

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, May 7, 2019
10:23 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILMAN ALLAN DOMB
COUNCILMAN DEREK S. GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN DAVID OH
COUNCILMAN AL TAUBENBERGER

BILLS 190152, 190153, and 190154
RESOLUTION 190164

- - -

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN GREENLEE: Good

3 morning, everyone. This is a
4 continuation of the Committee of the
5 Whole as we address the budget, both the
6 Capital Program, six-year Capital
7 Budget -- six-year Capital Program,
8 Capital Budget, and Operating Budget for
9 this year.

10 The bills that are being
11 considered today are as follows:

12 Bill No. 190152, an ordinance
13 to adopt a Capital Program for the six
14 Fiscal Years 2020 through 2025 inclusive.

15 An ordinance to adopt a Fiscal
16 2020 Capital Budget.

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

20 And Resolution No. 190164,
21 resolution providing for the approval by
22 the Council of the City of Philadelphia
23 of a Revised Five Year Financial Plan for
24 the City of Philadelphia covering Fiscal
25 Years 2020 through 2024, and

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 incorporating proposed changes with
3 respect to Fiscal Year 2019, which is to
4 be submitted by the Mayor to the
5 Pennsylvania Intergovernmental
6 Cooperation Authority pursuant to the
7 Intergovernmental Cooperation Agreement,
8 authorized by an ordinance of this
9 Council approved by the Mayor on January
10 3rd, 1992 (Bill 1563-A), by and between
11 the City and the Authority.

12 And today we will hear from the
13 following departments: The Sheriff, the
14 City Commissioners, and there will be
15 some callbacks of a couple of
16 departments.

17 So we will start with the
18 Sheriff. Sheriff Williams, please.

19 SHERIFF WILLIAMS: Good
20 morning, members of City Council. I'm
21 Sheriff Jewell Williams of the City and
22 County of Philadelphia.

23 The City and the Sheriff are
24 proposing for FY 2020 a budget of \$27
25 million, essentially the same as our

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 current budget. This is a prudent
3 investment to make. We provide the City
4 more than two times the cost of operating
5 our department. In the current fiscal
6 year, we are on track to provide over \$60
7 million in delinquent fees.

8 In Fiscal 2018, we delivered to
9 the City more than \$20 million in escheat
10 money from our dormant accounts.

11 Our five court-ordered monthly
12 Sheriff Sales are not solely to produce
13 City revenue, but they return delinquent
14 property, and particularly lower cost
15 properties, to productive use. Last year
16 20,409 Philadelphia properties were
17 brought to sale. 7,263 were sold. The
18 time in which the purchaser of a
19 foreclosed property receives a deed
20 within -- received a deed has been
21 reduced from 120 days to 21 days as of
22 today.

23 A study showed over 70 percent
24 of the properties sold at the foreclosure
25 sale are tax compliant two years later.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 It is in everyone's interest to
3 increase the number of people bidding for
4 foreclosed properties. First, this keeps
5 the process from being province from a
6 few people.

7 Secondly, increasing the
8 numbers of bidders increases the prices
9 paid and the revenue to the City.

10 Third, the higher the prices,
11 the better the opportunity to give excess
12 sales revenue to those who lost their
13 properties to foreclosure. In 2018, we
14 distributed \$3.7 million in excess fees
15 to 132 people who lost their properties.
16 Since taking office in 2012, we have paid
17 out over \$19.5 million in excess proceeds
18 to the people who lost their property.

19 To increase participation in
20 our sales, we hold 36 free "how to buy"
21 seminars, both English and Spanish. Last
22 year we held our first Asian languages
23 seminar, employing five interpreters.
24 Over 300 citizens attended. We advertise
25 each property with maps, data, photos on

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 our website. We had 180,000 unique
3 visitors to our website last year.

4 Our primary job is to protect
5 the Philadelphia courts. We now guard
6 nine court facilities and we have
7 increased patrols in City Hall.

8 Over 71,900 prisoners was
9 transported between the jails and the
10 courts. Another 1,196 trips were made
11 transporting prisoners to Philadelphia
12 and across the county.

13 Our Warrant Unit, over 4,300
14 felons and we served over 8,500 warrants.
15 In seven years, we have not had anyone
16 escape from our custody.

17 Due to the high number of
18 vacancies in our deputy sheriff officer
19 rank, our biggest challenge is managing
20 our Class 100 funds.

21 Of 294 budgeted positions, we
22 have had as many as 50 vacancies.
23 Because we have no discretion on what the
24 courts to secure prisoners from
25 transport, we must rely on overtime until

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 the vacancies are filled. Additionally,
3 each year we are asked to guard more than
4 one court -- we are asked to guard more
5 courts and take on new duties such as
6 securing Traffic Court and taking our
7 Warrant Unit out from the courts. While
8 the use of overtime results in saving the
9 salary of level 100 allocations, it is
10 expensive to wear out our deputy base.

11 The City Personnel Office, the
12 Office of Human Workforce, controls the
13 civil service lists from which we can
14 hire new deputies. We have not had a
15 deputy sheriff officer test since 2009.
16 For years we have relied on the civil
17 service lists from other departments,
18 which has not been satisfactory. This
19 year the City personnel and the Sheriff
20 secured a list for the deputy sheriffs
21 officers. We now have a list of almost
22 1,500 deputy sheriff candidates, and we
23 will begin to fill vacancies and
24 overtime.

25 Thank you for your attention.

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2 I'll be happy to answer any questions.

3 COUNCILMAN GREENLEE: Thank
4 you, Sheriff Williams.

5 Just let me touch on that last
6 thing you talked about with the overtime,
7 because I can see if you have your
8 officers working that kind of overtime,
9 it's got to be stressful to them. And
10 say since 2009 until just now, there
11 hasn't been a deputy sheriff officer
12 list?

13 SHERIFF WILLIAMS: No, there
14 hasn't.

15 COUNCILMAN GREENLEE: What was
16 the reason -- I'm trying to understand
17 what the reason for that is.

18 SHERIFF WILLIAMS: What we
19 heard in the past was it was too
20 expensive to have a test, and filling in
21 50, 25 slots at a time, I think the
22 City's position at that time was that it
23 wasn't cost effective.

24 COUNCILMAN GREENLEE: Do you
25 have roughly, like approximate, how much

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 the average deputy sheriff had to work
3 overtime?

4 SHERIFF WILLIAMS: Can you
5 repeat that?

6 COUNCILMAN GREENLEE: Do you
7 have an approximate number of how many
8 hours the deputy sheriff had to work
9 overtime? You say how the stress that
10 was put on the officers because of the
11 overtime. Do you know on average how
12 much they had to work overtime?

