can
20 easily take 2 cents and only pass 1 cent
21 on to the consumer.

22 When the City passed the
23 cigarette tax, the number of people who
24 continued to smoke in Philadelphia did
25 not decrease. When the City passed the

1 4/19/16 - WHOLE - BILL 160170, etc.

2 luxury tax on alcohol, the number of

3 alcoholic drinks in schools --

4 (Microphone turned off.)

5 COUNCIL PRESIDENT CLARKE: All

6 right. All right. Just wrap it up.

7 Wrap up it. Thank you.

8 (Applause.)

9 COUNCIL PRESIDENT CLARKE:

10 That's pretty good speed reading. If you

11 want to leave the rest of your testimony,

12 you can leave it for the record.

13 MS. GOCK: I will. Thank you

14 very much.

15 COUNCIL PRESIDENT CLARKE:

16 Thank you, ma'am.

17 The next grouping, I'm not sure

18 who they are with or what their

19 perspective is, so we might have a little

20 bit of a debate at the witness table. So

21 let me call Jondhi Harrell, Jake Liefer,

22 Salvatore Sandone, Sandra Telep, and

23 Thelma Peake.

24 I'll go through the list again.

25 Jondhi Harrell, Jake Liefer, Salvatore

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Sandone, Sandra Telep, and Thelma Peake.

3 And William Cobb. Is Mr. Cobb here?

4 (No response.)

5 COUNCIL PRESIDENT CLARKE: I

6 don't see him.

7 (Witnesses approached witness
8 table.)

9 COUNCIL PRESIDENT CLARKE: You
10 guys look a little lonely up there. Let
11 me get you a couple more people. Let's
12 bring up Dorothy Perrine. Ms. Perrine?

13 (No response.)

14 COUNCIL PRESIDENT CLARKE:

15 Okay. Let me let you go. Please
16 proceed. State your name for the record.

17 MS. PEAKE: My name is Thelma
18 Peake. I am the CEO for Peake's Little
19 Angels Day Care Center at Philadelphia.
20 We've been in business -- well, good
21 afternoon and good evening to Council
22 President and Council. But we've been in
23 business at Peake's Little Angels for 28
24 years in Councilmanic District 3.

25 When we came to Peake's Little

1 4/19/16 - WHOLE - BILL 160170, etc.
2 Angels, we didn't start in a day care
3 home and we didn't start in a church. We
4 put our large investment in and we
5 maintained some properties out in
6 Southwest Philadelphia and designed it
7 for child care. We have gone through two
8 impasses in 2003 and 2009 where the day
9 care centers didn't get paid for over 125
10 days, and we survived.

11 Now, we have a huge number of
12 people in here that are raising hands and
13 getting excited and saying, no, you don't
14 want the tax, and there's another group
15 of people in here that are saying we're
16 for the tax, but one thing I know about
17 the people that are here that are for the
18 tax, they're not getting paid to come
19 here and make a whole lot of heckle about
20 the soda tax.

21 (Applause.)

22 MS. PEAKE: A lot of people in
23 here are getting paid to come here and do
24 this. And the beverage industry right
25 now is dishing out \$1.5 million just on

1 4/19/16 - WHOLE - BILL 160170, etc.
2 radio advertisement alone saying no tax,
3 no tax. That's some money that they
4 could have just voluntarily gave to the
5 day care centers and the recreation
6 centers and the parks. And then the
7 American Beverage Association took the
8 message attacking the proposed sugary tax
9 in a commercial that is slated all last
10 month about a grocery tax. It's not a
11 grocery tax, and they're brainwashing the
12 employees to think one thing.

13 So I'm on the other side of the
14 coin. I might lose my day care center if
15 we don't get some kind of tax or
16 something to help the day care centers.

17 (Applause.)

18 MS. PEAKE: I'm not part of
19 when the upper -- the government
20 officials, not in the City of
21 Philadelphia, from the higher ups, they
22 incorporated a day care center
23 corporation that knocked out a lot of day
24 care centers, and I'm one that survived
25 all of that hoopla. And right now if we

1 4/19/16 - WHOLE - BILL 160170, etc.
2 don't get some type of form of help, we
3 will lose and the larger corporate day
4 cares will be brought in which are in
5 here and they will educate our children.

6 So I'm telling the people from
7 the soda companies, you open your eyes
8 and you relax, because I'm quite sure you
9 don't even drink the product that you're
10 putting out here that's advertising
11 obesity.

12 (Applause.)

13 MS. PEAKE: We have children --
14 every day I have to deal with obesity.
15 Every day I have to deal with ADHD, OCD
16 and all kinds of problems within the day
17 care center.

18 So I'm going to finish and I'm
19 going to send a copy of my testimony to
20 every Councilmember.

21 COUNCIL PRESIDENT CLARKE:

22 Okay.

23 MS. PEAKE: Because this is as
24 big as an ocean and as wide as the sea.
25 I really think that the soda companies

1 4/19/16 - WHOLE - BILL 160170, etc.
2 need to open their eyes up and look at
3 the real picture. Is it about soda or is
4 it about you?

5 COUNCIL PRESIDENT CLARKE: Can
6 you wrap it up. Thank you.

7 (Applause.)

8 MR. SANDONE: Good evening,
9 Council President and City Council.
10 Thank you for having me this evening.

11 COUNCIL PRESIDENT CLARKE: Hold
12 on a second.

13 Folks quiet, please.

14 Please start, sir.

15 MR. SANDONE: Good evening,
16 Council President and City Council. My
17 name is Salvatore Sandone. I am the
18 Founder and Executive Director for Zhang
19 Sah and I am one of the leading members
20 of the Philadelphia Out-of-School-Time
21 Coalition. I'm here to talk about being
22 caught in the crosshairs of this argument
23 and what it could mean to
24 out-of-school-time programs in the City,
25 and I hope that Council -- can you hear

1 4/19/16 - WHOLE - BILL 160170, etc.

