

Committee of the Whole  
May 8, 2019

Page 1

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE OF THE WHOLE

Room 400, City Hall  
Philadelphia, Pennsylvania  
Wednesday, May 8, 2019  
10:37 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE  
COUNCILWOMAN JANNIE L. BLACKWELL  
COUNCILMAN ALLAN DOMB  
COUNCILMAN WILLIAM K. GREENLEE  
COUNCILWOMAN HELEN GYM  
COUNCILMAN AL TAUBENBERGER

BILLS 190152, 190153, 190154, and 190155  
RESOLUTION 190164

- - -

1           5/8/19 - WHOLE - BILL 190152, ETC.

2                   COUNCIL PRESIDENT CLARKE: Good  
3 morning. We're going to get started.  
4 This is the public hearing of the  
5 Committee of the Whole regarding Bills  
6 No. 190152, 190153, 190154, 190155, and  
7 Resolution No. 190164.

8                   Mr. Stitt, please read the  
9 titles of the bills and resolution.

10                   THE CLERK: Bill No. 190152, an  
11 ordinance to adopt a Capital Program for  
12 the six Fiscal Years 2020 through 2025  
13 inclusive.

14                   Bill No. 190153, an ordinance  
15 to adopt a Fiscal 2020 Capital Budget.

16                   Bill No. 190154, an ordinance  
17 adopting the Operating Budget for Fiscal  
18 Year 2020.

19                   Bill No. 190155, an ordinance  
20 amending Chapter 19-1500 of The  
21 Philadelphia Code, entitled "Wage and Net  
22 Profits Tax," by revising certain tax  
23 rates, under certain terms and  
24 conditions.

25                   Resolution No. 190164,

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           resolution providing for the approval by  
3           the Council of the City of Philadelphia  
4           of a Revised Five Year Financial Plan for  
5           the City of Philadelphia covering Fiscal  
6           Years 2020 through 2024, and  
7           incorporating proposed changes with  
8           respect to Fiscal Year 2019, which is to  
9           be submitted by the Mayor to the  
10          Pennsylvania Intergovernmental  
11          Cooperation Authority (the "Authority")  
12          pursuant to the Intergovernmental  
13          Cooperation Agreement, authorized by an  
14          ordinance of this Council approved by the  
15          Mayor on January 3, 1992 (Bill No.  
16          1563-A), by and between the City and the  
17          Authority.

18                   COUNCIL PRESIDENT CLARKE:

19           Thank you, Mr. Stitt.

20                   Today we continue the public  
21           hearing of the Committee of the Whole to  
22           consider the bills read by the Clerk that  
23           constitute proposed operating and capital  
24           spending measures for Fiscal 2020, a  
25           Capital Program, and a forward-looking

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           Capital Plan for Fiscal 2020 through  
3           Fiscal 2025.

4                   Today we will hear testimony  
5           from the following City departments:  
6           Department of Revenue, Board of Revision  
7           of Taxes, and revenue tax bills.

8                   Mr. Stitt, the first person to  
9           testify is?

10                   THE CLERK: Frank Breslin.

11                   (Witnesses approached witness  
12           table.)

13                   COUNCIL PRESIDENT CLARKE: Good  
14           morning.

15                   COMMISSIONER BRESLIN: Good  
16           morning.

17                   Good morning, President Clarke  
18           and members of City Council. I am Frank  
19           Breslin, Revenue Commissioner. I would  
20           like to thank the members of City Council  
21           for their ongoing support as the  
22           Department collects the money needed to  
23           provide City and School District services  
24           and the efforts of continued expansion of  
25           our assistance programs and payment plans

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 for taxpayers and water customers.

3 To continue those efforts, the

4 Department of Revenue is requesting

5 \$32,879,233 from the General Fund in

6 Fiscal Year 2020. This is a \$1,627,742

7 increase over Fiscal Year 2019. This

8 includes \$1,233,742 in Class 100 to

9 provide for salary increases for District

10 Council 33 staff and to add 21 new

11 positions for TIPS replacement and one

12 new tax analyst position for our

13 Commercial Activity License program.

14 This will assist with the implementation

15 efforts to support this technological

16 initiative. The remainder of the

17 increase will fund outside appraiser

18 services for expert reports and testimony

19 when property owners contest appraisals

20 for real estate tax purposes and support

21 services for TIPS replacement.

22 Joining me today are Michelle

23 Bethel, Deputy Revenue Commissioner, and

24 Marisa Waxman, First Deputy Revenue

25 Commissioner. We are pleased to answer

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 your questions on Revenue's Fiscal Year  
3 2020 budget.

4 COUNCIL PRESIDENT CLARKE: I'll  
5 tell you, the word is getting out among  
6 the City departments. The testimony is  
7 getting shorter and shorter. I'm loving  
8 it. Thank you.

9 I got a couple of questions.  
10 First, I just want to say I want to thank  
11 you and your team, your willingness and  
12 ability to dispatch individuals out to  
13 functions. We always have a series of  
14 initiatives and meetings, basically get  
15 down to community meetings across our  
16 district and I'm assuming they are  
17 happening in other parts of the City, and  
18 you've always had individuals there that  
19 have been extremely helpful and giving  
20 information out to community residents  
21 and providing assistance actually on the  
22 spot, giving assistance in terms of  
23 starting the process of applications of  
24 forms for tax relief programs. I really  
25 want to say how much I appreciate it.

1           5/8/19 - WHOLE - BILL 190152, ETC.

2                   And I want to also appreciate  
3           you, to thank you for working actually  
4           with Councilman Domb and myself when we  
5           were having the discussion around  
6           sequestration, and you worked with us to  
7           make sure that we were on point and  
8           getting people engaged both in tax relief  
9           programs and trying as best as possible  
10          to get the City's taxes collected. So I  
11          want to thank you for your work on that.

12                   COMMISSIONER BRESLIN: You're  
13          welcome. Thank you.

14                   COUNCIL PRESIDENT CLARKE: In  
15          your testimony, you talk about the  
16          one-year collection rate of real estate  
17          at 96.1, and it clearly appears to be  
18          trending in the right direction.  
19          Realistically is there a likelihood that  
20          we could increase this percentage and, if  
21          so, how do we get there?

22                   COMMISSIONER BRESLIN: Well, I  
23          think it's indicative of our collection  
24          strategy and our relief programs. The  
25          strategy is really working, and we've

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           been trending, as you said, we've been  
3           trending in the right direction. Our  
4           preliminary numbers indicate that we'll  
5           continue to move in that direction, and  
6           we believe that, again, the preliminary  
7           numbers indicate like 96.4 is what we're  
8           anticipating.

9                        COUNCIL PRESIDENT CLARKE:

10          Okay. A far cry from where we were.

11                        In your budget detail, you show  
12          a 1.2 million increase in Class 100,  
13          increase in salary, and 21 additional  
14          positions. In your testimony you  
15          described these positions are supporting  
16          the Integrated Tax System, ITS, and the  
17          Commercial Activity Revocation program.

18                        What positions in your  
19          department are you adding and how will  
20          these positions improve your department's  
21          performance in that respect? You can  
22          just detail the goals and the programs  
23          that I've outlined.

24                        COMMISSIONER BRESLIN: Right.

25          So one of our -- the ITS, Integrated Tax



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           System, is really the biggest initiative  
3           for this department. Our legacy system,  
4           which is over 30 years old, is really  
5           holding us back from getting to the next  
6           level. And we're in the process now. We  
7           have RFPs out, we have received  
8           proposals, and we're looking at moving  
9           forward with getting this new system.

10                   As part of that process, we've  
11           looked at other -- we've met and reviewed  
12           systems in other jurisdictions and  
13           basically getting best practices so that  
14           this will be a successful initiative, and  
15           what we've learned is that we really need  
16           a dedicated team, a team dedicated to the  
17           implementation, not do your regular job  
18           and work on the implementation. That's  
19           been a problem in some jurisdictions and  
20           they've given us the heads-up to that.  
21           Other jurisdictions that use the  
22           dedicated team have stressed how  
23           important that was to their success. So  
24           basically what we're doing is, we're  
25           taking 20 positions from the Department,

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           key staff that we think will be key  
3           leaders to this initiative, and we're  
4           going to move them onto the project full  
5           time, and then we're going to do  
6           essentially like a waterfall of a  
7           backfill. So we're not backfilling  
8           necessarily their position. We're going  
9           to move staff up into positions. So to  
10          the degree that we take a manager, we'll  
11          move a supervisor up, backfill up, and  
12          fill at the lowest position, and that  
13          helps us be fiscally responsible with  
14          this process, but that's what we're  
15          doing. And that, we're hoping, will lead  
16          to a very successful implementation.

17                    It's a several-year  
18          implementation. It could be two,  
19          three-year implementation. It will be  
20          incremental, but that will really change  
21          the whole customer experience for  
22          Revenue. I mean, the way taxpayers  
23          communicate with us will change.  
24          Taxpayers will be able to do everything  
25          through a taxpayer portal. They'll be

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           able to see their payments. They'll be  
3           able to see where things -- where  
4           payments are applied, when taxes are due.  
5           It will be much easier to interact with  
6           the City, and it will be much easier also  
7           for us on the City side -- so that's the  
8           customer facing. It will just be a total  
9           improvement from customer facing.

10                         And then from the City side, it  
11           will be a vast improvement. Right now  
12           our system is so old, that programming is  
13           a real challenge to us in getting  
14           programmers, because it's essentially a  
15           computer language that's not really  
16           taught in schools anymore and it's not  
17           cutting edge. So it's hard for us, and  
18           it's also hard to do the programming.  
19           Things are kind of hard-coded into the  
20           system. So something that would seem  
21           like a very simple change in a modern  
22           platform is very difficult, and that  
23           holds us back.

24                         So we're really excited about  
25           this, and we know that this is really the

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           future of Revenue and this will really  
3           revolutionize the customer experience.  
4           But in order to do that, we need to  
5           dedicate a staff to this implementation.  
6           It's a significant implementation.

7                        COUNCIL PRESIDENT CLARKE: So  
8           you're saying that the staff needs as it  
9           relates to these programmers, they're  
10          difficult to find people qualified for  
11          those positions?

12                       COMMISSIONER BRESLIN: Yes.

13                       COUNCIL PRESIDENT CLARKE: Is  
14          that industry-wide or is it just  
15          regional, is it Philadelphia?

16                       COMMISSIONER BRESLIN: Every  
17          jurisdiction that I go to, regional and  
18          national events of tax administrators,  
19          and every jurisdiction that has an old  
20          legacy system similar to ours is  
21          experiencing the same challenge, and it's  
22          why so many jurisdictions have over the  
23          last few years or are now moving to a new  
24          integrated tax system.

25                       COUNCIL PRESIDENT CLARKE:

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 Okay. Great.

3 Your department, I was looking  
4 at your participation rate and your  
5 MBE/WBE/DBE, and your numbers are pretty  
6 successful. I think you're at a 52  
7 percent rate for professional service  
8 contracts. Can you talk to me about what  
9 you've done to get that number in terms  
10 of outreach to have a diverse contracting  
11 record? Is there something in particular  
12 we may be able to explain to other  
13 departments or other people?

14 COMMISSIONER BRESLIN: We've  
15 been working really closely with OEO and  
16 sitting down and meeting with them  
17 periodically and going through our  
18 numbers and going through what we can do  
19 to improve those numbers. I don't think  
20 we have any secret kind of magic potion  
21 there, but it's just really paying  
22 attention to it and working closely with  
23 OEO.

24 COUNCIL PRESIDENT CLARKE: And  
25 you got to be committed to making sure

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 that that happens.

3 COMMISSIONER BRESLIN:

4 Absolutely.

5 COUNCIL PRESIDENT CLARKE: All

6 right. One last question. So at a

7 recent hearing, you stated that a large

8 percentage of the delinquent tax accounts

9 are attributed to non-Philadelphians, and

10 I'm actually not surprised by that.

11 Actually in doing some research, we're

12 doing some research on individuals that

13 are buying properties in gentrified areas

14 and an overwhelming number of the

15 purchasers are from outside of the City

16 of Philadelphia, and that's this ongoing

17 debate we're having with a number of

18 people who have expressed an interest in

19 property acquisition and disposition, and

20 we'll get to that.

21 Can you tell me the percentage

22 of tax delinquents that live out of the

23 City? And if you don't have that

24 available right now, I'll understand.

25 COMMISSIONER BRESLIN: For real

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           estate tax, I know the number is 11  
3           percent.

4                   COUNCIL PRESIDENT CLARKE: 11  
5           percent?

6                   COMMISSIONER BRESLIN: Yes. I  
7           don't know for other taxes, but that's  
8           the number. And we can look to see if we  
9           can get you that, but for real estate  
10          tax, non-Philadelphia owners who are  
11          delinquent is 11 percent.

12                   COUNCIL PRESIDENT CLARKE:  
13          Didn't we recently, I guess a couple  
14          years ago, we were authorized by the  
15          General Assembly an initiative that  
16          allows us to go after other assets or  
17          something, if you can explain that.

18                   COMMISSIONER BRESLIN: That's  
19          correct. That's correct, and we're doing  
20          that right now. We continue to do that.  
21          So basically what that means is if we  
22          have a non-Philadelphia owner who owns  
23          multiple properties in Philadelphia that  
24          are delinquent, we can actually take that  
25          lien and attach it to that person, and

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           then all of the properties are then  
3           affected as well as that personal  
4           residence outside of Philadelphia. I  
5           mean, kind of the example that's been  
6           used before in hearings is somebody who  
7           may live in a big home in the suburbs and  
8           have rental properties here and they're  
9           not paying taxes. Now we can actually  
10          get a lien on that suburban property, so  
11          that means they can't sell that property,  
12          they can't refinance that property unless  
13          they satisfy the delinquencies in  
14          Philadelphia.

15                   COUNCIL PRESIDENT CLARKE:

16          Yeah. That's been extremely helpful, and  
17          I want to thank the state for giving us  
18          the authority. I think Councilwoman  
19          Parker was working on that with a number  
20          of her former colleagues up there. That  
21          was --

22                   COMMISSIONER BRESLIN: That's  
23          been helpful.

24                   COUNCIL PRESIDENT CLARKE:

25          Thank you.



1 5/8/19 - WHOLE - BILL 190152, ETC.

2 The Chair recognizes Councilman  
3 Greenlee.

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

6 Good morning.

7 COMMISSIONER BRESLIN: Good  
8 morning.

9 COUNCILMAN GREENLEE: And also  
10 I want to thank you and your office for  
11 the help you provide to me and the staff  
12 when we call with problems. Appreciate  
13 that.

14 And you touched on payment  
15 agreements, but in numbers, do you know  
16 how many payment agreements overall or  
17 just in real estate, however you want to  
18 break it down, that you've had over, say,  
19 the past year? And does that increase, I  
20 guess is what I'm really interested in?

21 DEPUTY COMMISSIONER WAXMAN:  
22 Hi. Marisa Waxman, First Deputy Revenue  
23 Commissioner.

24 So off the top of my head, I  
25 can tell you about the owner-occupied

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           payment agreements for real estate. As  
3           of the end of December 2018, we had  
4           11,472 owner-occupied payment agreements,  
5           and around 82, 85 percent of those were  
6           in our Tier 4 and 5. So those are our  
7           lower income, most vulnerable homeowners.  
8           In addition to that, we had 15,000  
9           standard real estate tax payment  
10          agreements. And so all told, there's  
11          about 26,000 real estate tax payment  
12          agreements right now. We've got around  
13          63,000 total delinquent accounts. So  
14          that's a really good share of those folks  
15          who -- that money is still delinquent,  
16          but they're compliant with us. So it's  
17          like even if they're not all the way up  
18          to speed and there's a problem, they had  
19          a whoopsie-doodle, they can still get  
20          into those payment agreements.

21                   I don't have the business tax  
22                   agreements off the top of my head, but we  
23                   can certainly provide that.

24                   COUNCILMAN GREENLEE: Okay.  
25                   And is that a significant increase from

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 other years of people entering into  
3 agreements?

4 DEPUTY COMMISSIONER WAXMAN: So  
5 particularly in the OOPA, it is a notable  
6 increase that we had since the prior  
7 year, and a lot of the changes, though,  
8 that went into OOPA this year, we think  
9 actually it's going to make it easier for  
10 folks to stay in. A lot of what we used  
11 to have was a lot of churn where folks  
12 would get in, not be able to keep up on  
13 their current taxes, fall out, break it,  
14 get into a new agreement. With the  
15 changes that went in, because folks at  
16 those Tier 4 and 5 can roll in their  
17 current year automatically -- we'll do it  
18 for them unless they tell us not to --  
19 we're going to see a lot less churn.

20 We also, though, have been  
21 making sure that folks who aren't  
22 compliant get information sort of early  
23 and clearly about how to stay in. So we  
24 think that we're going to be able to keep  
25 folks in the program and keep increasing

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 the folks who are in there.

3 COUNCILMAN GREENLEE: Do you  
4 know how much in revenue that has brought  
5 in or could you get that?

6 DEPUTY COMMISSIONER WAXMAN: So  
7 right now the OOPA program has \$122  
8 million under agreement, and basically  
9 all that money is, for the most part,  
10 sort of parked and protected. Folks then  
11 make monthly payments based on their  
12 income. So we get some amount of money  
13 in. We're not -- but those agreements  
14 can be over time or at our lowest tiers.  
15 There are ones that are zero dollar a  
16 month that can take a long time.

17 COUNCILMAN GREENLEE: Okay.  
18 And Deputy Commissioner Bethel, on water,  
19 do you have any figures on that along the  
20 same lines?

21 DEPUTY COMMISSIONER BETHEL:  
22 Good morning, Councilman.

23 COUNCILMAN GREENLEE: Good  
24 morning.

25 DEPUTY COMMISSIONER BETHEL:

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 Michelle Bethel, Deputy Revenue  
3 Commissioner.

4 So for water, in Fiscal '18 we  
5 had about 34,000 total payment  
6 agreements, protecting about 33.5  
7 million.

8 COUNCILMAN GREENLEE: Okay.  
9 And has that also increased?

10 DEPUTY COMMISSIONER BETHEL:  
11 Yes. And so for FY19, right now we are  
12 at 17.1 million in all of our payment  
13 agreements and protecting \$18 million.

14 COUNCILMAN GREENLEE: Okay.  
15 That's great.

16 DEPUTY COMMISSIONER BETHEL:  
17 And that includes TAP, of course. That's  
18 in there as well.

19 COUNCILMAN GREENLEE: And  
20 obviously the added benefit that people  
21 keep their water on.

22 DEPUTY COMMISSIONER BETHEL:  
23 Absolutely. That's our goal, to keep  
24 their water on. Absolutely.

25 COUNCILMAN GREENLEE: All

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 right. Thank you. Thank you on those  
3 answers.

4 Thank you, Mr. President.

5 COUNCIL PRESIDENT CLARKE:

6 Thank you, Councilman.

7 The Chair recognizes Councilman  
8 Domb.

9 COUNCILMAN DOMB: Good morning,  
10 Council President.

11 And good morning. And I want  
12 to echo Council President Clarke and  
13 Councilman Greenlee's comments that I  
14 think we all feel you're doing a good  
15 job, so thank you.

16 And I just want to go back in  
17 time when I first came here. I think the  
18 collection rate for real estate taxes --  
19 you heard different numbers, but I heard  
20 numbers from anywhere from 89 to 91  
21 percent. Was that three years ago  
22 roughly, was that the range?

23 COMMISSIONER BRESLIN: Yeah.

24 That sounds about right, but I don't have  
25 those numbers in front of me. But there

1           5/8/19 - WHOLE - BILL 190152, ETC.

2           has been a significant increase over the  
3           years and we're trying to --

4                    COUNCILMAN DOMB:   And right now  
5           you're at 96.1 heading up, and of course  
6           we'd love to be at 98 or 99, but we're  
7           getting closer.   And give us some idea  
8           today of the total real estate  
9           collections that you collect, including  
10          the school portion.   Is that in the 1.7  
11          billion range or 1.65?   What is the range  
12          in that?

13                   COMMISSIONER BRESLIN:   Yeah.   I  
14          don't know if I have the exact number,  
15          but it's above \$1.5 billion in  
16          collections.

17                   COUNCILMAN DOMB:   And so when  
18          we talk about an increase in collections  
19          of even taking the higher number of 91 to  
20          96, it's a 5 percent increase or about  
21          \$75 or \$80 million more per year you're  
22          collecting on an annual basis for the  
23          City.

24                   COMMISSIONER BRESLIN:   Yes.

25                   COUNCILMAN DOMB:   Okay.   And

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           then I notice in your budget your request  
3           over the last two years has an increase  
4           of about 5 percent for two years or 2 and  
5           a half percent per year, which is  
6           reasonable considering you're collecting  
7           \$75 or \$80 million more money for the  
8           City. So I think your budget request is,  
9           from my personal opinion, it's modest,  
10          because you're doing something that we  
11          need to make sure we continue to do and  
12          continue to collect more in delinquent  
13          taxes. So I applaud that.

14                    I mean, you're only talking  
15          about a million -- you've only increased  
16          in two years 1.6 million and you've  
17          increased the collection \$75 to \$80  
18          million, and so that's roughly 800,000  
19          you're asking for more on a two-year  
20          basis, a 2 and a half percent increase.  
21          That's good.

22                    So I wanted to ask you a  
23          question on -- Council President Clarke  
24          touched on this -- the sequestration that  
25          you were doing that we asked you to



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           increase last year. How is that program  
3           proceeding? Any idea of what the  
4           potential collection will be? And I know  
5           we've talked about this in meetings, but  
6           there's a finite pool of monies you can  
7           collect on sequestration. And also we  
8           talked about -- maybe you could touch  
9           on -- the possibility of using it for the  
10          Water Department and sequestering some of  
11          those delinquencies too from commercial  
12          landlords who are renting the properties  
13          that aren't paying their water bills.

14                    COMMISSIONER BRESLIN: So  
15          sequestration has been a very powerful  
16          tool for the Department. It's basically  
17          receivership. So it has to be an  
18          income-producing property, and then we  
19          can put that income-producing property in  
20          the hands of a receiver, and while it's  
21          in the hands of the receiver, taxes and  
22          other bills are paid, and then once the  
23          taxes are paid, we turn it back to the  
24          owner. And the advantage there is, it's  
25          less disruptive to tenants. It keeps the

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           property in the hands of the owner. It  
3           doesn't go through a foreclosure process,  
4           and it gets the taxes paid. So it's been  
5           a great program, and obviously we want to  
6           use that to its fullest potential.

7                     The challenge with that program  
8           is that there's only a limited pool, as  
9           you said, of properties that meet that  
10          criteria. So we continue -- we ramped  
11          up. We continued to do that, and now  
12          we're starting to use it for water, and  
13          I'll let Frances Beckley speak a little  
14          bit about it since it's a legal process  
15          that we're using.

16                    MS. BECKLEY: But the big  
17          difference between -- excuse me. I'm  
18          Frances Beckley, Chief Counsel to the  
19          Revenue Department.

20                    The critical legal difference  
21          from the tenant's perspective is that  
22          when we foreclose on property, the  
23          property is sold free and clear, and that  
24          includes free and clear of the lease. So  
25          the tenant can be evicted at the

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           purchaser's discretion. If we put it  
3           into sequestration, the lease stays in  
4           place. The tenant has all the rights  
5           preserved there.

6                        Sequestration has brought in a  
7           lot of money. I believe we're over 80  
8           million since we started the program a  
9           few years ago.

10                      COUNCILMAN DOMB: How much was  
11           that?

12                      MS. BECKLEY: However, because  
13           of the limited -- I'm sorry.

14                      COUNCILMAN DOMB: How much was  
15           the total you mentioned? 80?

16                      MS. BECKLEY: Yeah.

17                      COUNCILMAN DOMB: 80 million?

18                      MS. BECKLEY: Yeah, but that's  
19           over four years.

20                      COUNCILMAN DOMB: That's still  
21           pretty good.

22                      MS. BECKLEY: Yeah. Even today  
23           as the -- the program, because of the  
24           limited pool of properties that we can  
25           use, the average payment that we brought

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           in in FY16 from taking a property was  
3           \$6,000. Today the average payment is  
4           2,300. Because we started with the big  
5           ones. We've picked off the good stuff,  
6           but that's why now we are turning to  
7           water, because there are some rental  
8           properties with some significant water  
9           bills, in part because of the state law  
10          that protects tenants. You can't shut  
11          off the landlord's water as easily as you  
12          should given that it's the landlord's  
13          responsibility, because you don't want to  
14          hurt the tenants. Putting something into  
15          water sequestration doesn't turn off the  
16          water, doesn't touch the tenant, again  
17          doesn't touch the lease.

18                        So we're very enthusiastic  
19          about that process. We just started it.  
20          To date, we've collected 123,000 just in  
21          the first month, and we haven't even  
22          filed a single court case. Those will  
23          start actually filing the petitions for  
24          water sequestration next month.

25                        COUNCILMAN DOMB: That's great.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 So basically in simple terms, if I was  
3 explaining this to someone who wasn't  
4 that familiar with collection, the word  
5 "sequestration" is basically landlords  
6 who haven't paid us their taxes, we  
7 notify their tenants to redirect their  
8 monthly rent to the City of Philadelphia.  
9 And when the landlords hear that, they  
10 say, wait a second, I'd better pay my  
11 taxes.

12 MS. BECKLEY: And even better  
13 than that, we don't have the power to  
14 redirect the rents, but we ask the court  
15 to redirect the rents.

16 Our experience with real  
17 estate -- and we anticipate it will be  
18 similar with water -- is that half the  
19 landlords pay when they get the first  
20 letter telling them that we're going to  
21 do it. Another quarter pay the minute we  
22 file the petition with the court. So  
23 we're only actually even going into court  
24 and asking for the sequester to be  
25 appointed in 25 percent of the cases.

1           5/8/19 - WHOLE - BILL 190152, ETC.

2                   COUNCILMAN DOMB: That's great.  
3           That's a great program. I'm glad you're  
4           using it on water.

5                   Let me ask you another question  
6           on the delinquencies, because I know you  
7           send me every month the list of all the  
8           taxes we have, the interest and penalties  
9           and compare it to last year. And the  
10          outstandings right now have gone down, by  
11          the way, in the last few years. It looks  
12          like your total outstanding of principal,  
13          not including water, is 288 million, and  
14          when you include interest and penalties,  
15          it's about 478 million. And what's  
16          interesting to me is that your commercial  
17          trash fee, which was -- I guess last year  
18          it seems like it's gone down a bit, gone  
19          down about a million five, but overall  
20          your tax collections have gone down about  
21          16 million. You reduced the outstanding.

22                   Are there any other strategies  
23          of collecting some of this other  
24          outstanding that we could implement?

25                   COMMISSIONER BRESLIN: I think

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           that what we're doing is working. We're  
3           always looking for more tools, and it's a  
4           combination of having the tools and then  
5           matching the right tool to the right  
6           delinquency. So our data warehouse has  
7           really helped us with that. That has  
8           been extremely helpful in our analysis of  
9           receivables and automating some of the  
10          process, and we continue to develop that,  
11          automating the process. Because it's not  
12          only having the tool, then identifying  
13          what delinquencies are right for the  
14          tool, but then it's getting it there as  
15          quickly as possible.

16                        So I think we have a great set  
17          of tools right now that we're using and  
18          that it's just a matter of fine-tuning it  
19          and continuing what we're doing.

20                        COUNCILMAN DOMB: Let me ask  
21          you this question, just so I understand.  
22          When you have on your delinquencies wage  
23          taxes, I guess, that are 19.6 million,  
24          interest and penalties total 32.5  
25          million, can you explain wage taxes? Are

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           those employers who have not remitted the  
3           wage taxes?

4                        COMMISSIONER BRESLIN:  They  
5           are.  They're employers who have not  
6           remitted wage tax.  Now, in a lot of  
7           those cases, it's tax that was withheld  
8           and not remitted.  Not always.  Sometimes  
9           it could be as a result of an audit where  
10          we reclassify subcontractors as  
11          employees, and then in that situation, if  
12          an employer has failed to withhold tax  
13          that they should have, the employer is  
14          liable.  We don't go after the  
15          individuals.  We would then assess the  
16          employer, and that would be their  
17          responsibility to pay that.  But it is --  
18          it's all wage tax.  It comes from  
19          different situations.  And wage tax is a  
20          trust fund tax.  So if it was withheld,  
21          then that's very serious if it was  
22          withheld and not remitted.

23                       COUNCILMAN DOMB:  I understand.  
24          I'm asking the question because I'm  
25          trying to figure out if there's another



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           tool we can get you in your toolkit to  
3           collect some of those outstanding  
4           amounts, because I see wages with  
5           interest and penalties 32 million and  
6           earnings are 22 million and the BIRT is  
7           75 million. Are there any other tools we  
8           could help you utilize to collect those  
9           past -- they're past delinquencies too,  
10          most of those.

11                    COMMISSIONER BRESLIN: Yes. As  
12          I said, I think we have the tools that we  
13          need. Some of those are really old  
14          delinquencies and they may be defunct  
15          entities. So we really work on the  
16          receivables from two sides. We look at  
17          them to see collectability. Some will  
18          get written off after a certain point if  
19          we don't have liens in place that we  
20          think there's collectable. We recently  
21          started using executing on judgments, and  
22          we have found that some of these very old  
23          liens that we really did not think we  
24          would collect, that has been successful  
25          in getting us some collections. Some

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           have been sizable collections. So that's  
3           a relatively new tool that we started  
4           using, and it's been effective. And now  
5           our delinquent collections group is  
6           looking at how to utilize that more  
7           effectively, sitting down with the  
8           vendors that we use that do that to see  
9           how that -- so that's a perfect example  
10          of a new tool that we've been using  
11          that's really marked for certain  
12          delinquencies, so, therefore, business  
13          tax delinquencies and specifically very  
14          old delinquencies that have liens in  
15          place that we think are still viable  
16          collections.

17                    COUNCILMAN DOMB: I have  
18                    another question on the beverage tax,  
19                    which I know is a hot item. How much did  
20                    we collect in 2018 on the beverage tax?

21                            DEPUTY COMMISSIONER WAXMAN:  
22                    I'll have that for you in just a second.

23                            COUNCILMAN DOMB: And my other  
24                    question is going to be, do we have -- I  
25                    assume there's also delinquency in the

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 beverage tax too.

3 DEPUTY COMMISSIONER WAXMAN: So  
4 for FY19 so far, we've collected 57.2  
5 million through March, and I hear we had  
6 a pretty decent month in April. I  
7 haven't seen the final figures yet. And  
8 we've had a really high collection rate  
9 with that too. So in the high 90's. I  
10 actually think it's one of the highest,  
11 like closer to 97, 98 percent collection  
12 rate.

13 We've had some -- we've started  
14 auditing. We've started doing a lot of  
15 compliance, and we've seen payments roll  
16 in through that as well. So the  
17 compliance there has been working pretty  
18 well.

19 COUNCILMAN DOMB: That's good.  
20 That's very good. Okay. I have a  
21 different question I was going to ask  
22 you, and that has to do with some of the  
23 questions I had yesterday for the  
24 Sheriff. The Sheriff told us yesterday  
25 that they walk over his department's

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           collections to Revenue once a month, and  
3           he told us that those collections are not  
4           really documented in the City's budget or  
5           financial documents. Is this standard  
6           practice for departments to walk their  
7           collections to Revenue?

8                        COMMISSIONER BRESLIN: We do  
9           have departments that walk collections  
10          over and run it through our cashiering  
11          group. So it's not unusual for that to  
12          happen.

13                      COUNCILMAN DOMB: And then can  
14          we get a breakdown of how much the City  
15          receives from the Sheriff's Department in  
16          delinquent taxes and fees?

17                      COMMISSIONER BRESLIN: I'm  
18          sorry. Could you repeat that?

19                      COUNCILMAN DOMB: Could we get  
20          a breakdown of how much the City receives  
21          from the Sheriff's Department in  
22          delinquent taxes and fees?

23                      COMMISSIONER BRESLIN: Yes. We  
24          can get that to you.

25                      COUNCILMAN DOMB: Okay. And

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           two quick questions. How does the City  
3           handle cash payments? For example,  
4           someone walks into MSB, pays a bill with  
5           cash. What happens then from the time  
6           the bill is paid to the time the cash  
7           gets deposited into our bank accounts?  
8           What does that process look like?

9                        COMMISSIONER BRESLIN: I can  
10          give you a quick overview, and if you  
11          want more detail, I can have Deputy  
12          Commissioner come up and --

13                       COUNCILMAN DOMB: Just give us  
14          a quick overview.

15                       COMMISSIONER BRESLIN: It's  
16          essentially like a banking operation. A  
17          taxpayer comes in, comes to our window,  
18          pays a bill. There's a process that  
19          takes place to record that payment. The  
20          taxpayer is issued a receipt. That's one  
21          of the -- now it's a detailed receipt.  
22          One of the improvements we made,  
23          suggested by Councilman Jones, was that  
24          taxpayers should leave with a receipt  
25          that really shows what year, what taxes.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 We always furnished the receipt, but it  
3 didn't always have that level of detail.  
4 So now the taxpayer gets a detailed  
5 receipt.

6 The money is stored there in  
7 the desk. The person takes that. Then  
8 there's a process, a settlement process,  
9 that takes place during the day, and the  
10 money is then stored in a vault until it  
11 is couriered to the bank.

12 COUNCILMAN DOMB: Does that  
13 courier occur every day or once a week?

14 COMMISSIONER BRESLIN: Yes,  
15 every day. And we're in the process of  
16 acquiring a much -- working with the  
17 Treasurer's Office to acquire something  
18 called a cash vault, which is different  
19 than -- that's the name of this process.  
20 Essentially what it is is an ATM machine  
21 or, say, a small safe that we make the  
22 cash deposits into. Once the deposit --  
23 and it's right in our payment processing  
24 area. Once we make that deposit into  
25 that safe, it's now the bank's money,

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           their responsibility to come and pick  
3           that up. From the time we put it in  
4           there, it starts generating -- it's  
5           essentially deposited at the bank. So  
6           that would speed up the deposit process.

7                        COUNCILMAN DOMB: And then the  
8           last question is, lately -- maybe this is  
9           normal, but my office has received a lot  
10          of calls from constituents. I was  
11          actually stopped last night by someone  
12          who said to me, I sent the City my real  
13          estate taxes three weeks ago and they  
14          haven't cashed the check, I'm just  
15          wondering, did they get it or are they  
16          slow on cashing it?

17                       I was wondering why that's  
18          occurring and what is the procedure for  
19          that?

20                       COMMISSIONER BRESLIN: There's  
21          a lot of reasons for that. I mean, the  
22          process -- that that could happen. The  
23          process is, we have an internal  
24          service-level agreement that we're  
25          striving for five days. Any payment that

1           5/8/19 - WHOLE - BILL 190152, ETC.

2           comes into the City will be processed  
3           within five days. Many are much shorter  
4           than that. Some require research.

5                        So essentially what happens is,  
6           we get payments that come in, and  
7           hopefully they have a payment coupon with  
8           it, and then it can go through our  
9           remittance processing system, which is  
10          automated and we just run that through a  
11          machinery, and that's the quickest  
12          process.

13                       Often we get payments that do  
14          not include a payment document. That  
15          goes to our exception processing unit.  
16          They have to do research and figure out  
17          where that should be applied. Sometimes  
18          it's easy because the memo section of the  
19          check will give us some indication.  
20          Other times nothing at all. And there's  
21          times when it's not even -- the name and  
22          address on the check are not helpful,  
23          because it could be an adult child paying  
24          real estate taxes for a parent. So that  
25          has to go through.



1           5/8/19 - WHOLE - BILL 190152, ETC.

2                    But with all of that process,  
3           we're striving for five days. This year  
4           in particular -- let me finish and then  
5           I'll give you the exception.

6                    Of course, most of the year is  
7           business as usual for the Department, and  
8           tax season is not. So we ramp up  
9           staffing. We're prepared for it, but  
10          it's essentially a tsunami of mail and  
11          payments, and we're going through that as  
12          quickly as possible. But for those days  
13          when we get our highest volume, there are  
14          times when we probably or possibly won't  
15          meet the five days. We track that daily.  
16          We know where we're at. Any time we're  
17          not within five days, a report comes up,  
18          Deputy Commissioner is notified, an  
19          action plan of how we're going to get  
20          back to that level takes place.

21                   This year we had a few  
22          instances of times when we got late mail  
23          from USPS. We're dealing with them right  
24          now to find out why that happened. By  
25          the time the mail got to us -- and this

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           was trays of mail -- it was already more  
3           than a week, pushing two weeks late. So  
4           we processed it quickly, but to anyone  
5           external, they would see a three-week  
6           delay, and that was probably five or less  
7           days on our part and more on the part of  
8           the USPS.

9                        So I'm not trying to pass the  
10          buck here, but it's something that we  
11          monitor, especially during tax season, we  
12          monitor every day.

13                       COUNCILMAN DOMB: One last  
14          question and I'll be done. I know we  
15          talked about this three years ago. That  
16          was the idea of getting to a point where  
17          the real estate tax bills could be sent  
18          out electronically. Are we getting to  
19          that point where some of our population  
20          wants to receive their real estate tax  
21          bills and water and sewer bills, which  
22          are sent every month, that we'd be able  
23          to be accomplished through e-mail?

24                       COMMISSIONER BRESLIN: Yes.  
25          We're really close. We have a vendor.

1           5/8/19 - WHOLE - BILL 190152, ETC.

2           Last time we reported I think we were  
3           still in the process of selecting a  
4           vendor. We have a vendor selected. The  
5           vendor has been on site. They're working  
6           through OIT -- working with OIT and with  
7           Revenue on implementation, and right now  
8           it's scheduled for implementation the  
9           fall of this year, this calendar year.  
10          And that will start with water, because  
11          we're sending out over 500,000 water  
12          bills per month. So that's really where  
13          the big impact is. And as taxpayers and  
14          water customers -- as water customers  
15          adopt that, we'll be pushing it out to  
16          real estate customers.

17                    The assumption is, if you want  
18                    your water bill that way, you're going to  
19                    want your real estate tax bill that way  
20                    too. So that's how we'll be doing it.  
21                    There will be a lot of marketing around  
22                    it to get people aware that this new  
23                    technology exists, and hopefully we'll be  
24                    able to attain a high adoption level.

25                    COUNCILMAN DOMB: I think I saw

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           a study that if we could get 60 to 70  
3           percent of our population to be doing  
4           this electronically, water, sewer, and  
5           real estate -- water and sewer is the big  
6           piece because it's every month -- we  
7           could save \$4, \$5 million in cost of  
8           envelopes and postage.

9                        COMMISSIONER BRESLIN: Yeah.  
10          I'm not sure of that number, and 60, 70  
11          percent adoption rate will take a while.  
12          I think we haven't really talked to the  
13          vendor that specifically about adoption  
14          rates for the first year, but I would  
15          think looking at other jurisdictions a 10  
16          percent adoption rate in the first  
17          year --

18                       COUNCILMAN DOMB: In three or  
19          four years you'll get to 60 to 70  
20          percent.

21                       COMMISSIONER BRESLIN: Yes.  
22          That's the goal.

23                       COUNCILMAN DOMB: All right.  
24          Well, thank you and thank you to you and  
25          your department for what I believe is a

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           very good job you're doing for the City.  
3           Thank you.

4                        COMMISSIONER BRESLIN: Thank  
5           you.

6                        COUNCILMAN DOMB: Thank you,  
7           Council President.

8                        COUNCIL PRESIDENT CLARKE:  
9           Thank you, Councilman.

10                      The Chair recognizes Councilman  
11           Taubenberger.

12                      COUNCILMAN TAUBENBERGER:  
13           Council President, thank you very much.

14                      Commissioner Breslin, I want to  
15           thank you for always willing to listen  
16           and doing some of the hard work to  
17           resolve the problems that we have. It's  
18           greatly appreciated.