13 SHERIFF WILLIAMS: Well, we can
14 get that from our finance person, but I
15 can say this to you: We are members of
16 the FOP, which is the collective
17 bargaining agreement, which means that a
18 deputy sheriff officer cannot serve a
19 document or posting or civil documents.
20 It has to be a deputy sheriff, which
21 means that is a sergeant and above. So
22 the persons we have to get to do the
23 overtime mainly would be a supervisor or
24 someone who has supervisory rank.

25 To the other part of the

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 question, finance person could answer
3 that.

4 COUNCILMAN GREENLEE: Good
5 morning. How are you, Mr. Hayllar. Just
6 identify yourself.

7 MR. HAYLLAR: Ben Hayllar,
8 Chief Deputy for Finance.

9 It can be for some deputies as
10 many as 20 hours a week in overtime.

11 COUNCILMAN GREENLEE: Really?

12 MR. HAYLLAR: The way it works
13 is that some deputies do not want
14 overtime and, therefore, they receive
15 very little of it, and there's a system
16 with the FOP contract where you rotate
17 whether you want an overtime opportunity
18 when it shows up. Some take a lot; some
19 take very little depending on their
20 circumstances. But it can be onerous.

21 COUNCILMAN GREENLEE: Okay.
22 All right. I appreciate it. I
23 appreciate the answer.

24 And, Sheriff Williams, as I've
25 said in other budget hearings, I know I

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2 do and a lot of people appreciate the
3 work you've done on serving the domestic
4 violence warrants and the attention
5 you've paid to that, because that was not
6 really done before, so I appreciate that.

7 SHERIFF WILLIAMS: I want to
8 thank you. No place but in the City of
9 Philadelphia if a protection from abuse
10 order is not served by the Police and
11 it's served by the Sheriff. If people
12 come to the Criminal Justice Center, most
13 times the Police will drop them off
14 there. Our Sheriff warrant officers will
15 take that person or that family back to
16 the house, take the weapons out of that
17 house, and put that family back in there,
18 and we've been doing that since we've
19 been in office.

20 COUNCILMAN GREENLEE: Right.

21 SHERIFF WILLIAMS: And we
22 appreciate you recognizing what we do.
23 Thank you.

24 COUNCILMAN GREENLEE: Well,
25 thank you.

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2 Councilman Taubenberger,
3 please.

4 COUNCILMAN TAUBENBERGER:
5 Mr. Chairman, thank you very much.

6 And, Sheriff Williams, thank
7 you and your department for their
8 service. As a City Councilman in
9 Philadelphia representing the entire City
10 as Councilman at-large, we get numerous
11 requests from time to time from
12 constituents. Your department has always
13 been very helpful all around. Even if
14 the answer is it can't be done, it is
15 good to know that, but I'd have to say 90
16 percent of the time it can be done and
17 your office has been very, very, very
18 helpful to the constituency of
19 Philadelphia, and that's one of the
20 things that we strive to help. We are
21 also not only a legislative role, sort of
22 an ombudsman many times for people in
23 trying to resolve their problems, and
24 your department has been very, very
25 helpful, and for that, I thank you.

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2 SHERIFF WILLIAMS: Thank you.

3 COUNCILMAN TAUBENBERGER: I

4 also want to thank you publicly and on

5 the record with the added security in

6 these Chambers. Democracy only works

7 when everybody can speak their mind, and

8 we have a public comment session and

9 people can come up, and certainly if they

10 want, they can hold up signs. It's

11 great. But the fact that your officers

12 are here keeps the ideas flowing and a

13 sense of order, which is needed.

14 Democracy is great to speak

15 out, but if we have no order and it's

16 totally chaos, that's not good either.

17 And I have been in these Chambers,

18 particularly as a staffer years ago, when

19 there was no order and the Chambers were

20 taken over by demonstrators, and they may

21 have thought it was a great victory, but

22 in the end, it shut down democracy for

23 that time. And having parents that came

24 as immigrants from Nazi Germany in the

25 1930s, they relished this country because

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 of its democracy, that people can speak
3 out in a meaningful and peaceful manner,
4 and I thank you for helping keep the
5 peace in our very Chambers. Thank you so
6 much.

7 SHERIFF WILLIAMS: Thank you.

8 COUNCILMAN TAUBENBERGER:

9 Mr. Chairman, thank you.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 And I'm glad the Councilman
13 pointed that out. He's absolutely right.
14 I think your folks do a great job in
15 here, so thank you.

16 SHERIFF WILLIAMS: You're quite
17 welcome.

18 COUNCILMAN GREENLEE:

19 Councilman Domb.

20 COUNCILMAN DOMB: Thank you,
21 Mr. Chairman. Good morning.

22 And good morning, Sheriff.

23 SHERIFF WILLIAMS: Good
24 morning.

25 COUNCILMAN DOMB: And thank you

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 also for the excellent work your
3 department does. I have about four or
4 five questions I'd like to ask you.

5 The number of prisoners you
6 transport locally has declined over the
7 last few years from 125,000 a year to
8 71,900 per year. It's about a 40 percent
9 drop in transportation. Has this saved
10 the Department dollars in the local
11 prisoner transportation? And is there
12 coordination between you and your
13 department and the Prison Department's
14 new transportation unit in the savings of
15 dollars?

16 SHERIFF WILLIAMS: Well,
17 there's several answers to that. One of
18 the reasons is because of the manpower
19 and the womanpower that we have in the
20 Sheriff's Office, our deputies start, who
21 does the transportation, at 5 o'clock in
22 the morning, and if they're at the
23 northeast parking lot and they go to the
24 prison at 6 o'clock and try to get the
25 prisoners out, if there's a lockdown, if

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2 there's any incident that's going on in
3 the prisons, that's where we start our
4 delay. And driving south on 95 is
5 another issue, which starts another
6 delay. And by the time our deputies get
7 here in the building between 7:30 and
8 maybe 8 o'clock in the morning with the
9 prisoners, the 500 or more prisoners that
10 they bring down, then we have to use the
11 same deputies in the courtroom who does
12 the transportation. And if there's a
13 jury trial, we don't know if it lasts for
14 four hours, five hours, six hours. So
15 then it gives us another delay.

16 Had we had the man and
17 womanpower we've asked for for many years
18 here, all the way back to the Michael
19 Nutter Administration, giving us the
20 opportunity to hire adequate sheriff
21 deputies to secure the courthouses, then
22 our numbers would probably be less
23 overtime and less employees.

24 However, we cannot dictate how
25 a judge, particularly in a jury trial,

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 how long that court proceeding lasts.