2 me now?

3 COUNCIL PRESIDENT CLARKE: Yes,
4 sir.

5 MR. SANDONE: Should I start
6 again?

7 COUNCIL PRESIDENT CLARKE: Yes.

8 MR. SANDONE:

9 Out-of-school-time programs are caught in
10 the middle or potentially could be caught
11 in the middle of this great controversy
12 that you folks are dealing with today.
13 Between 2013 and 2016, about 2,500
14 after-school program slots have been
15 pulled from the City due to shifts in
16 funding with the Department of Human
17 Services. About 210 jobs were lost in
18 after-school programs for direct provider
19 services jobs.

20 While we support community
21 schools and we support universal pre-K
22 and we would support any healthy living
23 initiative that the City wanted to start
24 or be part of, we're not tax experts.
25 You are. We understand that these things

1 4/19/16 - WHOLE - BILL 160170, etc.
2 need to be paid for, and at the same
3 time, the DHS prevention money, Act 141,
4 cannot be viewed as a honey pot if the
5 soda tax doesn't pass or if it passed
6 partially or there's not an alternative
7 funding source for it.

8 The DHS prevention dollars need
9 to be protected, and we urge Council to
10 create an office of the out-of-school
11 time to focus resources and protect the
12 work that's already being done in this
13 community. Philadelphia
14 Out-of-School-Time Coalition believes
15 that Philadelphia can benefit by creating
16 a program matrix that universally covers
17 out-of-school time and summer. We urge
18 you to champion out-of-school time.
19 Write the bill. Make it happen.

20 Thank you.

21 (Applause.)

22 COUNCIL PRESIDENT CLARKE:

23 Thank you for your testimony. Thank you.

24 MS. PERRINE: Dorothy Perrine.

25 COUNCIL PRESIDENT CLARKE: How

1 4/19/16 - WHOLE - BILL 160170, etc.

2 are you, ma'am?

3 MS. PERRINE: Okay. I'm fine,
4 thank you.

5 I'm here because I like
6 Philadelphia. The main part of my
7 emphasis is recreation and education.
8 That's a little difficult if everybody is
9 trying to get money from the same pot.

10 Now, I have in my bag
11 petitions, because I'm trying to get
12 signatures for a soda tax, but I'm one of
13 those people who doesn't drink soda. I
14 don't smoke. But these may be habits
15 that we can cast aside, but we don't want
16 to cast aside Coca-Cola and Pepsi Cola.
17 So I think that the main emphasis should
18 be to approach these people and ask them
19 for contributions for what we need to
20 have done.

21 The idea of taxing everything
22 that comes out that has sugar in it,
23 orange juice has sugar in it. We have to
24 take orange juice when we take medicine
25 in the morning. All these things have

1 4/19/16 - WHOLE - BILL 160170, etc.
2 sugar in it. So we have to look at what
3 we're doing. And I'm for the tax, and if
4 it's there, I'll pay the tax, but what
5 I'm saying is, we need to combine our
6 efforts so that we can see education and
7 recreation in the same perspective,
8 because that's what they are. One let's
9 off where the other one picks up. And
10 we're not doing that because the three
11 hours that we have for after-school
12 programs are not being utilized properly.

13 I would like to see more effort
14 and more emphasis put onto those
15 after-school programs. And I know that
16 means more trained people, more
17 volunteers, and excessive money, and I
18 think that we can get those volunteers
19 and I think we can get money if we can
20 show people that their children are being
21 educated properly.

22 COUNCIL PRESIDENT CLARKE:

23 Thank you.

24 MS. PERRINE: Now, years ago --

25 COUNCIL PRESIDENT CLARKE: All

1 4/19/16 - WHOLE - BILL 160170, etc.

2 right. Ma'am, I need you to kind of wrap
3 it up. I need you to wrap it up.

4 MS. PERRINE: My time is up?

5 COUNCIL PRESIDENT CLARKE: When
6 the bell goes off, your time is up.

7 MS. PERRINE: Okay.

8 COUNCIL PRESIDENT CLARKE: If
9 you can just wrap it up. You stated what
10 your position is. Just say I support or
11 I don't support.

12 MS. PERRINE: I support the tax
13 because I think we need the funding for
14 our schools and for our recreation
15 centers.

16 COUNCIL PRESIDENT CLARKE:
17 Thank you, ma'am.

18 (Applause.)

19 COUNCIL PRESIDENT CLARKE:
20 Thank you.

21 MS. PERRINE: Don't forget, we
22 have one of the largest park systems in
23 the City.

24 COUNCIL PRESIDENT CLARKE:
25 Thank you, ma'am.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 MS. PERRINE: And in the
3 country.

4 COUNCIL PRESIDENT CLARKE:
5 Thank you for your testimony.

6 (Applause.)

7 COUNCIL PRESIDENT CLARKE: Next
8 up we have Catrena Alston, Vera Primus,
9 Jasmin Brown, and Shariyka Muhammad.

10 (No response.)

11 COUNCIL PRESIDENT CLARKE: I'll
12 read them one more time. Catrena Alston,
13 Vera Primus, Jasmin Brown, and Shariyka
14 Muhammad.

15 (No response.)