19                      COMMISSIONER BRESLIN: You're  
20           welcome.

21                      COUNCILMAN TAUBENBERGER: Thank  
22           you.

23                      What you outlined earlier is  
24           the delay, and as Councilman Domb spoke  
25           about earlier, people do ask us, and

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           we're the City Councilpeople. Hey, you  
3           got my check and it's been a month or  
4           it's been three weeks. And your  
5           explanation, I get it, but the average  
6           person on the street may not get it.  
7           Because what you had just said really  
8           sparks me to ask the following question.  
9           Like a couple days' delay on our end  
10          really the public sees as a three-week or  
11          maybe even a four-week delay on their  
12          end. They never look at blaming the Post  
13          Office.

14                    COMMISSIONER BRESLIN: No.

15                    COUNCILMAN TAUBENBERGER: They  
16          look to blame us.

17                    Is there anything we can do  
18          with the Post Office to make that work?

19                    COMMISSIONER BRESLIN: Well, I  
20          think really --

21                    COUNCILMAN TAUBENBERGER: Make  
22          it work better.

23                    COMMISSIONER BRESLIN: -- a  
24          bunch of the things that we talked about,  
25          that we just recently talked about, are

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           really going to come together to help  
3           this problem. We'll go back to the ITS  
4           system. I'm getting a new integrated tax  
5           system. It's just going to make it  
6           easier for people to do business  
7           electronically. And the more checks --  
8           the more payments that come in  
9           electronically, the less we have to  
10          process. So that is a big piece. If we  
11          can lower volume, we can process quicker.

12                         In addition, we talked about --  
13          Councilman Domb just mentioned e-billing,  
14          so we have that going. And we've also  
15          done something called -- it's our  
16          modernized e-file, which we launched a  
17          few years ago. We continue to expand.  
18          That's the ability of having our tax  
19          forms in the software packages that  
20          professional tax preparers use.

21                         Professional tax preparers want  
22          to file electronically. That's the way  
23          they generally file with the IRS. That's  
24          the way they file with the state. They  
25          want to do it with the City.

1           5/8/19 - WHOLE - BILL 190152, ETC.

2                   We actually have  
3           representatives right now at a national  
4           conference on modernized e-file, meeting  
5           with the software companies to try to get  
6           more of them to adopt our taxes into  
7           their software. And the key there is,  
8           most taxpayers who file electronically  
9           that way through their preparer also pay  
10          that way electronically, and that reduces  
11          the volume.

12                   So as we see more electronic  
13          services and more self-service, we'll be  
14          reducing the volume, that tsunami I  
15          referred to of tax returns that come in  
16          in a very short period of time, and we'll  
17          be able to get through that quicker.

18                   So I think we're making  
19          progress. We continue to make progress.  
20          Sometimes taxpayers are holding us to  
21          standards that seem reasonable, but they  
22          may not understand that a taxing  
23          operation is different than a general  
24          business. Often we get the quote that if  
25          we ran our business like this and waited



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           this long, but if they saw our mailroom  
3           on April 13th, 14th, and 15th, they'd  
4           understand the challenge in opening all  
5           this mail, getting everything processed.  
6           It's significant.

7                        COUNCILMAN TAUBENBERGER: I get  
8           it, and I understand also as technology  
9           changes, things will get better. But  
10          there are a lot of senior citizens in  
11          this city, a lot. I'm the Chair of the  
12          Committee on Aging. The problem is, they  
13          still see that. That is still a problem  
14          to them, particularly some of these  
15          people that check their accounts every  
16          day, and there are some that do that, and  
17          it doesn't make us look good.

18                        Aside from the technology --  
19          and I think you're headed in the right  
20          direction. I think in the long term,  
21          you're right, but Mrs. Smith who is  
22          sending her check this year and will  
23          probably do it again next year still will  
24          run into the same problem, the same  
25          situation.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COMMISSIONER BRESLIN: Well,  
3 that's interesting and I can relate to --

4 COUNCILMAN TAUBENBERGER:  
5 That's the biggest problem to them. They  
6 don't want to hear about the technology  
7 coming. And I think you're right, but  
8 what could we do with what's going on now  
9 with the technology?

10 COMMISSIONER BRESLIN: I agree  
11 with you and I can relate. I have a  
12 92-year-old mother who calls me every  
13 time a check doesn't go to the bank.

14 COUNCILMAN TAUBENBERGER: You  
15 know it firsthand.

16 COMMISSIONER BRESLIN: And  
17 sometimes I'm the one holding the check  
18 and I haven't deposited it. So that's  
19 embarrassing.

20 But in any event, what we  
21 realize is, we have a lot of younger  
22 taxpayers that will want to pay  
23 electronically. So we're not really  
24 looking at the progress happening because  
25 our senior population is going to adopt

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 electronic filing.

3 COUNCILMAN TAUBENBERGER:

4 They're not going to do it.

5 COMMISSIONER BRESLIN: They're  
6 not going to. But as we have it  
7 available and the people that want to do  
8 and it creates -- and it reduces the  
9 overall volume, then those seniors who  
10 are still sending in checks will see the  
11 benefit, because we'll be able to process  
12 those checks faster. And we're seeing  
13 that. We track our numbers for  
14 electronic filing and electronic payment,  
15 and they're trending in the right  
16 direction, and really the thing that's  
17 holding us back is technology. We don't  
18 have the technology to really make it  
19 easy, and the ITS system will do that.  
20 It will make it very easy for taxpayers  
21 to pay electronically. We think we'll  
22 get a good adoption rate then. It will  
23 reduce our volumes, and then you'll see  
24 that five-day level even reduce.

25 COUNCILMAN TAUBENBERGER: That

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 I think a five-day level is very  
3 reasonable, very, very reasonable.  
4 Conversely, though, when you said because  
5 of the Postal Service, it, in reality, is  
6 a three-week level, I think that's what  
7 you just said.

8 COMMISSIONER BRESLIN: It was,  
9 yes.

10 COUNCILMAN TAUBENBERGER: I  
11 mean, that's a problem, and people start  
12 getting a little antsy and say, hey, are  
13 you going to take my check? I thought  
14 they needed the money. I want to do my  
15 duty and pay and they haven't cashed the  
16 damn check.

17 COMMISSIONER BRESLIN: And  
18 that's a big problem for us too, because  
19 as we hear those complaints, we're  
20 looking at our internal process, because  
21 we're hearing one message inside that  
22 we're within five days or we're at six  
23 days and then we're saying, well, we have  
24 taxpayers who have said three weeks, and  
25 we were really baffled until the tray of

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 mail came in and we saw the post mark  
3 date and realized this mail has been out  
4 somewhere. It's kind of in a black hole  
5 for two weeks and then it appears --

6 COUNCILMAN TAUBENBERGER: Well,  
7 are you working with the Postal  
8 Service --

9 COMMISSIONER BRESLIN: We are.

10 COUNCILMAN TAUBENBERGER: -- to  
11 find out where that black hole is?  
12 Because I don't have to say, a five-day  
13 or a six-day delay, that's reasonable,  
14 and I think most people would accept that  
15 as reasonable. But the fact that the  
16 Postal Service is not helping us and that  
17 mail isn't moving, that's a bit of a  
18 problem.

19 COMMISSIONER BRESLIN: And we  
20 have a good relationship with them, and  
21 once there's problems, we contact them,  
22 we let them know. And we've had this  
23 happen several years ago and it was  
24 resolved, and now it seems to have  
25 reappeared, so we're working again to get

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 it resolved.

3 COUNCILMAN TAUBENBERGER: Well,  
4 I'd like to be -- if you could, keep me  
5 posted, because once again, I'm the Chair  
6 of the Committee on Aging. I'd like to  
7 know what is going on with that, because  
8 the questions are coming to us.

9 COMMISSIONER BRESLIN: Okay.

10 COUNCILMAN TAUBENBERGER: And,  
11 Council President, I have really one more  
12 question here.

13 And, that is, you had described  
14 in Councilman Domb's -- your testimony to  
15 Councilman Domb's question many checks  
16 are then put in a bank vault, which is in  
17 our -- once it's in the bank vault, are  
18 we accumulating interest on that or is  
19 there no interest in those accounts?

20 COMMISSIONER BRESLIN: No  
21 interest until it's deposited, but as I  
22 said, we have a pickup every day.

23 COUNCILMAN TAUBENBERGER: On  
24 any of our bank accounts, do we receive  
25 any interest? I mean, I know people are

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 quick to charge us interest if we owe  
3 money.

4 COMMISSIONER BRESLIN: Yeah, we  
5 do.

6 COUNCILMAN TAUBENBERGER: Okay.  
7 How much is that about?

8 COMMISSIONER BRESLIN: I don't  
9 know. It would really be more the  
10 Treasurer's Office would know the  
11 interest rates.

12 COUNCILMAN TAUBENBERGER: Well,  
13 if you could help us find that.

14 COMMISSIONER BRESLIN: We can  
15 certainly do that.

16 COUNCILMAN TAUBENBERGER:  
17 Because people want to know what happens.

18 COMMISSIONER BRESLIN: And as I  
19 said, once we go to these, what they  
20 call, cash vault, then that will change  
21 it. It will even speed it up by a day.

22 COUNCILMAN TAUBENBERGER: Well,  
23 a day is critical in these things.

24 COMMISSIONER BRESLIN: Yeah.  
25 It's a lot of money.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN TAUBENBERGER: Those  
3 24 hours mean a lot.

4 Okay. Commissioner, thank you  
5 very much.

6 Council President, thank you.

7 COUNCIL PRESIDENT CLARKE:

8 Thank you, Councilman.

9 I want to thank you very much  
10 for your testimony. Continue to do good  
11 work. Thank you.

12 COMMISSIONER BRESLIN: Thank  
13 you.

14 (Witness approached witness  
15 table.)

16 COUNCIL PRESIDENT CLARKE: Next  
17 up we will have the Board of Revision of  
18 Taxes. Good morning.

19 MS. PAGAN: Good morning,  
20 Council President and members of Council.  
21 My name is Carla Pagan. I'm here this  
22 morning to testify on behalf of the  
23 Fiscal 2020 year budget for the Board of  
24 Revision of Taxes.

25 The BRT General Fund



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           appropriations from FY19 to FY20 remains  
3           consistent. Our spending will go down  
4           13,000 for Fiscal Year 2020.

5                     Market value appeals for tax  
6           year 2018 resulted in the highest taxable  
7           dollars appealed in more than a decade.  
8           The Board had a successful 2018,  
9           completing 100 percent of the timely  
10          filed appeal filing volume within the  
11          calendar year.

12                    Currently tax year 2019 appeal  
13          season is underway. It's another busy  
14          year. We have 9,700 assessment appeals.  
15          Seventy-five percent of those appeals are  
16          for residential properties and another 25  
17          percent for commercial and industrial  
18          properties.

19                    To date, just under 4,200  
20          appeal decisions have been rendered, with  
21          Board decisions -- with Board resolving  
22          approximately 250 appeals per week.

23                    That's our summary in a  
24          nutshell, and I'll open the floor to  
25          questions.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you. Man, I'm loving this  
4 testimony. Great. Straight and to the  
5 point. I know you guys are so eager to  
6 answer questions. I think everybody is  
7 shortening their testimony.

8 MS. PAGAN: That's right.

9 COUNCIL PRESIDENT CLARKE: And,  
10 again, thank you. Thank you for being  
11 here.

12 There's been a number of  
13 questions about the timing. It actually  
14 goes back, I guess, when we actually  
15 separated via Charter change the two  
16 entities. So can you tell me what  
17 happens to a citizen who is still waiting  
18 for a first-level review? Because we  
19 understand in some instances that time  
20 has lagged behind. I think OPA has  
21 actually indicated that's the case. And  
22 the deadline for the BRT passes and the  
23 person may not necessarily agree with the  
24 first-level review response. What  
25 happens? Does that person have a

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           recourse in terms of what their direction  
3           should be?

4                       MS. PAGAN: Well, since the  
5           start of the OPA first-level review  
6           process in 2014, we offered those  
7           citizens that appealed that have a  
8           pending FLR courtesy, we allow them to  
9           file 30 days from the date of that  
10          decision letter, even if it's after our  
11          formal appeal filing deadline, and that  
12          worked well for a couple years.

13                      Within the past two years, now  
14          with the huge amount of OPA FLRs being  
15          filed and sometimes some answers take a  
16          long time to get back to taxpayers, we  
17          found that now we're getting thousands of  
18          appeals in after our deadline and it's  
19          hampering our workflow.

20                      So beginning in 2019, we're  
21          going to send a mailing in the summer to  
22          anyone that has a pending FLR, give them  
23          one of our appeal forms and let them know  
24          that our filing deadline is still October  
25          7th. So we're going to reach out to

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 those people that have pending FLR  
3 deadlines.

4 COUNCIL PRESIDENT CLARKE:

5 Regardless of your traditional timeline  
6 as it relates to deadline? Because I  
7 know that there's -- I think we asked  
8 this question. We talked about this  
9 earlier when you were testifying, this  
10 whole overlap issue. I actually want to  
11 ask you a question, but it wouldn't be  
12 fair with respect to the decision to  
13 separate the two entities. That's  
14 probably not a good question for you  
15 since we in Council did that, but that  
16 wouldn't be fair to you. That's probably  
17 below your pay grade.

18 MS. PAGAN: It was a great  
19 idea.

20 COUNCIL PRESIDENT CLARKE: You  
21 notice I said below your pay grade,  
22 because the politicians did it. It  
23 wasn't the folks that actually do the  
24 work.

25 In your budget detail, you

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           state that 8,877 appeals were filed in  
3           '18. In our analysis when we did our  
4           audit, we had indicated in our ability to  
5           deal with the anticipated appeals based  
6           on the challenges in the OPA, we had  
7           actually recommended that we ramp up the  
8           resources; i.e., maybe hire additional  
9           people to deal with all of the appeals on  
10          your end. If in fact you wanted to be  
11          able to do that in a timely way and not  
12          having to have this extension of this  
13          deadline for some time -- and, again, you  
14          may not be able to answer this question.

15                   MS. PAGAN: No. We --

16                   COUNCIL PRESIDENT CLARKE: If  
17                   we needed to add some additional people  
18                   to have dealt with that, because we're  
19                   still in the midst of trying to figure  
20                   this whole OPA thing out, can you talk  
21                   about resources at the BRT given --

22                   MS. PAGAN: Sure. So every  
23                   appeal filing year, depending on our  
24                   volume, we have a group of ten staff that  
25                   we may call on, and even Rob Dubow calls

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           me once a year to say, hey, Carla, if you  
3           need more money getting the appeals done,  
4           there's money available to you. So we've  
5           been working with temp staff for so long  
6           now, there's a pool of people almost  
7           every fall that we can call on for  
8           additional help, depending whether we  
9           have 2,000 appeals or 20,000 appeals. So  
10          that helps the processing time.

11                        What it doesn't speed up at all  
12          is that Board hearings are just like  
13          these hearings. If 10,000 people want to  
14          come before a board and vent for a  
15          minute, you can only speed those hearings  
16          up but so fast. So it helps the  
17          processing time, and we will split Board  
18          panels to hear twice the amount of  
19          appeals in a hearing day, but you can  
20          only go as quick as possible.

21                        Resource-wise, we're  
22          comfortable. We've never been denied  
23          when we've asked for additional funding.

24                        COUNCIL PRESIDENT CLARKE:  
25          Okay. So for the FY19 assessments, you

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           had an average increase of 11 percent,  
3           obviously leading to a large increase in  
4           appeals, and I know in some areas we  
5           have -- this particular fiscal year,  
6           there's going to be an additional  
7           percentage of increases based on  
8           assessments.

9                         Can you talk about the  
10           percentage of appeals for the '19 that  
11           are still being processed on your side  
12           and basically what can your office do to  
13           ensure the timely conclusion of the FY19  
14           appeals? And last, but not least, how  
15           many of the appeals to the BRT were  
16           owners of abated homes challenging the  
17           land values? Because as you know, we  
18           changed the nature of the land value  
19           percentages versus the improved; i.e.,  
20           building, and I know a lot of people were  
21           complaining as a result of that.

22                         MS. PAGAN: So going back to  
23           your first question, so our appeal filing  
24           deadline is in October, and we spend  
25           using October through November receiving

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           those appeals, filing them, sharing them  
3           to the OPA. And then our hearing  
4           calendar for 2019 appeals begins in  
5           January of 2019, and it takes us about a  
6           calendar year to hear all of that appeal  
7           filing volume.

8                         So our goal again for tax year  
9           2019 is to be complete of 2019 appeals by  
10          December 31st. Right now we're on  
11          target. We're 40 percent through our  
12          appeal filing volume. So we'll be right  
13          on target for June, hitting 50 percent of  
14          the volume by the middle of the year.

15                        I'm trying to think. So your  
16          question regarding the abatement appeals?

17                        COUNCIL PRESIDENT CLARKE:  
18          Yeah. A lot of folks -- we changed the  
19          percentage of the values from land versus  
20          improvement; i.e., building, and a lot of  
21          folks were stunned that they had to now  
22          pay a tax bill that was much higher  
23          because a lot of, from the perspective of  
24          the City, a lot of the land values were  
25          underestimated and undervalued.



1 5/8/19 - WHOLE - BILL 190152, ETC.

2 MS. PAGAN: So in the last two  
3 years, we've seen less of those. I'm  
4 trying to recall. I think it was tax  
5 year 2017 that the OPA did a project  
6 specifically on land, and that year we  
7 heard thousands of appeals on land value,  
8 especially abated land value. The  
9 majority of those appeals actually were  
10 denied, because even though their land  
11 value may have tripled, the overall total  
12 market value was still below their last  
13 purchase price. So most of those cases,  
14 those appeal cases, were denied. It was  
15 a few exceptions here and there, but...

16 COUNCIL PRESIDENT CLARKE:

17 Okay.

18 MS. PAGAN: Most of those  
19 homeowners didn't find relief.

20 COUNCIL PRESIDENT CLARKE:

21 Okay. Well, thank you.

22 MS. PAGAN: Sure.

23 COUNCIL PRESIDENT CLARKE: The  
24 Chair recognizes Councilman Domb.

25 COUNCILMAN DOMB: Thank you,

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 Council President.

3 Good morning.

4 MS. PAGAN: Good morning.

5 COUNCILMAN DOMB: I have a  
6 question from a constituent actually,  
7 then I'll get to my questions. But how  
8 does the BRT address homeowners who  
9 appealed in 2018, got their taxes  
10 reduced, then just got a big jump in 2019  
11 for 2020 taxes, back to basically the  
12 value they successfully appealed a year  
13 ago?

14 MS. PAGAN: Yeah. That's  
15 frustrating. So the OPA just certified  
16 2020 numbers on March 31st. So those  
17 2020 notices hit people's mailboxes last  
18 month.

19 For all of our Board decisions  
20 that occurred April 1st or later for 2019  
21 appeals, if their 2020 value changed  
22 also, we're rolling that Board decision  
23 into two years.

24 There's a couple cases where we  
25 have not done that. One, if a homeowner

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           objects or if there's a big change in the  
3           building, like a commercial building  
4           layout or structure, but in most of those  
5           cases, we're carrying that value over to  
6           tax year 2020, and then the homeowner  
7           doesn't have to re-file again in three  
8           months.

9                        COUNCILMAN DOMB: Let me ask  
10           you another question. Thank you. Let me  
11           ask you another question. The value of  
12           real estate determined, I guess, by OPA  
13           and the City of Philadelphia, is that  
14           about \$170 billion?

15                       MS. PAGAN: Right.

16                       COUNCILMAN DOMB: Is that  
17           correct?

18                       MS. PAGAN: Mm-hmm.

19                       COUNCILMAN DOMB: And if I'm  
20           looking at this correctly, we billed --  
21           or we collected or billed, I guess  
22           billed, in '19 1.608 billion, and the  
23           projection for '20 is 1.671 billion. And  
24           is it correct that in the last six years  
25           or so, our billings have gone from just

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 about a billion to a billion 671?

3 MS. PAGAN: That's more of an  
4 OPA question, but those numbers you're  
5 reading are accurate. I see them on the  
6 reports as well. I believe, though,  
7 that's the total market value of real  
8 estate in Philadelphia, not the total  
9 taxable value.

10 COUNCILMAN DOMB: Right.  
11 Because you have eds and meds in there  
12 that don't --

13 MS. PAGAN: Those exempt, yes,  
14 properties.

15 COUNCILMAN DOMB: And if you do  
16 that formula, if you're looking at the  
17 valuation of 170 billion and you multiply  
18 that figure times the 0.014, you come out  
19 somewhere in the 230, 240 billion of  
20 taxes that should be collected, and we're  
21 billing about 1.6. So maybe 25 to 30  
22 percent are in the eds and meds category?

23 MS. PAGAN: Correct.

24 COUNCILMAN DOMB: Okay. And  
25 then the other question I have is, when

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           you go first-level review or appeal, is  
3           that done over the phone or is that done  
4           in person?

5                   MS. PAGAN: So those are done  
6           by the Office of Property Assessment, and  
7           usually neither. Most of those answers  
8           are mailed right to the OPA mailing  
9           center. The OPA will review what the  
10          taxpayer sent in and then issue a  
11          decision in writing.

12                   A lot of those late FLR  
13          decisions or later decisions come because  
14          those are the instances when the OPA is  
15          engaged with the property owner or maybe  
16          they are requesting an inspection. But  
17          most of those are answered by mail only,  
18          no phone call.

19                   COUNCILMAN DOMB: Would it make  
20          any sense -- I don't know if it's  
21          allowable or not -- after you do the  
22          mail, if the taxpayer was still unhappy,  
23          to be able to have somebody they could  
24          call to at least share their opinion with  
25          before we schedule this hearing?

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 MS. PAGAN: Yes. And a lot of  
3 times they do, but typically the OPA  
4 evaluator -- I'm sure they're overwhelmed  
5 still going through their FLR  
6 applications. So in most instances they  
7 say, if you're still unhappy, then file  
8 your BRT appeal.

9 COUNCILMAN DOMB: But from a  
10 constituent service point of view, if I  
11 filed a first-level review and they came  
12 back in an e-mail that I wasn't happy  
13 with, at least if I could have a  
14 conversation with somebody and I could  
15 hear their side of the story, it might  
16 avoid that next step or maybe the  
17 reviewer would see the taxpayer's side of  
18 the coin.

19 MS. PAGAN: That may happen  
20 occasionally. It's more likely they'll  
21 say, file your BRT appeal. And then  
22 before that appeal is scheduled for a  
23 hearing, then that conversation will  
24 happen by e-mail or by phone.

25 COUNCILMAN DOMB: All right.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 Well, thank you very much for your  
3 testimony.

4 Thank you, Council President.

5 COUNCIL PRESIDENT CLARKE:

6 Thank you, Councilman.

7 The Chair recognizes

8 Councilwoman Gym.

9 COUNCILWOMAN GYM: Thank you  
10 very much, Council President.

11 Good morning.

12 MS. PAGAN: Good morning.

13 COUNCILWOMAN GYM: You've  
14 indicated that about 43 percent of FY19  
15 appeal decisions have been rendered; is  
16 that --

17 MS. PAGAN: Correct.

18 COUNCILWOMAN GYM: -- correct?

19 And when were those appeals --  
20 when were those statements issued out to  
21 taxpayers?

22 MS. PAGAN: The decision  
23 letters?

24 COUNCILWOMAN GYM: Yeah. So  
25 the timing of this. When would they have

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           received that letter in order to have  
3           done that appeal? Would that have been  
4           in the fall of 2018 or would it have been  
5           in the spring of 2019?

6                   MS. PAGAN: The fall of 2019.  
7           So our appeal -- '18. Excuse me. So our  
8           appeal filing deadline was October of  
9           last year, and then our hearings for 2019  
10          appeals begin in January, and we'll go  
11          through the entire calendar year for  
12          2019.

13                   COUNCILWOMAN GYM: Okay. And  
14          so your goal is 50 percent by June 30th?

15                   MS. PAGAN: Correct.

16                   COUNCILWOMAN GYM: And when do  
17          you think you will have a 100 percent  
18          completion?

19                   MS. PAGAN: So that goal is by  
20          December 31st of this year. We're right  
21          on target. There's a few divisions in  
22          the City that had almost double the  
23          appeal filing volume as other parts of  
24          the City. So those particular groups or  
25          areas may have hearings in January of



1 5/8/19 - WHOLE - BILL 190152, ETC.  
2 2020.

3 COUNCILWOMAN GYM: And what's  
4 the current schedule for when hearings  
5 are done, how many days a week?

6 MS. PAGAN: So right now  
7 there's four days a week the Board has --  
8 excuse me; three days a week that they  
9 have oral hearings and one day a week  
10 that they do non-oral Board decisions and  
11 then one prep day for the following week.

12 COUNCILWOMAN GYM: Okay. And  
13 then I think when we spoke a while ago,  
14 at one point it was down to two days, but  
15 now we're at three days?

16 MS. PAGAN: Yeah. We haven't  
17 had hearings in two days since 2013  
18 probably.

19 COUNCILWOMAN GYM: Okay. And  
20 you find it -- so one day a week is for  
21 prep and then one day a week is for --  
22 what is the other non-hearing day set  
23 aside for?

24 MS. PAGAN: So we have non-oral  
25 or administrative hearing dates, and

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           during that time period, the Board will  
3           make decisions for those appeals where  
4           the homeowner said, hey, I didn't want to  
5           come in for a hearing, please review my  
6           petition, and they'll read their petition  
7           and then render a decision.

8                    COUNCILWOMAN GYM: And you  
9           think it's difficult to go to four days a  
10          week to do hearings? Because it sounds  
11          like the two days are very similar for  
12          prep and administrative.

13                   MS. PAGAN: It probably is. It  
14          depends on what type of appeal filing  
15          volume that we have. When it's a heavy  
16          commercial year where you have thousands  
17          of appraisals being submitted and they  
18          need a lot of review, you definitely need  
19          that prep day. And then even every year,  
20          we have thousands of non-oral appeals  
21          filed, so you still need that  
22          administrative day.

23                   When the Board has had appeal  
24          years where the filing volume has been  
25          over 10,000 units, it seems more

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           sufficient that we split the Board into  
3           two different quorums and then hold  
4           double sessions on one day rather than  
5           add another day per week.

6                    COUNCILWOMAN GYM: Right. And  
7           so currently do you require the whole  
8           Board to convene as a group or are you  
9           doing the splitting up? Because we had  
10          heard in previous years when we had --  
11          when there's a spike, usually the Board  
12          will split, but what is your current  
13          practice right now?

14                   MS. PAGAN: So right now it's  
15          the full Board during our oral hearings  
16          three days a week.

17                   COUNCILWOMAN GYM: And has  
18          there been discussion about whether to  
19          split into quorums?

20                   MS. PAGAN: It has. We  
21          actually have three vacancies, so --

22                   COUNCILWOMAN GYM: On the BRT?

23                   MS. PAGAN: On the Board, yeah.  
24          So in two weeks, the Board of Judges will  
25          have an election. We had a lot of

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           applicants. When we get back to a full  
3           seven-member panel, that split may be  
4           optional. Right now we only have five  
5           Board members, so we can't -- four  
6           members make a quorum, so we can't even  
7           split right now.

8                        COUNCILWOMAN GYM: Okay. I  
9           think we've felt very strongly one of the  
10          more urgent things is for a rapid  
11          resolution, and of course, as you know,  
12          not only do City finances depend upon it,  
13          but School District finances, more  
14          importantly, have depended on it. And  
15          while I think there's a reasonable window  
16          of time for six months and a certain  
17          number of -- if there's a spike up, if  
18          there's a way for us to move towards  
19          quorum and if you think that the City  
20          Council needs to pay attention to the  
21          fact -- I mean, I don't think we control  
22          appointments to the BRT, but I would  
23          certainly put in that we need to have a  
24          full Board, especially now. It should be  
25          fully stocked and staffed, and we should

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 be moving to a quorum format so that we  
3 can move these procedures through.

4 We will be -- it is for me a  
5 bit of a concern to be a year behind. I  
6 think six months is reasonable, somewhere  
7 around there, but once you start to drag  
8 beyond six months, it starts to raise  
9 concerns about whether we have accurate  
10 projections, what the impact is for the  
11 following year. It impacts planning. So  
12 if there's a way that you think we can be  
13 supportive around that, we certainly  
14 will, but I would certainly urge the  
15 Board to get to absolutely full capacity  
16 and then if you can consider quorums. I  
17 know that that's been brought up before  
18 by other BRT Commission members.

19 MS. PAGAN: Absolutely. Just  
20 so Council is aware, the assessment  
21 calendar is very different than the  
22 fiscal calendar and even -- so in spring,  
23 we're getting 2020 notices. Property  
24 owners are getting 2020 notices. In the  
25 fall, their appeal is due to us. So then

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           our hearings begin in January of 2020 for  
3           a tax bill that would be due in three  
4           months. So we're not behind, but  
5           absolutely we could split the Board so  
6           then you're hearing more appeals between  
7           January and June of any calendar year.

8                        COUNCILWOMAN GYM: Right.  
9           Exactly. No; that helps. I mean,  
10          obviously, as you know, Council passed a  
11          bill to freeze assessments at the  
12          previous year. So we made that on the  
13          basis of understanding that we would have  
14          rapid resolution, because that makes  
15          sense, but if we are dragging for a year  
16          beyond, then we start to have concerns  
17          about whether that is a good avenue for  
18          us. But it's necessary because a lot of  
19          it -- as you know, a lot of judgments go  
20          through you. There's compromises that  
21          are made, adjustments that are made. So  
22          we certainly don't want to penalize  
23          residents, but we also have to just  
24          balance it out. So I appreciate your  
25          openness to the quorum aspect of it, and

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 I thank you for that.

3 MS. PAGAN: Absolutely.

4 COUNCILWOMAN GYM: So one other  
5 question. So I know that Councilmember  
6 Squilla's legislation did not help --  
7 this was the one that freezes the  
8 assessments. It's basically not  
9 effective for those whose mortgage  
10 lenders pay their bills early in 2019, so  
11 if the mortgage lender prepays. Is there  
12 any way that in the future if there's a  
13 similar piece of legislation that freezes  
14 assessments for those who are appealing,  
15 do we then send new bills out based on  
16 new bills to those appealing based on the  
17 prior year's assessment? Is that what  
18 we're doing?

19 MS. PAGAN: So it didn't freeze  
20 assessments.

21 COUNCILWOMAN GYM: Right. I  
22 apologize.

23 MS. PAGAN: It allowed them to  
24 pay their tax bill on their previous  
25 year's amount until their appeal is

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           resolved. That's a great ordinance.  
3           Property owners love it. The one issue  
4           that happened this year is that it  
5           came -- the timing of it, it was after  
6           Council came back in session. If it ever  
7           stops and then restarts again, it would  
8           have to start before Council goes in  
9           session in June so that the timing of a  
10          tax billing and notification to mortgage  
11          companies could happen effectively.

12                    COUNCILWOMAN GYM: Okay. So do  
13           you recommend changes if we were to do  
14           something similar in the future?

15                    MS. PAGAN: I think the way  
16           it's running now, I think it's a great  
17           system. Property owners are happy.  
18           Mortgage companies are familiar now and  
19           understand it. So I think it's a great  
20           idea for the property owners.

21                    Now, what it might do to the  
22           City's budget, maybe someone else would  
23           answer differently, but property owners  
24           are very pleased. Absolutely.

25                    COUNCILWOMAN GYM: Is it



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           possible just to ask City Finance to  
3           weigh in on that question at all?

4                    COUNCILMAN GREENLEE:  They'll  
5           be coming up next, so maybe --

6                    COUNCILWOMAN GYM:  For clarity.  
7           I'll ask that question then.

8                    COUNCILMAN GREENLEE:  All  
9           right.

10                   COUNCILWOMAN GYM:  All right.  
11          Thank you very much.

12                    COUNCILMAN GREENLEE:  Thank  
13          you.  Thank you very much.

14                    Thank you.  Thank you for your  
15          time.

16                    MS. PAGAN:  Thank you.

17                    COUNCILMAN GREENLEE:  Thank you  
18          for the work you do.

19                    MS. PAGAN:  My pleasure.  Have  
20          a good afternoon.

21                    COUNCILMAN GREENLEE:  Rolling  
22          right into that, revenue tax bills.

23          Mr. Dubow, I know you're always anxious  
24          to come before us.

25                    (Witnesses approached witness

1 5/8/19 - WHOLE - BILL 190152, ETC.  
2 table.)

3 COUNCILMAN GREENLEE: It's  
4 still good morning.

5 MR. DUBOW: Good morning.

6 COUNCILMAN GREENLEE: Please  
7 identify yourself and proceed, please.

8 MR. DUBOW: Thanks. I'm Rob  
9 Dubow, Director of Finance. I'm here to  
10 testify in support of Bill 190155. I am  
11 joined at the table by Frank Breslin, the  
12 Revenue Commissioner, and Anna Adams, the  
13 Budget Director.

14 The bill reduces rates for the  
15 wage tax from the current 3.8809 for  
16 residents, and that includes the PICA  
17 portion, and 3.4567 for non-residents to  
18 3.8712 and 3.4481. We remain committed  
19 to gradual reductions in the wage tax, as  
20 numerous studies and reports consistently  
21 cited the City's relatively high wage tax  
22 rates as a barrier for job creation.  
23 Over the course of our Proposed Five Year  
24 Plan, the wage tax rates will reach a  
25 combined rate of 3.8327 and 3.4137. That

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           will be about a 20 percent reduction from  
3           the rate since the late 1990s.

4                     That concludes my testimony,  
5           and we're happy to answer any questions  
6           you may have.

7                     COUNCILMAN GREENLEE: Thank  
8           you.

9                     You state that the Five Year  
10          Plan has wage tax reductions, which we're  
11          aware of, and since the resident rate  
12          only decreases from 3.88 percent in FY19  
13          to 3.83 percent in '24, which we  
14          understand is one-one-hundredth of a  
15          percent annually, how much do these tax  
16          reductions cost the City over the Five  
17          Year Plan and have you looked at how  
18          much -- like why continue it if it's so  
19          small or is it just to say you're  
20          lowering the wage tax, I guess is the  
21          question?

22                     MR. DUBOW: It's about \$135  
23          million over the Five Year Plan, and the  
24          reason to keep reducing it -- I mean, if  
25          you look at kind of at our rates, they

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           are high. They're kind of spooky for  
3           anyone who wants to come here. So trying  
4           to reduce them over time is really  
5           important. And even if the reduction in  
6           a single year isn't really large, it's  
7           part of a continued commitment, and over  
8           the years, those incremental reductions  
9           have added up to something major, and  
10          that's why we kind of noticed that we  
11          mentioned the 20 percent reduction.

12                         We started this at 4.96  
13          percent. So we've come down over a full  
14          percent. So over time the reduction has  
15          really been significant.

16                         COUNCILMAN GREENLEE: I got  
17          you. And we do hear about the wage tax  
18          from a lot of people and the studies. I  
19          get that. But there's also, I guess,  
20          other taxes or factors that come in here,  
21          the net income tax. Can you talk about  
22          that? And also going back to the last  
23          issue, the unpredictable tax assessments  
24          that kind of come in every year. So how  
25          much do you see that in effect? And I

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 guess in a general question, what's the  
3 Administration's strategy in moving  
4 forward?

5 MR. DUBOW: And what studies  
6 have consistently shown is that the wage  
7 tax and the business taxes are really two  
8 big obstacles, and the Five Year Plan --  
9 the 135 million I talked about was wage  
10 and business taxes together, and it's  
11 important to reduce them both, and the  
12 Plan does both of those, kind of  
13 continuing to send that signal that we're  
14 committed to reducing those taxes. And  
15 it's always a balancing act between how  
16 much you want to commit to wage tax  
17 reductions, how much you want to commit  
18 to kind the various initiatives that we  
19 have in our Five Year Plan, things like  
20 the Resilience Project --

21 COUNCILMAN GREENLEE: We ask  
22 for a few ourselves. I know that.

23 MR. DUBOW: So it's all a  
24 matter of kind of trading everything off.

25 COUNCILMAN GREENLEE: Okay.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 All right. Thank you.

3 Councilman Domb.

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

6 And good morning.

7 MR. DUBOW: Good morning.

8 COUNCILMAN DOMB: I just have a  
9 few comments on this, and it has to do  
10 with the wage tax. I just wanted to give  
11 you some -- and you probably know this  
12 history on the wage tax, but just for the  
13 public's benefit.

14 It started in December 13,  
15 1939.

16 MR. DUBOW: That was before my  
17 time.

18 COUNCILMAN DOMB: Yes. You  
19 weren't behind that, were you?

20 MR. DUBOW: No.

21 COUNCILMAN DOMB: It started  
22 out at 1.5 percent. And then from -- it  
23 kept going up, and as people left the  
24 City, the administrations back then kept  
25 raising the tax, and from 1960 to 1990s,

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           300,000 jobs were lost in Philadelphia,  
3           and those administrations had to replace  
4           revenue. They kept raising the tax and  
5           chasing more people out of the City. It  
6           got to a point of 4.96, when  
7           then-Governor Rendell I think in the mid  
8           1990s decided on a program to reduce, and  
9           I think the first year the average family  
10          saved \$5, but it was the symbolism of it.  
11          And now with this new legislation, which  
12          I'm in favor of, it goes down to 3.8712,  
13          but when you look at the statistics and  
14          you look at the fact that today 40  
15          percent of our population commutes to a  
16          job in the suburbs, 211,000 people every  
17          day go to a job in the suburbs, compared  
18          to New York, which is 15 percent. Then  
19          when you look at the studies that show  
20          from 2010 to 2017, 81 percent of the  
21          people who left Philadelphia did not have  
22          children, 19 percent did, 81 percent did  
23          not. And the reasons why they left,  
24          number one, taxes and, number two, job  
25          opportunities, which are kind of

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           interrelated. And then when you look at  
3           the wealth of the region, clearly the  
4           wealth of this region is in the suburbs,  
5           not in the City. Our wealthiest zip code  
6           is 19106, which is probably like  
7           Washington Square, Society Hill, compared  
8           to Gwynedd Valley, they have \$157,000  
9           average higher income in Gwynedd Valley  
10          than we have in our wealthiest zip code  
11          in Philadelphia.

12                        We have 21 incentives that  
13           offset all different types of tax  
14           benefits to encourage people to come to  
15           the City. I call them Band-Aids.  
16           Whatever they are, they're Band-Aids.  
17           They're not dealing with the big issue.

18                        Is there an appetite in the  
19           Administration to deal with the cure  
20           versus the Band-Aid? And the cure that  
21           has been documented is, number one,  
22           dramatically reducing the City wage tax  
23           and, two, the net income and gross  
24           receipts of the BIRT taxes. Those are  
25           the issues that all these Band-Aids try



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           to deal with. Unless we're going to  
3           attack those issues, we're going to keep  
4           having these Band-Aids.

5                     And, by the way, I introduced  
6           legislation, which this Council  
7           supported, to look at all those 21  
8           incentives, and I know you're working on  
9           those reports with Commerce now, and  
10          that's good, but really the real cure is  
11          the City wage tax, and when we enact  
12          bills that are specific to Philadelphia,  
13          we do not help the growth of our city.  
14          If it was State of Pennsylvania, no  
15          problem. When they're specific to  
16          Philadelphia, it can become an issue.

17                     So my question is, is the  
18          Administration willing to look at a  
19          dramatic different look at the City wage  
20          and the BIRT net income and gross  
21          receipts, which if we do attack those  
22          three, you might not need these other  
23          incentives.

24                     MR. DUBOW: I think we're  
25          always willing to look at that, and we

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           think reducing wage and business tax  
3           rates is really important. We do have to  
4           look at all of that in the context of our  
5           entire budget and what those reductions  
6           mean for our ability to do kind of the  
7           other important things in our budget.

8                         We are, as you said, we are  
9           doing the incentive study to see what  
10          that -- how effective those incentives  
11          are, and I do think that it's a really  
12          legitimate question, would we be better  
13          off with lower rates and fewer or no  
14          incentives.