3 COUNCILMAN DOMB: But let me
4 just ask this question in simple terms.

5 If we reduced the transportation of
6 125,000 prisoners to 71,900 prisoners,
7 you don't have to give me an answer
8 today, what I would like you to do is
9 look at our budget and say because of
10 that dramatic reduction of 40 percent of
11 the population, is there an opportunity
12 for us to save some dollars on the fact
13 that we're transporting almost 53,000
14 less people per year? You don't have to
15 give me an answer right now, but I would
16 like it to be looked at, because it's a
17 dramatic reduction, which is good, and
18 there should be some offset savings
19 there, I believe.

20 I have a second question. In
21 your testimony in Fiscal Year '19, your
22 deputies conducted 1,196 trips across the
23 country to transport prisoners to
24 Philadelphia. The annual reports for '18
25 and '17, 2018 and 2017, show that your

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 office transported 165 prisoners across
3 the country each year. Why did the
4 increase go up more than 700 percent in
5 one year? We went from in '17 and '18
6 about 165 and then this past year it's
7 1,196. That might be good, but I'm just
8 curious why that went up.

9 MR. HAYLLAR: I think the
10 answer is that somebody miscounted, and
11 that person is probably me.

12 COUNCILMAN DOMB: Okay. So
13 which number is correct?

14 MR. HAYLLAR: I believe this
15 number is correct. We are sending -- let
16 me verify this number, but we are sending
17 people out on virtually two or three
18 times a month to all the garden spots of
19 the country, two deputies, to bring back
20 a felon. So --

21 COUNCILMAN DOMB: So ballpark
22 would you say we're transporting 160 to
23 200 people into Philadelphia or is the
24 number 1,196?

25 MR. HAYLLAR: I got it.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN GREENLEE:

3 Mr. Hayllar, speak into the microphone a
4 little better.

5 MR. HAYLLAR: Let me verify the
6 number that's there.

7 COUNCILMAN DOMB: Okay.
8 Because that would be a help.

9 SHERIFF WILLIAMS: But I will
10 tell you that, Councilman, whenever
11 there's an extradition, if it's time
12 sensitive, we have to move out and get
13 that person or those persons very
14 quickly. What happens is that we
15 sometimes get calls from places all over
16 the country, sometimes outside of the
17 country if the time is running where they
18 may say that if you don't come and get
19 this prisoner, we're going to release
20 him.

21 COUNCILMAN DOMB: I'm not
22 doubting that. I was looking at the
23 numbers and saying we're averaging 165.
24 All the sudden in one year we have 1,196.
25 I was trying to figure out how that

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 increased so dramatically.

3 MR. HAYLLAR: I think that's an
4 error.

5 SHERIFF WILLIAMS: He's the
6 bean counter. We'll get with him.

7 COUNCILMAN DOMB: Your most
8 annual recent report said that you made
9 896 arrests for non-payment of child
10 support in 2018. I guess these are
11 people aren't paying their proper
12 support. And do you have any idea what
13 the outstanding amount in child support
14 payments for this group was before they
15 were arrested, any ballpark?

16 SHERIFF WILLIAMS: We don't
17 actually have that, but I can tell you we
18 normally go and get the high profile
19 ones, some that owe up to \$20,000,
20 \$30,000. We normally do our normal raids
21 around Valentine's Day, and sometimes
22 there's folks who owe over \$20,000.

23 COUNCILMAN DOMB: So I guess my
24 question is really like by arresting
25 them, how much was actually paid in child

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 support after we arrested them?

3 SHERIFF WILLIAMS: Well, we
4 can't tell you the number actually, but
5 as we talk to the folks over in the
6 courts, they can see an increase when
7 other people know that the Sheriffs are
8 out there making those raids. They come
9 and they can see an increase of money
10 that comes into the court system over
11 there at 1501 Arch Street.

12 COUNCILMAN DOMB: Sheriff, the
13 reason I'm asking these questions,
14 because I'm just wondering is there a
15 better way, that somewhere in the country
16 there's a better way to do this than
17 having to arrest people to make these
18 payments. Is there another way of making
19 sure they make the payments without
20 incarceration?

21 SHERIFF WILLIAMS: Well, most
22 times when we do those orders for child
23 support, people normally come and they
24 get released after they make their
25 payment. But, again, when the public

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 knows that we're out looking for folks
3 for child support, we get an influx of
4 people who comes to 1501 Arch and pay
5 child support.

6 COUNCILMAN DOMB: I'm going to
7 give an example of an alternative I just
8 thought of while we're sitting here, and
9 I'm sure it's probably not legal, but
10 I'll give you an example.

11 The Revenue Department has
12 another way of collecting delinquent
13 taxes from landlords who don't pay us
14 their real estate taxes. They send a
15 notification to the tenant of the
16 landlord who is delinquent to redirect
17 their rents to the City of Philadelphia,
18 and it's been very successful. The
19 Commissioner in the Revenue Department is
20 doing very well with that program. My
21 question is, could you do some sort of
22 sequestration, if that's what it would be
23 called, to those people who aren't paying
24 the support, like dramatically grab onto
25 their payroll and not have to arrest

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 them?

3 SHERIFF WILLIAMS: I would
4 imagine we could. I'll talk to our legal
5 folks.

6 MR. HAYLLAR: We just follow
7 the order of the court, which doesn't
8 tell us how much money is owed. They
9 just tell us to go get this fellow.

10 COUNCILMAN DOMB: I'm just
11 saying from a practical standpoint, if
12 you would go after their payroll and not
13 hurt them dramatically, but make sure
14 they pay the proper amount and not have
15 to arrest them and bring them into jail,
16 then that money -- I'm just asking you to
17 look at an alternative way to do this
18 without incarceration.

19 MR. HAYLLAR: That is something
20 we will have to take up with the courts.

21 COUNCILMAN DOMB: Okay. In the
22 2018 annual Sheriff's report, it's noted
23 that your office collected 54 million in
24 delinquent taxes.

25 SHERIFF WILLIAMS: Yes.

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2 COUNCILMAN DOMB: That's a good
3 job, by the way. Good job.

4 SHERIFF WILLIAMS: That's
5 because of the new computer system that
6 when I came in the office, we invested in
7 the new system, and it's a system that's
8 probably one of the best computer
9 systems, that the Revenue Department,
10 Water Department, and the Gas Company
11 looks into the portals and they can see
12 their money and how we execute their
13 money to the proper locations.

14 COUNCILMAN DOMB: So it's noted
15 in your report 54 million collected, but
16 the 2018 Quarterly City Manager's Report
17 notes an unaudited actual amount of 15.3.
18 I'm just wondering why there's a
19 difference in these two reports.