16 COUNCIL PRESIDENT CLARKE: Not
17 here? Going once, going twice.

18 All right. Move on to the next
19 group. Marlene Etkowicz, Stephen
20 Gambescia, Daniel Merin, and Rachel
21 Honore.

22 (Witnesses approached witness
23 table.)

24 COUNCIL PRESIDENT CLARKE: Good
25 evening.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 MS. ETKOWICZ: Hi.

3 COUNCIL PRESIDENT CLARKE: Come
4 on up. Are you testifying also?

5 MS. ETKOWICZ: Marlene
6 Etkowicz, yes.

7 Good evening, Councilmembers.

8 My name is Marlene Etkowicz and I have
9 been a practicing registered nurse for
10 more than 35 years. Most of my clinical
11 experience has been as a critical care
12 nurse where I've witnessed firsthand the
13 impact that lifestyle has on health.

14 As a nurse, you develop a bit
15 of a crystal ball and you can see what
16 lies ahead for individuals who do not pay
17 attention to their health. The outcome
18 is not good.

19 The American Heart Association
20 and I strongly support this tax. As a
21 result of my profession, I have committed
22 myself to working toward improving the
23 health of our communities in an effort to
24 slow or prevent the development of many
25 lifestyle-related chronic health

1 4/19/16 - WHOLE - BILL 160170, etc.
2 conditions. As you've heard from prior
3 testimony, we are facing an obesity
4 epidemic in our city and, in partner with
5 that, we're also facing an epidemic of
6 Type 2 diabetes.

7 When you look specifically at
8 the data of our youth living in North
9 Philadelphia, 70 percent are overweight
10 or obese. This is nearly double the rate
11 for the youth across the United States
12 and is setting our children up for a
13 lifetime of poor health.

14 People consuming one or more
15 sugary drinks per day have a 26 percent
16 higher risk of developing diabetes, and
17 there are no essential nutrients
18 contained within those sugary beverages.
19 The single largest source of added sugar
20 in the American diet is sugary drinks.

21 The American Heart Association
22 supports the tax as a tool that has the
23 potential to quickly reduce consumption
24 of unhealthy sugary beverages. The move
25 in Philadelphia would not only generate

1 4/19/16 - WHOLE - BILL 160170, etc.

2 much-needed revenue, but may have a

3 positive impact on public health as well.

4 Funding the priorities of the Mayor --

5 Thank you.

6 (Applause.)

7 COUNCIL PRESIDENT CLARKE:

8 Thank you for your testimony, ma'am.

9 MS. ETKOWICZ: Appreciate your
10 time.

11 COUNCIL PRESIDENT CLARKE: If
12 you have further testimony --

13 MS. ETKOWICZ: We'll submit.

14 COUNCIL PRESIDENT CLARKE:

15 Please submit. Thank you.

16 Yes, sir.

17 DR. GAMBESCIA: Thank you. I'm

18 Dr. Stephen Gambescia. I'm also

19 representing the American Heart

20 Association. I'm a Professor of Health

21 Services Administration at Drexel

22 University.

23 In the interest of time,

24 Marlene has done a good job of giving the

25 health benefits, so what I want to do is

1 4/19/16 - WHOLE - BILL 160170, etc.
2 talk a little bit about when we're
3 working with students is, we have a
4 thumbnail definition of what politics is.
5 And politics is who gets what, when, why,
6 how, and who pays. And I think everybody
7 here tonight agrees on who gets the what.
8 The pre-K, the parks and recreation, the
9 improved schools in terms of energy
10 efficiency, rebuilding the parks, and the
11 community schools, which is going to be
12 very effective where it's going to
13 combine the health, schooling, and social
14 services, and that's something that's
15 very progressive and something we should
16 be proud of.

17 Now the question of who pays.
18 We understand these concerns of taxing
19 the citizenry. We understand that, and
20 very concerning is the idea that people
21 are going to lose jobs. But it's
22 interesting, we call these social economy
23 arguments. But the one social economy
24 argument that's left out is the way we
25 would explain this in the health field,

1 4/19/16 - WHOLE - BILL 160170, etc.
2 is that people aspire to a certain health
3 status or they don't want to fall into an
4 unhealthy status, and people will agree
5 to pay some minor financial incentive to
6 aspire to that health status.

7 A founding principle of public
8 health is that -- a founding principle of
9 public health is that it benefits
10 everybody. And I think if we compare the
11 social economy arguments that we're
12 hearing and the public health argument,
13 which is going to do a tremendous impact
14 in terms of the health of this city, I
15 think the public health argument ought to
16 trump the social economy argument, and
17 I'm hoping that Philadelphia City Council
18 agrees with that.

19 Thank you.

20 COUNCIL PRESIDENT CLARKE:

21 Thank you for your testimony.

22 (Applause.)

23 COUNCIL PRESIDENT CLARKE:

24 Thank you.

25 I'm going to call the next

1 4/19/16 - WHOLE - BILL 160170, etc.
2 panel. We have Dany Vinas, Brad Miller,
3 Jimmy Joyce, Abdias Myrtial, and Angel
4 Medina.

5 (Witness approached witness
6 table.)

7 COUNCIL PRESIDENT CLARKE: I'll
8 read the list one more time. Dany Vinas,
9 Brad Miller, Jimmy Joyce, Abdias Myrtial,
10 and Angel Medina.

11 So out of that group, we have
12 Mr. Medina?

13 MR. MEDINA: Yup.

14 COUNCIL PRESIDENT CLARKE:
15 Thank you. Just state your name for the
16 record and give your testimony, please.

17 MR. MEDINA: Good evening. My
18 name is Angel Medina. I'm coming to you
19 as a citizen of Philadelphia who has
20 three kids, two here, one in pre-K, one
21 in fifth grade.