15                        COUNCILMAN DOMB: Right.  
16          Basically we can eliminate the incentives  
17          if we lower those taxes. Like can we see  
18          some sort of an economic model that could  
19          maybe give us some data? Is that  
20          worthwhile?

21                        MR. DUBOW: I think that's  
22          definitely worth looking at, yes.

23                        COUNCILMAN DOMB: Okay. Thank  
24          you. Thank you for your testimony today.

25                        Thank you, Mr. Chairman.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN GREENLEE: Thank  
3 you, Councilman.

4 Councilwoman Gym.

5 COUNCILWOMAN GYM: Thank you  
6 very much.

7 I know you had a little bit of  
8 this conversation earlier, but I wanted  
9 to see if you could also add a little bit  
10 more clarity around the plan around  
11 sequestration.

12 So part of our plan last year  
13 was to achieve that \$93 million for  
14 School District through the  
15 sequestration, but I was wondering if you  
16 could actually give us what is the actual  
17 plan moving ahead to achieve those  
18 numbers?

19 MR. DUBOW: I will let the  
20 Revenue Commissioner talk about the plan  
21 going ahead, but that \$93 million was  
22 never a number that came from us. I  
23 think we thought that might have been too  
24 high, but we'll talk about what we're  
25 doing with sequestration and kind of what

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           the pool looks like. I'll let Frank talk  
3           about that.

4                         COMMISSIONER BRESLIN: Yeah.  
5           We talked a little bit about it before,  
6           but certainly the tool of sequestration  
7           is a powerful collection tool for us, and  
8           we've been using it. Now we're going to  
9           begin using it for water delinquencies.

10                        The challenge that we've had is  
11           the pool of candidates for sequestration.  
12           We've been using it for several years  
13           now, have collected over \$80 million  
14           through sequestration. So it wasn't  
15           something new last year. We did want to  
16           essentially double down on it last year,  
17           and we started doing that by putting more  
18           resources behind it. That was very  
19           effective, but we reached the point of  
20           our average collection went from around  
21           \$6,000 to around \$2,300, \$2,400, which  
22           demonstrates that even though we're  
23           pedaling twice as hard, we're getting to  
24           the same point. So that's really the  
25           challenge with it, and that is dwindling.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 We're constantly looking for  
3 new candidates as new receivables come  
4 on. We go through that. I talked a  
5 little bit earlier about our data  
6 warehouse, which is really helping us to  
7 identify what is the appropriate  
8 collection tool for each receivable.  
9 That's helping us to identify more  
10 candidates for sequestration. But it's  
11 still a very limited pool, and I think  
12 that's the real challenge with it. We'll  
13 continue to use it, but I think we're  
14 going to continue to see the receipts  
15 from that get smaller, even as we've  
16 tried to ramp it up.

17 COUNCILWOMAN GYM: And is it  
18 your feeling that rather than the 93, did  
19 you say earlier that you were closer to  
20 around 80; is that right?

21 COMMISSIONER BRESLIN: We were  
22 always kind of not trying to apply a  
23 number to that as much as everyone was  
24 kind of looking at the pool of our  
25 eligible candidates and trying to apply a

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           number to that. I mean, that wasn't  
3           really our intent. We were trying to put  
4           it together as a comprehensive strategy  
5           last year of what we were going to do,  
6           and that was a key piece to it, and we  
7           think it was very successful and we're  
8           achieving our collection numbers.

9                        So we don't tend to try to look  
10          at each tool and establish a number for  
11          it and then achieve that number. I mean,  
12          we're really happy with \$80 million.  
13          We're kind of looking at that as one of  
14          our key tools for collection, is  
15          sequestration.

16                       For business taxes, it's CAL  
17          revocation. They're similar. They've  
18          had similar track records. CAL  
19          revocation we use for business tax, and  
20          it's the ability to revoke the commercial  
21          activity license for businesses that  
22          haven't paid. That is going through --  
23          that's achieved \$100 million, just went  
24          over \$100 million since we started using  
25          it. We're seeing similar, though -- in

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           both of those tools, we're seeing similar  
3           situations where the average collection  
4           is going down.

5                    COUNCILWOMAN GYM:    So I  
6           understand that you may not see a number.  
7           Do you think the School District feels  
8           like they also don't see a number for  
9           that revenue?

10                   COMMISSIONER BRESLIN:  I think  
11           we look at a collection number overall  
12           for each of our taxes that --

13                   COUNCILWOMAN GYM:  And you  
14           communicated that to the School District,  
15           that they can't count on any kind of  
16           number?

17                   COMMISSIONER BRESLIN:  Oh, no.  
18           We have conversations with the School  
19           District every month, Revenue and  
20           Finance, and we sit down and go over the  
21           revenue projections and where we're at  
22           and what we're doing to achieve those  
23           numbers.  If we're achieving those  
24           numbers, great, and what we're doing to  
25           get there.  If there's a shortfall, why

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           and what we're trying to do to achieve  
3           it, and if we have any new initiatives  
4           coming on, that's part of the discussion  
5           each month, a new compliance initiative.

6                        So it's an ongoing conversation  
7           every month with the District, and we  
8           look at all their -- at all of the  
9           collections.

10                      MR. DUBOW: I'm sorry. Just to  
11           kind of emphasize, what we talk about  
12           with them is the overall number, that  
13           that's what they care about, whether  
14           we're hitting that number.

15                      COUNCILWOMAN GYM: That's  
16           right. And we're being clear with them  
17           that we don't have a figure on that  
18           overall number?

19                      MR. DUBOW: We're being clear  
20           with them that we have an overall number,  
21           and then that's what they really focus on  
22           with us.

23                      COUNCILWOMAN GYM: Okay. All  
24           right. It seems still a little bit  
25           unclear and would like just, as we keep



1 5/8/19 - WHOLE - BILL 190152, ETC.

2 going, would love to understand how  
3 you're evolving this actual plan, or if  
4 there is one.

5 So just out of curiosity, what  
6 is -- is there a minimum threshold at  
7 which the City wage tax kicks in?

8 COMMISSIONER BRESLIN: There is  
9 not.

10 COUNCILWOMAN GYM: So if you  
11 make \$1,000, the City wage tax kicks in?

12 COMMISSIONER BRESLIN: It does,  
13 yes.

14 COUNCILWOMAN GYM: And have you  
15 evaluated based on -- I mean, do you have  
16 the capacity to take a look at income tax  
17 receipts and see the different thresholds  
18 and how much is brought in at each income  
19 level? I assume you do, right? So like  
20 someone files -- how would you know, for  
21 example, like someone has to file a W-2  
22 or whatever, a form for tax returns, and  
23 then the City just gleans its wage tax,  
24 right, from that and you would be able to  
25 pin it to like amount by individual?

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COMMISSIONER BRESLIN: We do  
3 not capture the data by individual. We  
4 capture the data by employer.

5 COUNCILWOMAN GYM: By employer?

6 COMMISSIONER BRESLIN: Yes.

7 COUNCILWOMAN GYM: Okay. So if  
8 you were looking at people who made  
9 income levels at, say, like 20,000 or  
10 below, would you be able to know how much  
11 income is derived, how much City wage tax  
12 comes from individuals whose incomes, for  
13 example, are below \$20,000 a year?

14 COMMISSIONER BRESLIN: We have  
15 some ability to do that type of analysis.  
16 It's with assumptions, because we do  
17 require -- we capture the data at the  
18 employer level, and then we require  
19 employers to send copies of W-2's. We  
20 get some of those electronically, some of  
21 those paper. Then we go through a  
22 process to get that information together.  
23 And I think we have information on --  
24 about 80 percent of employers we have W-2  
25 information, so we don't have 100

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           percent, and then we can do some analysis  
3           within that.

4                        So we do have the ability to do  
5           some analysis within our TIPS system, the  
6           accounting system, the legacy system I  
7           was talking about. It's all at the  
8           employer level. We actually take those  
9           W-2's and basically put it into a  
10          database so that we have the ability to  
11          analyze some of that data.

12                      COUNCILWOMAN GYM: Interesting.  
13          And that's not public information, is it?

14                      COMMISSIONER BRESLIN: It is  
15          not.

16                      COUNCILWOMAN GYM: Okay. But  
17          you can do some level of analysis like by  
18          employer but not by household income --  
19          or not by individual income; is that  
20          right?

21                      COMMISSIONER BRESLIN: Correct.  
22          That would be a challenge to try to do it  
23          by individual.

24                      COUNCILWOMAN GYM: But you  
25          could do rough estimates?

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COMMISSIONER BRESLIN: Yes.

3 COUNCILWOMAN GYM: I'd love to  
4 follow up with you on that. I'm  
5 interested in how much -- because there's  
6 no minimum threshold on the income tax, I  
7 would love just to be able to -- on the  
8 City wage tax rather. Would love to  
9 follow up with you on that.

10 COMMISSIONER BRESLIN: Sure.  
11 I'm happy to do that.

12 COUNCILWOMAN GYM: I'll take a  
13 little bit of a different interpretation  
14 about job losses than my Council  
15 colleague here. I do think the 1960s,  
16 and 1990s did not have to do with the  
17 wage tax law about jobs. It had to do  
18 with urbanization and a lot of the  
19 suburban flight that happened during the  
20 remaking of American cities.

21 And I would also argue at the  
22 same time that while 19106 versus Gwynedd  
23 Valley, property value and home value is  
24 very different from revenue generation.  
25 I still think that we are the economic

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           engine for Southeastern Pennsylvania.  
3           The amount of revenue that is generated  
4           here and then pushes out to the rest of  
5           the state far exceeds the, quote/unquote,  
6           wealth that's housed in private wealth in  
7           our suburbs. So I think it's a little  
8           bit different.

9                        I understand that there's like  
10           new evolving suburban tracks that are  
11           built on King of Prussia Mall and other  
12           commercial outlets that are starting to  
13           change some of that and probably looking  
14           at us as more of a regional economy than  
15           it is just a Philadelphia kind of base.

16                       But I do think it's important  
17           to recognize that our City's finances are  
18           built largely off wage and income tax as  
19           opposed to property tax, and that has a  
20           lot to do with the fact that we are a  
21           major city. Most people do not live  
22           here. Many people who work here live in  
23           other places, but they take the benefits  
24           of a city. They ride our transit. They  
25           require our police. They certainly

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           require licenses and inspections. They  
3           use our workforce, and so it's a reason  
4           behind it.

5                        But just for clarity, could  
6           you, Rob, even though all of us should  
7           know this, but just for clarity, can you  
8           just divide up like percentage-wise the  
9           City's budget, what percent of the budget  
10          is based off of wage and income tax and  
11          what percent of the budget is from  
12          property?

13                       MR. DUBOW: Sure. So it will  
14          take me just a second to --

15                       MS. ADAMS: I'm Anna Adams.  
16          I'm the Budget Director.

17                       So in FY20, just in terms of  
18          the revenues, it depends whether you add  
19          the PICA portion of the wage tax or not,  
20          but if you take aside the PICA portion of  
21          the wage tax, which we show is coming in  
22          from revenue from other governments, but  
23          fundamentally it is wage tax. If we  
24          didn't include it, it would be -- wage  
25          would account for about 45 percent. When

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           you do add in the portion that comes  
3           through PICA, it's significantly higher  
4           than that. And then property tax is  
5           about 20 percent and business tax is  
6           about 13 percent. And then the other  
7           taxes are a little smaller than that.

8                         So predominantly we're very  
9           dependent on the wage tax, and that's  
10          been always the challenge in  
11          Philadelphia.

12                        COUNCILWOMAN GYM: Right. And,  
13          again, there is a difference about why so  
14          much of our income is derived out of wage  
15          tax, and that, again, has to do with the  
16          fact that we are one of the largest  
17          cities in the country and many people  
18          work here, but do not live here. And so  
19          we have made a conscious decision  
20          recognizing that we're not simply going  
21          to tax our own residents for all the  
22          services that people from all over the  
23          region and, in fact, a lot of the country  
24          actually take advantage of.

25                        So it is important for us to

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           find a balance, but important for us also  
3           to recognize that this idea that we're  
4           going to somehow eliminate the wage tax  
5           or get down to something that is almost  
6           negligible and somehow find money to  
7           replace it in an even way is not actually  
8           realistic or possible. Like do you have  
9           some thoughts about that?

10                   MS. ADAMS: I think we're  
11           highly dependent on the wage tax, so any  
12           adjustments -- and part of when Rob  
13           talked about the costs, so even though  
14           those incremental -- they're very  
15           incremental, the decrease in the wage  
16           tax, it still cost us about \$90 million  
17           over the Five Year Plan. So it's not  
18           insignificant for us even though they're  
19           relatively small.

20                   I think we know also that every  
21           tax commission has looked at the balance  
22           of our taxes, and we've seen during the  
23           recession that if we're too dependent on  
24           a highly volatile tax, it also causes  
25           some instability in our taxes. So I



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           think trying to get that balance right  
3           between kind of more stable taxes like  
4           property tax and more volatile tax like  
5           business and wage tax is something that  
6           we need to probably strike a better  
7           balance than we have.

8                         But, yes, we're highly -- so  
9           any changes that we have to make will  
10          have to be done on an incremental basis  
11          just to make sure that we have stability  
12          in our budget.

13                        MR. DUBOW: Another  
14          complication for us is the Uniformity  
15          Clause really requires us to have  
16          commercial and residential at the same  
17          rate, which gives us less flexibility in  
18          how we implement our property tax than  
19          many other states.

20                        COUNCILWOMAN GYM: And I would  
21          argue the same way is true of our wage  
22          and income tax. I mean, I don't think it  
23          makes a whole lot of sense for us to have  
24          flat taxes across the board. They  
25          inevitably benefit the wealthiest people

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           who can afford to pay more, use services  
3           just as much. And so we are handicapped  
4           on a number of different levels that puts  
5           us in challenging situations. As you  
6           said, clearly it would make more sense  
7           for us to charge commercial in a totally  
8           different way than residential, and it's  
9           one of the reasons why we have created  
10          new -- tried to be creative more around  
11          it. And for me personally, given that  
12          poverty is such a top issue, I'd like to  
13          be a little bit more creative about if  
14          there are other ways that we can look at  
15          other taxes as well.

16                        Okay. So --

17                        COUNCILMAN GREENLEE:

18          Councilwoman, you might have started, but  
19          Councilman Domb now has his light on.

20                        So Councilman Domb.

21                        COUNCILMAN DOMB: I just want  
22          to make a few comments on that. I mean,  
23          my suggestion is to look at the 21  
24          incentives and see what those are costing  
25          us versus altering the other taxes that

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           are having to create those incentives.  
3           And if we're satisfied, by the way, with  
4           our status quo right now where the top 20  
5           cities in the United States, we're at the  
6           lowest in average income and we're at the  
7           highest of poverty, we're at the lowest  
8           of entrepreneurship rates and we're at  
9           the second or third lowest actually of  
10          new construction, because everyone talks  
11          about it, but we're still at the lowest,  
12          then we should continue on the same path.  
13          But if we're not, we need to look at the  
14          reasons why other cities are booming a  
15          lot greater than our city and have much  
16          lower poverty rates.

17                    The best way to take people out  
18          of poverty is a good job. That is the  
19          best way, and we need to create an  
20          environment where there are more  
21          good-paying jobs, and that should be our  
22          goal.

23                    Thank you.

24                    COUNCILMAN GREENLEE: Thank  
25          you.

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2                    Councilwoman Gym.  
3                    COUNCILWOMAN GYM: And I would  
4           just say that jobs are a lagging  
5           indicator, not a leading indicator of  
6           whether possibilities open up. So that  
7           opportunities are created. So good  
8           transit, quality schools, those kinds of  
9           things also have a major factor. And  
10          immigration, believe it or not, is a  
11          major indicator of whether jobs,  
12          building, income inequality going down,  
13          all of those things. We should be  
14          looking at leading indicators. Jobs are  
15          always going to be a lagging indicator of  
16          whether we have done it, because they're  
17          the outcome. So you don't start with  
18          jobs. You start with -- you start with  
19          the things that we know fuel them, and  
20          those are always going to be up for  
21          debate. That's what this Council is  
22          going to be about. That's what we're  
23          kind of teasing around -- not teasing,  
24          but we're pushing around the boundaries  
25          of what that looks like.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 So I had a quick question about  
3 the Tiered Assistance Program, the TAP  
4 program that's been outlined in the --  
5 well, this is for Revenue Department  
6 really as well. But I really appreciate  
7 the collaboration between Revenue and the  
8 Water Department to provide affordability  
9 for low-income residents who need to keep  
10 the water on.

11 So a few questions is, do you  
12 know how many properties did the City  
13 seek court authorization to sell at  
14 Sheriff Sale due to the unpaid  
15 water/sewer bills in the last fiscal year  
16 and the current fiscal year?

17 COMMISSIONER BRESLIN: I'll  
18 have to take a look. I had my deputy for  
19 water here earlier at the hearing and I  
20 was anticipating her answer this.

21 Were you -- I'm sorry. Repeat  
22 the question.

23 COUNCILWOMAN GYM: So I'm  
24 trying to find out how much access is  
25 there to TAP. So how many properties did

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           the City seek court authorization to sell  
3           at Sheriff Sale due to unpaid water and  
4           sewer bills in the last fiscal year?

5                    COMMISSIONER BRESLIN: None.

6                    COUNCILWOMAN GYM: None, okay.

7                    COMMISSIONER BRESLIN: No.

8           We're not doing any residential.

9                    COUNCILWOMAN GYM: And then how  
10          about in the current fiscal year?

11                   COMMISSIONER BRESLIN: None.

12                   COUNCILWOMAN GYM: Great.

13                   COMMISSIONER BRESLIN: It was  
14          an easier question than I...

15                   COUNCILWOMAN GYM: Yeah. It's  
16          not a gotcha question. This is just  
17          trying to gain clarity.

18                   COMMISSIONER BRESLIN: I was  
19          looking for participation rates in TAP.

20                   COUNCILWOMAN GYM: So do you  
21          know, though, if Law Department -- I know  
22          that you don't for Revenue, but would you  
23          know if the Law Department did?

24                   COMMISSIONER BRESLIN: They did  
25          not.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COUNCILWOMAN GYM: Would you  
3 have any indication of that?

4 COMMISSIONER BRESLIN: They did  
5 not.

6 COUNCILWOMAN GYM: The answer  
7 is no. So we have had some --

8 COMMISSIONER BRESLIN: And  
9 outside counsel did not either. So there  
10 were no residential properties for water  
11 in Sheriff Sale.

12 COUNCILWOMAN GYM: Great.  
13 Thank you.

14 And the Water Rate Board's July  
15 2018 order requiring the Water Department  
16 to work with the Public Advocate to help  
17 do the forgiveness arrearage -- I can't  
18 believe that's a word -- program, can you  
19 talk a little bit about where the Water  
20 Department is on working with the Public  
21 Advocate and are there any proposals that  
22 are being made around all of that from  
23 the Department?

24 MS. BECKLEY: The Rate Board  
25 decision -- excuse me. Frances Beckley,

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           Chief Counsel to the Revenue Department.

3                     The Rate Board decision  
4           actually ordered the Water Department to  
5           work with the Law Department and the  
6           Revenue Department in order to examine  
7           the legal obstacles to arrearage  
8           forgiveness, and that process is being  
9           worked on internally as we speak.

10                    COUNCILWOMAN GYM: And, again,  
11           did you say that -- are you planning to  
12           make any proposals to the Public Advocate  
13           around --

14                    MS. BECKLEY: I think that when  
15           we've reached internal agreement as to  
16           the right proposal, we'll have informal  
17           discussions with the Public Advocate on  
18           that. I mean, we worked very closely  
19           with them in the design. I personally  
20           worked on the OOPA proposals for real  
21           estate, but members of my team have  
22           worked with them in designing TAP, and  
23           we've always been collaborative with CLS  
24           on the assistance programs, because  
25           obviously it's in our interest to make



1 5/8/19 - WHOLE - BILL 190152, ETC.

2 sure that they work.

3 COUNCILWOMAN GYM: Exactly.

4 Thank you.

5 And the last question I have  
6 is, I know you're not the Water  
7 Department, but do you know if they're  
8 able to do remote shut-offs of water  
9 service for residential customer sales  
10 under its new AMI program? Do you have  
11 any idea about that?

12 COMMISSIONER BRESLIN: We can  
13 get that to you. I believe when that's  
14 implemented, that will be available, but  
15 not across the board of all AMI. It will  
16 be with certain customers, and there's  
17 criteria for how those customers are  
18 selected.

19 COUNCILWOMAN GYM: We just want  
20 to make sure that people are protected  
21 and that we're really thoughtful about  
22 all of that.

23 COMMISSIONER BRESLIN: Yes. I  
24 can get you more information on that for  
25 sure.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COUNCILWOMAN GYM: Great. And  
3 then last question. So today around the  
4 country Uber and Lyft drivers are taking  
5 to the streets and they're going on  
6 strike to take on the companies' unjust  
7 labor practices. I know that the City  
8 has recently announced that it plans to  
9 take Uber to court to have Revenue audit  
10 whether Uber owes business income  
11 receipts and wage taxes from 2015 to  
12 2017. Is that accurate?

13 MS. BECKLEY: What was reported  
14 in this morning's Inquirer was correct,  
15 that what we did was we filed a motion to  
16 compel them to produce documents. Their  
17 response to the fact that we had made  
18 three requests for the documents that  
19 would allow us to determine whether they  
20 had correctly filed and paid their taxes  
21 was that it had been lost in the  
22 mailroom. I don't know if the dog in the  
23 mailroom ate it, but before we had a  
24 chance to respond to the reporter's  
25 inquiry about our court case, we got a

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           call from Uber saying that they're going  
3           to provide us with everything that we  
4           asked for.

5                        So it does appear that this is  
6           an effective way to get corporations'  
7           attentions when we haven't been able to  
8           get the necessary documents, and we plan  
9           to continue filing that type of action.

10                      COUNCILWOMAN GYM: Yes. And I  
11           appreciate that, because I do think that  
12           we're going to have to let people know  
13           that we are both going to audit and that  
14           we expect them to fully turn over their  
15           financials, and I think like if they can,  
16           people will delay.

17                      Do you have any idea about how  
18           much money has been generated from  
19           Rideshare for our city over time? I  
20           mean, we certainly have an estimate  
21           through the School District money, right?  
22           So would you have any guess about what  
23           might be owed to the City through  
24           Rideshare over that period?

25                      COMMISSIONER BRESLIN: I don't.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 I don't have anything with me today. We  
3 can get back to you.

4 COUNCILWOMAN GYM: Okay.

5 Because we're -- I mean, Rob, is it true  
6 we're calculating some level of  
7 percentage based on Rideshare through the  
8 School District of Philadelphia?

9 MR. DUBOW: That's right. The  
10 District -- yes, that's right.

11 COUNCILWOMAN GYM: So we have  
12 some level of estimated revenue that  
13 they're pulling in?

14 MR. DUBOW: We do.

15 COUNCILWOMAN GYM: We may not  
16 know like all the income receipts,  
17 wage -- the finer points of what they  
18 might consider exemptions and other  
19 things, but we have a ballpark number?

20 MR. DUBOW: We do, yes, and  
21 we'll get you that.

22 COUNCILWOMAN GYM: All right.  
23 And so we would expect to have those.

24 And can you provide for us --  
25 you don't have to do it now, but a list

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           of other audits the Department of Revenue  
3           has conducted over the past three years,  
4           what you do to identify the types of  
5           companies that you do audit, and any  
6           additional revenue that's become  
7           available through the auditing process?  
8           In part, we're trying to make it clear  
9           that we try to do a lot of protections  
10          for people, but we do need for people to  
11          pay their taxes.

12                    COMMISSIONER BRESLIN: So we  
13           can supply you with how many audits we've  
14           done, the number of -- the dollars  
15           assessed. We should have some collection  
16           numbers and, to some degree, we might be  
17           able to break that down by industry.

18                    COUNCILWOMAN GYM: And then  
19           we'll do a minimum threshold. You  
20           obviously don't have to do it for smaller  
21           amounts of money, but we'd like to know  
22           the bigger audits that you've done and --

23                    COMMISSIONER BRESLIN: Well, we  
24           can't give you any specific names of  
25           taxpayers.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COUNCILWOMAN GYM: Of course.

3 COMMISSIONER BRESLIN: That's  
4 confidential. But we can give you kind  
5 of the criteria.

6 COUNCILWOMAN GYM: By industry;  
7 is that right?

8 COMMISSIONER BRESLIN: By  
9 industry and over certain like dollar  
10 thresholds, audits of businesses with  
11 over a million, over 5 million, something  
12 like that. We can stratify it.

13 COUNCILWOMAN GYM: That's  
14 extremely helpful. Thank you. Thank you  
15 very much.

16 Thank you, Mr. Chairman.

17 COUNCILMAN GREENLEE: Thank  
18 you.

19 Thank you all very much.

20 This Committee will stand in  
21 recess until 5 o'clock today when there  
22 will be public testimony. Thank you.

23 (Recess.)

24 COUNCIL PRESIDENT CLARKE: Good  
25 evening, everyone. We're going to get

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 started. First of all, we want to thank  
3 you for being here this evening. We  
4 genuinely appreciate your input.

5 I just want to go over some  
6 brief ground rules.

7 So we're here actually to hear  
8 from you about the proposed budget and  
9 where you believe the City's focus should  
10 be as it relates to that proposed budget.  
11 So in order to make sure that everybody  
12 has an opportunity to speak, we have  
13 established certain rules with respect to  
14 the time and how you testify.

15 We're going to ask you as best  
16 as possible if you stick to the subject  
17 matter that we're here for tonight. I'm  
18 not suggesting that any of you would not  
19 do that, but every now and then, people  
20 come on and they want to talk about  
21 things totally unrelated to the City's  
22 budget.

23 If anyone would wish to  
24 testify, I ask that you sign up. When  
25 your name is called, it will be called in

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           the order in which you signed up. You  
3           will be given up to three minutes to  
4           speak. You may be asked questions by  
5           members, may or may not.

6                        So we're going to call your  
7           name. We have a timer, and when the  
8           timer goes off, we'd ask that you please  
9           kind of wrap up your testimony so we can  
10          proceed. I want to thank you very much  
11          in terms of your adherence to the  
12          guidelines that we have established.  
13          Thank you again very much.

14                       Mr. Stitt, please call the  
15          first name.

16                       THE CLERK: Dino Rossi,  
17          Rasheedah Phillips, Peter Winslow.

18                       (Witnesses approached witness  
19          table.)

20                       COUNCIL PRESIDENT CLARKE: And  
21          if you have written testimony that you  
22          believe may be longer than three minutes,  
23          you can just simply pass that to us, and  
24          we'll make sure it's written into the  
25          document so that all of your testimony in



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           its entirety will be reflected in the  
3           record.

4                       THE CLERK: Murielle McCarthey.  
5                       (Witness approached witness  
6           table.)

7                       MS. PHILLIPS: Good afternoon.  
8           My name is Rasheedah Phillips. I'm the  
9           Managing Director of the Housing Unit at  
10          Community Legal Services, which provides  
11          free legal advice and representation to  
12          over 3,000 low-income tenants per year.  
13          Thank you for the opportunity to testify  
14          today.

15                      Each year, tens of thousands of  
16          households face adverse actions related  
17          to their rental housing, including  
18          lockouts and other forms of illegal  
19          eviction. According to studies and  
20          reports by The Reinvestment Fund and the  
21          City's assessment of fair housing,  
22          eviction rates are highest in  
23          Philadelphia's poor and predominantly  
24          black neighborhoods, while evictions  
25          disproportionately impact poor

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 communities of color.

3 Gentrification is ravaging our  
4 communities. A recent study published by  
5 the National Community Reinvestment  
6 Coalition showed that from 2000 to 2013  
7 due to rapidly rising rents, property  
8 values, and taxes, more than 12,000  
9 African Americans in Philadelphia moved  
10 out of gentrifying neighborhoods. As the  
11 report notes, the large number of  
12 neighborhoods that gentrified and the  
13 number of displaced residents ranked  
14 Philadelphia among the worst cities for  
15 black displacement. This tells us that  
16 we not only have a poverty crisis  
17 impacting our city's most vulnerable  
18 residents, but that we have a very  
19 serious race equity problem impacting  
20 black residents' access to housing in  
21 particular.

22 Beyond the damage to  
23 individuals and families who are thrust  
24 into poverty and homelessness, evictions  
25 and forced displacement unravels the

1           5/8/19 - WHOLE - BILL 190152, ETC.

2           fabric of a community, helping to ensure  
3           that neighbors remain strangers and that  
4           their collective capacity to promote  
5           civic engagement remains untapped.

6                         In 2017, the City heard from  
7           some of its most vulnerable residents  
8           demanding equal access to justice in  
9           eviction court. With the support of City  
10          Council, the Mayor, and the Department of  
11          Housing and Community Development, the  
12          Philadelphia Eviction Prevention Project,  
13          also known as PEPP, was launched in  
14          January 2018 with funding of \$500,000 and  
15          a critical increase in funding in FY 2019  
16          to 950,000. PEPP is a collaboration of  
17          six outstanding non-profits, and in  
18          establishing that program, we joined  
19          dozens of cities and states around the  
20          country who are exploring similar  
21          eviction prevention and legal  
22          representation pilot programs or who have  
23          made the bold leap to pass legislation  
24          providing universal access to attorneys  
25          for tenants.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 PEPP has significantly  
3 increased services for low-income and  
4 vulnerable tenants while helping the City  
5 to prevent homelessness. It includes  
6 increased representation of tenants by  
7 expert public interest and pro bono  
8 attorneys, advocacy to help improve court  
9 systems and outcomes, a dramatically  
10 expanded and accessible tenant hotline,  
11 and outreach to individual tenants at  
12 risk of eviction. The project vastly  
13 expands the Landlord/Tenant Help Center  
14 at the Municipal Court and provides for  
15 court navigators, a Lawyer of the Day  
16 program, and dedicated Help Center staff.

17 Preliminary findings  
18 demonstrate that tenants who saw a PEPP  
19 advocate are more likely to show up to  
20 their court date, win their case, and  
21 enter into agreements with their  
22 landlords than tenants who did not.

23 Together, we're working to  
24 increase and ensure access to justice in  
25 the court systems. We're working to

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           ensure that tenants know their rights  
3           before they come into contact with the  
4           courts, so that credit-damaging eviction  
5           filings and default judgments where  
6           tenants don't get an opportunity to work  
7           out resolutions are reduced.

8                         Findings have also shown that  
9           only 5 percent of tenants with  
10          representation experience disruptive  
11          displacement as compared to 78 percent of  
12          tenants without representation.

13                        I'll just wrap up to say that  
14          legal aid is an effective tool to fight  
15          evictions, and Philadelphia should  
16          continue to support the PEPP project and  
17          increase its budget in order to further  
18          the success of the program. We're asking  
19          that the City's investment in this  
20          project be increased to 1.5 million in  
21          the next fiscal year.

22                        And the rest of my testimony is  
23          sent up to you. Thank you very much.

24                        COUNCIL PRESIDENT CLARKE:  
25          Thank you. We have a copy of your

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 testimony?

3 MS. PHILLIPS: You have a copy.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you.

6 MR. WINSLOW: President Clarke  
7 and Councilman Greenlee, thank you for  
8 providing this opportunity for me to  
9 speak to you on behalf of the  
10 Philadelphia --

11 COUNCIL PRESIDENT CLARKE: Just  
12 state your name. Did you state your name  
13 for the record?

14 MR. WINSLOW: I'm about to.

15 -- (continued) Philadelphia  
16 Public Bank Coalition with respect to  
17 Resolution 190164. We appreciate more  
18 than I have time or ability to express  
19 the leadership of Councilman Green as  
20 champion of the Philadelphia Public Bank  
21 project. We thank Councilman Green for  
22 promoting a study of public banking for  
23 this city. And please don't think of  
24 this endeavor as a feasibility study,  
25 since the feasibility of public banking

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           is already fully established. Instead,  
3           consider it an implementation study to  
4           determine how best to launch and roll out  
5           a Philadelphia Public Bank most  
6           expeditiously, yet prudently.

7                        My name is Peter Winslow. I  
8           reside at 7034 Marion Lane in  
9           Philadelphia. I'm a graduate of the  
10          University of Pennsylvania where I  
11          received a BA in economics and an MBA in  
12          finance. I'm a certified public  
13          accountant, alumnus of Deloitte. I  
14          taught business, accounting, taxation  
15          finance, and related subjects at Penn,  
16          Temple, Rutgers, Cornell, and elsewhere.  
17          Consequently, as a finance professional,  
18          I understand the budget processes in  
19          which you are engaged. Moreover, I  
20          empathize with you as you navigate the  
21          fiscal constraints imposed by limited  
22          revenue with which to address the urgent  
23          needs of our city.

24                        So I ask you to please relax  
25          and set aside for a moment the details of

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           the budget. Instead, let your  
3           imagination engage your passions to think  
4           about what you can accomplish through a  
5           Philadelphia Public Bank. If  
6           Councilwoman Gym were here, I would ask  
7           her to imagine how a public bank can  
8           provide educational opportunity. Last  
9           August I visited the Bank of North  
10          Dakota, a public bank that has been  
11          serving the people of that state for the  
12          past 100 years. Programs of the Bank of  
13          North Dakota provide low-interest college  
14          loans for any resident of the state  
15          pursuing any educational degree at any  
16          qualified institution, in state or out of  
17          state, public or private. And anyone  
18          from outside North Dakota can also obtain  
19          a student loan if they attend a North  
20          Dakota school.

21                   The programs reach into schools  
22          across the state, helping to guide  
23          college preparation and selection from  
24          the 7th through the 12th grades. Every  
25          person I talk to told me how they or a



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           family member had benefited from the  
3           student loan programs. Imagine how a  
4           Philadelphia Public Bank can help make  
5           higher education available to all  
6           Philadelphians.

7                     Councilman Clarke, imagine how  
8           a public bank can empower the \$1 billion  
9           Philadelphia Energy Campaign.

10                    Imagine how a public bank can  
11           help us respond to climate disruption by  
12           reducing greenhouse gas emissions,  
13           building resiliency, and mitigating  
14           damage and we transition rapidly from an  
15           economy held captive by fossil fuel  
16           dependency to a society empowered by  
17           renewable energy.

18                    If you have not already done  
19           so, please sign the Respect the Law  
20           pledge that's attached to your copy of my  
21           statement.

22                    COUNCIL PRESIDENT CLARKE: If  
23           you can just summarize.

24                    MR. WINSLOW: There are so many  
25           ways in which a public bank can help, and

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           they are in my comments with some  
3           specificity, but I would just draw your  
4           attention to the embarrassing position  
5           that the City finds itself in. Less than  
6           three months ago, Philadelphia sued Wells  
7           Fargo, Barclays, and five other banks for  
8           anti-trust conspiracy to inflate interest  
9           rates for more than \$1.6 billion of its  
10          tax-exempt, variable-rate demand  
11          obligations. Then just two weeks ago,  
12          Philadelphia hired these same banks to  
13          manage its latest \$190 million borrowing  
14          of VRDOs. Really?

15                    A Philadelphia Public Bank  
16          could have helped keep the investment  
17          bank honest, saving hundreds of millions  
18          of dollars in interest and fees that were  
19          ripped off. Imagine this budget process  
20          with hundreds of millions of more dollars  
21          available. Make our dreams come true.  
22          Make your dreams come true.

23                    COUNCIL PRESIDENT CLARKE:

24          Thank you.

25                    MR. WINSLOW: Please act

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           expeditiously to give yourselves and the  
3           people who depend on you a Philadelphia  
4           Public Bank.

5                     Thank you.

6                     COUNCIL PRESIDENT CLARKE:

7           Thank you. Just make sure you leave --  
8           so we can get your testimony in its  
9           entirety, just leave a copy. We'll make  
10          sure --

11                    MR. WINSLOW: You have copies.

12                    COUNCIL PRESIDENT CLARKE: We  
13           already have it? Okay. Thank you.  
14           Thank you.

15                    Yes, ma'am.

16                    MS. McCARTHEY: Good afternoon.

17           My name is Murielle McCarthey and I am a  
18           voter and a taxpayer of Philadelphia.

19                    At yesterday's budget hearing,  
20           Deputy Commissioner Custodio reported on  
21           his work coordinating the training of  
22           City staff to test, maintain, and fix  
23           ExpressVote XL machines that he arranged  
24           to be delivered to City property. These  
25           machines are -- sorry. These are

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           machines that the City has no contract  
3           for and currently not enough funds for.

4                         In his report, Deputy  
5           Commissioner Custodio stated there is a  
6           tight deadline for getting a new voting  
7           system in Philadelphia. Despite being an  
8           exempt employee of Commissioner Deeley,  
9           who is recused from participating in any  
10          aspect of the procurement process of  
11          these new voting machines because of her  
12          candidacy status, this Deputy  
13          Commissioner appears, for all intents and  
14          purposes, to be acting with the consent  
15          of the Board of Elections.

16                         In my testimony today, in the  
17          sunshine meeting of the Board of  
18          Elections, I asked the Board if  
19          Mr. Custodio is acting with the consent  
20          of the Board. I also asked who is in  
21          charge of the procurement process. The  
22          Board refused to answer my questions.  
23          Contrary to the spirit of the sunshine  
24          law, Judge Furlong and Judge Campbell  
25          made it clear they will not answer

1           5/8/19 - WHOLE - BILL 190152, ETC.

2           questions posed to them by myself and  
3           other concerned citizens at the sunshine  
4           meetings.

5                         I ask you, City Councilmembers,  
6           who is in charge of the procurement  
7           process? Is it the Board of Elections or  
8           is it the exempt employee of Commissioner  
9           Deeley?

10                        Regarding the urgency to push  
11           this new voting system onto Philadelphia  
12           voters, I ask the City Councilmembers not  
13           be fooled by Mr. Custodio's statement  
14           that there's not enough time to rescind  
15           the decision to purchase the ExpressVote  
16           XL. We have ample time to make a better  
17           decision. Other states and counties in  
18           PA and other areas have made voting  
19           system procurement choices in less than  
20           the time that we have. So be assured  
21           that all of the talk you're hearing about  
22           it being a mandate, that it has to occur  
23           right now, is not accurate.

24                        The following steps will get us  
25           the voting system we deserve. First,

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           tell the members of the Board of  
3           Elections to rescind the selection of the  
4           ExpressVote XL. Protect Our Vote  
5           Coalition and others have provided ample  
6           information to you for months about the  
7           reasons the ExpressVote XL is a dangerous  
8           system for Philadelphia. For one reason,  
9           it has been tested on just 1,500 voters  
10          so far, and we don't want to be guinea  
11          pigs.

12                         Second, this week please demand  
13          that the Board of Elections begin a new  
14          unbiased request for proposal process  
15          with a deadline of June 15th. One month  
16          is enough time for vendors to respond.  
17          That's how much time they had previously.

18                         The Board of Elections already  
19          has the existing RFP and just needs to  
20          edit the criteria to make it fair to all  
21          vendors, as Best Value procurement  
22          requires. The RFP should include all  
23          five of the certified vendors, including  
24          the two recently certified.

25                         Third, demand that the Board of

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 Elections conduct a public demonstration  
3 of these systems within the next eight  
4 weeks and collect public feedback.

5 And, fourth, select the  
6 appropriate system by July 17th. This is  
7 a reasonable amount of time.

8 Commissioner Deeley said July was enough  
9 time for an April 2020 rollout. It may  
10 even be possible for a new voting system  
11 in place -- to be in place for the  
12 November 2019 election. It took  
13 Montgomery County five months to  
14 implement their system. Some counties in  
15 Virginia did it in one month's time.  
16 Philadelphia has the staff and resources  
17 to make this happen. Please do that.

18 COUNCIL PRESIDENT CLARKE:

19 Thank you. Thank you for your testimony.

20 Thank you all for your  
21 testimony.

22 THE CLERK: Gloria Gilman, Meg  
23 Berlin, Timothy Brown.

24 (Witnesses approached witness  
25 table.)