20 MR. HAYLLAR: I'm not sure I
21 understand the question, but the City
22 does not count everything that we
23 collect. We collect water fees,
24 delinquent PGW fees. That's not
25 accounted for in the City or the PICA

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2 reports. So there is always that
3 disparity.

4 COUNCILMAN DOMB: What does the
5 City count? Just real estate taxes?

6 MR. HAYLLAR: Real estate taxes
7 predominantly. Yeah, predominantly.

8 COUNCILMAN DOMB: How does that
9 money get transferred to the City?

10 MR. HAYLLAR: Every week that
11 which we've collected is walked over to
12 the Revenue Department.

13 COUNCILMAN DOMB: It does not
14 show up as non-local tax revenue in that
15 Quarterly City Manager's Report?

16 MR. HAYLLAR: No.

17 COUNCILMAN DOMB: So where does
18 it actually show up on the City's books?

19 MR. HAYLLAR: I don't know how
20 they report it.

21 COUNCILMAN DOMB: Can we find
22 that out?

23 MR. HAYLLAR: Sure.

24 COUNCILMAN DOMB: Last
25 question. The payroll obligations were

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 27.179 million in 2018. In 2019, payroll
3 obligations were estimated to reach
4 24.632 million. Your original testimony
5 stated your department was going to
6 exceed 6 million in overtime. 3.4
7 million then was budgeted. Over the past
8 ten years, the Department has overspent
9 its budget by about 20 percent annually.
10 Are we to believe that your budget for
11 Fiscal Year '19 is not going to exceed
12 the estimated amount of 24, or where will
13 that fall?

14 MR. HAYLLAR: It will exceed
15 it, because we are having at various
16 times 50 vacancies out of the workforce
17 of deputies. On top of that, we are
18 seeing a large number of deputies who are
19 on leaves of various types and are,
20 therefore, not available to us. So we'll
21 exceed it this year.

22 COUNCILMAN DOMB: Where do you
23 think it's going to land?

24 MR. HAYLLAR: I wouldn't be
25 surprised if it wasn't where it was last

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 year, somewhere around 6 million. We
3 won't be able to hire from the new list
4 until the end of the year, and that will
5 be the first tranche of, say, 35 people.
6 Then probably by the middle of next year
7 we will have a full complement, and
8 that's when the vacancies -- the overtime
9 has to come down.

10 COUNCILMAN DOMB: Does that
11 mean it's going to go to 30 million?
12 Because if it's 24 budgeted, you're
13 having 6 million in extra overtime, is
14 that going to go to 30?

15 MR. HAYLLAR: No, because
16 you're saving the salaries. If I
17 understand your question correctly,
18 you're saving on the salary money. It's
19 a matter in level 100, you're saving in
20 the salary levels, but you are increasing
21 in the overtime. It doesn't quite
22 balance out, so the overtime will say \$6
23 million, but you'll be under budget
24 significantly in the salary line.

25 COUNCILMAN DOMB: I understand

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 that. And so in the total cost, if in
3 2018 we were at 27 million as total cost,
4 where will we end up in 2019?

5 MR. HAYLLAR: About the same.

6 COUNCILMAN DOMB: About 27?

7 Okay. Thank you very much. Thank you
8 for the work you're doing, and I have no
9 further questions. Thank you. Thank you
10 for your testimony.

11 COUNCILMAN GREENLEE: Thank
12 you, Councilman.

13 Councilman Taubenberger.

14 COUNCILMAN TAUBENBERGER:

15 Mr. Chairman, thank you.

16 Don't leave. Back to an
17 earlier question on the PICA report. You
18 had mentioned several departments that
19 are not accounted for in the City,
20 particularly the Water Department and
21 maybe one or two others.

22 MR. HAYLLAR: Yeah. We collect
23 in that collection that goes to the City
24 every year, which will probably be close
25 to 60 million this year, PGW, Water,

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 transfer taxes. These aren't counted
3 for.

4 COUNCILMAN TAUBENBERGER: And
5 in your opinion, why not? I mean,
6 they're ultimately going back to --

7 MR. HAYLLAR: Their booking is
8 different than ours. We're interested in
9 showing the City how much we collect each
10 week and --

11 COUNCILMAN TAUBENBERGER: And
12 rightly so. I get it.

13 MR. HAYLLAR: So Revenue has --
14 Water and PGW has their own revenue
15 departments. That revenue goes to them.
16 The City does not count for it.

17 COUNCILMAN TAUBENBERGER: When
18 you really look at it, I mean, I can see
19 the case for PGW. It is a company
20 separate but owned by the City, whereas
21 the Water Department is a department of
22 the City of Philadelphia, as far as my
23 understanding.

24 MR. HAYLLAR: It is, but they
25 have a separate collection agency, the

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 Water Revenue Bureau, that accounts for
3 that revenue.

4 COUNCILMAN TAUBENBERGER: So in
5 your opinion, it's really just their
6 methodology of the accounting work.

7 MR. HAYLLAR: Yeah.

8 COUNCILMAN TAUBENBERGER: Okay.
9 Thank you very much.

10 Mr. Chairman, thank you.

11 COUNCILMAN GREENLEE: All
12 right. Thank you.

13 Gentlemen, thank you very much.
14 Thank you for all the work you do.

15 Our next department will be the
16 City Commissioners.

17 Thank you.

18 (Witnesses approached witness
19 table.)

20 COUNCILMAN GREENLEE: Please,
21 any discussion please take outside. I
22 appreciate it.

23 Good morning, everyone.

24 (Good morning.)

25 COUNCILMAN GREENLEE: Please

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 identify yourself and proceed with your
3 testimony, please.

4 DEPUTY COMMISSIONER CUSTODIO:

5 Good afternoon, Council President Clarke
6 and members of City Council. I am Deputy
7 City Commissioner Nick Custodio. Joining
8 me are Deputy Commissioner Seth Bluestein
9 and Budget Officer Valerie
10 Crawford-Keith. We are pleased to
11 provide the testimony on the Office of
12 the City Commissioners' Fiscal Year 2020
13 Operating Budget.

14 The proposed Fiscal Year 2020
15 General Fund budget totals 12,216,911, a
16 decrease of 1,536,566 from Fiscal Year
17 2019 estimated obligation levels.

18 The proposed Fiscal Year 2020
19 General Fund budget includes \$6,633,233
20 in Class 100 for employee compensation;
21 \$5,011,061 for Class 200 for professional
22 services contracts, Election Board
23 payroll, and polling place rentals;
24 \$462,772 in Class 300 for election
25 materials and office supplies; and

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 \$109,845 in Class 400 for computers,
3 furniture, and equipment.