22 I support pre-K, but not on the
23 back of my job. If this passes, I mean,
24 Coke is definitely going to cut jobs. I
25 lose my job. I see signs "our kids are

1 4/19/16 - WHOLE - BILL 160170, etc.
2 worth it." What about my kids? Are my
3 kids worth it? Are my co-workers' kids
4 worth it?

5 (Applause.)

6 MR. MEDINA: I mean, if you
7 want your parks fixed, get the neighbors
8 together, fix your parks. I mean, I grew
9 up in North Philly. That's what we did,
10 we got our neighbors together and fixed
11 the parks. I mean -- and then you're
12 talking about obesity. What about the
13 parents? Teach your kids moderacy. I
14 teach my kids -- they're allowed to have
15 one soda a day, and I work for a soda
16 company. They're allowed one soda a day.
17 It starts with the parents. It ain't
18 with the corporations. It ain't with
19 government. Government shouldn't be
20 telling us what not to drink.

21 (Applause.)

22 MR. MEDINA: It starts at home.
23 It starts at home. I mean, that's where
24 it started with me, at my house, my home,
25 my father, my parents, and I pass that on

1 4/19/16 - WHOLE - BILL 160170, etc.
2 to my kids.

3 Thank you.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you for your testimony.

6 (Applause.)

7 COUNCIL PRESIDENT CLARKE:

8 Thank you. Next up, Dashaya Kilgore, Ron
9 Whitehorn, Jonathan Kirsch, Annie Moss,
10 and Sharon Easterling.

11 I'll read it one more time.

12 Dashaya Kilgore, Ron Whitehorn, Jonathan
13 Kirsch, Annie Moss, and Sharon
14 Easterling.

15 (Witnesses approached witness
16 table.)

17 COUNCIL PRESIDENT CLARKE: Good
18 evening. Thank you.

19 MR. WHITEHORN: Good evening.

20 My name is Ron Whitehorn. I'm from the
21 PCAPS Community Schools Task Force, which
22 brings together parents, students,
23 educators, service providers, and
24 neighborhood activists to fight for
25 community schools. I want to talk a

1 4/19/16 - WHOLE - BILL 160170, etc.

2 little bit about why I feel so strongly
3 about community schools.

4 Particularly since the takeover
5 of our schools by the state, we've seen a
6 version of education reform that treats
7 schools as businesses and parents as
8 consumers. Schools serving mostly black
9 and brown communities have been turned
10 over to charter operators with minimal
11 engagement of parents in the neighborhood
12 that depend on these schools. Schools
13 have been closed and destabilized.
14 Cutbacks in school staffing have fueled
15 charter school growth supported by
16 big-money interest, headquarters in the
17 Philadelphia School Partnership. This is
18 a failed agenda that has seen enormous
19 churn, but no meaningful gains in terms
20 of the quality of education we offer our
21 children.

22 Indeed particularly for our
23 neediest children, our schools are
24 arguably worse off than they were before
25 the state takeover. That's why I applaud

1 4/19/16 - WHOLE - BILL 160170, etc.
2 and support the Mayor's commitment to 25
3 community schools. These schools can and
4 should develop a different strategy for
5 improving education, a strategy based on
6 the whole child, that seeks to address
7 the social and emotional needs of
8 children and their families, a strategy
9 that recognizes that collaboration and
10 sharing power between teachers, parents,
11 and students and community residents is
12 the foundation for any sustained
13 progress, a strategy that recognizes
14 teaching and learning must engage and
15 motivate, that the goal is developing
16 critical and imaginative thinkers, not
17 good test-takers, and, finally, a
18 strategy that recognizes schools must be
19 nurturing centers of community life, not
20 hostile prison-like places divorced from
21 the neighborhood they serve.

22 That's why we support the soda
23 tax.

24 (Applause.)

25 COUNCIL PRESIDENT CLARKE:

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Thank you for your testimony.

3 MR. WHITEHORN: We also support
4 all the other good programs.

5 COUNCIL PRESIDENT CLARKE:

6 Thank you for your testimony.

7 Good evening, ma'am.

8 MS. EASTERLING: My name is
9 Sharon Easterling. I'm the Director of
10 DVAEYC. I think everybody agrees, even
11 our friends here from the soda industry,
12 that pre-K is a really good idea and it's
13 really good for kids. There's no dispute
14 about that, but I want to talk for just a
15 minute about how pre-K is good for the
16 adults who work in the sector.

17 DVAEYC estimates that there's
18 between 8,000 and 10,000 jobs in the
19 childcare sector in Philadelphia.
20 According to Philadelphia Works, the
21 average salary is about \$10 an hour, or
22 \$20,000 a year. We also know that 15
23 percent of the staff of childcare staff
24 hold a Bachelor's degree, 27 percent an
25 Associate degree and on and on.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Philadelphia is taking the
3 right approach to building a system of
4 high-quality pre-K by building it in our
5 childcare centers, because that's where
6 our kids are.

7 The good news is, we can
8 leverage state and private resources to
9 educate our workforce and to elevate
10 their salaries. Some of the resources
11 that are available as we work to improve
12 the credentials of our workforce, our
13 childcare workforce, are a tuition
14 assistance program, a high school CDA
15 credentialing program where they can
16 graduate with nine college credits and a
17 good job and resources to continue their
18 education, career advising services, and
19 hopefully soon an apprenticeship program.
20 When it's fully implemented,
21 Philadelphia's universal pre-K program
22 will translate into at least 650 good
23 jobs, paying between \$30,000 and \$50,000
24 a year.