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COUNCIL PRESIDENT CLARKE: Good  
3 evening.

4 MS. GILMAN: Good evening,  
5 Council. I'm Gloria Gilman. I'm Chair  
6 of Philadelphia Neighborhood Networks.  
7 I'm here today to list for you some of  
8 the illegalities and improprieties in how  
9 the system was selected and sold to us by  
10 the Commissioners' Office through Lisa  
11 Deeley and Al Schmidt.

12 The purchase was by a selection  
13 system called Best Value. It didn't have  
14 to be. The Commissioners could have  
15 decided to select the voting system by  
16 the usual procurement system aimed at  
17 choosing the lowest cost. This was the  
18 first use of Best Value for large  
19 purpose. The system requires an open,  
20 fair, and transparent process. In the  
21 beginning of the process, public and  
22 expert input should be sought in order to  
23 draft the RFP requirements. Neither was  
24 done.

25 The secrecy level of this



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           process is contrary to the Best Value  
3           requirement for transparency. The time  
4           limits we were told about were falsely  
5           created and were used to justify skirting  
6           all requirements, such as public and  
7           expert input and demonstrations of system  
8           options.

9                         One tenet of Best Value is to  
10           avoid favoritism and have a fair and  
11           competitive process. The RFP was written  
12           for one machine and one vendor, contrary  
13           to the Best Value standards.

14                        One Commissioner has been  
15           improperly left out of all information  
16           and decision-making, although a properly  
17           elected official entitled to that  
18           information, as he wouldn't sign this  
19           confidentiality document that didn't  
20           state its limitations. This document  
21           denies an elected official the rights of  
22           their office, denies the official their  
23           First Amendment rights, and denies the  
24           public the right to be represented by all  
25           those they elected to serve the City

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 Commissioners.

3 Another tenet of Best Value is  
4 to avoid unethical misconduct, decision  
5 made improperly by two Commissioners  
6 running for election regarding a voting  
7 system intended to be used for their own  
8 election. There's plenty of proof that  
9 they were running as they had been  
10 fundraising well before the decision  
11 date, and Deeley had a fundraiser the  
12 very night of the decision. At the  
13 fundraiser, Democratic Party Chair Brady  
14 toasted Deeley that he had called her  
15 that morning to make sure she would vote  
16 correctly for the right system, and then  
17 he rewarded her by helping her with her  
18 election. He should not have been part  
19 of the process.

20 There are questions as to  
21 campaign donations having been made to  
22 Commissioner Schmidt and Deeley from  
23 people or organizations connected to this  
24 vendor and to unions in this city that  
25 could benefit from this decision. Deeley

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           and Schmidt stepped down after the vote,  
3           but continued to direct their deputies to  
4           act in their stead without approval of  
5           the constituted Board of Elections.

6                         Nick Custodio, Deputy to Lisa  
7           Deeley, supervised 83 machines to be  
8           brought onto public property without  
9           official permission, as there was no  
10          signed contract and as the budget had not  
11          been approved by City Council. Said  
12          delivery put liability for almost  
13          \$700,000 on the City. They now say that  
14          an agreement was signed waiving some of  
15          that liability, but it was not presented  
16          to Council or the Commissioners for  
17          approval.

18                        Deeley held a press conference  
19          where she personally showed the 83  
20          machines and how they work. The only  
21          purpose for that timing of that was to be  
22          a prop in her election campaign. Her  
23          appearance doing that and actually  
24          touching the machines to be used in her  
25          own election is impermissible by the

1           5/8/19 - WHOLE - BILL 190152, ETC.

2           Election Code and the Ethics Code.

3                       Deeley and Schmidt's deputies,  
4           who are exempt employees controlled  
5           solely by them, cannot act in their stead  
6           while they are not permitted to act, as  
7           they are then acting as surrogates and  
8           taking direction impermissibly from the  
9           candidate commissioners.

10                      City Commissioners have  
11           presented deceptive information to City  
12           Council in their testimony about the cost  
13           of this purchase, that they are hiding  
14           the real cost, not even giving estimates  
15           of warehousing the machines in a  
16           climate-controlled environment. No  
17           estimates were given on the numbers of  
18           employees and IT experts that will be  
19           needed to hire either full time or  
20           temporarily due to this system versus  
21           other options considered. No information  
22           was given at all to City Council on any  
23           other options or the comparative costs.  
24           No consideration was given to the cost of  
25           leasing for a short period of time to

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           test the system versus purchase. Just a  
3           cursory statement that it would not save  
4           money. How could that really be? What  
5           about the cost if it turns out that  
6           voters have too much difficulty using the  
7           system or if the power goes out at  
8           polling places so the system goes down  
9           and voters are denied access or, as has  
10          been warned, the system is hacked,  
11          affecting an election outcome because it  
12          is so vulnerable?

13                        No information has been  
14          provided to City Council on the fact that  
15          the system cannot be properly audited to  
16          be sure that the voter's intent was  
17          recorded and used for tally, because the  
18          document that is used to determine the  
19          voter's intent has not been prepared by  
20          the voter but by a machine that prints  
21          out names of candidates and barcodes,  
22          codes that only allegedly represent the  
23          chosen candidate, and that document,  
24          after being checked by the voter, if the  
25          voter can remember the names of who they

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           voted for and if they have any idea  
3           whether the barcodes relate to the  
4           candidate's chosen, then goes over a  
5           printer head that can make marks on the  
6           ballot and change the vote without the  
7           voter or anyone else ever knowing it.

8                        COUNCIL PRESIDENT CLARKE:  
9           Ma'am, if you can wrap it up.

10                      MS. GILMAN: Just a couple more  
11           things.

12                      There are questions --

13                      COUNCIL PRESIDENT CLARKE: Very  
14           quickly.

15                      MS. GILMAN: I am winding up.

16                      There are questions about the  
17           integrity and honesty of this vendor, who  
18           has been accused in part of giving  
19           inappropriate gifts to governmental  
20           decision-makers, including paying for and  
21           organizing trips, paying for other  
22           things, giving jobs to decision-makers.  
23           This vendor has been involved in election  
24           machine problems in the past and has  
25           admitted sometimes having retained the

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           ability to communicate with its machines  
3           without the knowledge or permission of  
4           the governmental entity.

5                        This vendor has been known to  
6           give political donations in a partisan  
7           manner.  Despite all these allegations --

8                        COUNCIL PRESIDENT CLARKE:  
9           Ma'am, you got to really --

10                       MS. GILMAN:  -- as the  
11           integrity -- one second, please -- and  
12           the reliability of the vendor, no  
13           information has been given.

14                       COUNCIL PRESIDENT CLARKE:  
15           Really you need to wrap it up.

16                       Okay.  Thank you.

17                       MS. GILMAN:  One sentence.  
18           Advocates and the Controller --

19                       COUNCIL PRESIDENT CLARKE:  
20           Ma'am, we got to go to the next person.  
21           You can't just keep going and going.

22                       Thank you.  Proceed.

23                       MS. BERLIN:  Good afternoon.  
24           My name is Meg Berlin and I live, vote,  
25           and pay taxes in Wash West.  Thank you

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           for the opportunity to testify before you  
3           on the subject of the Commissioners'  
4           decision to purchase the ExpressVote XL.

5                       Yesterday, 11 weeks after the  
6           vote, the public finally learned the cost  
7           of the new voting machines. On the day  
8           of the vote, Commissioner Deeley told the  
9           Inquirer that the cost would be \$20 to  
10          \$27 million. That's a pretty big range.  
11          So is the price 20 million? Not even  
12          close. It's going to be nearly \$30  
13          million for the voting machines and  
14          another 2 and a half million for the poll  
15          books. Nearly \$32 million on up-front  
16          hardware costs alone.

17                      New York, Boston, Baltimore all  
18          vote using hand-marked paper ballots  
19          scanned by an optical scanner. If Philly  
20          did the same thing, it would cost us \$15  
21          million less. Let those numbers sink in.  
22          You'll be spending nearly \$32 million.  
23          You could be spending \$15 million less.  
24          That's \$15 million that could be used to  
25          fund our schools, roads, City



1 5/8/19 - WHOLE - BILL 190152, ETC.

2 infrastructure, and services that the  
3 citizens need.

4 Your work takes you all around  
5 the City. You know its needs. You've  
6 been in our schools. \$15 million could  
7 do a lot of good in dozens of  
8 neighborhoods.

9 We can't lose sight of what is  
10 being lost here. We are giving up \$15  
11 million so we can put 32-inch touch  
12 screens in front of voters twice a year.  
13 That's not the best value. It's not in  
14 Philly's best interests.

15 You have the power to deny  
16 funding for this project. This is, after  
17 all, a budget committee meeting.

18 If you need more information,  
19 Protect Our Vote Philly Coalition members  
20 have it, and we're willing to spend  
21 whatever time you need. You can do two  
22 things. You can withhold funding for  
23 this system. You can use the bully  
24 pulpit.

25 When Mayor Nutter made

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           decisions with which you disagreed, you  
3           didn't hesitate to criticize him. What's  
4           different now?

5                        There is still time to do a new  
6           RFP to choose the system that is more  
7           secure and will save us \$15 million in  
8           taxpayer dollars.

9                        Spend taxpayer money wisely.  
10          Withhold funding for this system until a  
11          less expensive and more secure system  
12          which should have been selected in the  
13          first place is chosen.

14                       Thank you.

15                       COUNCIL PRESIDENT CLARKE:  
16          Thank you, ma'am. Thank you for your  
17          testimony.

18                       Sir.

19                       MR. BROWN: President Clarke,  
20          my name is Tim Brown. I'm from Philly  
21          Neighborhood Networks, and I spent 15  
22          years traveling the country as a computer  
23          consultant. I know there's a lot of  
24          questions about this voting machine, so I  
25          wanted to explain in layman's terms the

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           inherent danger to using this ExpressVote  
3           machine.

4                     The first thing you need to  
5           understand is that it does not produce a  
6           ballot. It produces a list of names,  
7           similar to the receipt you get at a  
8           supermarket. The actual ballot is the  
9           one that the voter casts when they touch  
10          the touch screen machine. Then the  
11          machine generates what they're calling a  
12          summary ballot that the voter is now  
13          required to verify for accuracy.

14                    You with me so far? Here's the  
15          problem: The Commissioners' argument is  
16          that everyone is going to verify this  
17          ballot and everything is going to be  
18          hunky-dory, but the problem is that  
19          people don't verify their votes.

20                    In December 2018, the Georgia  
21          Institute of Technology released a  
22          quantitative analysis of ballot  
23          verification using the ExpressVote  
24          machine, which demonstrated that 47  
25          percent of voters did not look at the

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           summary card before submitting it, and  
3           the other 53 percent reviewed the card  
4           for an average of 3.9 seconds. And this  
5           is the crux of the problem here. Half  
6           the voters are not even bothering to  
7           verify their receipt. That's an  
8           unacceptable potential for error. And if  
9           you think this is all hypothetical,  
10          here's a real-world example for you: The  
11          2018 contest between Ted Cruz and Beto  
12          O'Rourke, eight million votes were cast,  
13          and it was decided by 215,000 votes.  
14          That's a margin of victory of just 3  
15          percent. 3 percent, 47 percent. So you  
16          can start to see where the problem lies  
17          here.

18                        But it gets worse. In that  
19          race, the Texas Tribune confirmed that  
20          some voters were reporting that when they  
21          voted the straight democratic ticket, the  
22          machine was flipping O'Rourke votes to  
23          Ted Cruz. Now, some people caught the  
24          error, but this begs the question how  
25          many of those four million democrats did

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 not carefully read their ballot? Do you  
3 think it was more than 3 percent?

4 Let's bring it home to  
5 Philadelphia. Right here in  
6 Pennsylvania, the 2016 presidential  
7 contest was decided by 44,292 votes.  
8 That's 0.72 percent. Now, we all know  
9 that Philadelphia is the linchpin for  
10 Pennsylvania politics and Pennsylvania  
11 decides the presidency. So you have to  
12 think here, do we really want our city to  
13 be the guinea pigs for this company's  
14 machines?

15 Now, we could have a new  
16 process in place and still be ready by  
17 November if the Commissioners would stop  
18 dragging their feet while simultaneously  
19 complaining that they don't have enough  
20 time. They're trying to run out the  
21 clock on this here so that we're stuck  
22 with a deal that they made.

23 Please don't let them get away  
24 with this.

25 COUNCIL PRESIDENT CLARKE:

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 Thank you.

3 MR. BROWN: Thank you.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you for your testimony, sir.

6 THE CLERK: Joy Hockman,  
7 Vickie -- forgive me. I'm going to spell  
8 your last name, S-E-I-T-C-H-I-K,  
9 Seitchik. Scott McCarthy.

10 (Witnesses approached witness  
11 table.)

12 MS. HOCKMAN: Hi. Thank you.  
13 Joy Hockman.

14 I'm glad I'm coming after those  
15 three, because they know a lot more than  
16 I do.

17 So I want to thank you all for  
18 the opportunity to speak today. I will  
19 definitely be brief.

20 I live in Philadelphia. I  
21 worked here. I pay taxes here.

22 I am learning all about these  
23 machines as an interested private  
24 citizen, just as many or most of  
25 Councilmembers probably are too. I wish

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 there were more here, so I hope you  
3 spread the word of all that we're saying  
4 today.

5 Okay. When I put together what  
6 I learned at a sunshine meeting and what  
7 I learned from attending the City Council  
8 meeting yesterday regarding the voting  
9 system, it is obvious to me that we, the  
10 people, and City Council, the  
11 Philadelphia City Commissioners' Office  
12 need more time to investigate the issues  
13 involved in choosing a cost-effective and  
14 reliable voting machine system.

15 To mention just two issues.  
16 One is going to be about money and the  
17 other about potential for hacking and  
18 also mistakes.

19 One, we need to be transparent  
20 as we clarify the true cost of this  
21 particular system, the one we've been  
22 looking at, especially as compared to  
23 other systems that seems basic. Has that  
24 been done? Have we compared systems?  
25 Also, we need to look to be realistic

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           about the interest that we're going to  
3           need to pay on the possibly \$20 million  
4           loan that the City would have to take  
5           out.

6                        Second, we desperately need to  
7           learn more about how little we can rely  
8           on this system to provide us with an  
9           auditable paper trail, something that is  
10          clearly essential these days.

11                       I'm no expert on this, so I  
12          will leave the details to those who are.  
13          We've just heard some of them speak. But  
14          what I do know is that we need to make  
15          public what knowledge has already been  
16          uncovered about this system. It does not  
17          leave a reliable auditable paper trail.

18                       After being kind of smacked in  
19          the face by these two big issues and  
20          others, it seems that we must not  
21          complete this agreement or fund it.

22          Instead, we must take the time to  
23          investigate other systems. As my  
24          grandson would say, it's a no-brainer.

25                       Thank you.



1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you for your testimony.

4 Please self-select.

5 MS. SEITCHIK: My name is  
6 Vickie Seitchik. I'm just coming here to  
7 give you a snapshot of what a voter  
8 thinks, because I just learned about this  
9 a few weeks ago, and then I've been  
10 talking about it with people, and this is  
11 the snapshot.

12 You say it can be hacked, and  
13 people say, okay.

14 You say it's very expensive.  
15 It's more expensive than any of the other  
16 machines that were proposed. Not so  
17 good. And then it's going to be a  
18 completely new system for all of the  
19 voters coming in, and it's going to be  
20 confusing, and it's going to have to be a  
21 learning curve. People are not going to  
22 know that they're coming to vote and be  
23 presented with this and how do you do it.  
24 Are you going to have a person trained  
25 per machine to teach me how to use it?

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 And how long is that going to take? And  
3 how upsetting will it be? And how long  
4 will the lines be?

5 So I just ask you, if you go  
6 out into the street and say, I have to  
7 vote on budgeting money for a machine  
8 that can be hacked, it's too expensive,  
9 and will cause confusion in the next  
10 elections, what do you think the person  
11 in the street is going to say? Because I  
12 haven't heard when I talk about this  
13 anybody, anybody saying that sounds like  
14 a great idea.

15 COUNCIL PRESIDENT CLARKE:  
16 Thank you. Thank you for your testimony.

17 MR. McCARTHY: Thank you. My  
18 name is Scott McCarthy.

19 I'd like to clarify for the  
20 record why the ExpressVote XL is not the  
21 most successful voting system for persons  
22 with disabilities.

23 The ExpressVote XL is less  
24 accessible to voters with disabilities  
25 than other touch screen voting systems.

1           5/8/19 - WHOLE - BILL 190152, ETC.

2           The Pennsylvania Department of State  
3           certification report on touch screen  
4           voting machines list major accessibility  
5           flaws with the ExpressVote XL that makes  
6           it an unacceptable choice for voters with  
7           vision, hearing, cognitive, and mobility  
8           challenges.

9                         Some of the examples from the  
10           report: Ballots couldn't be verified.  
11           Quoting from the report, None of the  
12           participants were able to verify their  
13           paper ballot on the XL. The XL has  
14           inconsistent navigation and poor  
15           instructions. Again, quoting from the  
16           report, Every participant had at least  
17           one problem despite relatively high  
18           election knowledge and digital  
19           experience, suggesting that the issue  
20           would be more severe for voters without  
21           the personal resources to help them  
22           understand what is happening.

23                         Other issues: The XL led to  
24           confusing selection/de-selection  
25           processes when using straight party

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           voting. Again, quoting from the report,  
3           In some cases, this led voters to cast a  
4           ballot without knowing all of the  
5           candidates that had been selected.

6                        With regard to the machine not  
7           being able to read party affiliations in  
8           the audio ballot, the report states, This  
9           made it impossible to complete tasks  
10          based on party, including confirming  
11          straight party selections.

12                       Blind participants were not  
13          able -- were not sure what was happening  
14          during the ballot printing process. To  
15          quote from the report, They did not know  
16          where the ballot was or what to do next.

17                       Lastly, from the report, there  
18          were many problems with the screen  
19          design. Again, quoting from the report,  
20          On the XL, selecting large text changes  
21          the XL screen -- changes the XL screen to  
22          a contest-by-contest display, but does  
23          not make the text size very much larger.  
24          This forces low-vision users who simply  
25          need slightly larger text into using the

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           audio ballot. One participant with very  
3           low vision put his face so close to the  
4           screen that he accidentally made selections  
5           with his nose.

6                     All voters should be able to  
7           vote privately and independently,  
8           including voters with a wide variety of  
9           disabilities and challenges. No single  
10          voting method now exists that can meet  
11          all accessibility needs. Universal  
12          accessibility means allowing voters to  
13          choose the method that is most successful  
14          for them. Having both hand-marked paper  
15          ballots and one ballot-marking device in  
16          every division is more universally  
17          acceptable.

18                    Providing touch screens for all  
19          voters would not enfranchise more voters  
20          than hand-marked paper ballot with a  
21          ballot-marking device in each polling  
22          place. It would, however, disenfranchise  
23          and harm many voters, voters both with  
24          and without disabilities.

25                    Thank you.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you.

4 Thank you all for your  
5 testimony. I appreciate it.

6 THE CLERK: Jennifer Musumeci,  
7 M-U-S-U-M-E-C-I.

8 (No response.)

9 THE CLERK: Jen Devor, Cora  
10 Turpin, Denise Ripley.

11 (Witnesses approached witness  
12 table.)

13 COUNCIL PRESIDENT CLARKE: Good  
14 evening.

15 MS. DEVOR: Hi. Good evening.  
16 My name is Jen Devor and I live in the  
17 Second Council District. Full  
18 disclosure, I'm also currently a  
19 candidate for City Commissioner, but  
20 today I'm testifying as a concerned  
21 citizen.

22 COUNCIL PRESIDENT CLARKE:

23 Thank you for that disclosure. Thank you  
24 for your disclosure.

25 MS. DEVOR: Thank you.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 There has never been a more  
3 timely period in our history for  
4 Philadelphia to carefully consider if and  
5 how we are safeguarding our votes. The  
6 Pennsylvania Department of State's  
7 mandate to replace our current electronic  
8 voting machines with new systems has  
9 reinforced the fact that counties and  
10 states must safeguard against the very  
11 real threat of election interference and  
12 influence.

13 There are many reasons why  
14 Philadelphia leaders, including members  
15 of this body, should reject the decision  
16 made by the Commissioners' Office to buy  
17 the ExpressVote XL machines. Most  
18 importantly, the ExpressVote XL system  
19 does not allow voters to verify their  
20 paper ballot. According to leading  
21 national experts, the most secure and  
22 reliable way to record votes is to let  
23 voters hand-mark paper ballots.

24 It is estimated that  
25 Philadelphia will spend at least \$15

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           million more to buy these machines over a  
3           paper ballot and scanner system, which  
4           are vulnerable to hacking and election  
5           interference than if the City chooses  
6           more secure systems.

7                         The high estimated -- and I  
8           stress estimated -- cost of these  
9           machines raises an alarming amount of  
10          concern and is being investigated by both  
11          Pennsylvania General Auditor DePasquale  
12          and City Controller Rhynhart.

13                        It is irresponsible for City  
14          Council to approve the Commissioners'  
15          budget request until more information is  
16          provided, until the actual cost of buying  
17          the ExpressVote XL machines, not just  
18          this year but moving forward.

19                        I request that members of City  
20          Council who are present here today and  
21          beyond ask for further clarity about the  
22          estimated costs associated with storage,  
23          maintenance, transportation needs, and  
24          expected lifetime of machines. In  
25          addition, City Council must also consider



1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           the cost of a climate-controlled,  
3           dust-free warehouse, question why we are  
4           only signing a one-year contract and  
5           purchasing agreement, and why the  
6           Commissioners haven't considered a  
7           lease-to-own option.

8                         At a time when there are  
9           serious budget needs facing our city, I  
10          believe it is irresponsible for City  
11          Council to approve the budget request  
12          without more information. And, frankly,  
13          as the parent of a public school child, I  
14          find it especially concerning that the  
15          City hasn't allocated much-needed  
16          resources to prevent our children from  
17          being exposed to dangerous health hazards  
18          in our classrooms, but is seemingly  
19          poised to approve spending at least \$15  
20          million more for a voting machine that  
21          every election expert says is the worst  
22          possible choice for our city.

23                         Thank you.

24                         COUNCIL PRESIDENT CLARKE:

25                         Thank you. Thank you for your testimony.

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 Please proceed.

3 MS. RIPLEY: Hi. My name is  
4 Denise Ripley. I'm a block captain. How  
5 you doing, Darrell Clarke?

6 COUNCIL PRESIDENT CLARKE: How  
7 are you?

8 MS. RIPLEY: Council President.  
9 You've known me for years.

10 I'm very concerned -- I'm a  
11 block captain. I'm a judge of election.  
12 I'm a community leader. I do a lot of  
13 things for my community. My concern is  
14 the taxes, and being a homeowner, I'm  
15 very concerned, because I went through  
16 this before. And the other residents  
17 that I'm living on the block with, we've  
18 all moved into new homes, and we seem to  
19 be like -- look like we going right back  
20 in the same position, but it's with the  
21 taxes. It looks like they trying to tax  
22 us out of a community. As a stakeholder,  
23 I don't think that's fair, and I think  
24 you as a Councilperson, we've been  
25 longtime constituents of yours, and I

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 think you should place something like --  
3 so like grandfather something that we  
4 don't like -- longtime homeowners not be  
5 taxed out of a community that we have  
6 cared for.

7 I'm like -- it's something that  
8 can be done, placed in legal terms. I  
9 don't know all the legal terms, but I  
10 know I have a right to stay in a  
11 community that I pay my taxes. I do  
12 things to enhance the community. And I  
13 believe the other people that's in my  
14 community, they do the same thing,  
15 trying -- the people on my block -- and I  
16 go around. I do a lot.

17 My words might not be coming  
18 out the way they should, but I'm very  
19 concerned about being displaced out of a  
20 community that I have been committed to,  
21 trying to make it a better environment  
22 for my kids and the community. I do the  
23 food program, the summer lunch program,  
24 go into -- right now I'm volunteering in  
25 AARP and the public school tutoring

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           kindergartners, but I keep coming back to  
3           homeownership, taking care of where I  
4           live. And now with all this  
5           gentrification, it seems like we may be  
6           pushed out, because every time I look at  
7           my taxes I pay, I'm on a payment plan to  
8           pay my taxes, but I'm still getting into  
9           debt that I can't afford to pay, because  
10          I'm low income, and the other people that  
11          live in my community, are some low-income  
12          families, is in the same position.

13                         Why am I paying taxes on an  
14          installment plan, but it's still putting  
15          me in debt where I may be able to lose my  
16          home? And I'm asking you, could you put  
17          something in place that I not lose my  
18          home and my other residents in my  
19          community of North Philadelphia. Because  
20          I know the history. Cecil B. Moore,  
21          walking around that Girard College to  
22          make sure that children that live in that  
23          community be able to go to that school.  
24          It's important that you -- because you  
25          know the history, because you've been

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           there the same way, and I want you to  
3           make sure that we as residents -- people  
4           are committed to that community -- be  
5           able to stay in that community. And  
6           that's what I ask of you.

7                           COUNCIL PRESIDENT CLARKE:

8           Thank you. Thank you for your testimony.

9                           Good evening.

10                          DR. TURPIN: I'm Dr. Cora  
11           Turpin. I have lived in Philadelphia  
12           many, many years. I'm here about the  
13           concern for real estate taxes, the AVI.  
14           Not only is it the lower-income people  
15           being affected, but the middle-income  
16           people who have paid taxes and worked all  
17           their lives are being forced into  
18           foreclosure, especially after they reach  
19           the age where they're on a fixed income.

20                          I have here the request that we  
21           have made. We, the undersigned citizens  
22           of the City of Philadelphia, respectfully  
23           request that City Council create a real  
24           estate tax freeze for all seniors 65  
25           years or older who reside in Philadelphia

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 and own their own homes and are on fixed  
3 incomes.

4 Now, we said 65 and we didn't  
5 include the people who are also on fixed  
6 incomes for other reasons, disability for  
7 one.

8 This AVI is based on  
9 construction costs. They are building in  
10 our neighborhoods huge, expensive  
11 buildings, even on the grounds that were  
12 once green for lawns, that are raising  
13 our taxes to the point where we cannot  
14 afford our homes. I am asking your help.

15 You made me understand by  
16 previous testimony that we have to go to  
17 the state level, but I don't need just  
18 hearsay or a pat on the head. We need  
19 your support in getting that income level  
20 to be just 65 years of age and not limit  
21 that income level, because you're not  
22 raising the funding fast enough to help  
23 people on middle incomes. Yes, you  
24 raised it from 31,000 to 91,000, but the  
25 91 also needs to have monies appropriated

1           5/8/19 - WHOLE - BILL 190152, ETC.  
2           by the City. If you just put a freeze on  
3           that for people 65 and older, you don't  
4           have to worry about funding from other  
5           sources.

6                         We need your help. We need it  
7           yesterday. Where I live, they have  
8           gentrified to such a level that almost  
9           every old person who is not a veteran  
10          there is on the verge of losing their  
11          homes.

12                        And I appreciate your  
13          listening. I hope to see some action in  
14          the future. And, yes, I will be here  
15          begging for as long as this AVI stays in  
16          place. It is unsustainable, especially  
17          for people who worked in Philadelphia and  
18          are getting retirements based on what you  
19          paid us in this city.

20                        Thank you.

21                        COUNCIL PRESIDENT CLARKE:

22          Thank you.

23                        Thank you all for your  
24          testimony. Appreciate it.

25                        DR. TURPIN: And this is for

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 you.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you. Make sure we'll get it.

5 Thank you, Doctor.

6 THE CLERK: Vickie Goldstein,

7 Bo Dirnbach. Is Bo here?

8 MR. DIRNBACH: Yes.

9 (Witness approached witness  
10 table.)

11 COUNCIL PRESIDENT CLARKE: Is  
12 there anybody else that signed up?

13 (No response.)

14 COUNCIL PRESIDENT CLARKE: All  
15 right. Thank you.

16 Please proceed.

17 MR. DIRNBACH: Good evening,  
18 Councilman Clarke. My name is Bo  
19 Dirnbach. I'm in the Steering Committee  
20 of Neighborhood Networks, and I'd like to  
21 head my remarks why the ExpressVote XL by  
22 ES&S should be rejected by City Council.

23 Any voting machine that prints  
24 out a paper receipt is fundamentally not  
25 auditable, including the XL. Why is



1 5/8/19 - WHOLE - BILL 190152, ETC.

2 that?

3 Assume for the moment that some  
4 XL machines are infected with malware.  
5 Even machines not connected to the  
6 Internet can be infected by corrupted  
7 memory cards, flash drives, CD-ROMs, or  
8 the software that ES&S downloads could be  
9 infected.

10 Number one, the XL allows the  
11 voter to autocast a ballot without  
12 checking the paper receipt the machine  
13 would normally print out. My colleague  
14 Tim pointed out almost half the voters do  
15 that in one study.

16 An infected XL could then cast  
17 spurious votes for that voter, and no one  
18 would know and no one could find out in  
19 an audit. Auditing these votes would be  
20 like checking a story in the Daily News  
21 by buying another copy of that paper and  
22 comparing one issue with the other.  
23 You'd be checking a false machine result  
24 against a false printout.

25 This feature alone should

1           5/8/19 - WHOLE - BILL 190152, ETC.

2           disqualify the XL.

3                         Number two, voters often leave  
4           some ballot positions blank; that is,  
5           it's under-voting. An infected XL could  
6           vote for the voter after the paper ballot  
7           has been inspected, so-called ballot  
8           stuffing. Again, there's no way to catch  
9           these spurious votes with an audit.

10                        Number three, most  
11           ballot-marking devices that are intended  
12           for use as a primary voting system put  
13           barcodes on the paper printouts. The XL  
14           does. These purport to encapsulate the  
15           voters' selections. Even though voters  
16           can't read barcodes, the barcodes are the  
17           only portion of the printout counted as  
18           their votes. The barcodes could be  
19           maliciously programmed to instruct the  
20           scanners to flip votes.

21                        What's the best type of voting  
22           machine? An optical scanner that will  
23           read the voter's intent on a scantron  
24           form, but not make any marks on the  
25           ballot. Thus, if that machine were

1 5/8/19 - WHOLE - BILL 190152, ETC.

2 infected, its results could be compared  
3 to the pristine ballots which would not  
4 be infected by voting machine malware.

5 The only wise conclusion is to  
6 say no to the ExpressVote XL. And  
7 there's more information by voting expert  
8 Jennifer Cohn, C-O-H-N, in her article,  
9 "New 'hybrid' voting systems can change  
10 paper ballot after it's been cast. Paper  
11 ballots are safe only if marked by hand,  
12 not by machine."

13 Thank you so much.

14 COUNCIL PRESIDENT CLARKE:

15 Thank you so much for your testimony.

16 We'll make sure --

17 MR. DIRNBACH: I will leave  
18 this with you.

19 COUNCIL PRESIDENT CLARKE:

20 Thank you, sir.

21 That concludes our public  
22 testimony. I want to thank you all very  
23 much for coming down. We'll make sure  
24 that as we make our final decision on the  
25 budget process, that your testimony will

1           5/8/19 - WHOLE - BILL 190152, ETC.

2           be taken into account.

3                     Again, thank you. Thank you  
4           for your commitment to the City of  
5           Philadelphia. Appreciate it.

6                     This concludes the Committee.  
7           We will stand in recess until Tuesday,  
8           May 14th, 2019 at 10:00 a.m., at which  
9           time we will reconvene in Room 400, City  
10          Hall.

11                    Thank you.

12                    (Committee of the Whole  
13          adjourned at 6:03 p.m.)

14                    - - -

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CERTIFICATE

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

-----  
MICHELE L. MURPHY  
RPR-Notary Public

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Committee of the Whole  
May 8, 2019

<b>A</b>	128:4	160:16	<b>adverse</b>	<b>aimed</b> 136:16	<b>Anna</b> 82:12	61:5,9 62:3	150:10
<b>a.m</b> 1:7 172:8	<b>accomplished</b>	<b>Adams</b> 82:12	121:16	<b>AI</b> 1:12	102:15	62:9,9,19	158:11
<b>AARP</b>	42:23	102:15,15	<b>advice</b> 121:11	136:11	<b>announced</b>	63:4,10,14	168:9
163:25	<b>account</b>	104:10	<b>advocacy</b>	<b>alarming</b>	114:8	63:15 64:2	<b>appropriate</b>
<b>abated</b> 63:16	102:25	<b>add</b> 5:10	124:8	160:9	<b>annual</b> 23:22	64:4,9,16	93:7 135:6
65:8	172:2	61:17 75:5	<b>advocate</b>	<b>ALLAN</b> 1:11	<b>annually</b>	65:7,9	<b>appropriated</b>
<b>abatement</b>	<b>accountant</b>	91:9 102:18	111:16,21	<b>allegations</b>	83:15	66:21 71:19	166:25
64:16	127:13	103:2	112:12,17	143:7	<b>answer</b> 5:25	72:10 74:3	<b>appropriati...</b>
<b>ability</b> 6:12	<b>accounting</b>	<b>added</b> 21:20	124:19	<b>allegedly</b>	58:6 61:14	74:20 78:6	57:2
47:18 61:4	99:6 127:14	84:9	<b>Advocates</b>	141:22	80:23 83:5	<b>appear</b> 115:5	<b>approval</b> 3:2
90:6 94:20	<b>accounts</b> 14:8	<b>adding</b> 8:19	143:18	<b>allocated</b>	109:20	<b>appearance</b>	139:4,17
98:15 99:4	18:13 37:7	<b>addition</b> 18:8	<b>affiliations</b>	161:15	111:6	139:23	<b>approve</b>
99:10	49:15 54:19	47:12	156:7	<b>allow</b> 59:8	132:22,25	<b>appears</b> 7:17	160:14
126:18	54:24	160:25	<b>afford</b> 106:2	114:19	<b>answered</b>	53:5 132:13	161:11,19
143:2	<b>accumulating</b>	<b>additional</b>	164:9	159:19	69:17	<b>appetite</b>	<b>approved</b>
<b>able</b> 10:24	54:18	8:13 61:8	166:14	<b>allowable</b>	<b>answers</b> 22:3	88:18	3:14 139:11
11:2,3	<b>accuracy</b>	61:17 62:8	<b>affordability</b>	69:21	59:15 69:7	<b>applaud</b>	<b>approximat...</b>
13:12 19:12	147:13	62:23 63:6	109:8	<b>allowed</b> 79:23	<b>anti-trust</b>	24:13	57:22
19:24 42:22	<b>accurate</b> 68:5	117:6	<b>African</b> 122:9	<b>allowing</b>	130:8	<b>applicants</b>	<b>April</b> 35:6
43:24 48:17	77:9 114:12	<b>address</b> 40:22	<b>afternoon</b>	157:12	<b>anticipate</b>	76:2	49:3 66:20
51:11 61:11	133:23	66:8 127:22	81:20 121:7	<b>allows</b> 15:16	29:17	<b>applications</b>	135:9
61:14 69:23	<b>accurately</b>	<b>adherence</b>	131:16	169:10	<b>anticipated</b>	6:23 70:6	<b>area</b> 38:24
97:24 98:10	173:5	120:11	143:23	<b>altering</b>	61:5	<b>applied</b> 11:4	<b>areas</b> 14:13
100:7 113:8	<b>accused</b>	<b>adjourned</b>	<b>age</b> 165:19	106:25	<b>anticipating</b>	40:17	63:4 72:25
115:7	142:18	172:13	166:20	<b>alumnus</b>	8:8 109:20	<b>apply</b> 93:22	133:18
117:17	<b>achieve</b> 91:13	<b>adjustments</b>	<b>Aging</b> 49:12	127:13	<b>antsy</b> 52:12	93:25	<b>argue</b> 100:21
155:12	91:17 94:11	78:21	54:6	<b>amending</b>	<b>anxious</b> 81:23	173:21	105:21
156:7,13	95:22 96:2	104:12	<b>ago</b> 15:14	2:20	<b>anybody</b>	<b>appointed</b>	<b>argument</b>
157:6	<b>achieved</b>	<b>Administra...</b>	22:21 27:9	<b>Amendment</b>	154:13,13	29:25	147:15
164:15,23	94:23	88:19 89:18	39:13 42:15	137:23	168:12	<b>appointme...</b>	<b>arranged</b>
165:5	<b>achieving</b>	<b>Administra...</b>	47:17 53:23	<b>American</b>	<b>anymore</b>	76:22	131:23
<b>absolutely</b>	94:8 95:23	85:3	66:13 73:13	100:20	11:16	<b>appraisals</b>	<b>arrears</b>
14:4 21:23	<b>acquire</b> 38:17	<b>administrat...</b>	130:6,11	<b>Americans</b>	<b>apologize</b>	5:19 74:17	111:17
21:24 77:15	<b>acquiring</b>	86:24 87:3	153:9	122:9	79:22	<b>appraiser</b>	112:7
77:19 78:5	38:16	<b>administrat...</b>	<b>agree</b> 50:10	<b>AMI</b> 113:10	<b>appeal</b> 57:10	5:17	<b>article</b> 171:8
79:3 80:24	<b>acquisition</b>	73:25 74:12	58:23	113:15	57:12,20	<b>appreciate</b>	<b>aside</b> 49:18
<b>accept</b> 53:14	14:19	74:22	<b>agreement</b>	<b>amount</b> 20:12	59:11,23	6:25 7:2	73:23
<b>acceptable</b>	<b>act</b> 85:15	<b>administrat...</b>	3:13 19:14	59:14 62:18	61:23 63:23	17:12 78:24	102:20
157:17	130:25	12:18	20:8 39:24	79:25 97:25	64:6,12	109:6	127:25
<b>access</b> 109:24	139:4 140:5	<b>admitted</b>	112:15	101:3 135:7	65:14 69:2	115:11	<b>asked</b> 24:25
122:20	140:6	142:25	139:14	160:9	70:8,21,22	119:4	60:7 62:23
123:8,24	<b>acting</b> 132:14	<b>adopt</b> 2:11,15	152:21	<b>amounts</b> 33:4	71:15 72:3	126:17	115:4 120:4
124:24	132:19	43:15 48:6	161:5	117:21	72:7,8,23	158:5	132:18,20
141:9	140:7	50:25	<b>agreements</b>	<b>ample</b> 133:16	74:14,23	167:12,24	<b>asking</b> 24:19
<b>accessibility</b>	<b>action</b> 41:19	<b>adopting</b> 2:17	17:15,16	134:5	77:25 79:25	172:5	29:24 32:24
155:4	115:9	<b>adoption</b>	18:2,4,10	<b>analysis</b> 31:8	<b>appealed</b>	<b>appreciated</b>	125:18
157:11,12	167:13	43:24 44:11	18:12,20,22	61:3 98:15	57:7 59:7	45:18	164:16
<b>accessible</b>	<b>actions</b>	44:13,16	19:3 20:13	99:2,5,17	66:9,12	<b>approached</b>	166:14
124:10	121:16	51:22	21:6,13	147:22	<b>appealing</b>	4:11 56:14	<b>aspect</b> 78:25
154:24	<b>activity</b> 5:13	<b>adult</b> 40:23	124:21	<b>analyst</b> 5:12	79:14,16	81:25	132:10
<b>accidentally</b>	8:17 94:21	<b>advantage</b>	<b>ahead</b> 91:17	<b>analyze</b> 99:11	<b>appeals</b> 57:5	120:18	<b>Assembly</b>
157:4	<b>actual</b> 91:16	25:24	91:21	<b>and/or</b>	57:14,15,22	121:5	15:15
<b>accomplish</b>	97:3 147:8	103:24	<b>aid</b> 125:14	173:23	59:18 61:2	135:24	<b>assess</b> 32:15