4 Thanks to your action last
5 year, we were able to increase the
6 stipend for Election Board workers. This
7 was the first pay raise that the Board
8 workers had received in at least 30
9 years. Members of our Election Boards
10 frequently thank us and the Commissioners
11 for the raise, and we wanted to make sure
12 to pass those thanks on to you all. We
13 hope this goes a long way to improving
14 our Board worker retention rates.
15 Election Board shortages are a national
16 problem, but we are striving to fill
17 every position on the Election Boards.
18 To help accomplish this goal and to train
19 our next generation of Board workers, we
20 launched our student poll worker pilot
21 program, Involved at 17. We have three
22 schools participating in the program and
23 about 85 students who signed up. After
24 they are trained, staff in our Election
25 Board Unit will assign them to divisions

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 to work. Student poll workers will also
3 be eligible to receive an Individual
4 Governor's Civic Engagement Award, which
5 we're giving out each spring.

6 Our employee demographics as of
7 December 2018 are 51 white, 43 African
8 American, three Hispanic, one Asian, and
9 two other. The demographics of our
10 recent hires are four African Americans,
11 two whites. Our department's OEO goal
12 for M/W/DBE contracts is 30 percent. Our
13 department's current level is 48 percent.

14 During Fiscal Year 2019, the
15 Office of the City Commissioners oversaw
16 the 2018 General Election and will
17 oversee the 2019 Primary Election, which
18 is coming up on May 21st. The 565,124
19 voters who cast ballots in the 2018
20 General Election represents a 46.4
21 percent increase in voter turnout from
22 the comparable election cycle four years
23 prior.

24 Efforts to modernize the
25 department, increase efficiencies, and

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 ensure that the election process is open
3 to everyone will continue to be at the
4 forefront of our department's effort in
5 Fiscal Year '20. In FY19, we had a major
6 step in modernization by working with the
7 Office of Innovation and Technology and
8 the Board of Ethics to create a new
9 online campaign financing filing system,
10 which will allow candidates and
11 committees to fulfill their filing
12 requirements to both the Board of
13 Elections and the Board of Ethics at the
14 same time. Our goal was to have it up
15 and running for the 2019 Primary
16 Election, and I am happy to say that we
17 met that goal, launching it for the 2019
18 Cycle 1 reporting period. The Cycle 2
19 reporting period closed yesterday and
20 reports are due this Friday. Committees
21 and the public can find our online
22 campaign filing system at
23 Philadelphiacampaignfinance.com.

24 Also in FY19 we started working
25 with OIT to develop a GIS-based system

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 for inspecting and storing our polling
3 place data. This exciting work would
4 allow us to replace the current
5 paper-based system for inspecting polling
6 places, and it will link to our polling
7 place app on our website to more quickly
8 provide voters with updates to polling
9 place changes.

10 The biggest modernization
11 effort this fiscal year was the
12 procurement of a new voting system. Our
13 department was forced into a 2019
14 procurement timeline as opposed to our
15 original 2021 timeline because the
16 Department of State is requiring all 67
17 of Pennsylvania counties to replace their
18 current voting systems with new systems
19 that have a voter-verifiable paper
20 ballot. Philadelphia must have a new
21 system in place in time for the 2020
22 Primary Election or risk voters being
23 decertified -- voters using decertified
24 equipment. The selected system provides
25 all registered voters the ability to cast

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 their voter-verified paper ballot on the
3 same secure equipment.

4 At the same time, we moved to
5 replace our paper poll books with
6 electronic poll books, a technology that
7 many jurisdictions have used successfully
8 for years. The electronic poll books
9 will allow for faster and more efficient
10 voter check-in at polling places and for
11 voters to look up their correct polling
12 places if they're in the wrong location.

13 We have been operating under a
14 Notice to Proceed with both vendors since
15 April 25th. Last Thursday, the
16 Procurement Department issued an Intent
17 to Contract to both vendors, and we are
18 on track to implement the new system in
19 the 2019 General Election, which will
20 allow voters and the Election Board
21 workers a chance to adapt to the change
22 before casting their ballots for the
23 President in 2020.

24 So that voters are familiar
25 with the new voting system and know how

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 to vote successfully in the November 2019
3 General Election, we are planning an
4 aggressive outreach effort to educate
5 voters in communities across
6 Philadelphia. Our goal is to conduct
7 hundreds of demos, including one in each
8 Council district, that will be conducted
9 by the vendors' staff. We sent a letter
10 to each District Councilmember, and our
11 office will be following up in the next
12 month to get them scheduled.

13 The City also plans a robust
14 training program for Election Board
15 workers who will serve the voters on
16 Election Day. Beginning this summer, we
17 will be holding additional hands-on
18 training for the Election Board workers
19 that will be taught by employees of the
20 vendors. Election Board workers will
21 then receive their normal training in the
22 fall.

23 In June, we will be launching a
24 new section of our website that will have
25 videos and information on the new voting

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 system and the electronic poll book. We
3 look forward to partnering with you this
4 summer and fall in helping Philadelphians
5 transition to the new voting system.

6 We appreciate this opportunity
7 to present our testimony and are happy to
8 answer any questions that you have at
9 this time.

10 COUNCIL PRESIDENT CLARKE:

11 Thank you, and good morning. Let me get
12 you to start off with a nice little
13 softball.

14 The new machines look somewhat
15 different than the prior machines. Will
16 you guys be doing public meetings? And
17 the question was asked in particularly
18 like the senior citizen facilities? I
19 know that the Commissioner has done a
20 number of events at schools. So is there
21 a strategy associated with the outreach
22 in terms of the educational process for
23 the new voting machines?

24 DEPUTY COMMISSIONER CUSTODIO:

25 Absolutely, Council President. As I said

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 in my testimony, we are looking to
3 conduct hundreds of these demos across
4 the City of Philadelphia. That would
5 include senior centers, nursing homes,
6 schools, civic associations, and various
7 groups in public locations.

8 COUNCIL PRESIDENT CLARKE:

9 Okay. Let me cut to the chase. So
10 there's been a lot of discussion, and the
11 Commissioners' Office probably more so
12 than the recent past has been the topic
13 of discussion. It's primarily driven by
14 the fact that we're getting new machines,
15 this whole issue about machines and the
16 rusher intervention, all of the issues,
17 voter suppression. This is ground zero
18 as it relates to a department that
19 traditionally doesn't have this much
20 attention.