25 (Applause.)

1 4/19/16 - WHOLE - BILL 160170, etc.

2 MS. EASTERLING: And perhaps
3 more important, by setting the bar high
4 for better wages in the early childhood
5 sector, we'll increase the likelihood
6 that the state and federally funded
7 programs will also raise wages in that
8 sector.

9 I urge you to make this
10 investment.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 (Applause.)

14 COUNCILMAN GREENLEE: Our next
15 group, Joshua Vincent, Chad Corradetti,
16 Larry West. I'm going to mess this up
17 big time. Buenveido Jimenez, Zoida
18 Valdez. Sorry if I messed up anybody's
19 name there.

20 Joshua Vincent, Chad
21 Corradetti, Larry West, Buenveido
22 Jimenez, and Zoida Valdez.

23 (Witnesses approached witness
24 table.)

25 COUNCILMAN GREENLEE: Sir, I

1 4/19/16 - WHOLE - BILL 160170, etc.
2 think you were up there first. Please
3 identify yourself and proceed.

4 MR. CORRADETTI: My name is
5 Chad Corradetti. I'm currently employed
6 by Canada Dry Delaware Valley. I'm a
7 route salesman. About a third of my
8 territory lies within City limits, and
9 that probably accounts for 50 to 60
10 percent of my commission revenues. So
11 that's my selfish self-interest reason
12 for being here tonight speaking out
13 against the tax.

14 To me, this is a larger issue.
15 I am a father of a 14-month-old daughter.
16 My wife and I sacrifice greatly to
17 provide for her. My wife is more than
18 qualified and more than underpaid in the
19 job she works at, but she does that so
20 she can provide care for our child during
21 the day and we don't have to do day care.
22 That's an example of our responsibility
23 and our sacrifice for our child.

24 I'm also a Christian, and at
25 the end of the day, it's about the

1 4/19/16 - WHOLE - BILL 160170, etc.
2 greater good for me. It's not about
3 having the biggest car, the nicest car,
4 the largest TV. It's about doing the
5 right thing.

6 So I agree that universal pre-K
7 is a phenomenal idea. No sensible person
8 would argue against that. I wouldn't
9 live with myself if I did. But the
10 funding is all wrong, and this is where
11 we get into bureaucracy and City
12 government. It's wrong. It's singling
13 out one industry, and it's irresponsible
14 to demonize sugar as the culprit for
15 childhood obesity. It's the parents. It
16 is self-responsibility.

17 (Applause.)

18 MR. CORRADETTI: And what you
19 do with this is, you take the
20 responsibility from the people in this
21 city and tell them the government is
22 going to be their white knight. Mayor
23 Kenney is going to be the white knight
24 and save them. And it just enables them
25 and it never helps them, and you don't

1 4/19/16 - WHOLE - BILL 160170, etc.
2 get it. And guess what? This money, all
3 this money will never go to the intended
4 purpose. It never will. You know it. I
5 know it.

6 (Applause.)

7 MR. CORRADETTI: Never will.
8 This is about Mayor Kenney and your party
9 establishing a voter base in this city.
10 You can demonize big business and sugar
11 all you want, but take a look at these
12 people back here.

13 COUNCILMAN GREENLEE: Please,
14 please, please.

15 MR. CORRADETTI: Take a look at
16 these people. These are the people that
17 you're going to hurt, not big business.
18 You're going to hurt the employees and
19 put them out of work, and that's
20 shameful.

21 And I want to wrap this up by
22 saying personal responsibility, Council.
23 Look at other revenue streams. Look at
24 donations. Do it the responsible way.
25 Don't put more middle-class people out of

1 4/19/16 - WHOLE - BILL 160170, etc.
2 work that your democratic party is
3 supposed to be the defender of.

4 Thank you.

5 (Applause.)

6 COUNCILMAN GREENLEE: Please
7 identify yourself and proceed.

8 MR. WEST: Hello. My name is
9 Leonard West. I am the republican
10 committee person of the 22nd Ward, 26th
11 Division. I would like to thank you, the
12 members of City Council, for letting me
13 speak today, and thank you very much,
14 Council President Darrell Clarke as well,
15 for letting me be here to speak my mind.

16 I'm not part of big soda. I'm
17 not part of any other organization. I'm
18 just here because I'm a guy who
19 represents a bunch of people in his
20 district, about over 400 people. I'm
21 here today because I completely oppose
22 the sugary drink tax. It doesn't make
23 sense. It's a regressive tax on the
24 poor. You're trying to help people who
25 are making less than 50 grand a year, but

1 4/19/16 - WHOLE - BILL 160170, etc.
2 at the same time, you're taxing the same
3 beverages that they drink, and they tend
4 to work and make less than 50 grand a
5 year. So in order to fund a program,
6 you're going to tax the same people that
7 you're trying to help.

8 It's also a sin tax. And the
9 point of a sin tax, I'm sure you all know
10 this, is you tax something because you
11 don't want people to do it. You don't
12 want people to drink that much soda, yet
13 you're trying to get \$94 million a year
14 from something that will not be
15 sustainable.

16 (Applause.)

17 MR. WEST: Thank you.

18 At the same time, you really
19 know within the first month, 10 percent
20 of the soda sales are going to go down.
21 So first I'll -- here's what I'm saying:
22 I'm in favor of funding universal pre-K.
23 We all are. So why don't we do something
24 else. Like if we have the school income
25 tax, it's not enforced. Three point

1 4/19/16 - WHOLE - BILL 160170, etc.
2 eight percent of all unearned income is
3 taxed. Why don't we have it so if you
4 make less than 50 grand a year, you're
5 not -- you don't receive that tax, but
6 anyone over 50 grand, you start having
7 that tax go up, 3.8 percent for the first
8 50 grand and then up from there.