Committee of the Whole  
May 8, 2019

Page 2

<b>assessed</b> 117:15	61:4 114:9 115:13	<b>aware</b> 43:22 77:20 83:11	<b>Band-Aid</b> 88:20	26:13,16,18 27:12,16,18	105:6 133:16	62:1 63:1 64:1,22	163:1 164:1 165:1 166:1
<b>assessment</b> 57:14 69:6 77:20 79:17 121:21	117:5 169:19 170:9	<hr/> <b>B</b> <b>BA</b> 164:20 127:11	<b>Band-Aids</b> 88:15,16,25 89:4	27:22 29:12 111:24,25 112:14 114:13	163:21 <b>beverage</b> 34:18,20 35:2	65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1	167:1 168:1 169:1 170:1 171:1 172:1
<b>assessments</b> 62:25 63:8 78:11 79:8 79:14,20 84:23	<b>auditable</b> 152:9,17 168:25	<b>back</b> 9:5 11:23 22:16 25:23 41:20 47:3 51:17 58:14 59:16 63:22 66:11 70:12 76:2 80:6 84:22 86:24 116:3 162:19 164:2	<b>bank</b> 37:7 38:11 39:5 50:13 54:16 54:17,24 126:16,20 127:5 128:5 128:7,9,10 128:12 129:4,8,10 129:25 130:15,17 131:4	<b>begging</b> 167:15 <b>beginning</b> 59:20 136:21 <b>begins</b> 64:4 <b>begs</b> 148:24 <b>behalf</b> 56:22 126:9 <b>believe</b> 8:6 27:7 44:25 68:6 108:10	<b>beyond</b> 77:8 78:16 122:22 160:21 <b>big</b> 16:7 26:16 28:4 43:13 44:5 47:10 52:18 66:10 67:2 85:8 88:17 144:10 152:19	73:1 74:1 75:1 76:1 77:1 78:1,3 78:11 79:1 79:24 80:1 81:1 82:1 82:10,14 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1 162:1	<b>billed</b> 67:20 67:21,22 <b>billing</b> 68:21 80:10 <b>billings</b> 67:25 <b>billion</b> 23:11 23:15 67:14 67:22,23 68:2,2,17 68:19 129:8 130:9 <b>bills</b> 1:14 2:5 2:9 3:22 4:7 25:13,22 28:9 42:17 42:21,21 43:12 79:10 79:15,16 81:22 89:12 109:15 110:4 <b>BIRT</b> 33:6 88:24 89:20 <b>bit</b> 26:14 30:18 53:17 77:5 91:7,9 92:5 93:5 96:24 100:13 101:8 106:13 111:19 <b>black</b> 53:4,11 121:24 122:15,20 <b>BLACKW...</b> 1:10 <b>blame</b> 46:16 <b>blaming</b> 46:12 <b>blank</b> 170:4 <b>Blind</b> 156:12 <b>block</b> 162:4 162:11,17 163:15 <b>Bo</b> 168:7,7,18 <b>board</b> 4:6 56:17,23
<b>assets</b> 15:16 <b>assist</b> 5:14 <b>assistance</b> 4:25 6:21 6:22 109:3 112:24	35:14 117:7 169:19 <b>Auditor</b> 160:11 <b>audits</b> 117:2 117:13,22 118:10 <b>August</b> 128:9 <b>authority</b> 3:11,11,17 16:18 <b>authorization</b> 109:13 110:2 <b>authorized</b> 3:13 15:14 <b>autocast</b> 169:11 <b>automated</b> 40:10 <b>automatical...</b> 19:17 <b>automating</b> 31:9,11 <b>available</b> 14:24 51:7 62:4 113:14 117:7 129:5 130:21 <b>avenue</b> 78:17 <b>average</b> 27:25 28:3 46:5 63:2 87:9 88:9 92:20 95:3 107:6 148:4 <b>AVI</b> 165:13 166:8 167:15 <b>avoid</b> 70:16 137:10 138:4	<b>backfill</b> 10:7 10:11 <b>backfilling</b> 10:7 <b>baffled</b> 52:25 <b>balance</b> 78:24 104:2,21 105:2,7 <b>balancing</b> 85:15 <b>ballot</b> 142:6 147:6,8,12 147:17,22 149:2 155:13 156:4,8,14 156:16 157:2,20 159:20 160:3 169:11 170:4,6,7 170:25 171:10 <b>ballot-mar...</b> 157:15,21 170:11 <b>ballots</b> 144:18 155:10 157:15 159:23 171:3,11 <b>ballpark</b> 116:19 <b>Baltimore</b> 144:17	<b>bank's</b> 38:25 <b>banking</b> 37:16 126:22,25 <b>banks</b> 130:7 130:12 <b>Barclays</b> 130:7 <b>barcodes</b> 141:21 142:3 170:13,16 170:16,18 <b>barrier</b> 82:22 <b>base</b> 101:15 <b>based</b> 20:11 61:5 63:7 79:15,16 97:15 102:10 116:7 156:10 166:8 167:18 <b>basic</b> 151:23 <b>basically</b> 6:14 9:13,24 15:21 20:8 25:16 29:2 29:5 63:12 66:11 79:8 90:16 99:9 <b>basis</b> 23:22 24:20 78:13 105:10 <b>Beckley</b>	111:18 113:13 119:9 120:22 161:10 163:13 <b>benefit</b> 21:20 51:11 86:13 105:25 138:25 <b>benefited</b> 129:2 <b>benefits</b> 88:14 101:23 <b>Berlin</b> 135:23 143:23,24 <b>best</b> 7:9 9:13 107:17,19 119:15 127:4 134:21 136:13,18 137:2,9,13 138:3 145:13,14 170:21 <b>Bethel</b> 5:23 20:18,21,25 21:2,10,16 21:22 <b>Beto</b> 148:11 <b>better</b> 29:10 29:12 46:22 49:9 90:12	6:21 63:1 133:16 163:21 <b>beverage</b> 34:18,20 35:2 <b>beyond</b> 77:8 78:16 122:22 160:21 <b>big</b> 16:7 26:16 28:4 43:13 44:5 47:10 52:18 66:10 67:2 85:8 88:17 144:10 152:19 <b>bigger</b> 117:22 <b>biggest</b> 9:2 50:5 <b>bill</b> 2:1,10,14 2:16,19 3:1 3:15 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1,4,6,18 38:1 39:1 40:1 41:1 42:1 43:1 43:18,19 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1	81:1 82:1 82:10,14 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1 162:1	163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1 171:1 172:1 <b>billed</b> 67:20 67:21,22 <b>billing</b> 68:21 80:10 <b>billings</b> 67:25 <b>billion</b> 23:11 23:15 67:14 67:22,23 68:2,2,17 68:19 129:8 130:9 <b>bills</b> 1:14 2:5 2:9 3:22 4:7 25:13,22 28:9 42:17 42:21,21 43:12 79:10 79:15,16 81:22 89:12 109:15 110:4 <b>BIRT</b> 33:6 88:24 89:20 <b>bit</b> 26:14 30:18 53:17 77:5 91:7,9 92:5 93:5 96:24 100:13 101:8 106:13 111:19 <b>black</b> 53:4,11 121:24 122:15,20 <b>BLACKW...</b> 1:10 <b>blame</b> 46:16 <b>blaming</b> 46:12 <b>blank</b> 170:4 <b>Blind</b> 156:12 <b>block</b> 162:4 162:11,17 163:15 <b>Bo</b> 168:7,7,18 <b>board</b> 4:6 56:17,23



Committee of the Whole  
May 8, 2019

57:8,21,21	33:11 36:8	60:25 80:22	94:18	98:4,17	78:22 92:6	105:9	123:19
62:12,14,17	36:17,23	82:13 90:5	<b>calculating</b>	<b>card</b> 148:2,3	101:25	156:20,21	<b>citizen</b> 58:17
66:19,22	37:9,15	90:7 102:9	116:6	<b>cards</b> 169:7	115:20	<b>Chapter</b> 2:20	150:24
73:7,10	38:14 39:20	102:9,11,16	<b>calendar</b> 43:9	<b>care</b> 96:13	<b>certainty</b>	<b>charge</b> 55:2	158:21
74:2,23	42:24 44:9	105:12	57:11 64:4	164:3	18:23	106:7	<b>citizens</b> 49:10
75:2,8,11	44:21 45:4	119:8,10,22	64:6 72:11	<b>cared</b> 163:6	<b>CERTIFIC...</b>	132:21	59:7 133:3
75:15,23,24	45:14,19	125:17	77:21,22	<b>carefully</b>	173:2	133:6	145:3
76:5,24	46:14,19,23	127:18	78:7	149:2 159:4	<b>certification</b>	<b>Charter</b>	165:21
77:15 78:5	50:2,10,16	128:2	<b>call</b> 17:12	<b>Carla</b> 56:21	155:3	58:15	<b>city</b> 1:2,6 3:3
105:24	51:5 52:8	130:19	55:20 61:25	62:2	173:20	<b>chasing</b> 87:5	3:5,16 4:5
111:24	52:17 53:9	131:19	62:7 69:18	<b>carrying</b> 67:5	<b>certified</b>	<b>check</b> 39:14	4:18,20,23
112:3	53:19 54:9	139:10	69:24 88:15	<b>case</b> 28:22	66:15	40:19,22	6:6,17 11:6
113:15	54:20 55:4	145:17	115:2 120:6	58:21	127:12	46:3 49:15	11:7,10
132:15,17	55:8,14,18	160:15	120:14	114:25	134:23,24	49:22 50:13	14:15,23
132:18,20	55:24 56:12	161:9,11	<b>called</b> 38:18	124:20	<b>CERTIFY</b>	50:17 52:13	23:23 24:8
132:22	82:11 92:4	171:25	47:15	<b>cases</b> 29:25	173:3	52:16	29:8 36:14
133:7 134:2	93:21 95:10	<b>budgeting</b>	119:25,25	32:7 65:13	<b>certifying</b>	<b>checked</b>	36:20 37:2
134:13,18	95:17 97:8	154:7	136:13	65:14 66:24	173:24	141:24	39:12 40:2
134:25	97:12 98:2	<b>building</b>	138:14	67:5 156:3	<b>Chair</b> 17:2	<b>checking</b>	45:2 46:2
139:5	98:6,14	63:20 64:20	<b>calling</b>	<b>cash</b> 37:3,5,6	22:7 45:10	169:12,20	47:25 49:11
<b>Board's</b>	99:14,21	67:3,3	147:11	38:18,22	49:11 54:5	169:23	64:24 67:13
111:14	100:2,10	108:12	<b>calls</b> 39:10	55:20	65:24 71:7	<b>checks</b> 47:7	72:22,24
<b>body</b> 159:15	109:17	129:13	50:12 61:25	<b>cached</b> 39:14	136:5	51:10,12	76:12,19
<b>bold</b> 123:23	110:5,7,11	166:9	<b>campaign</b>	52:15	138:13	54:15	81:2 83:16
<b>bono</b> 124:7	110:13,18	<b>buildings</b>	129:9	<b>cashiering</b>	<b>Chairman</b>	<b>Chief</b> 26:18	86:24 87:5
<b>books</b> 144:15	110:24	166:11	138:21	36:10	86:5 90:25	112:2	88:5,15,22
<b>booming</b>	111:4,8	<b>built</b> 101:11	139:22	<b>cashing</b> 39:16	118:16	<b>child</b> 40:23	89:11,13,19
107:14	113:12,23	101:18	<b>Campbell</b>	<b>cast</b> 148:12	11:13 12:21	<b>children</b>	97:7,11,23
<b>borrowing</b>	115:25	<b>bully</b> 145:23	132:24	156:3	26:7 49:4	87:22	98:11 100:8
130:13	117:12,23	<b>bunch</b> 46:24	<b>candidacy</b>	169:16	92:10,25	161:16	101:21,24
<b>Boston</b>	118:3,8	<b>business</b>	132:12	171:10	93:12 99:22	164:22	107:15
144:17	<b>brief</b> 119:6	18:21 34:12	<b>candidate</b>	<b>casts</b> 147:9	103:10	<b>choice</b> 155:6	109:12
<b>bothering</b>	150:19	41:7 47:6	140:9	<b>catch</b> 170:8	<b>challenges</b>	161:22	110:2 114:7
148:6	<b>bring</b> 149:4	48:24,25	141:23	<b>category</b>	61:6 155:8	<b>choices</b>	115:19,23
<b>boundaries</b>	<b>brought</b> 20:4	85:7,10	158:19	68:22	157:9	133:19	123:6,9
108:24	27:6,25	90:2 94:16	<b>candidate's</b>	<b>caught</b>	<b>challenging</b>	<b>choose</b> 146:6	124:4
<b>Brady</b> 138:13	77:17 97:18	94:19 103:5	142:4	148:23	63:16 106:5	157:13	126:23
<b>break</b> 17:18	139:8	105:5	<b>candidates</b>	<b>cause</b> 154:9	<b>champion</b>	<b>chooses</b> 160:5	127:23
19:13	<b>Brown</b>	114:10	92:11 93:3	<b>causes</b> 104:24	126:20	<b>choosing</b>	130:5
117:17	135:23	127:14	93:10,25	<b>CD-ROMs</b>	169:7	136:17	131:22,24
<b>breakdown</b>	146:19,20	<b>businesses</b>	141:21	169:7	<b>Cecil</b> 164:20	151:13	132:2 133:5
36:14,20	150:3	94:21	156:5	<b>center</b> 69:9	114:24	<b>change</b> 10:20	133:12
<b>Breslin</b> 4:10	<b>BRT</b> 56:25	118:10	<b>capacity</b>	124:13,16	<b>change</b> 10:20	10:23 11:21	137:25
4:15,19	58:22 61:21	<b>busy</b> 57:13	77:15 97:16	123:4	10:23 11:21	55:20 58:15	138:24
7:12,22	63:15 66:8	<b>buy</b> 159:16	123:4	<b>capital</b> 2:11	142:4	67:2 101:13	139:11,13
8:24 12:12	70:8,21	160:2	<b>capital</b> 2:11	2:15 3:23	146:13	142:6 171:9	140:10,11
12:16 13:14	75:22 76:22	<b>buying</b> 14:13	2:15 3:23	3:25 4:2	19:19	<b>changed</b>	140:22
14:3,25	77:18	160:16	<b>captain</b> 162:4	113:16	63:18 64:18	66:21	141:14
15:6,18	<b>buck</b> 42:10	169:21	162:11	118:9	<b>cited</b> 82:21	<b>changes</b> 3:7	144:25
16:22 17:7	<b>budget</b> 2:15	<b>C</b>	<b>captive</b>	119:13	<b>cities</b> 100:20	19:7,15	145:5
22:23 23:13	2:17 6:3	<b>C-O-H-N</b>	129:15	<b>certainly</b>	103:17	49:9 80:13	149:12
23:24 25:14	8:11 24:2,8	171:8	<b>capture</b> 98:3	55:15 76:23	107:5,14		151:7,10,11
30:25 32:4	36:4 56:23	<b>CAL</b> 94:16		77:13,14	122:14		152:4

Committee of the Whole  
May 8, 2019

Page 4

158:19	149:25	88:5,10	164:21	12:16 13:14	138:2,5	114:6	163:19
160:5,12,13	150:4 153:2	140:2,2	<b>color</b> 122:2	14:3,25	139:16	<b>company's</b>	<b>concerning</b>
160:19,25	154:15	<b>codes</b> 141:22	<b>combination</b>	15:6,18	140:9,10	149:13	161:14
161:9,10,15	158:2,13,22	<b>cognitive</b>	31:4	16:22 17:7	149:17	<b>comparative</b>	<b>concerns</b> 77:9
161:22	161:24	155:7	<b>combined</b>	17:21,23	161:6	140:23	78:16
165:22,23	162:5,6	<b>Cohn</b> 171:8	82:25	19:4 20:6	<b>Commissio...</b>	<b>compare</b> 30:9	<b>concludes</b>
167:2,19	165:7	<b>coin</b> 70:18	<b>come</b> 37:12	20:18,21,25	136:10	<b>compared</b>	83:4 171:21
168:22	167:21	<b>collaboration</b>	39:2 40:6	21:3,10,16	144:3	87:17 88:7	172:6
172:4,9	168:3,11,14	109:7	47:2,8	21:22 22:23	147:15	125:11	<b>conclusion</b>
<b>city's</b> 7:10	168:18	123:16	48:15 62:14	23:13,24	151:11	151:22,24	63:13 171:5
36:4 80:22	171:14,19	<b>collaborative</b>	68:18 69:13	25:14 30:25	159:16	171:2	<b>conditions</b>
82:21	<b>Class</b> 5:8	112:23	74:5 81:24	32:4 33:11	160:14	<b>comparing</b>	2:24
101:17	8:12	<b>colleague</b>	84:3,13,20	34:21 35:3	<b>commit</b> 85:16	169:22	<b>conduct</b>
102:9 119:9	<b>classrooms</b>	100:15	84:24 88:14	36:8,17,23	85:17	<b>compel</b>	135:2
119:21	161:18	169:13	93:3 119:20	37:9,12,15	<b>commitment</b>	114:16	<b>conducted</b>
121:21	<b>Clause</b>	<b>colleagues</b>	125:3	38:14 39:20	84:7 172:4	<b>competitive</b>	117:3
122:17	105:15	16:20	130:21,22	41:18 42:24	<b>committed</b>	137:11	<b>conference</b>
125:19	<b>clear</b> 26:23	<b>collect</b> 23:9	<b>comes</b> 32:18	44:9,21	13:25 82:18	<b>complaining</b>	48:4 139:18
<b>civic</b> 123:5	26:24 96:16	24:12 25:7	37:17,17	45:4,14,19	85:14	63:21	<b>confidential</b>
<b>clarify</b> 151:20	96:19 117:8	33:3,8,24	40:2 41:17	46:14,19,23	163:20	149:19	118:4
154:19	132:25	34:20 135:4	98:12 103:2	50:2,10,16	165:4	<b>complaints</b>	<b>confidential...</b>
<b>clarity</b> 81:6	<b>clearly</b> 7:17	<b>collectability</b>	<b>comfortable</b>	51:5 52:8	<b>committee</b>	52:19	137:19
91:10 102:5	19:23 88:3	33:17	62:22	52:17 53:9	1:3 2:5 3:21	<b>complete</b> 64:9	<b>confirmed</b>
102:7	106:6	<b>collectable</b>	<b>coming</b> 50:7	53:19 54:9	49:12 54:6	152:21	148:19
110:17	152:10	33:20	54:8 81:5	54:20 55:4	118:20	156:9	<b>confirming</b>
160:21	<b>Clerk</b> 2:10	<b>collected</b> 7:10	96:4 102:21	55:8,14,18	145:17	<b>completely</b>	156:10
<b>Clarke</b> 1:10	3:22 4:10	28:20 35:4	150:14	55:24 56:4	168:19	153:18	<b>confusing</b>
2:2 3:18	120:16	67:21 68:20	153:6,19,22	56:12 82:12	172:6,12	<b>completing</b>	153:20
4:13,17 6:4	121:4	92:13	163:17	91:20 92:4	<b>communicate</b>	57:9	155:24
7:14 8:9	135:22	<b>collecting</b>	164:2	93:21 95:10	10:23 143:2	<b>completion</b>	<b>confusion</b>
12:7,13,25	150:6 158:6	23:22 24:6	171:23	95:17 97:8	<b>communicat...</b>	72:18	154:9
13:24 14:5	158:9 168:6	30:23	<b>comments</b>	97:12 98:2	95:14	<b>compliance</b>	<b>connected</b>
15:4,12	<b>climate</b>	<b>collection</b>	22:13 86:9	98:6,14	<b>communities</b>	35:15,17	138:23
16:15,24	129:11	7:16,23	106:22	99:14,21	122:2,4	96:5	169:5
22:5,12	<b>climate-con...</b>	22:18 24:17	130:2	100:2,10	<b>community</b>	<b>compliant</b>	<b>conscious</b>
24:23 45:8	140:16	25:4 29:4	<b>Commerce</b>	109:17	6:15,20	18:16 19:22	103:19
56:7,16	161:2	35:8,11	89:9	110:5,7,11	121:10	<b>complication</b>	<b>consent</b>
58:2,9 60:4	<b>clock</b> 149:21	92:7,20	<b>commercial</b>	110:13,18	122:5 123:2	105:14	132:14,19
60:20 61:16	<b>close</b> 42:25	93:8 94:8	5:13 8:17	110:24	123:11	<b>comprehen...</b>	<b>Consequent...</b>
62:24 64:17	144:12	94:14 95:3	25:11 30:16	111:4,8	162:12,13	94:4	127:17
65:16,20,23	157:3	95:11	57:17 67:3	113:12,23	162:22	<b>compromises</b>	<b>consider</b> 3:22
71:5 118:24	<b>closely</b> 13:15	117:15	74:16 94:20	115:25	163:5,11,12	78:20	77:16
120:20	13:22	<b>collections</b>	101:12	117:12,23	163:14,20	<b>computer</b>	116:18
125:24	112:18	23:9,16,18	105:16	118:3,8	163:22	11:15	127:3 159:4
126:4,6,11	<b>closer</b> 23:7	30:20 33:25	106:7	131:20	164:11,19	146:22	160:25
129:7,22	35:11 93:19	34:2,5,16	<b>commission</b>	132:5,8,13	164:23	<b>concern</b> 77:5	<b>consideration</b>
130:23	<b>CLS</b> 112:23	36:2,3,7,9	77:18	133:8 135:8	165:4,5	160:10	140:24
131:6,12	<b>Coalition</b>	96:9	104:21	137:14	<b>commutes</b>	162:13	<b>considered</b>
135:18	122:6	<b>collective</b>	<b>Commissio...</b>	138:22	87:15	165:13	140:21
136:2 142:8	126:16	123:4	4:15,19	144:8	<b>companies</b>	<b>concerned</b>	161:6
142:13	134:5	<b>collects</b> 4:22	5:23,25	158:19	48:5 80:11	133:3	<b>considering</b>
143:8,14,19	145:19	<b>college</b>	7:12,22	<b>commission...</b>	80:18 117:5	158:20	24:6
146:15,19	<b>code</b> 2:21	128:13,23	8:24 12:12	136:14	<b>companies'</b>	162:10,15	<b>consistent</b>

Committee of the Whole  
May 8, 2019

57:3	161:4	<b>cost</b> 44:7	130:23	54:10,14,15	98:7 99:12	123:9 124:8	<b>customer</b>
<b>consistently</b>	<b>contracting</b>	83:16	131:6,12	54:23 55:6	99:16,24	124:14,15	10:21 11:8
82:20 85:6	13:10	104:16	135:18	55:12,16,22	100:3,12	124:20,25	11:9 12:3
<b>conspiracy</b>	<b>contracts</b>	136:17	136:2,5	56:2,8	103:12	<b>courtesy</b> 59:8	113:9
130:8	13:8	140:12,14	139:11,16	65:24,25	105:20	<b>courts</b> 125:4	<b>customers</b> 5:2
<b>constantly</b>	<b>contrary</b>	140:24	140:12,22	66:5 67:9	106:18	<b>covering</b> 3:5	43:14,14,16
93:2	132:23	141:5 144:6	141:14	67:16,19	108:2,3	<b>create</b> 107:2	113:16,17
<b>constituent</b>	137:2,12	144:9,20	142:8,13	68:10,15,24	109:23	107:19	<b>cutting</b> 11:17
66:6 70:10	<b>control</b> 76:21	151:20	143:8,14,19	69:19 70:9	110:6,9,12	165:23	
<b>constituents</b>	173:23	160:8,16	146:15	70:25 71:6	110:15,20	<b>created</b> 106:9	<b>D</b>
39:10	<b>controlled</b>	161:2	149:25	81:4,8,12	111:2,6,12	108:7 137:5	<b>daily</b> 41:15
162:25	140:4	<b>cost-effective</b>	150:4 151:7	81:17,21	112:10	<b>creates</b> 51:8	169:20
<b>constitute</b>	<b>Controller</b>	151:13	151:10	82:3,6 83:7	113:3,19	<b>creation</b>	<b>Dakota</b>
3:23	143:18	<b>costing</b>	153:2	84:16 85:21	114:2	82:22	128:10,13
<b>constituted</b>	160:12	106:24	154:15	85:25 86:3	115:10	<b>creative</b>	128:18,20
139:5	<b>convene</b> 75:8	<b>costs</b> 104:13	158:2,13,17	86:4,8,18	116:4,11,15	106:10,13	<b>damage</b>
<b>constraints</b>	<b>conversation</b>	140:23	158:22	86:21 90:15	116:22	<b>credit-dam...</b>	122:22
127:21	70:14,23	144:16	160:14,20	90:23 91:2	117:18	125:4	129:14
<b>construction</b>	91:8 96:6	160:22	160:25	91:3 106:17	118:2,6,13	<b>crisis</b> 122:16	<b>damn</b> 52:16
107:10	<b>conversations</b>	166:9	161:11,24	106:19,20	128:6	<b>criteria</b> 26:10	<b>danger</b> 147:2
166:9	95:18	<b>Council</b> 1:2	162:6,8	106:21	<b>counsel</b> 26:18	113:17	<b>dangerous</b>
<b>consultant</b>	<b>Conversely</b>	1:10 2:2 3:3	165:7,23	107:24	111:9 112:2	118:5	134:7
146:23	52:4	3:14,18	167:21	118:17	<b>count</b> 95:15	134:20	161:17
<b>contact</b> 53:21	<b>Cooperation</b>	4:13,18,20	168:3,11,14	126:7,19,21	<b>counted</b>	<b>critical</b> 26:20	<b>Darrell</b> 1:10
125:3	3:11,13	5:10 6:4	168:22	129:7	170:17	55:23	162:5
<b>contained</b>	<b>coordinating</b>	7:14 8:9	171:14,19	168:18	<b>counties</b>	123:15	<b>data</b> 31:6
173:5	131:21	12:7,13,25	<b>Councilman</b>	<b>Councilme...</b>	133:17	<b>criticize</b>	90:19 93:5
<b>contest</b> 5:19	<b>copies</b> 98:19	13:24 14:5	1:11,11,12	79:5	135:14	146:3	98:3,4,17
148:11	131:11	15:4,12	7:4 17:2,4,9	<b>Councilme...</b>	159:9	<b>crux</b> 148:5	99:11
149:7	<b>copy</b> 125:25	16:15,24	18:24 20:3	133:5,12	<b>country</b>	<b>Cruz</b> 148:11	<b>database</b>
<b>contest-by-...</b>	126:3	22:5,10,12	20:17,22,23	150:25	103:17,23	148:23	99:10
156:22	129:20	24:23 45:7	21:8,14,19	<b>Councilpeo...</b>	114:4	<b>cry</b> 8:10	<b>date</b> 28:20
<b>context</b> 90:4	131:9	45:8,13	21:25 22:6	46:2	123:20	<b>cure</b> 88:19,20	53:3 57:19
<b>continue</b> 3:20	169:21	54:11 56:6	22:7,9,13	<b>Councilper...</b>	146:22	89:10	59:9 124:20
5:3 8:5	<b>Cora</b> 158:9	56:7,16,20	23:4,17,25	162:24	<b>County</b>	<b>curiosity</b> 97:5	138:11
15:20 24:11	165:10	56:20 58:2	27:10,14,17	<b>Councilwo...</b>	135:13	<b>current</b> 19:13	<b>dates</b> 73:25
24:12 26:10	<b>Cornell</b>	58:9 60:4	27:20 28:25	1:10,12	<b>couple</b> 6:9	19:17 73:4	<b>day</b> 38:9,13
31:10 47:17	127:16	60:15,20	30:2 31:20	16:18 71:8	15:13 46:9	75:12 82:15	38:15 42:12
48:19 56:10	<b>corporations'</b>	61:16 62:24	32:23 34:17	71:9,13,18	59:12 66:24	109:16	49:16 54:22
83:18 93:13	115:6	64:17 65:16	34:23 35:19	71:24 72:13	142:10	110:10	55:21,23
93:14	<b>correct</b> 15:19	65:20,23	36:13,19,25	72:16 73:3	<b>coupon</b> 40:7	159:7	62:19 73:9
107:12	15:19 67:17	66:2 71:4,5	37:13,23	73:12,19	<b>courier</b> 38:13	<b>currently</b>	73:11,20,21
115:9	67:24 68:23	71:10 76:20	38:12 39:7	74:8 75:6	<b>couriered</b>	57:12 75:7	73:22 74:19
125:16	71:17,18	77:20 78:10	42:13 43:25	75:17,22	38:11	132:3	74:22 75:4
<b>continued</b>	72:15 99:21	80:6,8 89:6	44:18,23	76:8 78:8	<b>course</b> 21:17	158:18	75:5 87:17
4:24 26:11	114:14	100:14	45:6,9,10	79:4,21	23:5 41:6	<b>cursory</b> 141:3	124:15
84:7 126:15	173:8	108:21	45:12,21,24	80:12,25	76:11 82:23	<b>curve</b> 153:21	144:7
139:3	<b>correctly</b>	118:24	46:15,21	81:6,10	118:2	<b>Custodio</b>	<b>days</b> 39:25
<b>continuing</b>	67:20	120:20	47:13 49:7	91:4,5	<b>court</b> 28:22	131:20	40:3 41:3
31:19 85:13	114:20	123:10	50:4,14	93:17 95:5	29:14,22,23	132:5,19	41:12,15,17
<b>contract</b>	138:16	125:24	51:3,25	95:13 96:15	109:13	139:6	42:7 52:22
132:2	<b>corrupted</b>	126:4,11	52:10 53:6	96:23 97:10	110:2 114:9	<b>Custodio's</b>	52:23 59:9
139:10	169:6	129:22	53:10 54:3	97:14 98:5	114:25	133:13	73:5,7,8,14
							73:15,17

Committee of the Whole  
May 8, 2019

Page 6

75:16	57:20,21	<b>Deloitte</b>	160:11	37:11 38:3	<b>Dirnbach</b>	<b>divisions</b>	69:19 70:9
152:10	66:19 69:13	127:13	<b>depend</b> 76:12	60:25	168:7,8,17	72:21	70:25 86:3
<b>days'</b> 46:9	69:13 71:15	<b>demand</b>	131:3	<b>detailed</b>	168:19	<b>Doctor</b> 168:5	86:4,8,18
<b>deadline</b>	73:10 74:3	130:10	<b>depended</b>	37:21 38:4	171:17	<b>document</b>	86:21 90:15
58:22 59:11	146:2	134:12,25	76:14	<b>details</b> 127:25	<b>disabilities</b>	40:14	90:23
59:18,24	<b>decrease</b>	<b>demanding</b>	<b>dependency</b>	152:12	154:22,24	120:25	106:19,20
60:6 61:13	104:15	123:8	129:16	<b>determine</b>	157:9,24	137:19,20	106:21
63:24 72:8	<b>decreases</b>	<b>democratic</b>	<b>dependent</b>	114:19	<b>disability</b>	141:18,23	<b>Domb's</b> 54:14
132:6	83:12	138:13	103:9	127:4	166:6	<b>documented</b>	54:15
134:15	<b>dedicate</b> 12:5	148:21	104:11,23	141:18	<b>disagreed</b>	36:4 88:21	<b>donations</b>
<b>deadlines</b>	<b>dedicated</b>	<b>democrats</b>	<b>depending</b>	<b>determined</b>	146:2	<b>documents</b>	138:21
60:3	9:16,16,22	148:25	61:23 62:8	67:12	<b>disclosure</b>	36:5 114:16	143:6
<b>deal</b> 61:5,9	124:16	<b>demonstrate</b>	<b>depends</b>	<b>develop</b> 31:10	158:18,23	114:18	<b>double</b> 72:22
88:19 89:2	<b>Deeley</b> 132:8	124:18	74:14	<b>Development</b>	158:24	115:8	75:4 92:16
149:22	133:9 135:8	<b>demonstrat...</b>	102:18	123:11	<b>discretion</b>	<b>dog</b> 114:22	<b>downloads</b>
<b>dealing</b> 41:23	136:11	147:24	<b>deposit</b> 38:22	<b>device</b> 157:15	27:2	<b>doing</b> 9:24	169:8
88:17	138:11,14	<b>demonstrates</b>	38:24 39:6	157:21	<b>discussion</b> 7:5	10:15 14:11	<b>dozens</b>
<b>dealt</b> 61:18	138:22,25	92:22	<b>deposited</b>	<b>devices</b>	75:18 96:4	14:12 15:19	123:19
<b>debate</b> 14:17	139:7,18	<b>demonstrat...</b>	37:7 39:5	170:11	<b>discussions</b>	22:14 24:10	145:7
108:21	140:3 144:8	135:2	50:18 54:21	<b>Devor</b> 158:9	112:17	24:25 31:2	<b>Dr</b> 165:10,10
<b>debt</b> 164:9,15	<b>default</b> 125:5	<b>demonstrat...</b>	<b>deposits</b>	158:15,16	<b>disenfranch...</b>	31:19 35:14	167:25
<b>decade</b> 57:7	<b>definitely</b>	137:7	38:22	158:25	157:22	43:20 44:3	<b>draft</b> 136:23
<b>December</b>	74:18 90:22	<b>denied</b> 62:22	<b>deputies</b>	<b>difference</b>	<b>dispatch</b> 6:12	45:2,16	<b>drag</b> 77:7
18:3 64:10	150:19	65:10,14	139:3 140:3	26:17,20	<b>displaced</b>	75:9 79:18	<b>dragging</b>
72:20 86:14	<b>defunct</b> 33:14	141:9	<b>deputy</b> 5:23	103:13	122:13	90:9 91:25	78:15
147:20	<b>degree</b> 10:10	<b>denies</b> 137:21	5:24 17:21	<b>different</b>	163:19	92:17 95:22	149:18
<b>decent</b> 35:6	117:16	137:22,23	17:22 19:4	22:19 32:19	<b>displacement</b>	95:24 110:8	<b>dramatic</b>
<b>deceptive</b>	128:15	<b>Denise</b>	20:6,18,21	35:21 38:18	122:15,25	139:23	89:19
140:11	<b>delay</b> 42:6	158:10	20:25 21:2	48:23 75:3	125:11	162:5	<b>dramatically</b>
<b>decided</b> 87:8	45:24 46:9	162:4	21:10,16,22	77:21 88:13	<b>display</b>	<b>dollar</b> 20:15	88:22 124:9
136:15	46:11 53:13	<b>deny</b> 145:15	34:21 35:3	89:19 97:17	156:22	118:9	<b>draw</b> 130:3
148:13	115:16	<b>department</b>	37:11 41:18	100:13,24	<b>disposition</b>	<b>dollars</b> 57:7	<b>dreams</b>
149:7	<b>delinquencies</b>	4:6,22 5:4	109:18	101:8 106:4	14:19	117:14	130:21,22
<b>decides</b>	16:13 25:11	8:19 9:3,25	131:20	106:8 146:4	<b>disproporti...</b>	130:18,20	<b>drivers</b> 114:4
149:11	30:6 31:13	13:3 25:10	132:4,12	<b>differently</b>	121:25	146:8	<b>drives</b> 169:7
<b>decision</b>	31:22 33:9	25:16 26:19	139:6	80:23	<b>disqualify</b>	<b>Domb</b> 1:11	<b>Dubow</b> 61:25
59:10 60:12	33:14 34:12	36:15,21	<b>derived</b> 98:11	<b>difficult</b>	170:2	7:4 22:8,9	81:23 82:5
66:22 69:11	34:13,14	41:7 44:25	103:14	11:22 12:10	<b>disruption</b>	23:4,17,25	82:8,9
71:22 74:7	92:9	109:5,8	<b>described</b>	74:9	129:11	27:10,14,17	83:22 85:5
103:19	<b>delinquency</b>	110:21,23	8:15 54:13	<b>difficulty</b>	<b>disruptive</b>	27:20 28:25	85:23 86:7
111:25	31:6 34:25	111:15,20	<b>deserve</b>	141:6	25:25	30:2 31:20	86:16,20
112:3	<b>delinquent</b>	111:23	133:25	<b>digital</b> 155:18	125:10	32:23 34:17	89:24 90:21
133:15,17	14:8 15:11	112:2,4,5,6	<b>design</b> 112:19	<b>Dino</b> 120:16	<b>district</b> 4:23	34:23 35:19	91:19 96:10
138:4,10,12	15:24 18:13	113:7 117:2	156:19	<b>direct</b> 139:3	5:9 6:16	36:13,19,25	96:19
138:25	18:15 24:12	123:10	<b>designing</b>	173:23	76:13 91:14	37:13 38:12	102:13
144:4	34:5 36:16	155:2 159:6	112:22	<b>direction</b> 7:18	95:7,14,19	39:7 42:13	105:13
159:15	36:22	<b>department's</b>	<b>desk</b> 38:7	8:3,5 49:20	96:7 115:21	43:25 44:18	116:9,14,20
171:24	<b>delinquents</b>	8:20 35:25	<b>desperately</b>	51:16 59:2	116:8,10	44:23 45:6	<b>due</b> 11:4
<b>decision-ma...</b>	14:22	<b>departments</b>	152:6	140:8	158:17	45:24 47:13	77:25 78:3
142:20,22	<b>delivered</b>	4:5 6:6	<b>despite</b> 132:7	<b>Director</b> 82:9	<b>diverse</b> 13:10	65:24,25	109:14
<b>decision-ma...</b>	131:24	13:13 36:6	143:7	82:13	<b>divide</b> 102:8	66:5 67:9	110:3 122:7
137:16	<b>delivery</b>	36:9	155:17	102:16	<b>division</b>	67:16,19	140:20
<b>decisions</b>	139:12	<b>DePasquale</b>	<b>detail</b> 8:11,22	121:9	157:16	68:10,15,24	<b>dust-free</b>