21 So we heard a lot on both sides
22 of the equation, some of it in the
23 middle. So for our purposes, we'd like
24 to hear your response to a number of
25 things. So, one, we would obviously like

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 to know how would these machines allow
3 individuals with disabilities -- that's
4 one of the complaints that we heard about
5 this particular machine and the
6 hand-filled paper ballots. Let's talk
7 about the procurement process. We need
8 to get some things cleared up, utilizing
9 Best Value.

10 The Selection Committee scored
11 a tie between two top only certified
12 vendors. The Procurement Commissioner
13 did a separate round of scoring after the
14 Selection Committee recommended
15 negotiation to continue with both vendors
16 and also declared a tie with their own
17 scoring.

18 Machines having auditable paper
19 trail, and I just want to confirm --

20 DEPUTY COMMISSIONER CUSTODIO:

21 Yes. This is all true.

22 COUNCIL PRESIDENT CLARKE:

23 Voters have the opportunity to make sure
24 that the printed ballot is correct before
25 casting a vote. City Commissioners could

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 only select machines okayed by the PA
3 Department of State. A tie was
4 recommended to the Commissioners from the
5 procurement, and the Department of State
6 okayed the machine selected, and the City
7 goes into contract with the company, can
8 tweak the machines in the future given
9 voter feedback.

10 So I know I kind of went down
11 that list. Can you just give me clarity
12 on all those issues? Because these are
13 the issues that we've been hearing from
14 citizens, both in our offices and at
15 different forums.

16 DEPUTY COMMISSIONER CUSTODIO:
17 Well, everything you said there was
18 correct, specifically about security and
19 the need for it to be certified by the
20 Department of State. The City
21 Commissioners are limited by the Election
22 Code to selecting only systems that are
23 certified by the Department of State.
24 The system that was chosen has been
25 certified by both the federal EAC and the

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 Pennsylvania Department of State, and as
3 part of state certification, the system
4 was sent to an independent security
5 consultant for security and penetration
6 testing. Tests were done to ensure that
7 the election results, media reports,
8 audit logs were protected from attempts
9 to decrypt, manipulate reports and our
10 logs and from attempts to change the
11 election results or do any of the,
12 quote/unquote, hacking.

13 In addition to that, the
14 physical computer equipment and ballots
15 and important stuff in the machine are
16 all secured behind lock and key and
17 security seal.

18 And then, yes, the system does
19 have a voter-verifiable paper ballot,
20 which is mandated by the Department of
21 State's order, and would allow voters to
22 check their vote before they actually
23 cast it and --

24 COUNCIL PRESIDENT CLARKE:

25 Before?

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 DEPUTY COMMISSIONER CUSTODIO:

3 Before.

4 COUNCIL PRESIDENT CLARKE: Tell

5 me how that works. Explain to me how

6 that works.

7 DEPUTY COMMISSIONER CUSTODIO:

8 So you mark your selection on the

9 ballot-marking device's touch screen and

10 you put on who you would like to select,

11 and then you hit print. And then it

12 prints the ballot right next to the

13 screen, which the voter could then verify

14 before they hit cast. When they hit

15 print, nothing is --

16 COUNCIL PRESIDENT CLARKE:

17 Excuse me.

18 Hey, folks, folks, you will

19 have an opportunity to speak. I believe

20 the public testimony is this week. So

21 we'll please ask you to respect the

22 testimony. You will be given a

23 significant opportunity to voice your

24 concerns.

25 Thank you.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 DEPUTY COMMISSIONER CUSTODIO:

3 After you hit print, it will print your
4 selections on your paper ballot, which
5 will appear right next to the screen. At
6 that time, no votes are actually
7 recorded. It's not until you hit cast
8 and the ballot is scanned would any votes
9 actually be recorded. Voters will have
10 the opportunity to decide if they want to
11 spoil their paper ballot and have another
12 opportunity to vote. So nothing is --

13 COUNCIL PRESIDENT CLARKE:

14 Okay. So why do you think that there's
15 so much concern raised about both the
16 process, the operation? Is it that there
17 has not been enough outreach? I mean,
18 why do so many people think that, one,
19 there's no paper trail, there's no
20 ability to verify your vote? I mean,
21 what do you think?

22 (Applause.)

23 DEPUTY COMMISSIONER CUSTODIO:

24 I think there's a lot of misinformation
25 out there. We were limited by the City's

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 procurement rules to how we're able to
3 communicate to the public during our
4 selection process, which kind of hurt us
5 on our communications. I think it's an
6 outreach thing.

7 COUNCIL PRESIDENT CLARKE:
8 Okay.

9 DEPUTY COMMISSIONER CUSTODIO:
10 Once we start the demos in the summer and
11 voters are able to see that they have a
12 paper ballot and they have the
13 opportunity to verify their vote before
14 they cast it. The machine is very user
15 friendly, so I think once people get a
16 chance to use it, I think public opinion
17 will return.

18 COUNCIL PRESIDENT CLARKE: Are
19 there machines available to review now?
20 I know there was one, I guess, in the
21 caucus yesterday. Are there machines
22 anywhere for people to --

23 DEPUTY COMMISSIONER CUSTODIO:
24 We have machines down in our Delaware and
25 Spring Garden office. We will be giving

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 public demonstrations after the Primary.

3 COUNCIL PRESIDENT CLARKE: All
4 right. I'm not going to suggest to
5 people how to do their job, but is there
6 a reason why we can't do it before, prior
7 to?

8 DEPUTY COMMISSIONER CUSTODIO:
9 It's just in the Primary Election, we're
10 still voting on our current equipment.
11 So we don't want to cause any confusion
12 with voters when they show up on --

13 COUNCIL PRESIDENT CLARKE: So
14 from a procedural issue there's not?

15 DEPUTY COMMISSIONER CUSTODIO:
16 Correct. We're still doing demos at
17 events with our current equipment. So we
18 didn't want to cause any voter confusion
19 in the Primary.

20 COUNCIL PRESIDENT CLARKE:
21 Okay. All right. So in your budget, you
22 show a 1.1 million increase related to
23 the next presidential election. How will
24 these additional funds be spent? Is that
25 primarily focused for the presidential or

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 is it just needed increase in terms of
3 other issues related to the department?

4 DEPUTY COMMISSIONER BLUESTEIN:

5 Thank you, Council President. So the
6 increase in our budget for FY20 is in
7 Class 100. So we have begun staffing up
8 for the presidential election, and we
9 anticipate additional overtime for the
10 presidential election. When voters are
11 very active, we have a lot more
12 registrations coming in, so we need to
13 make sure our staff are trained properly
14 to process those registrations and that
15 we have enough staff on hand to do so.