9 I'm in favor of universal
10 pre-K, but I'm not in favor of taxing the
11 poor in order to do it.

12 Thank you very much. Have a
13 great day.

14 (Applause.)

15 COUNCIL PRESIDENT CLARKE:

16 Thank you. For our next and appears to
17 be our last four witnesses, I'd like to
18 call Ron Lewis, Luther Collins, Ana
19 Hernandez, and Dennis McGinley.

20 (Witnesses approached witness
21 table.)

22 COUNCIL PRESIDENT CLARKE: One
23 more time. Ron Lewis, Luther Collins,
24 Ana Hernandez, and Dennis McGinley.

25 Good evening.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 MR. LEWIS: You want me to go
3 first? I'm Ron Lewis.

4 COUNCIL PRESIDENT CLARKE: I'm
5 going to let you all decide.

6 MR. LEWIS: Good evening.
7 Thanks for having me, Mr. President,
8 Councilmembers. My name is Ron Lewis.
9 I'm the President of Cecil B. Moore
10 Advisory Council.

11 I'm going to put it just like
12 this. I'm going to cut right straight to
13 the chase. Our children don't have all
14 the facilities that we're supposed to
15 have in our playgrounds, just like a lot
16 of other parks and recreations, and it's
17 disrespectful to us to walk to the park
18 with your kid and your kid runs from you,
19 leaves your hand, run over to the play
20 area, and there's not a swing over there
21 or there's not a sliding board or there's
22 nothing for them to play with. They run
23 there and stop and turn around and look
24 at you. When you have your kid there
25 with you and they turn around and look at

1 4/19/16 - WHOLE - BILL 160170, etc.
2 you, you know how that makes a parent
3 feel or even children that don't have
4 parents and you're a parent figure in
5 their life, you know. When you take them
6 somewhere and they say, Well, what do we
7 do now? Are we going to get back in the
8 car or get on the bus and ride ten miles
9 to the other place and get in their
10 playground? Or when they leave their
11 area and go see what else and see
12 somebody else's playground, it looks like
13 Disneyland, and they say, Why don't we
14 have that in our neighborhood?

15 You know, it's like how dare
16 we? How dare we don't give them the same
17 opportunity that we had when we were
18 children, the same opportunity to go in
19 there and play like that, you know?

20 I have passion for them. I got
21 over 50 years down in my neighborhood.
22 I'm a product of Philadelphia. I'm a
23 Roman Catholic grad. I'm a United States
24 Air Force vet, you know, but mainly I'm a
25 parent. I'm the President of my

1 4/19/16 - WHOLE - BILL 160170, etc.
2 neighborhood. I represent North Philly
3 and I represent the kids that can't speak
4 for their selves that's running around
5 talking about why we don't have this and
6 why we don't have that.

7 (Applause.)

8 MR. LEWIS: Thank you for your
9 time.

10 COUNCIL PRESIDENT CLARKE:
11 Thank you. Thank you for your service,
12 sir.

13 MS. RAMOS: Hello. My name is
14 Ana Ramos and I'm a mother of a
15 preschooler here in the City in the
16 Pennsport area, just like many of you. I
17 see what happens to children that don't
18 have the privilege of going to school, to
19 pre-K. In the first years you don't
20 really notice it, but as they go through
21 the educational years, they struggle more
22 and more to keep up. That not only
23 affects them, it affects every other
24 child in the classroom because the
25 teachers have to pay attention to those

1 4/19/16 - WHOLE - BILL 160170, etc.
2 that have more need. This hinders
3 everybody's ability to reach their full
4 potential and eventually ends up costing
5 all of us a lot more than the 3 cents an
6 ounce that the soda tax would cost.

7 It's not their fault. It is
8 our fault.

9 The assumption in this room is
10 that people won't pay the tax, and that's
11 simply not true. People still smoke and
12 people still drink. The parents --

13 (Applause.)

14 MS. RAMOS: The parents in my
15 community that are able to pay are happy
16 to do it, and they're committed not only
17 to paying for their child's education but
18 for education of others that can't go.
19 Every year in my school there is a
20 massive fundraiser to try to get people
21 into preschool that can't pay for it.
22 And I'm sorry to report that in spite of
23 the efforts that we've made, we can only
24 offer three or four partial scholarships
25 every year, which doesn't begin to cover

1 4/19/16 - WHOLE - BILL 160170, etc.

2 the need and not even in my neighborhood.

3 I'm sure that the parents in my
4 community would be happy to pay 3 more
5 cents an ounce if it meant that more
6 people could go to preschool. I think of
7 the disenfranchised and frustrated young
8 people I see on the street today, the
9 ones that we let down 15 years ago when
10 we didn't let them go to preschool.

11 (Applause.)

12 MS. RAMOS: Fifteen years from
13 now I don't want to have to tell another
14 youth that we had the opportunity to
15 change their lives in 2016 by approving
16 this legislation and that we didn't
17 because we weren't willing to make the
18 hard decisions. I'm sure you don't want
19 to tell them that either.

20 Thank you so much for your
21 time.

22 (Applause.)

23 MR. COLLINS: Good evening,
24 Councilman Clarke.

25 COUNCIL PRESIDENT CLARKE: Good

1 4/19/16 - WHOLE - BILL 160170, etc.
2 evening, sir.