161:3	<b>either</b> 111:9	<b>employers</b>	<b>equity</b> 122:19	<b>evening</b>	134:19	<b>ExpressVote</b>	164:12
<b>duty</b> 52:15	140:19	32:2,5	<b>error</b> 148:8	118:25	<b>exists</b> 43:23	131:23	<b>family</b> 87:9
<b>dwindling</b>	<b>elected</b>	98:19,24	148:24	119:3 136:3	157:10	133:15	129:2
92:25	137:17,21	<b>empower</b>	<b>ES&amp;S</b> 168:22	136:4	<b>expand</b> 47:17	134:4,7	<b>far</b> 8:10 35:4
<hr/> <b>E</b> <hr/>	137:25	129:8	169:8	158:14,15	<b>expanded</b>	144:4 147:2	101:5
<b>e-billing</b>	<b>election</b> 75:25	<b>empowered</b>	<b>especially</b>	165:9	124:10	147:23	134:10
47:13	135:12	129:16	42:11 65:8	168:17	<b>expands</b>	154:20,23	147:14
<b>e-file</b> 47:16	138:6,8,18	<b>enact</b> 89:11	76:24	<b>event</b> 50:20	124:13	155:5	<b>Fargo</b> 130:7
48:4	139:22,25	<b>encapsulate</b>	151:22	<b>events</b> 12:18	<b>expansion</b>	159:17,18	<b>fast</b> 62:16
<b>e-mail</b> 42:23	140:2	170:14	161:14	<b>everybody</b>	4:24	160:17	166:22
70:12,24	141:11	<b>encourage</b>	165:18	58:6 119:11	<b>expect</b> 115:14	168:21	<b>faster</b> 51:12
<b>eager</b> 58:5	142:23	88:14	167:16	<b>evicted</b> 26:25	116:23	171:6	<b>favor</b> 87:12
<b>earlier</b> 45:23	155:18	<b>endeavor</b>	<b>essential</b>	<b>eviction</b>	<b>expected</b>	<b>extension</b>	<b>favoritism</b>
45:25 60:9	159:11	126:24	152:10	121:19,22	160:24	61:12	137:10
91:8 93:5	160:4	<b>energy</b> 129:9	<b>essentially</b>	123:9,12,21	<b>expeditiously</b>	<b>external</b> 42:5	<b>feasibility</b>
93:19	161:21	129:17	10:6 11:14	124:12	127:6 131:2	<b>extremely</b>	126:24,25
109:19	162:11	<b>enfranchise</b>	37:16 38:20	125:4	<b>expensive</b>	6:19 16:16	<b>feature</b>
<b>early</b> 19:22	<b>elections</b>	157:19	39:5 40:5	<b>evictions</b>	146:11	31:8 118:14	169:25
79:10	132:15,18	<b>engage</b> 128:3	41:10 92:16	121:24	153:14,15	<hr/> <b>F</b> <hr/>	<b>fee</b> 30:17
<b>earnings</b> 33:6	133:7 134:3	<b>engaged</b> 7:8	<b>establish</b>	122:24	154:8	<b>fabric</b> 123:2	<b>feedback</b>
<b>easier</b> 11:5,6	134:13,18	69:15	94:10	125:15	166:10	<b>face</b> 121:16	135:4
19:9 47:6	135:2 139:5	127:19	<b>established</b>	<b>evidence</b>	<b>experience</b>	152:19	<b>feel</b> 22:14
110:14	154:10	<b>engagement</b>	119:13	173:4	10:21 12:3	157:3	<b>feeling</b> 93:18
<b>easily</b> 28:11	<b>electronic</b>	123:5	120:12	<b>evolving</b> 97:3	29:16	<b>facing</b> 11:8,9	<b>feels</b> 95:7
<b>easy</b> 40:18	48:12 51:2	<b>engine</b> 101:2	127:2	101:10	125:10	161:9	<b>fees</b> 36:16,22
51:19,20	51:14,14	<b>enhance</b>	<b>establishing</b>	<b>exact</b> 23:14	155:19	<b>fact</b> 53:15	130:18
<b>echo</b> 22:12	159:7	163:12	123:18	<b>Exactly</b> 78:9	<b>experiencing</b>	61:10 76:21	<b>feet</b> 149:18
<b>economic</b>	<b>electronically</b>	<b>ensure</b> 63:13	<b>estate</b> 5:20	113:3	12:21	87:14	<b>felt</b> 76:9
90:18	42:18 44:4	123:2	7:16 15:2,9	<b>examine</b>	<b>expert</b> 5:18	101:20	<b>fewer</b> 90:13
100:25	47:7,9,22	124:24	17:17 18:2	112:6	124:7	103:16,23	<b>fight</b> 125:14
<b>economics</b>	48:8,10	125:2	18:9,11	<b>example</b> 16:5	136:22	114:17	<b>figure</b> 32:25
127:11	50:23 51:21	<b>enter</b> 124:21	22:18 23:8	34:9 37:3	137:7	141:14	40:16 61:19
<b>economy</b>	98:20	<b>entering</b> 19:2	29:17 39:13	97:21 98:13	152:11	159:9	68:18 96:17
101:14	<b>eligible</b> 93:25	<b>enthusiastic</b>	40:24 42:17	148:10	161:21	<b>factor</b> 108:9	<b>figures</b> 20:19
129:15	<b>eliminate</b>	28:18	42:20 43:16	<b>examples</b>	171:7	<b>factors</b> 84:20	35:7
<b>edge</b> 11:17	90:16 104:4	<b>entire</b> 72:11	43:19 44:5	155:9	<b>experts</b>	<b>failed</b> 32:12	<b>file</b> 29:22
<b>edit</b> 134:20	50:19 130:4	90:5	67:12 68:8	<b>exceeds</b> 101:5	140:18	<b>fair</b> 60:12,16	47:22,23,24
<b>eds</b> 68:11,22	<b>emissions</b>	<b>entirety</b>	112:21	<b>exception</b>	159:21	121:21	48:8 59:9
<b>education</b>	129:12	121:2 131:9	165:13,24	40:15 41:5	<b>explain</b> 13:12	134:20	70:7,21
129:5	<b>empathize</b>	<b>entities</b> 33:15	<b>estimate</b>	<b>exceptions</b>	15:17 31:25	136:20	97:21
<b>educational</b>	127:20	58:16 60:13	115:20	<b>excited</b> 11:24	146:25	137:10	<b>filed</b> 28:22
128:8,15	<b>emphasize</b>	<b>entitled</b> 2:21	<b>estimated</b>	<b>excuse</b> 26:17	<b>explaining</b>	162:23	57:10 59:15
<b>effect</b> 84:25	96:11	137:17	116:12	72:7 73:8	29:3	<b>fall</b> 19:13	61:2 70:11
<b>effective</b> 34:4	<b>employee</b>	<b>entity</b> 143:4	159:24	111:25	46:5	43:9 62:7	74:21
79:9 90:10	132:8 133:8	<b>entreprene...</b>	160:7,8,22	<b>executing</b>	<b>exploring</b>	72:4,6	114:15,20
92:19 115:6	<b>employees</b>	107:8	<b>estimates</b>	33:21	123:20	77:25	<b>files</b> 97:20
125:14	32:11 140:4	<b>envelopes</b>	99:25	<b>exempt</b> 68:13	<b>exposed</b>	<b>false</b> 169:23	<b>filing</b> 28:23
<b>effectively</b>	140:18	44:8	140:14,17	132:8 133:8	161:17	169:24	51:2,14
34:7 80:11	<b>employer</b>	<b>environment</b>	<b>Ethics</b> 140:2	140:4	<b>express</b>	<b>falsely</b> 137:4	57:10 59:11
<b>efforts</b> 4:24	32:12,13,16	140:16	<b>evaluated</b>	<b>exemptions</b>	126:18	<b>familiar</b> 29:4	59:24 61:23
5:3,15	98:4,5,18	163:21	97:15	116:18	<b>expressed</b>	80:18	63:23 64:2
<b>eight</b> 135:3	99:8,18	<b>equal</b> 123:8	<b>evaluator</b>	<b>existing</b>	14:18	<b>families</b>	64:7,12
148:12			70:4			122:23	72:8,23

Committee of the Whole  
May 8, 2019

Page 8

74:14,24 115:9 <b>filings</b> 125:5 <b>fill</b> 10:12 <b>final</b> 35:7 171:24 <b>finally</b> 144:6 <b>finance</b> 81:2 82:9 95:20 127:12,15 127:17 <b>finances</b> 76:12,13 101:17 <b>financial</b> 3:4 36:5 <b>financials</b> 115:15 <b>find</b> 12:10 41:24 53:11 55:13 65:19 73:20 104:2 104:6 109:24 161:14 169:18 <b>findings</b> 124:17 125:8 <b>finds</b> 130:5 <b>fine-tuning</b> 31:18 <b>finer</b> 116:17 <b>finish</b> 41:4 <b>finite</b> 25:6 <b>first</b> 4:8 5:24 6:10 17:22 22:17 28:21 29:19 44:14 44:16 63:23 87:9 119:2 120:15 133:25 136:18 137:23 146:13 147:4 <b>first-level</b> 58:18,24 59:5 69:2 70:11 <b>firsthand</b> 50:15	<b>fiscal</b> 2:12,15 2:17 3:5,8 3:24 4:2,3 5:6,7 6:2 21:4 56:23 57:4 63:5 77:22 109:15,16 110:4,10 125:21 127:21 <b>fiscally</b> 10:13 <b>five</b> 3:4 30:19 39:25 40:3 41:3,15,17 42:6 52:22 76:4 82:23 83:9,16,23 85:8,19 104:17 130:7 134:23 135:13 <b>five-day</b> 51:24 52:2 53:12 <b>fix</b> 131:22 <b>fixed</b> 165:19 166:2,5 169:7 <b>flash</b> 169:7 <b>flat</b> 105:24 <b>flaws</b> 155:5 <b>flexibility</b> 105:17 <b>flight</b> 100:19 <b>flip</b> 170:20 <b>flipping</b> 148:22 <b>floor</b> 57:24 <b>FLR</b> 59:8,22 60:2 69:12 70:5 <b>FLRs</b> 59:14 <b>focus</b> 96:21 119:9 <b>folks</b> 18:14 19:10,11,15 19:21,25 20:2,10 60:23 64:18 64:21 <b>follow</b> 100:4,9 <b>following</b> 4:5	46:8 73:11 77:11 133:24 <b>food</b> 163:23 <b>fooled</b> 133:13 <b>forced</b> 122:25 165:17 <b>forces</b> 156:24 <b>foreclose</b> 26:22 <b>foreclosure</b> 26:3 165:18 <b>foregoing</b> 173:7,20 <b>forgive</b> 150:7 <b>forgiveness</b> 111:17 112:8 <b>form</b> 97:22 170:24 <b>formal</b> 59:11 <b>format</b> 77:2 <b>former</b> 16:20 <b>forms</b> 6:24 47:19 59:23 121:18 <b>formula</b> 68:16 <b>forward</b> 9:9 85:4 160:18 <b>forward-loo...</b> 3:25 <b>fossil</b> 129:15 <b>found</b> 33:22 59:17 <b>four</b> 27:19 44:19 73:7 74:9 76:5 148:25 <b>four-week</b> 46:11 <b>fourth</b> 135:5 <b>Frances</b> 26:13,18 111:25 <b>Frank</b> 4:10 4:18 82:11 92:2 <b>frankly</b> 161:12 <b>free</b> 26:23,24 121:11 <b>freeze</b> 78:11	79:19 165:24 167:2 <b>freezes</b> 79:7 79:13 <b>front</b> 22:25 145:12 <b>frustrating</b> 66:15 <b>fuel</b> 108:19 129:15 <b>full</b> 10:4 75:15 76:2 76:24 77:15 84:13 140:19 158:17 <b>fullest</b> 26:6 <b>fully</b> 76:25 115:14 127:2 173:5 <b>functions</b> 6:13 <b>fund</b> 5:5,17 32:20 56:25 121:20 144:25 152:21 <b>fundament...</b> 102:23 168:24 <b>funding</b> 62:23 123:14,15 145:16,22 146:10 166:22 167:4 <b>fundraiser</b> 138:11,13 <b>fundraising</b> 138:10 <b>funds</b> 132:3 <b>Furlong</b> 132:24 <b>furnished</b> 38:2 <b>further</b> 125:17 160:21 <b>future</b> 12:2 79:12 80:14 167:14	<b>FY</b> 123:15 <b>FY16</b> 28:2 <b>FY19</b> 21:11 35:4 57:2 62:25 63:13 71:14 83:12 <b>FY20</b> 57:2 102:17 <hr/> <b>G</b> <hr/> <b>gain</b> 110:17 <b>gas</b> 129:12 <b>general</b> 5:5 15:15 48:23 56:25 85:2 160:11 <b>generally</b> 47:23 <b>generated</b> 101:3 115:18 <b>generates</b> 147:11 <b>generating</b> 39:4 <b>generation</b> 100:24 <b>gentrification</b> 122:3 164:5 <b>gentrified</b> 14:13 122:12 167:8 <b>gentrifying</b> 122:10 <b>genuinely</b> 119:4 <b>Georgia</b> 147:20 <b>getting</b> 6:5,7 7:8 9:5,9,13 11:13 23:7 31:14 33:25 42:16,18 47:4 49:5 52:12 59:17 62:3 77:23 77:24 92:23 132:6 164:8 166:19 167:18 <b>gifts</b> 142:19 <b>Gilman</b> 135:22	136:4,5 142:10,15 143:10,17 <b>Girard</b> 164:21 <b>give</b> 23:7 37:10,13 40:19 41:5 59:22 86:10 90:19 91:16 117:24 118:4 131:2 143:6 153:7 <b>given</b> 9:20 28:12 61:21 106:11 120:3 140:17,22 140:24 143:13 <b>gives</b> 105:17 <b>giving</b> 6:19 6:22 16:17 140:14 142:18,22 145:10 <b>glad</b> 30:3 150:14 <b>gleans</b> 97:23 <b>Gloria</b> 135:22 136:5 <b>go</b> 12:17 15:16 22:16 26:3 32:14 40:8,25 47:3 50:13 55:19 57:3 62:20 69:2 72:10 74:9 78:19 87:17 93:4 95:20 98:21 119:5 143:20 154:5 163:16,24 164:23 166:16 <b>goal</b> 21:23 44:22 64:8 72:14,19 107:22 <b>goals</b> 8:22 <b>goes</b> 40:15	58:14 80:8 87:12 120:8 141:7,8 142:4 <b>going</b> 2:3 10:4,5,8 13:17,18 19:9,19,24 29:20,23 34:24 35:21 41:11,19 43:18 47:2 47:5,14 50:8,25 51:4,6 52:13 54:7 59:21,25 63:6,22 70:5 84:22 86:23 89:2 89:3 91:21 92:8 93:14 94:5,22 95:4 97:2 103:20 104:4 108:12,15 108:20,22 114:5 115:2 115:12,13 118:25 119:15 120:6 143:21,21 144:12 147:16,17 150:7 151:16 152:2 153:17,19 153:20,21 153:24 154:2,11 162:19 <b>Goldstein</b> 168:6 <b>good</b> 2:2 4:13 4:15,17 17:6,7 18:14 20:22 20:23 22:9 22:11,14 24:21 27:21	28:5 35:19 35:20 45:2 49:17 51:22 53:20 56:10 56:18,19 60:14 66:3 66:4 71:11 71:12 78:17 81:20 82:4 82:5 86:6,7 89:10 107:18 108:7 118:24 121:7 131:16 136:2,4 143:23 145:7 153:17 158:13,15 165:9 168:17 <b>good-paying</b> 107:21 <b>gotcha</b> 110:16 <b>governmen...</b> 142:19 143:4 <b>governments</b> 102:22 <b>grade</b> 60:17 60:21 <b>grades</b> 128:24 <b>gradual</b> 82:19 <b>graduate</b> 127:9 <b>grandfather</b> 163:3 <b>grandson</b> 152:24 <b>great</b> 13:2 21:15 26:5 28:25 30:2 30:3 31:16 58:4 60:18 80:2,16,19 95:24 110:12 111:12
--	---	---	--	--	--	---	---

114:2	<b>Gym</b> 1:12	<b>hand-mark</b>	84:17 119:7	<b>hey</b> 46:2	66:8 163:4	31:12	136:8
154:14	71:8,9,13	159:23	<b>heard</b> 22:19	52:12 62:2	<b>homeowner...</b>	<b>illegal</b> 121:18	<b>improve</b> 8:20
<b>greater</b>	71:18,24	<b>hand-mark...</b>	22:19 65:7	74:4	164:3	<b>illegalities</b>	13:19 124:8
107:15	72:13,16	144:18	75:10 123:6	<b>Hi</b> 17:22	<b>homes</b> 63:16	136:8	<b>improved</b>
<b>greatly</b> 45:18	73:3,12,19	157:14,20	152:13	150:12	162:18	<b>imagination</b>	63:19
<b>green</b> 126:19	74:8 75:6	<b>handicapped</b>	154:12	158:15	166:2,14	128:3	<b>improvement</b>
126:21	75:17,22	106:3	<b>hearing</b> 2:4	162:3	167:11	<b>imagine</b>	11:9,11
166:12	76:8 78:8	<b>handle</b> 37:3	3:21 14:7	<b>hiding</b> 140:13	<b>honest</b> 130:17	128:7 129:3	64:20
<b>greenhouse</b>	79:4,21	<b>hands</b> 25:20	52:21 62:19	<b>high</b> 35:8,9	<b>honesty</b>	129:7,10	<b>improveme...</b>
129:12	80:12,25	25:21 26:2	64:3 69:25	43:24 82:21	142:17	130:19	37:22
<b>Greenlee</b> 1:11	81:6,10	<b>happen</b> 36:12	70:23 73:25	84:2 91:24	<b>hope</b> 151:2	<b>immigration</b>	<b>inappropri...</b>
17:3,4,9	91:4,5	39:22 53:23	74:5 78:6	155:17	167:13	108:10	142:19
18:24 20:3	93:17 95:5	70:19,24	109:19	160:7	<b>hopefully</b>	<b>impact</b> 43:13	<b>incentive</b>
20:17,23	95:13 96:15	80:11	131:19	<b>higher</b> 23:19	40:7 43:23	77:10	90:9
21:8,14,19	96:23 97:10	135:17	133:21	64:22 88:9	<b>hoping</b> 10:15	121:25	<b>incentives</b>
21:25 81:4	97:14 98:5	<b>happened</b>	155:7	103:3 129:5	<b>hot</b> 34:19	<b>impacting</b>	88:12 89:8
81:8,12,17	98:7 99:12	41:24 80:4	<b>hearings</b> 16:6	<b>highest</b> 35:10	<b>hotline</b>	122:17,19	89:23 90:10
81:21 82:3	99:16,24	100:19	62:12,13,15	41:13 57:6	124:10	<b>impacts</b>	90:14,16
82:6 83:7	100:3,12	<b>happening</b>	72:9,25	107:7	<b>hours</b> 56:3	77:11	106:24
84:16 85:21	103:12	6:17 50:24	73:4,9,17	121:22	<b>housed</b> 101:6	<b>impermissi...</b>	107:2
85:25 91:2	105:20	155:22	74:10 75:15	<b>highly</b> 104:11	<b>household</b>	139:25	<b>include</b> 30:14
106:17	108:2,3	156:13	78:2	104:24	99:18	<b>impermissi...</b>	40:14
107:24	109:23	<b>happens</b> 14:2	<b>hearsay</b>	105:8	<b>households</b>	140:8	102:24
118:17	110:6,9,12	37:5 40:5	166:18	<b>Hill</b> 88:7	121:16	<b>implement</b>	134:22
126:7	110:15,20	55:17 58:17	<b>heavy</b> 74:15	<b>hire</b> 61:8	<b>housing</b>	30:24	166:5
<b>Greenlee's</b>	111:2,6,12	58:25	<b>held</b> 129:15	140:19	121:9,17,21	105:18	<b>includes</b> 5:8
22:13	112:10	<b>happy</b> 70:12	139:18	<b>hired</b> 130:12	122:20	135:14	21:17 26:24
<b>gross</b> 88:23	113:3,19	80:17 83:5	<b>HELEN</b> 1:12	<b>history</b> 86:12	123:11	<b>implementa...</b>	82:16 124:5
89:20	114:2	94:12	<b>help</b> 17:11	159:3	<b>huge</b> 59:14	5:14 9:17	<b>including</b>
<b>ground</b> 119:6	115:10	100:11	33:8 47:2	164:20,25	166:10	9:18 10:16	23:9 30:13
<b>grounds</b>	116:4,11,15	<b>hard</b> 11:17	55:13 62:8	<b>hit</b> 66:17	<b>hundreds</b>	10:18,19	121:17
166:11	116:22	11:18 45:16	79:6 89:13	<b>hitting</b> 64:13	130:17,20	12:5,6 43:7	134:23
<b>group</b> 34:5	117:18	92:23	111:16	96:14	<b>hunky-dory</b>	43:8 127:3	142:20
36:11 61:24	118:2,6,13	<b>hard-coded</b>	124:8,13,16	<b>Hockman</b>	147:18	<b>implemented</b>	156:10
75:8	128:6	11:19	129:4,11,25	150:6,12,13	<b>hurt</b> 28:14	113:14	157:8
<b>groups</b> 72:24		<b>hardware</b>	155:21	<b>hold</b> 75:3	<b>hybrid'</b> 171:9	<b>important</b>	159:14
<b>growth</b> 89:13	<b>H</b>	144:16	166:14,22	<b>holding</b> 9:5	<b>hypothetical</b>	9:23 84:5	168:25
<b>guess</b> 15:13	<b>hacked</b>	<b>harm</b> 157:23	167:6	48:20 50:17	148:9	85:11 90:3	<b>inclusive</b> 2:13
17:20 30:17	141:10	<b>hazards</b>	<b>helped</b> 31:7	51:17		90:7 101:16	<b>income</b> 18:7
31:23 58:14	153:12	161:17	130:16	<b>holds</b> 11:23	<b>I</b>	103:25	20:12 84:21
67:12,21	154:8	<b>head</b> 17:24	<b>helpful</b> 6:19	<b>hole</b> 53:4,11	<b>i.e</b> 61:8 63:19	104:2	88:9,23
83:20 84:19	<b>hacking</b>	18:22 142:5	16:16,23	<b>home</b> 16:7	64:20	164:24	89:20 97:16
85:2 115:22	151:17	166:18	31:8 40:22	100:23	<b>idea</b> 23:7	<b>importantly</b>	97:18 98:9
<b>guide</b> 128:22	160:4	168:21	118:14	149:4	25:3 42:16	76:14	98:11 99:18
<b>guidelines</b>	<b>half</b> 24:5,20	<b>headed</b> 49:19	<b>helping</b> 53:16	164:16,18	60:19 80:20	159:18	99:19 100:6
120:12	29:18	<b>heading</b> 23:5	93:6,9	<b>homelessness</b>	104:3	<b>imposed</b>	101:18
<b>guinea</b>	144:14	<b>heads-up</b>	123:2 124:4	122:24	113:11	127:21	102:10
134:10	148:5	9:20	128:22	124:5	115:17	<b>impossible</b>	103:14
149:13	169:14	<b>health</b> 161:17	138:17	<b>homeowner</b>	142:2	156:9	105:22
<b>guys</b> 58:5	<b>Hall</b> 1:6	<b>hear</b> 4:4 29:9	<b>helps</b> 10:13	66:25 67:6	154:14	<b>improperly</b>	107:6
<b>Gwynedd</b>	172:10	35:5 50:6	62:10,16	74:4 162:14	<b>identify</b> 82:7	137:15	108:12
88:8,9	<b>hampering</b>	52:19 62:18	78:9	<b>homeowners</b>	93:7,9	138:5	114:10
100:22	59:19	64:6 70:15	<b>hesitate</b> 146:3	18:7 65:19	117:4	<b>improprieties</b>	116:16
	<b>hand</b> 171:11				<b>identifying</b>		

Committee of the Whole  
May 8, 2019

Page 10

164:10	99:19,23	136:22	124:7 130:8	issues 88:25	<b>K</b>	91:7 97:20	63:3 84:6
165:19	124:11	137:7	130:18	89:3 151:12	<b>K</b> 1:11	98:10 102:7	122:11
166:19,21	<b>individuals</b>	<b>Inquirer</b>	152:2	151:15	<b>keep</b> 19:12,24	104:20	136:18
<b>income-pro...</b>	6:12,18	114:14	<b>interested</b>	152:19	19:25 21:21	108:19	156:20
25:18,19	14:12 32:15	144:9	17:20 100:5	155:23	21:23 54:4	109:12	<b>largely</b>
<b>incomes</b>	98:12	<b>inquiry</b>	150:23	<b>item</b> 34:19	83:24 89:3	110:21,21	101:18
98:12 166:3	122:23	114:25	<b>interesting</b>	<b>J</b>	96:25 109:9	110:23	<b>larger</b> 156:23
166:6,23	<b>industrial</b>	<b>inside</b> 52:21	30:16 50:3	<b>JANNIE</b> 1:10	130:16	113:6,7	156:25
<b>inconsistent</b>	57:17	<b>insignificant</b>	99:12	<b>January</b> 3:15	143:21	114:7,22	<b>largest</b>
155:14	<b>industry</b>	104:18	<b>interests</b>	64:5 72:10	164:2	115:12	103:16
<b>incorporati...</b>	117:17	<b>inspected</b>	145:14	72:25 78:2	<b>keeps</b> 25:25	116:16	<b>Lastly</b> 156:17
3:7	118:6,9	170:7	<b>interference</b>	78:7 123:14	<b>kept</b> 86:23,24	117:21	<b>late</b> 41:22
<b>increase</b> 5:7	<b>industry-wi...</b>	<b>inspection</b>	159:11	<b>Jen</b> 158:9,16	87:4	125:2 145:5	42:3 69:12
5:17 7:20	12:14	69:16	160:5	<b>Jennifer</b>	<b>key</b> 10:2,2	146:23	83:3
8:12,13	<b>inequality</b>	<b>inspections</b>	<b>Intergover...</b>	158:6 171:8	48:7 94:6	149:8	<b>latest</b> 39:8
17:19 18:25	108:12	102:2	3:10,12	<b>job</b> 9:17	94:14	150:15	<b>latest</b> 130:13
19:6 23:2	<b>inevitably</b>	<b>instability</b>	<b>internal</b>	22:15 45:2	<b>kicks</b> 97:7,11	152:14	<b>launch</b> 127:4
23:18,20	105:25	104:25	39:23 52:20	82:22 87:16	<b>kids</b> 163:22	153:22	<b>launched</b>
24:3,20	<b>infected</b>	<b>installment</b>	112:15	87:17,24	<b>kind</b> 11:19	156:15	47:16
25:2 63:2,3	169:4,6,9	164:14	<b>internally</b>	100:14	13:20 16:5	163:9,10	123:13
123:15	169:16	<b>instances</b>	112:9	107:18	53:4 83:25	164:20,25	<b>law</b> 28:9
124:24	170:5 171:2	41:22 58:19	<b>Internet</b>	107:18	84:2,10,24	169:18	100:17
125:17	171:4	69:14 70:6	169:6	<b>jobs</b> 87:2	85:12,18,24	<b>knowing</b>	110:21,23
<b>increased</b>	<b>inflate</b> 130:8	<b>Institute</b>	<b>interpretati...</b>	100:17	87:25 90:6	142:7 156:4	112:5
21:9 24:15	<b>influence</b>	147:21	100:13	107:21	91:25 93:22	<b>knowledge</b>	129:19
24:17 124:3	159:12	<b>institution</b>	<b>interrelated</b>	108:4,11,14	93:24 94:13	143:3	132:24
124:6	<b>informal</b>	128:16	88:2	108:18	95:15 96:11	152:15	<b>lawns</b> 166:12
125:20	112:16	<b>instruct</b>	<b>introduced</b>	142:22	101:15	155:18	<b>Lawyer</b>
<b>increases</b> 5:9	<b>information</b>	170:19	89:5	<b>joined</b> 82:11	105:3	<b>known</b>	124:15
63:7	6:20 19:22	<b>instructions</b>	<b>investigate</b>	123:18	108:23	123:13	<b>layman's</b>
<b>increasing</b>	98:22,23,25	155:15	151:12	<b>Joining</b> 5:22	118:4 120:9	143:5 162:9	146:25
19:25	99:13	<b>integrated</b>	152:23	<b>Jones</b> 37:23	152:18		<b>layout</b> 67:4
<b>incremental</b>	113:24	8:16,25	<b>investigated</b>	<b>Joy</b> 150:6,13	<b>kindergart...</b>	<b>L</b>	<b>lead</b> 10:15
10:20 84:8	134:6	12:24 47:4	160:10	<b>judge</b> 132:24	164:2	<b>L</b> 1:10,10	<b>leader</b> 162:12
104:14,15	137:15,18	<b>integrity</b>	<b>investment</b>	132:24	<b>kinds</b> 108:8	173:14	<b>leaders</b> 10:3
105:10	140:11,21	142:17	125:19	162:11	<b>King</b> 101:11	<b>labor</b> 114:7	159:14
<b>independen...</b>	141:13	143:11	130:16	<b>Judges</b> 75:24	<b>know</b> 11:25	<b>lagged</b> 58:20	<b>leadership</b>
157:7	143:13	<b>intended</b>	<b>involved</b>	<b>judgments</b>	15:2,7	<b>lagging</b> 108:4	126:19
<b>indicate</b> 8:4,7	145:18	138:7	142:23	33:21 78:19	17:15 20:4	108:15	<b>leading</b> 63:3
<b>indicated</b>	160:15	170:11	151:13	125:5	23:14 25:4	<b>land</b> 63:17,18	108:5,14
58:21 61:4	161:12	<b>intent</b> 94:3	<b>irresponsible</b>	<b>July</b> 111:14	30:6 34:19	64:19,24	159:20
71:14	171:7	141:16,19	160:13	135:6,8	41:16 42:14	65:6,7,8,10	<b>leap</b> 123:23
<b>indication</b>	<b>infrastruct...</b>	170:23	161:10	<b>jump</b> 66:10	50:15 53:22	<b>landlord's</b>	<b>learn</b> 152:7
40:19 111:3	145:2	<b>intents</b>	<b>IRS</b> 47:23	<b>June</b> 64:13	54:7,25	28:11,12	<b>learned</b> 9:15
<b>indicative</b>	<b>inherent</b>	132:13	<b>issue</b> 60:10	72:14 78:7	55:9,10,17	<b>Landlord/T...</b>	144:6 151:6
7:23	147:2	<b>interact</b> 11:5	69:10 80:3	80:9 134:15	58:5 59:23	124:13	151:7 153:8
<b>indicator</b>	<b>initiative</b> 5:16	<b>interest</b> 14:18	84:23 88:17	<b>jurisdiction</b>	60:7 63:4	<b>landlords</b>	<b>learning</b>
108:5,5,11	9:2,14 10:3	30:8,14	89:16	12:17,19	63:17,20	25:12 29:5	150:22
108:15	15:15 96:5	31:24 33:5	106:12	<b>jurisdictions</b>	69:20 76:11	29:9,19	153:21
<b>indicators</b>	<b>initiatives</b>	54:18,19,21	155:19	9:12,19,21	77:17 78:10	124:22	<b>lease</b> 26:24
108:14	6:14 85:18	54:25 55:2	169:22	12:22 44:15	78:19 79:5	<b>Lane</b> 127:8	27:3 28:17
<b>individual</b>	96:3	55:11	<b>issued</b> 37:20	<b>justice</b> 123:8	81:23 85:22	<b>language</b>	<b>lease-to-own</b>
97:25 98:3	<b>input</b> 119:4	112:25	71:20	124:24	86:11 89:8	11:15	161:7
				<b>justify</b> 137:5		<b>large</b> 14:7	



Committee of the Whole  
May 8, 2019

<b>leasing</b> 140:25	<b>liens</b> 33:19,23 34:14	<b>lockouts</b> 121:18	19:19 27:7 32:6 35:14	<b>M-U-S-U-...</b> 158:7	49:2 114:22 114:23	<b>Mayor</b> 3:9,15 123:10	120:5 134:2 145:19
<b>leave</b> 37:24 131:7,9 152:12,17 170:3 171:17	<b>lies</b> 148:16 <b>lifetime</b> 160:24 <b>light</b> 106:19 <b>likelihood</b> 7:19	<b>long</b> 20:16 49:2,20 59:16 62:5 154:2,3 167:15	39:9,21 43:21 49:10 49:11 50:21 55:25 56:3 63:20 64:18 64:20,23,24 69:12 70:2 74:18 75:25 78:18,19 84:18 100:18 101:20 103:23 105:23 107:15 117:9 145:7 146:23 150:15 162:12 163:16	<b>ma'am</b> 131:15 142:9 143:9 143:20 146:16	<b>maintain</b> 131:22 <b>maintenance</b> 160:23 <b>major</b> 84:9 101:21 108:9,11 155:4 <b>majority</b> 65:9 <b>making</b> 13:25 19:21 48:18 170:19 <b>Mall</b> 101:11 <b>malware</b> 169:4 171:4 <b>Man</b> 58:3 <b>manage</b> 130:13 <b>manager</b> 10:10 <b>Managing</b> 121:9	<b>MBA</b> 127:11 <b>MBE/WBE...</b> 13:5 <b>McCarthy</b> 121:4 131:16,17 <b>McCarthy</b> 150:9 154:17,18 <b>mean</b> 10:22 16:5 24:14 39:21 52:11 54:25 56:3 76:21 78:9 83:24 90:6 94:2,11 97:15 105:22 106:22 112:18 115:20 116:5 <b>means</b> 15:21 16:11 157:12 173:22 <b>measures</b> 3:24 <b>meds</b> 68:11 68:22 <b>meet</b> 26:9 41:15 157:10 <b>meeting</b> 13:16 48:4 132:17 145:17 151:6,8 <b>meetings</b> 6:14 6:15 25:5 133:4 <b>Meg</b> 135:22 143:24 <b>member</b> 129:2 <b>members</b> 4:18,20 56:20 76:5 76:6 77:18 112:21	<b>memo</b> 40:18 <b>memory</b> 169:7 <b>mention</b> 151:15 <b>mentioned</b> 27:15 47:13 84:11 <b>message</b> 52:21 <b>met</b> 9:11 <b>method</b> 157:10,13 <b>MICHELE</b> 173:14 <b>Michelle</b> 5:22 21:2 <b>mid</b> 87:7 <b>middle</b> 64:14 166:23 <b>middle-inco...</b> 165:15 <b>midst</b> 61:19 <b>million</b> 8:12 20:8 21:7 21:12,13 23:21 24:7 24:15,16,18 27:8,17 30:13,15,19 30:21 31:23 31:25 33:5 33:6,7 35:5 44:7 83:23 85:9 91:13 91:21 92:13 94:12,23,24 104:16 118:11,11 125:20 130:13 144:10,11 144:15,21 144:22,23 144:24 145:6,11 146:7 148:12,25
<b>led</b> 155:23 156:3	<b>limit</b> 166:20 <b>limitations</b> 137:20 <b>limited</b> 26:8 27:13,24 93:11 127:21 <b>limits</b> 137:4 <b>linchpin</b> 149:9 <b>lines</b> 20:20 154:4 <b>Lisa</b> 136:10 139:6 <b>list</b> 30:7 116:25 136:7 147:6 155:4 <b>listen</b> 45:15 <b>listening</b> 167:13 <b>little</b> 26:13 52:12 91:7 91:9 92:5 93:5 96:24 100:13 101:7 103:7 106:13 111:19 152:7 <b>live</b> 14:22 16:7 101:21 101:22 103:18 143:24 150:20 158:16 164:4,11,22 167:7 <b>lived</b> 165:11 <b>lives</b> 165:17 <b>living</b> 162:17 <b>loan</b> 128:19 129:3 152:4 <b>loans</b> 128:14	<b>longer</b> 120:22 <b>longtime</b> 162:25 163:4 <b>look</b> 15:8 33:16 37:8 46:12,16 49:17 83:25 87:13,14,19 88:2 89:7 89:18,19,25 90:4 94:9 95:11 96:8 97:16 106:14,23 107:13 109:18 147:25 151:25 162:19 164:6 <b>looked</b> 9:11 83:17 104:21 <b>looking</b> 9:8 13:3 31:3 34:6 44:15 50:24 52:20 67:20 68:16 90:22 93:2 93:24 94:13 98:8 101:13 108:14 110:19 151:22 <b>looks</b> 30:11 92:2 108:25 162:21 <b>lose</b> 145:9 164:15,17 <b>losing</b> 167:10 <b>losses</b> 100:14 <b>lost</b> 87:2 114:21 145:10 <b>lot</b> 19:7,10,11	103:23 105:23 107:15 117:9 145:7 146:23 150:15 162:12 163:16 <b>love</b> 23:6 80:3 97:2 100:3 100:7,8 <b>loving</b> 6:7 58:3 <b>low</b> 157:3 164:10 <b>low-income</b> 109:9 121:12 124:3 164:11 <b>low-interest</b> 128:13 <b>low-vision</b> 156:24 <b>lower</b> 18:7 47:11 90:13 90:17 107:16 <b>lower-income</b> 165:14 <b>lowering</b> 83:20 <b>lowest</b> 10:12 20:14 107:6 107:7,9,11 136:17 <b>lunch</b> 163:23 <b>Lyft</b> 114:4	<b>machine</b> 38:20 137:12 141:20 142:24 146:24 147:3,10,11 147:24 148:22 151:14 153:25 154:7 156:6 161:20 168:23 169:12,23 170:22,25 171:4,12 <b>machinery</b> 40:11 <b>machines</b> 131:23,25 132:2,11 139:7,20,24 140:15 143:2 144:7 144:13 149:14 150:23 153:16 155:4 159:8 159:17 160:2,9,17 160:24 169:4,5 <b>magic</b> 13:20 <b>mail</b> 41:10,22 41:25 42:2 49:5 53:2,3 53:17 69:17 69:22 <b>mailboxes</b> 66:17 <b>mailed</b> 69:8 <b>mailing</b> 59:21 69:8 <b>mailroom</b>	121:9 <b>mandate</b> 133:22 159:7 <b>manner</b> 143:7 <b>March</b> 35:5 66:16 <b>margin</b> 148:14 <b>Marion</b> 127:8 <b>Marisa</b> 5:24 17:22 <b>mark</b> 53:2 <b>marked</b> 34:11 171:11 <b>market</b> 57:5 65:12 68:7 <b>marketing</b> 43:21 <b>marks</b> 142:5 170:24 <b>matching</b> 31:5 <b>matter</b> 31:18 85:24 119:17 173:7	<b>Mayor</b> 3:9,15 123:10 145:25 <b>MBA</b> 127:11 <b>MBE/WBE...</b> 13:5 <b>McCarthy</b> 121:4 131:16,17 <b>McCarthy</b> 150:9 154:17,18 <b>mean</b> 10:22 16:5 24:14 39:21 52:11 54:25 56:3 76:21 78:9 83:24 90:6 94:2,11 97:15 105:22 106:22 112:18 115:20 116:5 <b>means</b> 15:21 16:11 157:12 173:22 <b>measures</b> 3:24 <b>meds</b> 68:11 68:22 <b>meet</b> 26:9 41:15 157:10 <b>meeting</b> 13:16 48:4 132:17 145:17 151:6,8 <b>meetings</b> 6:14 6:15 25:5 133:4 <b>Meg</b> 135:22 143:24 <b>member</b> 129:2 <b>members</b> 4:18,20 56:20 76:5 76:6 77:18 112:21	
			<b>M</b>				