16 COUNCIL PRESIDENT CLARKE:

17 Okay.

18 The Chair recognizes Councilman
19 Greenlee.

20 COUNCILMAN GREENLEE: Thank
21 you, Mr. President.

22 First, I just want to recognize
23 that the issue of outreach was mentioned
24 a lot, and I know that Commissioner
25 Deeley and I think all the Commissioners

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 and the staff have been very diligent in
3 particularly going out to the schools,
4 because I went to accompany Commissioner
5 Deeley a couple times to various schools,
6 and I think that's very important to try
7 to get people, the students, involved.
8 You had the machines out there. I think
9 that's very important. And I assume once
10 these new machines are in place, you'll
11 be doing similar events; is that correct?

12 DEPUTY COMMISSIONER CUSTODIO:

13 That is correct.

14 COUNCILMAN GREENLEE: Okay.

15 And just one thing, and I saw a
16 demonstration of this machine. I just
17 want to be clear that there is before --
18 and you said it, but I just want to
19 repeat it for the record. There is a way
20 to check on paper what you plan to vote
21 before the vote is cast; is that correct?

22 DEPUTY COMMISSIONER CUSTODIO:

23 That is correct. In addition to that,
24 Philadelphia is going to be one of two
25 counties statewide that will be piloting

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 the new enhanced auditing procedures that
3 the Department of State is developing.

4 COUNCILMAN GREENLEE: And it's
5 important that, in your opinion, to try
6 to get this -- have these machines ready
7 for the November General Election,
8 because you anticipate probably some
9 confusion simply because it's a new
10 system just like you had with the old
11 one, correct?

12 DEPUTY COMMISSIONER CUSTODIO:
13 We would like to have voters and poll
14 workers get an opportunity to vote once
15 before the busy 2020 Primary starts.

16 COUNCILMAN GREENLEE: And
17 usually how much of an increase on
18 average is there between, say, what you
19 anticipate maybe for November and then
20 for next year for the presidential
21 election? Is there any rough estimate on
22 how much that increase is?

23 DEPUTY COMMISSIONER BLUESTEIN:
24 Yeah. It could be twice as many voters
25 in a presidential primary as the

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 municipal general.

3 COUNCILMAN GREENLEE: Okay. So
4 having what we call the regular voter at
5 least familiar with the system one time
6 is probably important, right, because
7 there'll be people probably in May -- or
8 no; April next year voting for the first
9 time on those machines that had not voted
10 previously, right?

11 DEPUTY COMMISSIONER CUSTODIO:
12 That is correct. And we're going to
13 continue on our outreach efforts as we do
14 normally for our office, but in a more
15 robust outreach, I would say, through the
16 November election into the Primary, with
17 the knowledge that probably half the
18 Primary voters have not voted on the new
19 machine yet.

20 COUNCILMAN GREENLEE: And,
21 again, you stated this in your written
22 testimony, but there was no choice but to
23 get new machines, right, because the --

24 DEPUTY COMMISSIONER CUSTODIO:
25 Correct.

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2 COUNCILMAN GREENLEE: Because I
3 know some people still say, well, the old
4 machines were okay. But we didn't have a
5 choice in that one, correct?

6 DEPUTY COMMISSIONER CUSTODIO:
7 Our preferred timeline was to wait until
8 2021, but it was communicated to us that
9 if we did not make a change, the state
10 would decertify our current equipment and
11 we would not have voting equipment for
12 the 2020 Primary.

13 COUNCILMAN GREENLEE: I think a
14 few people would have been upset at that,
15 correct?

16 DEPUTY COMMISSIONER CUSTODIO:
17 I think so.

18 COUNCILMAN GREENLEE: Thank
19 you.

20 Thank you, Mr. President.

21 COUNCIL PRESIDENT CLARKE:

22 Thank you, Councilman.

23 The Chair recognizes Councilman

24 Oh.

25 COUNCILMAN OH: Thank you very

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 much, Council President.

3 So I haven't seen the new
4 machine myself, so I'm at a disadvantage,
5 but I'd like to ask some questions.

6 So one of my staffers told me
7 that they've tried the new machine and
8 there is a different process of voting.
9 There has to be some confirmation. Could
10 you -- and you might have gone through
11 this, but could you go through like how
12 that machine actually works? It sounds a
13 little complicated to me.

14 DEPUTY COMMISSIONER CUSTODIO:
15 I wouldn't say it's complicated. It's
16 very intuitive. But it is a verification
17 process as part of the voter-verified
18 paper ballot. So it's very similar to
19 the look and feel that we have now where
20 you go in and you put your choices on the
21 thing. Instead of lights lighting up,
22 the box that the candidate is in will
23 turn green, and you have the opportunity
24 to change your choices. And then once
25 you made your selections, you hit print

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 ballot, and it will print on your paper
3 ballot your selections in plain English.

4 COUNCILMAN OH: So up until
5 then, you haven't voted. So you get a
6 printout and then you check it.

7 DEPUTY COMMISSIONER CUSTODIO:
8 That is correct. And then you have the
9 opportunity then -- the machine asks you,
10 do you want to cast your ballot, and it's
11 not until you hit cast that your vote is
12 actually cast.

13 COUNCILMAN OH: Can you change
14 your mind?

15 DEPUTY COMMISSIONER CUSTODIO:
16 Yes.

17 COUNCILMAN OH: So it prints a
18 piece of paper. You can change your
19 mind.

20 DEPUTY COMMISSIONER CUSTODIO:
21 You can spoil your ballot, yes.

22 COUNCILMAN OH: And then it
23 will print another piece of paper?

24 DEPUTY COMMISSIONER CUSTODIO:
25 What happens, once it prints, you can

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 have the opportunity to spoil your paper
3 ballot, which would trigger the poll
4 worker having to come over and spoil your
5 ballot. You black out your choices, and
6 it would go into a spoiled ballot
7 envelope, and then you go back over to
8 the e-poll book, check back in, and get
9 another paper ballot. In Pennsylvania,
10 three opportunities to cast.

11 COUNCILMAN OH: So what happens
12 if somebody, for example, thinks they
13 vote and left? Is that a possibility?

14 DEPUTY COMMISSIONER CUSTODIO:
15 That is a possibility, yes.

16 COUNCILMAN OH: So then what
17 happens? The next voter comes in and --

18 DEPUTY COMMISSIONER CUSTODIO:
19 There's a light on the machine that
20 lights up when the machine is active. So
21 if a poll worker sees a voter leaving and
22 the light is still on, then the poll
23 worker can say, hey, you got to go back
24 in and cast your vote.

25 COUNCILMAN OH: Board of

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 Elections?