3 MR. COLLINS: My name is Luther
4 Collins. I am President of the Papa
5 Playground Advisory Council, also known
6 as Coach Luther. I'm here tonight to --
7 and drove all the way from Absecon, New
8 Jersey and then to get here and things
9 were kind of blocked off, and I was going
10 to turn around, and I'm glad I didn't
11 turn around, because I'm the voice for
12 our community and our kids. And I tell
13 you -- my question right now is something
14 I learned in junior high school. Where
15 is our civic pride at? Where have we
16 lost our civic pride?

17 (Applause.)

18 MR. COLLINS: And I will tell
19 you my job takes me up and down the East
20 Coast, and where Coca-Cola is
21 headquartered in Atlanta, I've seen the
22 recreation centers, and I will put in the
23 record some of the pictures of them.
24 They look like country clubs. And I tell
25 you that we must start to give back to

1 4/19/16 - WHOLE - BILL 160170, etc.
2 our kids. This is a thing where if we
3 cannot work out -- Mayor Kenney came to
4 us with a program to save our recreation
5 centers.

6 We operate out of a 33 foot by
7 33 foot, basically 1,000 square foot
8 facility there in Papa in the Park. I
9 welcome any of you to come by. I don't
10 need to be there. But we have over 60
11 kids in our after-school program. We
12 have over 108 kids in our summer school
13 program, and with our other sports, we
14 have hundreds of kids. They look as an
15 anchor for our recreation center. We
16 have many kids who come back and say --
17 who have two parents, who come back and
18 say, You don't know what you guys did for
19 us. Our rec leader, Ms. Judy, has been
20 with us 35 years.

21 But in closing, I have to say
22 to you, please open your minds and please
23 let's gain back our civic pride.

24 Thank you.

25 (Applause.)

1 4/19/16 - WHOLE - BILL 160170, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you for your testimony, sir.

4 Good evening.

5 MR. MCGINLEY: Hello,

6 Councilpeople. I'd like to say thank you
7 for giving me the opportunity to speak to
8 you today. The one thing I'd like to say
9 is to all the Council men and women who
10 paid attention to everyone who spoke
11 today and didn't play on their phones, I
12 think that that's really -- you know,
13 that says a lot. So I'd like to thank
14 everyone who gave us their full attention
15 and didn't just sit on their cell phone
16 and act like this wasn't an important
17 issue.

18 COUNCIL PRESIDENT CLARKE: That
19 was kind of unnecessary.

20 MR. MCGINLEY: Well, it's the
21 truth. I'm sorry, sir, but it's the
22 truth.

23 COUNCIL PRESIDENT CLARKE:
24 People are here and they can hear you.

25 MR. MCGINLEY: That's fine, but

1 4/19/16 - WHOLE - BILL 160170, etc.

2 I think it was very necessary.

3 COUNCIL PRESIDENT CLARKE: So
4 you're wasting your time talking about
5 that. You need to talk about --

6 MR. MCGINLEY: I also think
7 that some people here --

8 COURT REPORTER: Can I have
9 your name?

10 COUNCIL PRESIDENT CLARKE: Say
11 your name for the record.

12 MR. MCGINLEY: I'm sorry.
13 What's that?

14 COUNCIL PRESIDENT CLARKE:
15 State your name for the record.

16 MR. MCGINLEY: My name is
17 Dennis McGinley.

18 COUNCIL PRESIDENT CLARKE:
19 Thank you.

20 MR. MCGINLEY: And I happen to
21 be an employee at the Pepsi Bottling
22 Company.

23 COUNCIL PRESIDENT CLARKE: Pull
24 the mic a little closer.

25 MR. MCGINLEY: And I've been

1 4/19/16 - WHOLE - BILL 160170, etc.
2 there for 15 years. I've also been a
3 member of Teamsters Local 830 for that 15
4 years. I've had the honor of being a
5 shop steward for 13 years and
6 representing the men and women who need
7 to work and need their jobs. They're
8 parents. They need their income just
9 like everyone else.

10 As being a member of a union
11 and a labor organization, we don't want
12 to put anybody out of jobs. We don't
13 want to affect anyone else's jobs, but
14 we've heard people sit here today like
15 nurses, doctors, people who are on all
16 kinds of committees, who not one of them
17 have offered to give up their jobs or tax
18 their income, but they want our income
19 taxed, right? They want us to maybe be
20 out of jobs. They want us to take the
21 brunt of this tax. That's ridiculous.

22 We want a pre-K program. We
23 want children to thrive. But we can't do
24 it on the back of our industry, because
25 we're the ones that are going to suffer.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Two thousand people's jobs, the climate
3 of our jobs, the landscape of our jobs
4 are going to totally change.

5 There's got to be a different
6 way. There's not a way that this can
7 work for either side if you put us out of
8 work. And that's exactly what's going to
9 happen. You have to find another way.
10 As our leaders, I think you can. I think
11 that you's are smart enough to do that.
12 I think that you can find another way.
13 But I don't even think there is a real --
14 what do you call it -- a real plan for
15 pre-K. I just think it's an idea, an
16 idea that's wrong.

17 And, by the way, none of the
18 Teamsters here were paid today. We're
19 all here on our own time.

20 Thank you very much.

21 COUNCIL PRESIDENT CLARKE:

22 Thank you for your testimony.

23 (Applause.)

24 COUNCIL PRESIDENT CLARKE: And
25 we actually do have one last witness,

1 4/19/16 - WHOLE - BILL 160170, etc.

2 Tarrell Davis.

3 (Witness approached witness
4 table.)