Committee of the Whole  
May 8, 2019

Page 12

152:3 160:2	43:12 44:6	121:4	147:4	106:10	<b>November</b>	<b>obvious</b> 151:9	151:5
161:20	46:3 66:18	131:17	151:12,19	107:10	63:25	<b>obviously</b>	153:13
<b>millions</b>	95:19 96:5	<b>MURPHY</b>	151:25	113:10	135:12	21:20 26:5	<b>old</b> 9:4 11:12
130:17,20	96:7 134:15	173:14	152:3,6,14	132:6,11	149:17	63:3 78:10	12:19 33:13
<b>minimum</b>	<b>month's</b>	<b>Musumeci</b>	156:25	133:11	<b>number</b> 13:9	112:25	33:22 34:14
97:6 100:6	135:15	158:6	166:17,18	134:13	14:14,17	117:20	167:9
117:19	<b>monthly</b>	<hr/>	167:6,6	135:10	15:2,8	<b>occasionally</b>	<b>older</b> 165:25
<b>minute</b> 29:21	20:11 29:8	<b>N</b>	<b>needed</b> 4:22	144:7,17	16:19 23:14	70:20	167:3
62:15	<b>months</b> 67:8	<b>name</b> 38:19	52:14 61:17	146:5	23:19 44:10	<b>occur</b> 38:13	<b>once</b> 25:22
<b>minutes</b>	76:16 77:6	40:21 56:21	140:19	149:15	58:12 76:17	133:22	36:2 38:13
120:3,22	77:8 78:4	119:25	<b>needs</b> 12:8	153:18	87:24,24	<b>occurred</b>	38:22,24
<b>misconduct</b>	130:6 134:6	120:7,15	76:20	159:8	88:21 91:22	66:20	53:21 54:5
138:4	135:13	121:8	127:23	162:18	93:23 94:2	<b>occurring</b>	54:17 55:19
<b>mistakes</b>	<b>Moore</b>	126:12,12	134:19	171:9	94:10,11	39:18	62:2 77:7
151:18	164:20	127:7	145:5	<b>News</b> 169:20	95:6,8,11	<b>October</b>	166:12
<b>mitigating</b>	<b>morning</b> 2:3	131:17	157:11	<b>Nick</b> 139:6	95:16 96:12	59:24 63:24	<b>one-one-hu...</b>
129:13	4:14,16,17	143:24	160:23	<b>night</b> 39:11	96:14,18,20	63:25 72:8	83:14
<b>Mm-hmm</b>	17:6,8	146:20	161:9	138:12	106:4	<b>OEO</b> 13:15	<b>one-year</b> 7:16
67:18	20:22,24	150:8 153:5	166:25	<b>no-brainer</b>	116:19	13:23	161:4
<b>mobility</b>	22:9,11	154:18	<b>negligible</b>	152:24	117:14	<b>offered</b> 59:6	<b>ones</b> 20:15
155:7	56:18,19,22	158:16	104:6	<b>non-hearing</b>	122:11,13	<b>office</b> 17:10	28:5
<b>model</b> 90:18	66:3,4	162:3	<b>Neighborho...</b>	73:22	169:10	38:17 39:9	<b>ongoing</b> 4:21
<b>modern</b>	71:11,12	168:18	136:6	<b>non-oral</b>	170:3,10	46:13,18	14:16 96:6
11:21	82:4,5 86:6	<b>names</b> 117:24	146:21	73:10,24	<b>numbers</b> 8:4	55:10 63:12	<b>OOPA</b> 19:5,8
<b>modernized</b>	86:7 138:15	141:21,25	168:20	74:20	8:7 13:5,18	69:6 136:10	20:7 112:20
47:16 48:4	<b>morning's</b>	147:6	<b>neighborho...</b>	<b>non-Philad...</b>	13:19 17:15	137:22	<b>OPA</b> 58:20
<b>modest</b> 24:9	114:14	<b>national</b>	121:24	15:10,22	22:19,20,25	151:11	59:5,14
<b>moment</b>	<b>mortgage</b>	12:18 48:3	122:10,12	<b>non-Philad...</b>	51:13 66:16	159:16	61:6,20
127:25	79:9,11	122:5	145:8	14:9	68:4 91:18	<b>official</b>	64:3 65:5
169:3	80:10,18	159:21	166:10	<b>non-profits</b>	94:8 95:23	137:17,21	66:15 67:12
<b>money</b> 4:22	<b>mother</b> 50:12	<b>nature</b> 63:18	<b>neighbors</b>	123:17	95:24	137:22	68:4 69:8,9
18:15 20:9	<b>motion</b>	<b>navigate</b>	123:3	<b>non-residents</b>	117:16	139:9	69:14 70:3
20:12 24:7	114:15	127:20	<b>neither</b> 69:7	82:17	140:17	<b>offset</b> 88:13	<b>open</b> 57:24
27:7 38:6	<b>move</b> 8:5 10:4	<b>navigation</b>	136:23	<b>normal</b> 39:9	144:21	<b>Oh</b> 95:17	108:6
38:10,25	10:9,11	155:14	<b>net</b> 2:21	<b>normally</b>	<b>numerous</b>	<b>OIT</b> 43:6,6	136:19
52:14 55:3	76:18 77:3	<b>navigators</b>	84:21 88:23	169:13	82:20	<b>okay</b> 8:10	<b>opening</b> 49:4
55:25 62:3	<b>moved</b> 122:9	124:15	89:20	<b>North</b> 128:9	<b>nutshell</b>	13:2 18:24	<b>openness</b>
62:4 104:6	162:18	<b>nearly</b> 144:12	<b>Networks</b>	128:13,18	57:24	20:17 21:8	78:25
115:18,21	<b>moving</b> 9:8	144:15,22	136:6	128:19	<b>Nutter</b>	21:14 23:25	<b>operating</b>
117:21	12:23 53:17	<b>necessarily</b>	146:21	164:19	145:25	35:20 36:25	2:17 3:23
141:4 146:9	77:2 85:3	10:8 58:23	168:20	<b>nose</b> 157:5	<hr/>	54:9 55:6	<b>operation</b>
151:16	91:17	<b>necessary</b>	<b>never</b> 46:12	<b>notable</b> 19:5	<b>O</b>	56:4 62:25	37:16 48:23
154:7	160:18	78:18 115:8	62:22 91:22	<b>notes</b> 122:11	<b>o'clock</b>	65:17,21	<b>opinion</b> 24:9
<b>monies</b> 25:6	<b>MSB</b> 37:4	<b>need</b> 9:15	159:2	173:6	118:21	68:24 72:13	69:24
166:25	<b>much-needed</b>	12:4 24:11	<b>new</b> 5:10,12	<b>notice</b> 24:2	<b>O'Rourke</b>	73:12,19	<b>opportunities</b>
<b>monitor</b>	161:15	33:13 62:3	9:9 12:23	60:21	148:12,22	76:8 80:12	87:25 108:7
42:11,12	<b>multiple</b>	74:18,18,21	19:14 34:3	<b>noticed</b> 84:10	<b>objections</b>	85:25 90:23	<b>opportunity</b>
<b>Montgomery</b>	15:23	76:23 89:22	34:10 43:22	<b>notices</b> 66:17	173:4	96:23 98:7	119:12
135:13	<b>multiply</b>	105:6	47:4 79:15	77:23,24	<b>objects</b> 67:2	99:16	121:13
<b>month</b> 20:16	68:17	107:13,19	79:16 87:11	<b>notification</b>	<b>obligations</b>	106:16	125:6 126:8
28:21,24	<b>Municipal</b>	109:9	87:18 92:15	80:10	130:11	110:6 116:4	128:8 144:2
30:7 35:6	124:14	117:10	93:3,3 96:3	<b>notified</b> 41:18	<b>obstacles</b>	131:13	150:18
36:2 42:22	<b>Murielle</b>	143:15	96:5 101:10	<b>notify</b> 29:7	85:8 112:7	143:16	<b>opposed</b>
		145:3,18,21			<b>obtain</b> 128:18		

Committee of the Whole  
May 8, 2019

101:19 <b>optical</b> 144:19 170:22 <b>option</b> 161:7 <b>optional</b> 76:4 <b>options</b> 137:8 140:21,23 <b>oral</b> 73:9 75:15 <b>order</b> 12:4 72:2 111:15 112:6 119:11 120:2 125:17 136:22 <b>ordered</b> 112:4 <b>ordinance</b> 2:11,14,16 2:19 3:14 80:2 <b>organizations</b> 138:23 <b>organizing</b> 142:21 <b>outcome</b> 108:17 141:11 <b>outcomes</b> 124:9 <b>outlets</b> 101:12 <b>outlined</b> 8:23 45:23 109:4 <b>outreach</b> 13:10 124:11 <b>outside</b> 5:17 14:15 16:4 111:9 128:18 <b>outstanding</b> 30:12,21,24 33:3 123:17 <b>outstandings</b> 30:10 <b>overall</b> 17:16 30:19 51:9 65:11 95:11 96:12,18,20 <b>overlap</b> 60:10	<b>overview</b> 37:10,14 <b>overwhelmed</b> 70:4 <b>overwhelmi...</b> 14:14 <b>owe</b> 55:2 <b>owed</b> 115:23 <b>owes</b> 114:10 <b>owner</b> 15:22 25:24 26:2 69:15 <b>owner-occu...</b> 17:25 18:4 <b>owners</b> 5:19 15:10 63:16 77:24 80:3 80:17,20,23 <b>owns</b> 15:22 <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <b>p.m</b> 172:13 <b>PA</b> 133:18 <b>packages</b> 47:19 <b>Pagan</b> 56:19 56:21 58:8 59:4 60:18 61:15,22 63:22 65:2 65:18,22 66:4,14 67:15,18 68:3,13,23 69:5 70:2 70:19 71:12 71:17,22 72:6,15,19 73:6,16,24 74:13 75:14 75:20,23 77:19 79:3 79:19,23 80:15 81:16 81:19 <b>paid</b> 25:22,23 26:4 29:6 37:6 94:22 114:20 165:16 167:19 <b>panel</b> 76:3 <b>panels</b> 62:18 <b>paper</b> 98:21	144:18 152:9,17 155:13 157:14,20 159:20,23 160:3 168:24 169:12,21 170:6,13 171:10,10 <b>parent</b> 40:24 161:13 <b>parked</b> 20:10 <b>Parker</b> 16:19 <b>part</b> 9:10 20:9 28:9 42:7,7 84:7 91:12 96:4 104:12 117:8 138:18 142:18 <b>participant</b> 155:16 157:2 <b>participants</b> 155:12 156:12 <b>participating</b> 132:9 <b>participation</b> 13:4 110:19 <b>particular</b> 13:11 41:4 63:5 72:24 122:21 151:21 <b>particularly</b> 19:5 49:14 <b>partisan</b> 143:6 <b>parts</b> 6:17 72:23 <b>party</b> 138:13 155:25 156:7,10,11 <b>pass</b> 42:9 120:23 123:23 <b>passed</b> 78:10 <b>passes</b> 58:22 <b>passions</b> 128:3	<b>pat</b> 166:18 <b>path</b> 107:12 <b>pay</b> 29:10,19 29:21 32:17 48:9 50:22 51:21 52:15 60:17,21 64:22 76:20 79:10,24 106:2 117:11 143:25 150:21 152:3 163:11 164:7,8,9 <b>paying</b> 13:21 16:9 25:13 40:23 142:20,21 164:13 <b>payment</b> 4:25 17:14,16 18:2,4,9,11 18:20 21:5 21:12 27:25 28:3 37:19 38:23 39:25 40:7,14 51:14 164:7 <b>payments</b> 11:2,4 20:11 35:15 37:3 40:6 40:13 41:11 47:8 <b>pays</b> 37:4,18 <b>pedaling</b> 92:23 <b>penalize</b> 78:22 <b>penalties</b> 30:8 30:14 31:24 33:5 <b>pending</b> 59:8 59:22 60:2 <b>Penn</b> 127:15 <b>Pennsylvania</b> 1:6 3:10 89:14 101:2 127:10 149:6,10,10 155:2 159:6	160:11 <b>people</b> 7:8 12:10 13:13 14:18 19:2 21:20 43:22 45:25 47:6 49:15 51:7 52:11 53:14 54:25 55:17 60:2 61:9 61:17 62:6 62:13 63:20 84:18 86:23 87:5,16,21 88:14 98:8 101:21,22 103:17,22 105:25 107:17 113:20 115:12,16 117:10,10 119:19 128:11 131:3 138:23 147:19 148:23 151:10 153:10,13 153:21 163:13,15 164:10 165:3,14,16 166:5,23 167:3,17 <b>people's</b> 66:17 <b>PEPP</b> 123:13 123:16 124:2,18 125:16 <b>percent</b> 13:7 15:3,5,11 18:5 22:21 23:20 24:4 24:5,20 29:25 35:11 44:3,11,16 44:20 57:9 57:15,17 63:2 64:11 64:13 68:22	71:14 72:14 72:17 83:2 83:12,13,15 84:11,13,14 86:22 87:15 87:18,20,22 87:22 98:24 99:2 102:9 102:11,25 103:5,6 125:9,11 147:25 148:3,15,15 148:15 149:3,8 <b>percentage</b> 7:20 14:8 14:21 63:7 63:10 64:19 116:7 <b>percentage-...</b> 102:8 <b>percentages</b> 63:19 <b>perfect</b> 34:9 <b>performance</b> 8:21 <b>period</b> 48:16 74:2 115:24 140:25 159:3 <b>periodically</b> 13:17 <b>permission</b> 139:9 143:3 <b>permitted</b> 140:6 <b>person</b> 4:8 15:25 38:7 46:6 58:23 58:25 69:4 128:25 143:20 153:24 154:10 167:9 <b>personal</b> 16:3 24:9 155:21 <b>personally</b> 106:11 112:19 139:19 <b>persons</b>	154:21 <b>perspective</b> 26:21 64:23 <b>Peter</b> 120:17 127:7 <b>petition</b> 29:22 74:6,6 <b>petitions</b> 28:23 <b>Philadelphia</b> 1:2,6 2:21 3:3,5 12:15 14:16 15:23 16:4,14 29:8 67:13 68:8 87:2 87:21 88:11 89:12,16 101:15 103:11 116:8 122:9 122:14 123:12 125:15 126:10,15 126:20 127:5,9 128:5 129:4 129:9 130:6 130:12,15 131:3,18 132:7 133:11 134:8 135:16 136:6 149:5 149:9 150:20 151:11 159:4,14,25 164:19 165:11,22 165:25 167:17 172:5 <b>Philadelphi...</b> 121:23 <b>Philadelphi...</b> 129:6 <b>Phillips</b> 120:17 121:7,8 126:3	<b>Philly</b> 144:19 145:19 146:20 <b>Philly's</b> 145:14 <b>phone</b> 69:3 69:18 70:24 <b>PICA</b> 82:16 102:19,20 103:3 <b>pick</b> 39:2 <b>picked</b> 28:5 <b>pickup</b> 54:22 <b>piece</b> 44:6 47:10 79:13 94:6 <b>pigs</b> 134:11 149:13 <b>pilot</b> 123:22 <b>pin</b> 97:25 <b>place</b> 27:4 33:19 34:15 37:19 38:9 41:20 135:11,11 146:13 149:16 157:22 163:2 164:17 167:16 <b>placed</b> 163:8 <b>places</b> 101:23 141:8 <b>plan</b> 3:4 4:2 41:19 82:24 83:10,17,23 85:8,12,19 91:10,12,17 91:20 97:3 104:17 115:8 164:7 164:14 <b>planning</b> 77:11 112:11 <b>plans</b> 4:25 114:8 <b>platform</b> 11:22 <b>please</b> 2:8 74:5 82:6,7 120:8,14
---	---	---	---	---	--	--	--

Committee of the Whole  
May 8, 2019

Page 14

127:24	<b>posed</b> 133:2	<b>prep</b> 73:11,21	143:8,14,19	157:7	130:19	<b>programmi...</b>	103:4 105:4
129:19	<b>position</b> 5:12	74:12,19	146:15,19	<b>pro</b> 124:7	132:10,21	11:12,18	105:18
130:25	10:8,12	<b>preparation</b>	149:25	<b>probably</b>	133:7	<b>programs</b>	122:7
134:12	130:4	128:23	150:4 153:2	41:14 42:6	134:14	4:25 6:24	131:24
135:17	162:20	<b>prepared</b>	154:15	49:23 60:14	136:20,21	7:9,24 8:22	139:8
143:11	164:12	41:9 141:19	158:2,13,22	60:16 73:18	137:2,11	112:24	<b>proposal</b>
149:23	<b>positions</b> 5:11	<b>preparer</b>	161:24	74:13 86:11	138:19	123:22	112:16
153:4 162:2	8:14,15,18	48:9	162:6,8	88:6 101:13	149:16	128:12,21	134:14
168:16	8:20 9:25	<b>preparers</b>	165:7	105:6	156:14	129:3	<b>proposals</b> 9:8
<b>pleased</b> 5:25	10:9 12:11	47:20,21	167:21	150:25	171:25	<b>progress</b>	111:21
80:24	170:4	<b>prepays</b>	168:3,11,14	<b>problem</b> 9:19	<b>processed</b>	48:19,19	112:12,20
<b>pleasure</b>	<b>possibilities</b>	79:11	171:14,19	18:18 47:3	40:2 42:4	50:24	<b>proposed</b> 3:7
81:19	108:6	<b>present</b> 1:9	<b>presidential</b>	49:12,13,24	49:5 63:11	<b>project</b> 10:4	3:23 82:23
<b>pledge</b> 129:20	<b>possibility</b>	160:20	149:6	50:5 52:11	<b>processes</b>	65:5 85:20	119:8,10
<b>plenty</b> 138:8	25:9	<b>presented</b>	<b>press</b> 139:18	52:18 53:18	127:18	123:12	153:16
<b>point</b> 7:7	<b>possible</b> 7:9	139:15	<b>pretty</b> 13:5	89:15	155:25	124:12	<b>Protect</b> 134:4
33:18 42:16	31:15 41:12	140:11	27:21 35:6	122:19	<b>processing</b>	125:16,20	145:19
42:19 58:5	62:20 81:2	153:23	35:17	147:15,18	38:23 40:9	126:21	<b>protected</b>
70:10 73:14	104:8	<b>preserved</b>	144:10	148:5,16	40:15 62:10	145:16	20:10
87:6 92:19	119:16	27:5	<b>prevent</b> 124:5	155:17	62:17	<b>projection</b>	113:20
92:24	135:10	<b>presidency</b>	161:16	<b>problems</b>	<b>procurement</b>	67:23	<b>protecting</b>
166:13	161:22	149:11	<b>prevention</b>	17:12 45:17	132:10,21	<b>projections</b>	21:6,13
<b>pointed</b>	<b>possibly</b>	<b>President</b>	123:12,21	53:21	133:6,19	77:10 95:21	<b>protections</b>
169:14	41:14 152:3	1:10 2:2	<b>previous</b>	142:24	134:21	<b>promote</b>	117:9
<b>points</b> 116:17	<b>post</b> 46:12,18	3:18 4:13	75:10 78:12	156:18	136:16	123:4	<b>protects</b>
<b>poised</b> 161:19	53:2	4:17 6:4	79:24	<b>procedure</b>	<b>produce</b>	<b>promoting</b>	28:10
<b>police</b> 101:25	<b>postage</b> 44:8	7:14 8:9	166:16	39:18	114:16	126:22	<b>provide</b> 4:23
<b>political</b>	<b>Postal</b> 52:5	12:7,13,25	<b>previously</b>	<b>procedures</b>	147:5	<b>proof</b> 138:8	5:9 17:11
143:6	53:7,16	13:24 14:5	134:17	77:3	<b>produces</b>	<b>prop</b> 139:22	18:23 109:8
<b>politicians</b>	<b>posted</b> 54:5	15:4,12	<b>price</b> 65:13	<b>proceed</b> 82:7	147:6	<b>properly</b>	115:3
60:22	<b>potential</b> 25:4	16:15,24	144:11	120:10	<b>professional</b>	137:16	116:24
<b>politics</b>	26:6 148:8	17:5 22:4,5	<b>primary</b>	143:22	13:7 47:20	141:15	128:8,13
149:10	151:17	22:10,12	170:12	162:2	47:21	<b>properties</b>	152:8
<b>poll</b> 144:14	<b>potion</b> 13:20	24:23 45:7	<b>principal</b>	168:16	127:17	14:13 15:23	<b>provided</b>
<b>polling</b> 141:8	<b>poverty</b>	45:8,13	30:12	<b>proceeding</b>	<b>Profits</b> 2:22	16:2,8	134:5
157:21	106:12	54:11 56:6	<b>print</b> 169:13	25:3	<b>program</b> 2:11	25:12 26:9	141:14
<b>pool</b> 25:6	107:7,16,18	56:7,16,20	<b>printer</b> 142:5	<b>proceedings</b>	3:25 5:13	27:24 28:8	160:16
26:8 27:24	122:16,24	58:2,9 60:4	<b>printing</b>	173:4	8:17 19:25	57:16,18	<b>provides</b>
62:6 92:2	<b>power</b> 29:13	60:20 61:16	156:14	<b>process</b> 6:23	20:7 25:2	68:14	121:10
92:11 93:11	141:7	62:24 64:17	<b>printout</b>	9:6,10	26:5,7 27:8	109:12,25	124:14
93:24	145:15	65:16,20,23	169:24	10:14 26:3	27:23 30:3	111:10	<b>providing</b> 3:2
<b>poor</b> 121:23	<b>powerful</b>	66:2 71:4,5	170:17	26:14 28:19	87:8 109:3	<b>property</b> 5:19	6:21 123:24
121:25	25:15 92:7	71:10	<b>printouts</b>	31:10,11	109:4	14:19 16:10	126:8
155:14	<b>practice</b> 36:6	118:24	170:13	37:8,18	111:18	16:11,12	157:18
<b>population</b>	75:13	120:20	<b>prints</b> 141:20	38:8,8,15	113:10	25:18,19	<b>prudently</b>
42:19 44:3	<b>practices</b>	125:24	168:23	38:19 39:6	123:18	26:2,22,23	127:6
50:25 87:15	9:13 114:7	126:4,6,11	<b>prior</b> 19:6	39:22,23	124:16	28:2 69:6	<b>Prussia</b>
<b>portal</b> 10:25	<b>predomina...</b>	129:22	79:17	40:12 41:2	125:18	69:15 77:23	101:11
<b>portion</b> 23:10	103:8	130:23	<b>private</b> 171:3	43:3 47:10	163:23,23	80:3,17,20	<b>public</b> 2:4
82:17	121:23	131:6,12	101:6	47:11 51:11	<b>programmed</b>	80:23	3:20 46:10
102:19,20	<b>preliminary</b>	135:18	128:17	52:20 59:6	170:19	100:23	99:13
103:2	8:4,6	136:2 142:8	150:23	98:22 112:8	<b>programme...</b>	101:19	111:16,20
170:17	124:17	142:13	<b>privately</b>	117:7	11:14 12:9	102:12	112:12,17

118:22	<b>pushing</b> 42:3	133:2	121:8	104:8	<b>receipt</b> 37:20	126:13	121:20
124:7	43:15	138:20	<b>rate</b> 7:16 13:4	151:25	37:21,24	154:20	122:5
126:16,20	108:24	142:12,16	13:7 22:18	<b>Realistically</b>	38:2,5	159:22	<b>reject</b> 159:15
126:22,25	<b>put</b> 25:19	146:24	35:8,12	7:19	147:7 148:7	<b>recorded</b>	<b>rejected</b>
127:5,12	27:2 39:3	<b>quick</b> 37:2,10	44:11,16	<b>reality</b> 52:5	168:24	141:17	168:22
128:5,7,10	54:16 76:23	37:14 55:2	51:22 82:25	<b>realize</b> 50:21	169:12	<b>records</b> 94:18	<b>relate</b> 50:3,11
128:17	94:3 99:9	62:20 109:2	83:3,11	<b>realized</b> 53:3	<b>receipts</b>	<b>recourse</b> 59:2	142:3
129:4,8,10	139:12	<b>quicker</b> 47:11	105:17	<b>really</b> 6:24	88:24 89:21	<b>recused</b> 132:9	<b>related</b>
129:25	145:11	48:17	111:14,24	7:25 9:2,4	93:14 97:17	<b>redirect</b> 29:7	121:16
130:15	151:5 157:3	<b>quickest</b>	112:3	9:15 10:20	114:11	29:14,15	127:15
131:4 135:2	164:16	40:11	<b>rates</b> 2:23	11:15,24,25	116:16	<b>reduce</b> 51:23	<b>relates</b> 12:9
135:4	167:2	<b>quickly</b> 31:15	44:14 55:11	12:2 13:15	<b>receivable</b>	51:24 84:4	60:6 119:10
136:21	170:12	41:12 42:4	82:14,22,24	13:21 17:20	93:8	85:11 87:8	<b>relationship</b>
137:6,24	<b>puts</b> 106:4	142:14	83:25 90:3	18:14 31:7	<b>receivables</b>	<b>reduced</b>	53:20
139:8 144:6	<b>putting</b> 28:14	<b>quo</b> 107:4	90:13 107:8	33:13,15,23	31:9 33:16	30:21 66:10	<b>relatively</b>
152:15	92:17	<b>quorum</b> 76:6	107:16	34:11 35:8	93:3	125:7	34:3 82:21
161:13	164:14	76:19 77:2	110:19	36:4 37:25	<b>receive</b> 42:20	<b>reduces</b> 48:10	104:19
163:25		78:25	121:22	42:25 43:12	54:24	51:8 82:14	155:17
171:21	<b>Q</b>	<b>quorums</b>	130:9	44:12 46:7	<b>received</b> 9:7	<b>reducing</b>	<b>relax</b> 127:24
173:15	<b>qualified</b>	75:3,19	<b>ravaging</b>	46:10,20	39:9 72:2	48:14 83:24	<b>released</b>
<b>public's</b>	12:10	77:16	122:3	47:2 50:23	127:11	85:14 88:22	147:21
86:13	128:16	<b>quote</b> 48:24	<b>re-file</b> 67:7	51:16,18	<b>receiver</b>	90:2 129:12	<b>reliability</b>
<b>published</b>	<b>quality</b> 108:8	156:15	<b>reach</b> 59:25	52:25 54:11	25:20,21	<b>reduction</b>	143:12
122:4	<b>quantitative</b>	<b>quote/unqu...</b>	82:24	55:9 84:4,6	<b>receivership</b>	83:2 84:5	<b>reliable</b>
<b>pulling</b>	147:22	101:5	128:21	84:15 85:7	25:17	84:11,14	151:14
116:13	<b>quarter</b> 29:21	<b>quoting</b>	165:18	89:10 90:3	<b>receives</b>	<b>reductions</b>	152:17
<b>pulpit</b> 145:24	<b>question</b> 14:6	155:11,15	<b>reached</b>	90:11 92:24	36:15,20	82:19 83:10	159:22
<b>purchase</b>	24:23 30:5	156:2,19	92:19	93:6 94:3	<b>receiving</b>	83:16 84:8	<b>relief</b> 6:24 7:8
65:13	31:21 32:24		112:15	94:12 96:21	63:25	85:17 90:5	7:24 65:19
133:15	34:18,24	<b>R</b>	<b>read</b> 2:8 3:22	105:15	<b>recess</b> 118:21	<b>referred</b>	<b>rely</b> 152:7
136:12	35:21 39:8	<b>race</b> 122:19	74:6 149:2	109:6,6	118:23	48:15	<b>remain</b> 82:18
140:13	42:14 46:8	148:19	156:7	113:21	172:7	<b>refinance</b>	123:3
141:2 144:4	54:12,15	<b>raise</b> 77:8	170:16,23	130:14	<b>recession</b>	16:12	<b>remainder</b>
<b>purchaser's</b>	60:8,11,14	<b>raised</b> 166:24	<b>reading</b> 68:5	141:4 143:9	104:23	<b>reflected</b>	5:16
27:2	61:14 63:23	<b>raises</b> 160:9	<b>ready</b> 149:16	143:15	<b>reclassify</b>	121:2	<b>remains</b> 57:2
<b>purchasers</b>	64:16 66:6	<b>raising</b> 86:25	<b>real</b> 5:20 7:16	149:12	32:10	<b>refused</b>	123:5
14:15	67:10,11	87:4 166:12	11:13 14:25	<b>reappeared</b>	<b>recognize</b>	132:22	<b>remaking</b>
<b>purchasing</b>	68:4,25	166:22	15:9 17:17	53:25	101:17	<b>regard</b> 156:6	100:20
161:5	79:5 81:3,7	<b>ramp</b> 41:8	18:2,9,11	<b>reason</b> 83:24	104:3	<b>regarding</b> 2:5	<b>remarks</b>
<b>purport</b>	83:21 85:2	61:7 93:16	22:18 23:8	102:3 134:8	<b>recognizes</b>	64:16	168:21
170:14	89:17 90:12	<b>ramped</b>	29:16 39:12	<b>reasonable</b>	17:2 22:7	133:10	<b>remember</b>
<b>purpose</b>	109:2,22	26:10	40:24 42:17	24:6 48:21	45:10 65:24	138:6 151:8	141:25
136:19	110:14,16	<b>ran</b> 48:25	42:20 43:16	52:3,3	71:7	<b>Regardless</b>	<b>remittance</b>
139:21	113:5 114:3	<b>range</b> 22:22	43:19 44:5	53:13,15	<b>recognizing</b>	60:5	40:9
<b>purposes</b>	148:24	23:11,11	67:12 68:7	76:15 77:6	103:20	<b>region</b> 88:3,4	<b>remitted</b> 32:2
5:20 132:14	161:3	144:10	89:10 93:12	135:7	<b>recommend</b>	103:23	32:6,8,22
<b>pursuant</b>	<b>questions</b> 6:2	<b>ranked</b>	112:20	<b>reasons</b> 39:21	80:13	<b>regional</b>	<b>remote</b> 113:8
3:12	6:9 35:23	122:13	140:14	87:23 106:9	<b>recommend...</b>	12:15,17	<b>Rendell</b> 87:7
<b>pursuing</b>	37:2 54:8	<b>rapid</b> 76:10	159:11	107:14	61:7	101:14	<b>render</b> 74:7
128:15	57:25 58:6	78:14	165:13,23	134:7	<b>reconvene</b>	<b>regular</b> 9:17	<b>rendered</b>
<b>push</b> 133:10	58:13 66:7	<b>rapidly</b> 122:7	<b>real-world</b>	159:13	172:9	<b>reinforced</b>	57:20 71:15
<b>pushed</b> 164:6	83:5 109:11	129:14	148:10	166:6	<b>record</b> 13:11	159:9	<b>renewable</b>
<b>pushes</b> 101:4	120:4	<b>Rasheedah</b>	<b>realistic</b>	<b>recall</b> 65:4	37:19 121:3	<b>Reinvestme...</b>	129:17
	132:22	120:17					

Committee of the Whole  
May 8, 2019

Page 16

<b>rent</b> 29:8	<b>require</b> 40:4	<b>resolution</b>	167:18	<b>RFPs</b> 9:7	<b>rising</b> 122:7	49:2 53:2	<b>season</b> 41:8
<b>rental</b> 16:8	75:7 98:17	1:15 2:7,9	<b>returns</b> 48:15	<b>Rhynhart</b>	<b>risk</b> 124:12	124:18	42:11 57:13
28:7 121:17	98:18	2:25 3:2	97:22	160:12	<b>roads</b> 144:25	<b>saying</b> 12:8	<b>second</b> 29:10
<b>renting</b> 25:12	101:25	76:11 78:14	<b>revenue</b> 4:6,7	<b>ride</b> 101:24	<b>Rob</b> 61:25	52:23 115:2	34:22
<b>rents</b> 29:14	102:2	126:17	4:19 5:4,23	<b>Rideshare</b>	82:8 102:6	151:3	102:14
29:15 122:7	<b>required</b>	<b>resolutions</b>	5:24 10:22	115:19,24	104:12	154:13	107:9
<b>repeat</b> 36:18	147:13	125:7	12:2 17:22	116:7	116:5	<b>says</b> 161:21	134:12
109:21	<b>requirement</b>	<b>resolve</b> 45:17	20:4 21:2	<b>right</b> 7:18 8:3	<b>roll</b> 19:16	<b>scanned</b>	143:11
<b>replace</b> 87:3	137:3	<b>resolved</b>	26:19 36:2	8:24 11:11	35:15 127:4	144:19	152:6
104:7 159:7	<b>requirements</b>	53:24 54:2	36:7 43:7	14:6,24	<b>rolling</b> 66:22	<b>scanner</b>	158:17
<b>replacement</b>	136:23	80:2	81:22 82:12	15:20 18:12	81:21	144:19	<b>seconds</b> 148:4
5:11,21	137:6	<b>resolving</b>	87:4 91:20	20:7 21:11	<b>rollout</b> 135:9	160:3	<b>secrecy</b>
<b>report</b> 41:17	<b>requires</b>	57:21	95:9,19,21	22:2,24	<b>Room</b> 1:6	170:22	136:25
122:11	105:15	<b>Resource-w...</b>	100:24	23:4 30:10	172:9	<b>scanners</b>	<b>secret</b> 13:20
132:4 155:3	134:22	62:21	101:3	31:5,5,13	<b>Rossi</b> 120:16	170:20	<b>section</b> 40:18
155:10,11	136:19	<b>resources</b>	102:22	31:17 38:23	<b>rough</b> 99:25	<b>scantron</b>	<b>secure</b> 146:7
155:16	<b>requiring</b>	61:8,21	109:5,7	41:23 43:7	<b>roughly</b>	170:23	146:11
156:2,8,15	111:15	92:18	110:22	44:23 48:3	22:22 24:18	<b>schedule</b>	159:21
156:17,19	<b>rescind</b>	135:16	112:2,6	49:19,21	<b>RPR-Notary</b>	69:25 73:4	160:6
<b>reported</b> 43:2	133:14	155:21	114:9	50:7 51:15	173:15	<b>scheduled</b>	<b>see</b> 11:2,3
114:13	134:3	161:16	116:12	58:8 64:10	<b>rules</b> 119:6	43:8 70:22	15:8 19:19
131:20	<b>research</b>	<b>respect</b> 3:8	117:2,6	64:12 67:15	119:13	<b>Schmidt</b>	33:4,17
<b>reporter</b>	14:11,12	8:21 60:12	127:22	68:10 69:8	<b>run</b> 36:10	136:11	34:8 42:5
173:24	40:4,16	119:13	<b>Revenue's</b>	70:25 72:20	40:10 49:24	138:22	48:12 49:13
<b>reporter's</b>	<b>reside</b> 127:8	126:16	6:2	73:6 75:6	149:20	139:2	51:10,23
114:24	165:25	129:19	<b>revenues</b>	75:13,14	<b>running</b>	<b>Schmidt's</b>	68:5 70:17
<b>reporting</b>	<b>residence</b>	<b>respectfully</b>	102:18	76:4,7 78:8	80:16 138:6	140:3	84:25 90:9
148:20	16:4	165:22	<b>review</b> 58:18	79:21 81:9	138:9	<b>school</b> 4:23	90:17 91:9
<b>reports</b> 5:18	<b>resident</b>	<b>respond</b>	58:24 59:5	81:10,22	<b>Rutgers</b>	23:10 76:13	93:14 95:6
68:6 82:20	83:11	114:24	69:2,9	86:2 90:15	127:16	91:14 95:7	95:8 97:17
89:9 121:20	128:14	129:11	70:11 74:5	93:20 96:16		95:14,18	106:24
<b>represent</b>	<b>residential</b>	134:16	74:18	96:24 97:19	<b>S</b>	115:21	148:16
141:22	57:16	<b>response</b>	<b>reviewed</b> 9:11	97:24 99:20	<b>S-E-I-T-C-...</b>	116:8	167:13
<b>representat...</b>	105:16	58:24	148:3	103:12	150:8	128:20	<b>seeing</b> 51:12
121:11	106:8 110:8	114:17	<b>reviewer</b>	105:2 107:4	<b>safe</b> 38:21,25	161:13	94:25 95:2
123:22	111:10	158:8	70:17	112:16	171:11	163:25	<b>seek</b> 109:13
124:6	113:9	168:13	<b>Revised</b> 3:4	115:21	<b>safeguard</b>	164:23	110:2
125:10,12	<b>residents</b>	<b>responsibility</b>	<b>revising</b> 2:22	116:9,10,22	159:10	<b>schools</b> 11:16	<b>seemingly</b>
<b>representat...</b>	6:20 78:23	28:13 32:17	<b>Revision</b> 4:6	118:7	<b>safeguarding</b>	108:8	161:18
48:3	82:16	39:2	56:17,24	133:23	159:5	128:21	<b>seen</b> 35:7,15
<b>represented</b>	103:21	<b>responsible</b>	<b>revocation</b>	137:24	<b>salary</b> 5:9	144:25	65:3 104:22
137:24	109:9	10:13	8:17 94:17	138:16	8:13	145:6	<b>sees</b> 46:10
<b>reproduction</b>	122:13,18	<b>rest</b> 101:4	94:19	149:5	<b>Sale</b> 109:14	<b>Scott</b> 150:9	<b>Seitchik</b>
173:21	123:7	125:22	<b>revoke</b> 94:20	162:19	110:3	154:18	150:9 153:5
<b>request</b> 24:2	162:16	<b>restarts</b> 80:7	<b>revolutionize</b>	163:10,24	111:11	<b>screen</b> 147:10	153:6
24:8 134:14	164:18	<b>result</b> 32:9	12:3	168:15	<b>sales</b> 113:9	154:25	<b>select</b> 135:5
160:15,19	165:3	63:21	<b>rewarded</b>	<b>rights</b> 27:4	<b>satisfied</b>	155:3	136:15
161:11	<b>residents'</b>	169:23	138:17	125:2	107:3	156:18,21	<b>selected</b> 43:4
165:20,23	122:20	<b>resulted</b> 57:6	<b>RFP</b> 134:19	137:21,23	<b>satisfy</b> 16:13	156:21	113:18
<b>requesting</b>	<b>Resilience</b>	<b>results</b> 171:2	134:22	<b>Ripley</b> 158:10	<b>save</b> 44:7	157:4	136:9
5:4 69:16	85:20	<b>retained</b>	136:23	162:3,4,8	141:3 146:7	<b>screens</b>	146:12
<b>requests</b>	<b>resiliency</b>	142:25	137:11	<b>ripped</b>	<b>saved</b> 87:10	145:12	156:5
114:18	129:13	<b>retirements</b>	146:6	130:19	<b>saving</b> 130:17	157:18	<b>selecting</b> 43:3
					<b>saw</b> 43:25		

Committee of the Whole  
May 8, 2019

156:20 <b>selection</b> 128:23 134:3 136:12 <b>selection/de...</b> 155:24 <b>selections</b> 156:11 157:4 170:15 <b>self-select</b> 153:4 <b>self-service</b> 48:13 <b>sell</b> 16:11 109:13 110:2 <b>send</b> 30:7 59:21 79:15 85:13 98:19 <b>sending</b> 43:11 49:22 51:10 <b>senior</b> 49:10 50:25 <b>seniors</b> 51:9 165:24 <b>sense</b> 69:20 78:15 105:23 106:6 <b>sent</b> 39:12 42:17,22 69:10 125:23 <b>sentence</b> 143:17 <b>separate</b> 60:13 <b>separated</b> 58:15 <b>sequester</b> 29:24 <b>sequestering</b> 25:10 <b>sequestration</b> 7:6 24:24 25:7,15 27:3,6 28:15,24 29:5 91:11 91:15,25 92:6,11,14	93:10 94:15 <b>series</b> 6:13 <b>serious</b> 32:21 122:19 161:9 <b>serve</b> 137:25 <b>service</b> 13:7 52:5 53:8 53:16 70:10 113:9 <b>service-level</b> 39:24 <b>services</b> 4:23 5:18,21 48:13 103:22 106:2 121:10 124:3 145:2 <b>servicing</b> 128:11 <b>session</b> 80:6,9 <b>sessions</b> 75:4 <b>set</b> 31:16 73:22 127:25 <b>settlement</b> 38:8 <b>seven-mem...</b> 76:3 <b>Seventy-five</b> 57:15 <b>several-year</b> 10:17 <b>severe</b> 155:20 <b>sewer</b> 42:21 44:4,5 110:4 <b>share</b> 18:14 69:24 <b>sharing</b> 64:2 <b>Sheriff</b> 35:24 35:24 109:14 110:3 111:11 <b>Sheriff's</b> 36:15,21 <b>short</b> 48:16 140:25 <b>shortening</b> 58:7 <b>shorter</b> 6:7,7	40:3 <b>shortfall</b> 95:25 <b>show</b> 8:11 87:19 102:21 124:19 <b>showed</b> 122:6 139:19 <b>shown</b> 85:6 125:8 <b>shows</b> 37:25 <b>shut</b> 28:10 <b>shut-offs</b> 113:8 <b>side</b> 11:7,10 63:11 70:15 70:17 <b>sides</b> 33:16 <b>sight</b> 145:9 <b>sign</b> 119:24 129:19 137:18 <b>signal</b> 85:13 <b>signed</b> 120:2 139:10,14 168:12 <b>significant</b> 12:6 18:25 23:2 28:8 49:6 84:15 <b>significantly</b> 103:3 124:2 <b>signing</b> 161:4 <b>similar</b> 12:20 29:18 74:11 79:13 80:14 94:17,18,25 95:2 123:20 147:7 <b>simple</b> 11:21 29:2 <b>simply</b> 103:20 120:23 156:24 <b>simultaneo...</b> 149:18 <b>single</b> 28:22 84:6 157:9 <b>sink</b> 144:21 <b>sir</b> 146:18 150:5	171:20 <b>sit</b> 95:20 <b>site</b> 43:5 <b>sitting</b> 13:16 34:7 <b>situation</b> 32:11 49:25 <b>situations</b> 32:19 95:3 106:5 <b>six</b> 2:12 52:22 67:24 76:16 77:6,8 123:17 <b>six-day</b> 53:13 <b>sizable</b> 34:2 <b>size</b> 156:23 <b>skirting</b> 137:5 <b>slightly</b> 156:25 <b>slow</b> 39:16 <b>smacked</b> 152:18 <b>small</b> 38:21 83:19 104:19 <b>smaller</b> 93:15 103:7 117:20 <b>Smith</b> 49:21 <b>snapshot</b> 153:7,11 <b>so-called</b> 170:7 <b>society</b> 88:7 129:16 <b>software</b> 47:19 48:5 48:7 169:8 <b>sold</b> 26:23 136:9 <b>solely</b> 140:5 <b>somebody</b> 16:6 69:23 70:14 <b>sorry</b> 27:13 36:18 96:10 109:21 131:25 <b>sort</b> 19:22 20:10 90:18 <b>sought</b>	136:22 <b>sounds</b> 22:24 74:10 154:13 <b>sources</b> 167:5 <b>Southeastern</b> 101:2 <b>sparks</b> 46:8 <b>speak</b> 26:13 112:9 119:12 120:4 126:9 150:18 152:13 <b>specific</b> 89:12 89:15 117:24 <b>specifically</b> 34:13 44:13 65:6 <b>specificity</b> 130:3 <b>speed</b> 18:18 39:6 55:21 62:11,15 <b>spell</b> 150:7 <b>spend</b> 63:24 145:20 146:9 159:25 <b>spending</b> 3:24 57:3 144:22,23 161:19 <b>spent</b> 146:21 <b>spike</b> 75:11 76:17 <b>spirit</b> 132:23 <b>split</b> 62:17 75:2,12,19 76:3,7 78:5 <b>splitting</b> 75:9 <b>spoke</b> 45:24 73:13 <b>spooky</b> 84:2 <b>spot</b> 6:22 <b>spread</b> 151:3 <b>spring</b> 72:5 77:22 <b>spurious</b> 169:17 170:9 <b>Square</b> 88:7	<b>Squilla's</b> 79:6 <b>stability</b> 105:11 <b>stable</b> 105:3 <b>staff</b> 5:10 10:2,9 12:5 12:8 17:11 61:24 62:5 124:16 131:22 135:16 <b>staffed</b> 76:25 <b>staffing</b> 41:9 <b>stakeholder</b> 162:22 <b>stand</b> 118:20 172:7 <b>standard</b> 18:9 36:5 <b>standards</b> 48:21 137:13 <b>start</b> 28:23 43:10 52:11 59:5 77:7 78:16 80:8 108:17,18 108:18 148:16 <b>started</b> 2:3 27:8 28:4 28:19 33:21 34:3 35:13 35:14 84:12 86:14,21 92:17 94:24 106:18 119:2 <b>starting</b> 6:23 26:12 101:12 <b>starts</b> 39:4 77:8 <b>state</b> 16:17 28:9 47:24 61:2 83:9 89:14 101:5 126:12,12 128:11,14 128:16,17 128:22 137:20 155:2	166:17 <b>State's</b> 159:6 <b>stated</b> 14:7 132:5 <b>statement</b> 129:21 133:13 141:3 <b>statements</b> 71:20 <b>states</b> 105:19 107:5 123:19 133:17 156:8 159:10 <b>statistics</b> 87:13 <b>status</b> 107:4 132:12 <b>stay</b> 19:10,23 163:10 165:5 <b>stays</b> 27:3 167:15 139:4 140:5 <b>Steering</b> 168:19 <b>stenographic</b> 173:6 <b>step</b> 70:16 <b>stepped</b> 139:2 <b>steps</b> 133:24 <b>stick</b> 119:16 <b>Stitt</b> 2:8 3:19 4:8 120:14 <b>stocked</b> 76:25 <b>stop</b> 149:17 <b>stopped</b> 39:11 <b>stops</b> 80:7 <b>storage</b> 160:22 <b>stored</b> 38:6 38:10 <b>story</b> 70:15 169:20 <b>straight</b> 58:4 148:21 155:25 156:11 <b>strangers</b>	123:3 <b>strategies</b> 30:22 <b>strategy</b> 7:24 7:25 85:3 94:4 <b>stratify</b> 118:12 <b>street</b> 46:6 154:6,11 <b>streets</b> 114:5 <b>stress</b> 160:8 <b>stressed</b> 9:22 <b>strike</b> 105:6 114:6 <b>striving</b> 39:25 41:3 <b>strongly</b> 76:9 <b>structure</b> 67:4 <b>stuck</b> 149:21 <b>student</b> 128:19 129:3 <b>studies</b> 82:20 84:18 85:5 87:19 121:19 <b>study</b> 44:2 90:9 122:4 126:22,24 127:3 169:15 <b>stuff</b> 28:5 <b>stuffing</b> 170:8 <b>stunned</b> 64:21 <b>subcontract...</b> 32:10 <b>subject</b> 119:16 144:3 <b>subjects</b> 127:15 <b>submitted</b> 3:9 74:17 <b>submitting</b> 148:2 <b>suburban</b> 16:10 100:19 101:10 <b>suburbs</b> 16:7
---	--	---	---	--	--	---	--

Committee of the Whole  
May 8, 2019

Page 18

87:16,17 88:4 101:7 <b>success</b> 9:23 125:18 <b>successful</b> 9:14 10:16 13:6 33:24 57:8 94:7 154:21 157:13 <b>successfully</b> 66:12 <b>sued</b> 130:6 <b>sufficient</b> 75:2 <b>suggested</b> 37:23 <b>suggesting</b> 119:18 155:19 <b>suggestion</b> 106:23 <b>summarize</b> 129:23 <b>summary</b> 57:23 147:12 148:2 <b>summer</b> 59:21 163:23 <b>sunshine</b> 132:17,23 133:3 151:6 <b>supermarket</b> 147:8 <b>supervised</b> 139:7 <b>supervision</b> 173:23 <b>supervisor</b> 10:11 <b>supply</b> 117:13 <b>support</b> 4:21 5:15,20 82:10 123:9 125:16 166:19 <b>supported</b> 89:7 <b>supporting</b> 8:15	<b>supportive</b> 77:13 <b>sure</b> 7:7 13:25 19:21 24:11 44:10 61:22 65:22 70:4 100:10 102:13 105:11 113:2,20,25 119:11 120:24 131:7,10 138:15 141:16 156:13 164:22 165:3 168:4 171:16,23 <b>surprised</b> 14:10 <b>surrogates</b> 140:7 <b>symbolism</b> 87:10 <b>system</b> 8:16 9:2,3,9 11:12,20 12:20,24 40:9 47:4,5 51:19 80:17 99:5,6,6 132:7 133:11,19 133:25 134:8 135:6 135:10,14 136:9,13,15 136:16,19 137:7 138:7 138:16 140:20 141:2,7,8 141:10,15 145:23 146:6,10,11 151:9,14,21 152:8,16 153:18 154:21 159:18 160:3 170:12	<b>systems</b> 9:12 124:9,25 135:3 151:23,24 152:23 154:25 159:8 160:6 171:9 <hr/> <b>T</b> <hr/> <b>table</b> 4:12 56:15 82:2 82:11 120:19 121:6 135:25 150:11 158:12 168:10 <b>take</b> 10:10 15:24 20:16 44:11 52:13 59:15 97:16 99:8 100:12 101:23 102:14,20 103:24 107:17 109:18 114:6,9 152:4,22 154:2 <b>taken</b> 172:2 173:6 <b>takes</b> 37:19 38:7,9 41:20 64:5 145:4 <b>talk</b> 7:15 13:8 23:18 61:20 63:9 84:21 91:20,24 92:2 96:11 111:19 119:20 128:25 133:21 154:12 <b>talked</b> 25:5,8 42:15 44:12 46:24,25 47:12 60:8 85:9 92:5 93:4 104:13	<b>talking</b> 24:14 99:7 153:10 <b>talks</b> 107:10 <b>tally</b> 141:17 <b>TAP</b> 21:17 109:3,25 110:19 112:22 <b>target</b> 64:11 64:13 72:21 <b>tasks</b> 156:9 <b>Taubenber...</b> 1:12 45:11 45:12,21 46:15,21 49:7 50:4 50:14 51:3 51:25 52:10 53:6,10 54:3,10,23 55:6,12,16 55:22 56:2 <b>taught</b> 11:16 127:14 <b>tax</b> 2:22,22 4:7 5:12,20 6:24 7:8 8:16,25 12:18,24 14:8,22 15:2,10 18:9,11,21 30:20 32:6 32:7,12,18 32:19,20 34:13,18,20 35:2 41:8 42:11,17,20 43:19 47:4 47:18,20,21 48:15 57:5 57:12 64:8 64:22 65:4 67:6 78:3 79:24 80:10 81:22 82:15 82:19,21,24 83:10,15,20 84:17,21,23 85:7,16 86:10,12,25 87:4 88:13 88:22 89:11	90:2 94:19 97:7,11,16 97:22,23 98:11 100:6 100:8,17 101:18,19 102:10,19 102:21,23 103:4,5,9 103:15,21 104:4,11,16 104:21,24 105:4,4,5 105:18,22 162:21 165:24 <b>tax-exempt</b> 130:10 <b>taxable</b> 57:6 68:9 <b>taxation</b> 127:14 <b>taxed</b> 163:5 <b>taxes</b> 4:7 7:10 11:4 15:7 16:9 19:13 22:18 24:13 25:21,23 26:4 29:6 29:11 30:8 31:23,25 32:3 36:16 36:22 37:25 39:13 40:24 48:6 56:18 56:24 66:9 66:11 68:20 84:20 85:7 85:10,14 87:24 88:24 90:17 94:16 95:12 103:7 104:22,25 105:3,24 106:15,25 114:11,20 117:11 122:8 143:25 150:21 162:14,21 163:11 164:7,8,13	165:13,16 166:13 <b>taxing</b> 48:22 <b>taxpayer</b> 10:25 37:17 37:20 38:4 69:10,22 131:18 146:8,9 <b>taxpayer's</b> 70:17 <b>taxpayers</b> 5:2 10:22,24 37:24 43:13 48:8,20 50:22 51:20 52:24 59:16 71:21 117:25 <b>teach</b> 153:25 <b>team</b> 6:11 9:16,16,22 112:21 <b>teasing</b> 108:23,23 <b>technological</b> 5:15 <b>technology</b> 43:23 49:8 49:18 50:6 50:9 51:17 51:18 147:21 <b>Ted</b> 148:11 148:23 <b>tell</b> 6:5 14:21 17:25 19:18 58:16 134:2 <b>telling</b> 29:20 <b>tells</b> 122:15 <b>temp</b> 62:5 <b>Temple</b> 127:16 <b>temporarily</b> 140:20 <b>ten</b> 61:24 <b>tenant</b> 26:25 27:4 28:16 124:10 <b>tenant's</b> 26:21 <b>tenants</b> 25:25 28:10,14	29:7 121:12 123:25 124:4,6,11 124:18,22 125:2,6,9 125:12 <b>tend</b> 94:9 <b>tenet</b> 137:9 138:3 <b>tens</b> 121:15 <b>term</b> 49:20 <b>terms</b> 2:23 6:22 13:9 29:2 59:2 102:17 120:11 146:25 163:8,9 <b>test</b> 131:22 141:2 <b>tested</b> 134:9 <b>testify</b> 4:9 56:22 82:10 119:14,24 121:13 144:2 <b>testifying</b> 60:9 158:20 <b>testimony</b> 4:4 5:18 6:6 7:15 8:14 54:14 56:10 58:4,7 71:3 83:4 90:24 118:22 120:9,21,25 125:22 126:2 131:8 132:16 135:19,21 140:12 146:17 150:5 153:3 154:16 158:5 161:25 165:8 166:16 167:24 171:15,22 171:25 <b>Texas</b> 148:19 <b>text</b> 156:20	156:23,25 <b>thank</b> 3:19 4:20 6:8,10 7:3,11,13 16:17,25 17:4,10 22:2,2,4,6 22:15 44:24 44:24 45:3 45:4,6,9,13 45:15,21 56:4,6,8,9 56:11,12 58:3,10,10 65:21,25 67:10 71:2 71:4,6,9 79:2 81:11 81:12,13,14 81:14,16,17 83:7 86:2,4 90:23,24,25 91:2,5 107:23,24 111:13 113:4 118:14,14 118:16,17 118:19,22 119:2 120:10,13 121:13 125:23,25 126:5,7,21 130:24 131:5,7,13 131:14 135:19,19 135:20 143:16,22 143:25 146:14,16 146:16 150:2,3,5 150:12,17 152:25 153:3 154:16,16 154:17 157:25 158:3,4,23 158:23,25 161:23,25
---	---	--	---	--	---	---	--



161:25	89:24 90:2	<b>thresholds</b>	<b>Timothy</b>	145:11	173:7	170:3	<b>United</b> 107:5
165:8,8	90:11,21	97:17	135:23	147:9,10	<b>trust</b> 32:20	<b>two-year</b>	<b>units</b> 74:25
167:20,22	91:23 93:11	118:10	<b>TIPS</b> 5:11,21	154:25	<b>try</b> 48:5	24:19	<b>universal</b>
167:23	93:13 94:7	<b>thrust</b> 122:23	99:5	155:3	88:25 94:9	<b>type</b> 74:14	123:24
168:4,5,15	95:7,10	<b>ticket</b> 148:21	<b>titles</b> 2:9	157:18	99:22 117:9	98:15 115:9	157:11
171:13,15	98:23	<b>Tier</b> 18:6	<b>toasted</b>	<b>touched</b>	<b>trying</b> 7:9	170:21	<b>universally</b>
171:20,22	100:15,25	19:16	138:14	17:14 24:24	23:3 32:25	<b>types</b> 88:13	157:16
172:3,3,11	101:7,16	<b>Tiered</b> 109:3	<b>today</b> 3:20	<b>touching</b>	42:9 61:19	117:4	<b>University</b>
<b>Thanks</b> 82:8	104:10,20	<b>tiers</b> 20:14	4:4 5:22	139:24	64:15 65:4	<b>typically</b> 70:3	127:10
<b>then-Gover...</b>	105:2,22	<b>tight</b> 132:6	23:8 27:22	<b>track</b> 41:15	84:3 93:22		<b>unjust</b> 114:6
87:7	112:14	<b>Tim</b> 146:20	28:3 87:14	51:13 94:18	93:25 94:3	<b>U</b>	<b>unpaid</b>
<b>they'd</b> 49:3	115:11,15	169:14	90:24 114:3	<b>tracks</b> 101:10	96:2 105:2	<b>Uber</b> 114:4,9	109:14
<b>thing</b> 51:16	126:23	<b>time</b> 10:5	116:2	<b>trading</b> 85:24	109:24	114:10	110:3
61:20	128:3 148:9	20:14,16	118:21	<b>traditional</b>	110:17	115:2	<b>unpredicta...</b>
144:20	149:3,12	22:17 37:5	121:14	60:5	117:8	<b>unacceptable</b>	84:23
147:4	154:10	37:6 39:3	132:16	<b>trail</b> 152:9,17	149:20	148:8 155:6	<b>unravels</b>
163:14	162:23,23	41:16,25	136:7	<b>trained</b>	162:21	<b>unbiased</b>	122:25
<b>things</b> 11:3	163:2	43:2 48:16	150:18	153:24	163:15,21	134:14	<b>unrelated</b>
11:19 46:24	<b>thinks</b> 153:8	50:13 58:19	151:4	<b>training</b>	<b>tsunami</b>	<b>unclear</b> 96:25	119:21
49:9 55:23	<b>third</b> 107:9	59:16 61:13	158:20	131:21	41:10 48:14	<b>uncovered</b>	<b>unsustaina...</b>
76:10 85:19	134:25	62:10,17	160:20	<b>transcript</b>	<b>Tuesday</b>	152:16	167:16
90:7 108:9	<b>thought</b>	74:2 76:16	<b>told</b> 18:10	173:8,21	172:7	<b>under-voting</b>	<b>untapped</b>
108:13,19	52:13 91:23	81:15 84:4	35:24 36:3	<b>transit</b>	<b>turn</b> 25:23	170:5	123:5
116:19	<b>thoughtful</b>	84:14 86:17	128:25	101:24	28:15	<b>underestim...</b>	<b>unusual</b>
119:21	113:21	100:22	137:4 144:8	108:8	115:14	64:25	36:11
142:11,22	<b>thoughts</b>	115:19	<b>tonight</b>	<b>transition</b>	<b>turning</b> 28:6	<b>undersigned</b>	<b>up-front</b>
145:22	104:9	119:14	119:17	129:14	<b>turns</b> 141:5	165:21	144:15
162:13	<b>thousands</b>	126:18	<b>tool</b> 25:16	<b>transparency</b>	<b>Turpin</b>	<b>understand</b>	<b>upsetting</b>
163:12	59:17 65:7	133:14,16	31:5,12,14	137:3	158:10	14:24 31:21	154:3
<b>think</b> 7:23	74:16,20	133:20	33:2 34:3	<b>transparent</b>	165:10,11	32:23 48:22	<b>urbanization</b>
10:2 13:6	121:15	134:16,17	34:10 92:6	136:20	167:25	49:4,8	100:18
13:19 16:18	<b>threat</b> 159:11	135:7,9,15	92:7 93:8	151:19	<b>tutoring</b>	58:19 80:19	<b>urge</b> 77:14
19:8,24	<b>three</b> 22:21	137:3	94:10	<b>transportat...</b>	163:25	83:14 95:6	<b>urgency</b>
22:14,17	39:13 42:15	140:19,25	125:14	160:23	<b>twice</b> 62:18	97:2 101:9	133:10
24:8 30:25	44:18 46:4	145:21	<b>toolkit</b> 33:2	<b>trash</b> 30:17	92:23	127:18	<b>urgent</b> 76:10
31:16 33:12	52:24 67:7	146:5	<b>tools</b> 31:3,4	<b>traveling</b>	145:12	147:5	127:22
33:20,23	73:8,15	149:20	31:17 33:7	146:22	<b>two</b> 10:18	155:22	<b>use</b> 9:21 26:6
34:15 35:10	75:16,21	151:12	33:12 94:14	<b>tray</b> 52:25	24:3,4,16	166:15	26:12 27:25
43:2,25	78:3 89:22	152:22	95:2	<b>trays</b> 42:2	33:16 37:2	<b>understand...</b>	34:8 47:20
44:12,15	114:18	161:8 164:6	<b>top</b> 17:24	<b>Treasurer's</b>	42:3 53:5	78:13	93:13 94:19
46:20 48:18	117:3 120:3	172:9	18:22	38:17 55:10	58:15 59:13	<b>undervalued</b>	102:3 106:2
49:19,20	120:22	<b>timeline</b> 60:5	106:12	<b>trending</b> 7:18	60:13 65:2	64:25	136:18
50:7 51:21	130:6	<b>timely</b> 57:9	107:4	8:2,3 51:15	66:23 73:14	<b>underway</b>	145:23
52:2,6	150:15	61:11 63:13	<b>total</b> 11:8	<b>Tribune</b>	73:17 74:11	57:13	153:25
53:14 58:6	170:10	159:3	18:13 21:5	148:19	75:3,24	<b>unethical</b>	170:12
58:20 60:7	<b>three-week</b>	<b>timer</b> 120:7,8	23:8 27:15	<b>tried</b> 93:16	85:7 87:24	138:4	<b>users</b> 156:24
64:15 65:4	42:5 46:10	<b>times</b> 40:20	30:12 31:24	106:10	88:23	<b>unhappy</b>	<b>USPS</b> 41:23
72:17 73:13	52:6	40:21 41:14	65:11 68:7	<b>tripled</b> 65:11	130:11	69:22 70:7	42:8
74:9 76:9	<b>three-year</b>	41:22 68:18	68:8	<b>trips</b> 142:21	134:24	<b>Uniformity</b>	<b>usual</b> 41:7
76:15,19,21	10:19	70:3	<b>totally</b> 106:7	<b>true</b> 105:21	138:5	105:14	136:16
77:6,12	<b>threshold</b>	<b>timing</b> 58:13	119:21	116:5	145:21	<b>unions</b>	<b>usually</b> 69:7
80:15,16,19	97:6 100:6	71:25 80:5	<b>touch</b> 25:8	130:21,22	151:15	138:24	75:11
87:7,9	117:19	80:9 139:21	28:16,17	151:20	152:19	<b>unit</b> 40:15	<b>utilize</b> 33:8
						121:9	

Committee of the Whole  
May 8, 2019

Page 20

34:6	<b>versus</b> 63:19	170:23	98:24	113:19	18:17 30:11	52:23 53:25	112:15,23
<b>V</b>	64:19 88:20	<b>voters</b> 133:12	<b>W-2's</b> 98:19	119:2,5,20	43:18,19	59:17,20,25	117:13
<b>vacancies</b>	100:22	134:9 141:6	99:9	120:10	47:22,24	61:18 62:21	151:21
75:21	106:25	141:9	<b>wage</b> 2:21	134:10	48:9,10	64:10,11	152:13
<b>Valley</b> 88:8,9	140:20	145:12	31:22,25	149:12	61:11 76:18	66:22 67:5	162:17,24
100:23	141:2	147:25	32:3,6,18	150:17	77:12 79:12	68:20 72:20	<b>wealth</b> 88:3,4
<b>valuation</b>	<b>veteran</b> 167:9	148:6,20	32:19 82:15	165:2	80:15 89:5	73:15 77:23	101:6,6
68:17	<b>viable</b> 34:15	153:19	82:19,21,24	171:22	104:7	78:4 79:18	<b>wealthiest</b>
<b>value</b> 57:5	<b>Vickie</b> 150:7	154:24	83:10,20	<b>wanted</b> 24:22	105:21	83:5,10	88:5,10
63:18 65:7	153:6 168:6	155:6,20	84:17 85:6	61:10 86:10	106:8 107:3	85:13 89:2	105:25
65:8,11,12	<b>victory</b>	156:3 157:6	85:9,16	91:8 146:25	107:17,19	89:3,24	<b>Wednesday</b>
66:12,21	148:14	157:8,12,19	86:10,12	<b>wants</b> 42:20	115:6	91:24 92:8	1:7
67:5,11	<b>view</b> 70:10	157:19,23	88:22 89:11	84:3	159:22	92:22,23	<b>week</b> 38:13
68:7,9	<b>Virginia</b>	157:23	89:19 90:2	<b>warehouse</b>	163:18	93:2,13	42:3 57:22
100:23,23	135:15	159:19,23	97:7,11,23	31:6 93:6	165:2 170:8	94:7,12,13	73:5,7,8,9
134:21	<b>vision</b> 155:7	169:14	98:11 100:8	161:3	<b>ways</b> 106:14	94:25 95:2	73:11,20,21
136:13,18	157:3	170:3,15	100:17	<b>warehousing</b>	129:25	95:21,22,23	74:10 75:5
137:2,9,13	<b>visited</b> 128:9	<b>voters'</b>	101:18	140:15	<b>we'll</b> 8:4	95:24 96:2	75:16
138:3	<b>volatile</b>	170:15	102:10,19	<b>warned</b>	10:10 14:20	96:14,16,19	134:12
145:13	104:24	<b>votes</b> 147:19	102:21,23	141:10	19:17 43:15	103:8,20	<b>weeks</b> 39:13
<b>values</b> 63:17	105:4	148:12,13	102:24	<b>Wash</b> 143:25	43:20,23	104:3,10,23	42:3 46:4
64:19,24	<b>volume</b> 41:13	148:22	103:9,14	<b>Washington</b>	47:3 48:13	105:8 107:3	52:24 53:5
122:8	47:11 48:11	149:7 159:5	104:4,11,15	88:7	48:16 51:11	107:5,6,7,8	75:24
<b>variable-rate</b>	48:14 51:9	159:22	105:5,21	<b>wasn't</b> 29:3	51:21 64:12	107:11,13	130:11
130:10	57:10 61:24	169:17,19	114:11	60:23 70:12	72:10 91:24	108:22,24	135:4 144:5
<b>variety</b> 157:8	64:7,12,14	170:9,18,20	116:17	92:14 94:2	93:12	110:8	153:9
<b>various</b> 85:18	72:23 74:15	<b>voting</b> 132:6	<b>wages</b> 33:4	<b>water</b> 5:2	112:16	113:21	<b>weigh</b> 81:3
<b>vast</b> 11:11	74:24	132:11	<b>wait</b> 29:10	20:18 21:4	116:21	115:12	<b>welcome</b> 7:13
<b>vastly</b> 124:12	<b>volumes</b>	133:11,18	<b>waited</b> 48:25	21:21,24	117:19	116:5,6	45:20
<b>vault</b> 38:10	51:23	133:25	<b>waiting</b> 58:17	25:10,13	120:24	117:8	<b>Wells</b> 130:6
38:18 54:16	<b>volunteering</b>	135:10	<b>waiving</b>	26:12 28:7	131:9 168:4	118:25	<b>went</b> 19:8,15
54:17 55:20	163:24	136:15	139:14	28:8,11,15	171:16,23	119:7,15,17	92:20 94:23
<b>vendor</b> 42:25	<b>vote</b> 134:4	138:6 144:7	<b>walk</b> 35:25	28:16,24	<b>we're</b> 2:3 8:7	120:6	162:15
43:4,4,5	138:15	144:13	36:6,9	29:18 30:4	9:6,8,24,24	124:23,25	<b>weren't</b> 86:19
44:13	139:2 142:6	146:24	<b>walking</b>	30:13 42:21	10:3,5,7,8	125:18	<b>West</b> 143:25
137:12	143:24	151:8,14	164:21	43:10,11,14	10:14,15	145:20	<b>whoopsie-d...</b>
138:24	144:6,8,18	154:21,25	<b>walks</b> 37:4	43:14,18	11:24 14:11	149:21	18:19
142:17,23	145:19	155:4 156:2	<b>want</b> 6:10,10	44:4,5 92:9	14:17 15:19	151:3 152:2	<b>wide</b> 157:8
143:5,12	153:22	157:10	6:25 7:2,11	109:8,10,19	19:19,24	<b>we've</b> 7:25	<b>WILLIAM</b>
<b>vendors</b> 34:8	154:7 157:7	159:8	16:17 17:10	110:3	20:13 23:3	8:2 9:10,11	1:11
134:16,21	170:6	161:20	17:17 22:11	111:10,14	23:6 26:12	9:15 13:14	<b>willing</b> 45:15
134:23	<b>voted</b> 142:2	168:23	22:16 26:5	111:15,19	26:15 27:7	18:12 25:5	89:18,25
<b>vent</b> 62:14	148:21	170:12,21	28:13 37:11	112:4 113:6	28:18 29:20	28:5,20	145:20
<b>verge</b> 167:10	<b>voter</b> 131:18	171:4,7,9	43:17,19	113:8	29:23 31:2	34:10 35:4	<b>willingness</b>
<b>verification</b>	141:20,24	<b>VRDOs</b>	45:14 47:21	<b>water/sewer</b>	31:2,17,19	35:8,13,13	6:11
147:23	141:25	130:14	47:25 50:6	109:15	38:15 39:24	35:14,15	<b>win</b> 124:20
<b>verified</b>	142:7 147:9	<b>vulnerable</b>	50:22 51:7	<b>waterfall</b> 10:6	41:3,9,11	47:14 53:22	<b>winding</b>
155:10	147:12	18:7 122:17	52:14 55:17	<b>Waxman</b>	41:16,16,19	62:4,22,23	142:15
<b>verify</b> 147:13	153:7	123:7 124:4	56:9 60:10	5:24 17:21	41:23 42:25	65:3 76:9	<b>window</b> 37:17
147:16,19	169:11,17	141:12	62:13 74:4	17:22 19:4	43:11 46:2	84:13 92:8	76:15
148:7	170:6	160:4	78:22 85:16	20:6 34:21	48:18 50:23	92:10,12	<b>Winslow</b>
155:12	<b>voter's</b>	<b>W</b>	85:17 92:15	35:3	51:12 52:19	93:15	120:17
159:19	141:16,19	<b>W-2</b> 97:21	106:21	<b>way</b> 10:22	52:21,22,22	104:22	126:6,14

127:7	150:21	22:23 23:13	47:17 53:23	98:25	24:1 25:1	130:1 131:1	152:3
129:24	165:16	27:16,18,22	59:12,13	128:12	26:1 27:1	132:1 133:1	<b>20,000</b> 62:9
130:25	167:17	44:9 55:4	65:3 66:23	<b>11</b> 15:2,4,11	28:1 29:1	134:1 135:1	98:9,13
131:11	<b>workflow</b>	55:24 64:18	67:24 74:24	63:2 144:5	30:1 31:1	136:1 137:1	<b>2000</b> 122:6
<b>wise</b> 171:5	59:19	66:14 71:24	75:10 84:8	<b>11,472</b> 18:4	32:1 33:1	138:1 139:1	<b>2010</b> 87:20
<b>wisely</b> 146:9	<b>workforce</b>	73:16 75:23	92:12 117:3	<b>12,000</b> 122:8	34:1 35:1	140:1 141:1	<b>2013</b> 73:17
<b>wish</b> 119:23	102:3	92:4 110:15	128:12	<b>122</b> 20:7	36:1 37:1	142:1 143:1	122:6
150:25	<b>working</b> 7:3	<b>year</b> 2:18 3:4	146:22	<b>123,000</b>	38:1 39:1	144:1 145:1	<b>2014</b> 59:6
<b>withheld</b> 32:7	7:25 13:15	3:8 5:6,7	162:9	28:20	40:1 41:1	146:1 147:1	<b>2015</b> 114:11
32:20,22	13:22 16:19	6:2 17:19	165:12,25	<b>12th</b> 128:24	42:1 43:1	148:1 149:1	<b>2016</b> 149:6
<b>withhold</b>	31:2 35:17	19:7,8,17	166:20	<b>13</b> 86:14	44:1 45:1	150:1 151:1	<b>2017</b> 65:5
32:12	38:16 43:5	23:21 24:5	<b>yesterday</b>	103:6	46:1 47:1	152:1 153:1	87:20
145:22	43:6 53:7	25:2 30:9	35:23,24	<b>13,000</b> 57:4	48:1 49:1	154:1 155:1	114:12
146:10	53:25 62:5	30:17 37:25	144:5 151:8	<b>135</b> 83:22	50:1 51:1	156:1 157:1	123:6
<b>witness</b> 4:11	89:8 111:20	41:3,6,21	167:7	85:9	52:1 53:1	158:1 159:1	<b>2018</b> 18:3
56:14,14	124:23,25	43:9,9	<b>yesterday's</b>	<b>13th</b> 49:3	54:1 55:1	160:1 161:1	34:20 57:6
81:25	<b>worry</b> 167:4	44:14,17	131:19	<b>14th</b> 49:3	56:1 57:1	162:1 163:1	57:8 66:9
120:18	<b>worse</b> 148:18	49:22,23	<b>York</b> 87:18	172:8	58:1 59:1	164:1 165:1	72:4 111:15
121:5,5	<b>worst</b> 122:14	56:23 57:4	144:17	<b>15</b> 87:18	60:1 61:1	166:1 167:1	123:14
135:24	161:21	57:6,11,12	<b>younger</b>	144:20,23	62:1 63:1	168:1 169:1	147:20
150:10	<b>worth</b> 90:22	57:14 61:23	50:21	144:24	64:1 65:1	170:1 171:1	148:11
158:11	<b>worthwhile</b>	62:2 63:5	<hr/> <b>Z</b> <hr/>	145:6,10	66:1 67:1	172:1	<b>2019</b> 1:7 3:8
168:9,9	90:20	64:6,8,14	<b>zero</b> 20:15	146:7,21	68:1 69:1	<b>190153</b> 1:14	5:7 57:12
<b>Witnesses</b>	<b>wouldn't</b>	65:5,6	<b>zip</b> 88:5,10	159:25	70:1 71:1	2:6,14	59:20 64:4
4:11 81:25	60:11,16	66:12 67:6	<hr/> <b>0</b> <hr/>	161:19	72:1 73:1	<b>190154</b> 1:14	64:5,9,9
120:18	137:18	72:9,11,20	<b>0.014</b> 68:18	<b>15,000</b> 18:8	74:1 75:1	2:6,16	66:10,20
135:24	<b>wrap</b> 120:9	74:16,19	<b>0.72</b> 149:8	<b>1563-A</b> 3:16	76:1 77:1	<b>190155</b> 1:14	72:5,6,9,12
150:10	125:13	77:5,11	<hr/> <b>1</b> <hr/>	<b>157,000</b> 88:8	78:1 79:1	2:6,19	79:10
158:11	142:9	78:7,12,15	<b>1</b> 129:8	<b>15th</b> 49:3	80:1 81:1	82:10	123:15
<b>wondering</b>	143:15	80:4 82:23	<b>1,000</b> 97:11	134:15	82:1 83:1	<b>190164</b> 1:15	135:12
39:15,17	<b>writing</b> 69:11	83:9,17,23	<b>1,233,742</b> 5:8	<b>16</b> 30:21	84:1 85:1	2:7,25	172:8
91:15	<b>written</b> 33:18	84:6,24	<b>1,500</b> 134:9	<b>17.1</b> 21:12	86:1 87:1	126:17	<b>2020</b> 2:12,15
<b>word</b> 6:5 29:4	120:21,24	85:8,19	<b>1,627,742</b> 5:6	<b>170</b> 67:14	88:1 89:1	<b>19106</b> 88:6	2:18 3:6,24
111:18	137:11	87:9 91:12	<b>1.2</b> 8:12	68:17	90:1 91:1	100:22	4:2 5:6 6:3
151:3	<hr/> <b>X</b> <hr/>	92:15,16	<b>1.5</b> 23:15	<b>17th</b> 135:6	92:1 93:1	<b>1939</b> 86:15	56:23 57:4
<b>words</b> 163:17	<b>XL</b> 131:23	94:5 98:13	86:22	<b>18</b> 21:4,13	94:1 95:1	<b>1960</b> 86:25	66:11,16,17
<b>work</b> 7:11	133:16	104:17	125:20	61:3 72:7	96:1 97:1	<b>1960s</b> 100:15	66:21 67:6
9:18 33:15	134:4,7	109:15,16	<b>1.6</b> 24:16	<b>19</b> 63:10	98:1 99:1	<b>1990s</b> 83:3	73:2 77:23
45:16 46:18	144:4	110:4,10	68:21 130:9	67:22 87:22	100:1 101:1	86:25 87:8	77:24 78:2
46:22 56:11	154:20,23	121:12,15	<b>1,008</b> 67:22	<b>19-1500</b> 2:20	102:1 103:1	100:16	135:9
60:24 81:18	155:5,13,13	125:21	<b>1.65</b> 23:11	<b>19.6</b> 31:23	104:1 105:1	<b>1992</b> 3:15	<b>2024</b> 3:6
101:22	155:23	145:12	<b>1.671</b> 67:23	<b>190</b> 130:13	106:1 107:1	<b>1st</b> 66:20	<b>2025</b> 2:12 4:3
103:18	156:20,21	160:18	<b>1.7</b> 23:10	<b>190152</b> 1:14	108:1 109:1	<hr/> <b>2</b> <hr/>	<b>21</b> 5:10 8:13
111:16	156:21	<b>year's</b> 79:17	<b>10</b> 44:15	2:1,6,10 3:1	110:1 111:1	2 24:4,20	88:12 89:7
112:5 113:2	159:17,18	79:25	<b>10,000</b> 62:13	4:1 5:1 6:1	112:1 113:1	144:14	106:23
125:6	160:17	<b>years</b> 2:12	74:25	7:1 8:1 9:1	114:1 115:1	<b>2,000</b> 62:9	<b>211,000</b>
131:21	168:21,25	3:6 9:4	<b>10:00</b> 172:8	10:1 11:1	116:1 117:1	<b>2,300</b> 28:4	87:16
139:20	169:4,10,16	12:23 15:14	<b>10:37</b> 1:7	12:1 13:1	118:1 119:1	92:21	<b>215,000</b>
145:4	170:2,5,13	19:2 22:21	57:9 72:17	14:1 15:1	120:1 121:1	<b>2,400</b> 92:21	148:13
<b>worked</b> 7:6	171:6	23:3 24:3,4	94:23,24	16:1 17:1	122:1 123:1	<b>20</b> 9:25 67:23	<b>22</b> 33:6
59:12 112:9	<hr/> <b>Y</b> <hr/>	24:16 27:9		18:1 19:1	124:1 125:1	83:2 84:11	<b>230</b> 68:19
112:18,20	<b>yeah</b> 16:16	27:19 30:11		20:1 21:1	126:1 127:1	103:5 107:4	<b>24</b> 56:3 83:13
112:22		42:15 44:19		22:1 23:1	128:1 129:1	144:9,11	<b>240</b> 68:19

Committee of the Whole  
May 8, 2019

Page 22

25 29:25	47 147:24	92:1 93:1	60 44:2,10,19	98 23:6 35:11		
57:16 68:21	148:15	94:1 95:1	63,000 18:13	99 23:6		
250 57:22	478 30:15	96:1 97:1	65 165:24			
26,000 18:11		98:1 99:1	166:4,20			
27 144:10	<u>5</u>	100:1 101:1	167:3			
288 30:13	5 18:6 19:16	102:1 103:1	671 68:2			
	23:20 24:4	104:1 105:1				
<u>3</u>	44:7 87:10	106:1 107:1	<u>7</u>			
3 3:15 148:14	118:11,21	108:1 109:1	70 44:2,10,19			
148:15	125:9	110:1 111:1	700,000			
149:3	5/8/19 2:1 3:1	112:1 113:1	139:13			
3,000 121:12	4:1 5:1 6:1	114:1 115:1	7034 127:8			
3.4137 82:25	7:1 8:1 9:1	116:1 117:1	75 23:21 24:7			
3.4481 82:18	10:1 11:1	118:1 119:1	24:17 33:7			
3.4567 82:17	12:1 13:1	120:1 121:1	78 125:11			
3.83 83:13	14:1 15:1	122:1 123:1	7th 59:25			
3.8327 82:25	16:1 17:1	124:1 125:1	128:24			
3.8712 82:18	18:1 19:1	126:1 127:1	<u>8</u>			
87:12	20:1 21:1	128:1 129:1	8 1:7			
3.88 83:12	22:1 23:1	130:1 131:1	8,877 61:2			
3.8809 82:15	24:1 25:1	132:1 133:1	80 23:21 24:7			
3.9 148:4	26:1 27:1	134:1 135:1	24:17 27:7			
30 9:4 59:9	28:1 29:1	136:1 137:1	27:15,17			
68:21	30:1 31:1	138:1 139:1	92:13 93:20			
144:12	32:1 33:1	140:1 141:1	94:12 98:24			
300,000 87:2	34:1 35:1	142:1 143:1	800,000			
30th 72:14	36:1 37:1	144:1 145:1	24:18			
31,000	38:1 39:1	146:1 147:1	81 87:20,22			
166:24	40:1 41:1	148:1 149:1	82 18:5			
31st 64:10	42:1 43:1	150:1 151:1	83 139:7,19			
66:16 72:20	44:1 45:1	152:1 153:1	85 18:5			
32 33:5	46:1 47:1	154:1 155:1	89 22:20			
144:15,22	48:1 49:1	156:1 157:1	<u>9</u>			
32-inch	50:1 51:1	158:1 159:1	9,700 57:14			
145:11	52:1 53:1	160:1 161:1	90 104:16			
32,879,233	54:1 55:1	162:1 163:1	90's 35:9			
5:5	56:1 57:1	164:1 165:1	91 22:20			
32.5 31:24	58:1 59:1	166:1 167:1	23:19			
33 5:10	60:1 61:1	168:1 169:1	166:25			
33.5 21:6	62:1 63:1	170:1 171:1	91,000			
34,000 21:5	64:1 65:1	172:1	166:24			
<u>4</u>	66:1 67:1	50 64:13	92-year-old			
4 18:6 19:16	68:1 69:1	72:14	50:12			
44:7	70:1 71:1	500,000	93 91:13,21			
4,200 57:19	72:1 73:1	43:11	93:18			
4.96 84:12	74:1 75:1	123:14	950,000			
87:6	76:1 77:1	52 13:6	123:16			
40 64:11	78:1 79:1	53 148:3	96 23:20			
87:14	80:1 81:1	57.2 35:4	96.1 7:17			
400 1:6 172:9	82:1 83:1	<u>6</u>	23:5			
43 71:14	84:1 85:1	6,000 28:3	96.4 8:7			
44,292 149:7	86:1 87:1	92:21	97 35:11			
45 102:25	88:1 89:1	6:03 172:13				
	90:1 91:1					