5 COUNCIL PRESIDENT CLARKE: Good
6 evening.

7 MS. DAVIS: Good evening.

8 Thank you for your time and for hearing
9 me today. My name is Tarrell Davis and
10 I'm currently Director of Early Childhood
11 Programming for Settlement Music School.

12 I know you've heard many
13 reasons thus far about why early
14 childhood is so important. I could sit
15 here today and tell you all about the
16 research, the 20-plus years of research
17 in the field, the importance of the early
18 childhood teachers and the qualities, but
19 I know you've seen that and you've heard
20 that, because I know some of you have
21 been to my program and you've witnessed
22 the quality that we provide children and
23 families.

24 I also know you've heard a lot
25 about the research, because I've also

1 4/19/16 - WHOLE - BILL 160170, etc.
2 submitted research to Council not too
3 long ago in regards to the positive
4 outcomes early childhood provides young
5 children.

6 But today I would like to focus
7 on the early childhood teachers. I
8 started out an early childhood teacher.
9 I moved up with my Bachelor's degree,
10 went on to get my Master's, and finally
11 found work. I had to relocate to find
12 work, but I did.

13 As time moved on, I met many
14 teachers along the way that shared my
15 passions and learned why they wanted to
16 teach.

17 I've been in the field for over
18 20 years as a teacher, a parent,
19 administrator and have learned that
20 they're very compassionate people, who
21 spend their lifetime and energy ensuring
22 that children have their needs met, and I
23 feel these are the hardest working
24 individuals because they have so much to
25 consider when teaching young children.

1 4/19/16 - WHOLE - BILL 160170, etc.

2 They must take into account a child's
3 health, emotional, cognitive, and
4 physical well-being, as well as look into
5 the family and provide assistance, if
6 need be, for the sake of the child.

7 Teachers are our direct line.

8 We can talk about what quality looks
9 like, but we should also consider how
10 quality is being delivered. It takes
11 people who genuinely want to educate,
12 nurture, and care for the development of
13 children this age and teachers who get
14 it. Early childhood teachers have many
15 responsibilities and requirements to be a
16 teacher. They spend full days expected
17 to abide by rigorous criteria, higher
18 standards and deal with challenging
19 behaviors.

20 There have been many occasions
21 where programs had to worry about making
22 payroll. We're talking about early --
23 we're talking about teachers, but people
24 being out of jobs. Early childhood
25 teachers are out of jobs right now. We

1 4/19/16 - WHOLE - BILL 160170, etc.
2 need to invest in early childhood
3 education in order to keep doors open
4 consistently. Programs have been known
5 to close their doors and not make payroll
6 due to low investments in early childhood
7 education.

8 So I just ask you to join me
9 today in supporting the soda tax and my
10 personal goal, to influence minds, break
11 cycles, and change the future through
12 quality pre-K.

13 Thank you.

14 COUNCIL PRESIDENT CLARKE:

15 Thank you, ma'am.

16 (Applause.)

17 MS. COFFER: Thank you. My
18 name --

19 COUNCIL PRESIDENT CLARKE: Good
20 evening.

21 MS. COFFER: My name is Tonayia
22 Coffer, for the record. I am part of
23 Parents United for Public Education. I'm
24 also a member of Community Schools Task
25 Force, but today I am standing to provide

1 4/19/16 - WHOLE - BILL 160170, etc.
2 testimony on behalf of my four children,
3 two of whom attend elementary school in
4 the Public School District of
5 Philadelphia and one heading into
6 kindergarten and one who will be eligible
7 for pre-K.

8 Over the last few years, I have
9 witnessed the deprivation of our public
10 schools across the City. My children and
11 children across the City have been
12 greatly impacted by classroom
13 overcrowding, lack of nurses, no
14 counselors, teacher vacancies,
15 insufficient resources to maintain
16 programs and curriculums for science and
17 technology. There's just lots of
18 deprived situations within our schools.

19 I urge Council and
20 decision-makers today to ensure that the
21 investment in local communities is
22 materialized and that we give attention
23 to the student trauma and their needs,
24 that we have renewed attention to the
25 climate and safety and positive

1 4/19/16 - WHOLE - BILL 160170, etc.
2 discipline practices over high-stakes
3 testing and over suspension.

4 I'm an advocate, and I applaud
5 the Mayor's plan for community schools,
6 but I want to go on record that the
7 development process needs to incorporate
8 authentic parents and community
9 engagement to ensure that we are an
10 active part of the planning and
11 decision-making. There are organizations
12 and individual advocates who can
13 contribute greatly to this process. True
14 community schools should have a
15 curriculum that is grounded in solid
16 educational principles.

17 I, as a parent, am opposed to
18 and would hate to see the City place
19 time, attention, and dollars to this
20 initiative and only to come up with just
21 another way of privatizing public
22 education by contracting outside agencies
23 and continuing to neglect the remaining
24 schools within the District.

25 I'm not sure -- I do stand in

1 4/19/16 - WHOLE - BILL 160170, etc.
2 support of the beverage tax, the soda
3 tax, and I urge Council to deliver on
4 this promise and encourage development of
5 our schools across the City.

6 COUNCIL PRESIDENT CLARKE:

7 Thank you so much.

8 (Applause.)

9 COUNCIL PRESIDENT CLARKE:

10 Thank you so much. I would like to thank
11 all of you for your participation this
12 evening and for your civility. This will
13 continue.

14 This Committee will stand in
15 recess until Wednesday, April 20th, 2016
16 at 10:00 a.m., at which time we will
17 reconvene in Room 400, City Hall.

18 Thank you all very much.

19 (Committee of the Whole
20 adjourned at 7:15 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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