3 DEPUTY COMMISSIONER CUSTODIO:

4 Yes. But if they do leave, the machine
5 will chirp after a certain amount of
6 inactivity.

7 COUNCILMAN OH: It makes a
8 noise?

9 DEPUTY COMMISSIONER CUSTODIO:

10 Yes. The poll worker can go in and
11 reset.

12 COUNCILMAN OH: And then
13 finally I understand it's in English and
14 in Spanish.

15 DEPUTY COMMISSIONER CUSTODIO:

16 Yes.

17 COUNCILMAN OH: Is there a way
18 that it does other languages?

19 DEPUTY COMMISSIONER CUSTODIO:

20 It can accommodate, I believe, up to 16
21 languages.

22 COUNCILMAN OH: And can you put
23 that in or is that an additional cost?

24 DEPUTY COMMISSIONER CUSTODIO:

25 I'm unsure about the additional cost.

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2 There may be like a back-end software
3 thing that we have to do, but the machine
4 itself is technically capable of
5 supporting up to 16 languages.

6 COUNCILMAN OH: And then,
7 finally, I'd just like to say -- and I
8 don't know all the reasons, so I'm not
9 against what you're trying to do. What I
10 am kind of wondering is, it's like we're
11 in the middle of an election. There was
12 a Primary, there's a General, and you're
13 kind of pretty much saying that you're
14 doing a test run of this machine in the
15 General Election because you're
16 anticipating large voter turnout, which
17 is true, next year, but it's kind of
18 midstream in the election, which I
19 just -- because basically we're going
20 with the common understanding that like
21 90 percent, if not 95 percent, of this
22 election will be done after the Primary,
23 the democratic Primary, and then we got
24 just this other thing in the General.
25 Although I don't know that that is fair

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 to just switch machines in the middle of
3 election. Just to me I just wonder about
4 that. Why not start off, give more
5 opportunity to train? If in fact the
6 voter turnout is low, it might even be
7 lower in November than in the Primary.
8 Why not -- so people aren't really
9 experiencing the machine. Why not put
10 more of an effort into teaching people
11 how to use the new machine so that when
12 they do it in the -- because there might
13 actually be more interest in the May
14 Primary, the presidential, than in the
15 November election.

16 DEPUTY COMMISSIONER BLUESTEIN:

17 Thank you, Councilman. So for us, we
18 have an election every six months, and
19 we're always in the middle of preparing
20 for the next election, and we believe
21 very strongly that there is a great value
22 to the voters to roll this out in the
23 municipal General as opposed to the
24 presidential Primary. To give the
25 Election Boards an opportunity to set

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 these machines up without the pressure of
3 a much higher turnout election is
4 essential to making sure that we have a
5 smooth presidential primary next year and
6 to have voters experience it, and those
7 voters are more likely to turn out, so at
8 least half of the voters will have
9 already voted on it, is essential. And
10 we're not going to stop our outreach just
11 because we have a successful November
12 election. We're going to continue a very
13 robust outreach throughout preparing for
14 the Primary in 2020 to make sure that all
15 voters have an opportunity to know how to
16 vote on the new machines before they
17 vote.

18 COUNCILMAN OH: Thank you very
19 much.

20 I will just be very comforted
21 if you start that outreach now for the
22 November election, if that's what you're
23 going to do.

24 All right. Thank you very
25 much.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 Thank you, Council President.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you, Councilman.

5 The Chair recognizes Councilman
6 Green.

7 COUNCILMAN GREEN: Thank you,
8 Council President.

9 Good morning. I just have some
10 questions I wanted to ask in reference to
11 the new voting machines and get some
12 perspective.

13 From my perspective and in my
14 role as Chair of the Council Committee on
15 Disabilities and People with Special
16 Needs, what steps were made in reference
17 to these new machines to make sure they
18 were ADA compliant?

19 DEPUTY COMMISSIONER CUSTODIO:
20 They are certified by the Department of
21 State, and part of the state
22 certification is they have disability
23 advocates and testing by people with
24 disabilities as part of the certification
25 process.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN GREEN: That was
3 part of the state certification process?

4 DEPUTY COMMISSIONER CUSTODIO:
5 Yes.

6 COUNCILMAN GREEN: Did we do
7 anything at the local level in reference
8 to working with people who have any
9 physical or learning difference regarding
10 voting machines or regarding the proposed
11 machines?

12 DEPUTY COMMISSIONER CUSTODIO:
13 We met with numerous groups, including
14 Disability Rights Pennsylvania and
15 Liberty Resources, and discussed the
16 issues facing disabled voters and voting
17 equipment.

18 COUNCILMAN GREEN: I wanted to
19 follow up on some questions that
20 Councilman Greenlee asked regarding the
21 timing, and I think I got some of the
22 questions, but I wasn't totally familiar.
23 I want to make sure I got an
24 understanding.

25 So based on information you're

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 receiving from the Governor, that was the
3 reason we're moving forward now?

4 DEPUTY COMMISSIONER CUSTODIO:
5 Correct.

6 COUNCILMAN GREEN: In reference
7 to the certification machines going
8 forward and that we will have a problem
9 if we continue to use our existing
10 machines if we do not move forward now?

11 DEPUTY COMMISSIONER CUSTODIO:
12 Correct. The state government had
13 communicated to us that they were
14 planning to decertify our current
15 equipment if we did not make a change.

16 COUNCILMAN GREEN: And
17 decertify the current equipment as of
18 when?

19 DEPUTY COMMISSIONER CUSTODIO:
20 I'm sorry?

21 COUNCILMAN GREEN: Decertify
22 the current equipment as of when?

23 DEPUTY COMMISSIONER CUSTODIO:
24 We would not have equipment to use in the
25 2020 Primary.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN GREEN: Okay. Also
3 I wanted to get some perspective on the
4 cost of the machines from your
5 perspective -- well, let me strike that
6 for a moment.

7 I know the City Controller made
8 a statement regarding concern regarding
9 the procurement process, from my
10 understanding, and made a public
11 statement regarding not moving forward
12 with certain payments, from my reading.
13 How will that impact this process from
14 the Commissioners' perspective?

15 DEPUTY COMMISSIONER CUSTODIO:
16 From the Commissioners' perspective,
17 we're moving forward everything we need
18 to do to get ready for the transition to
19 new voting equipment in 2019. The
20 Controller's statements and all that is
21 dealing with the Law Department.

22 COUNCILMAN GREEN: Okay. And
23 what's the cost of the machines? Because
24 I see some of the other information in
25 the materials, but what's the procurement

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 cost for the machines?

3 DEPUTY COMMISSIONER CUSTODIO:

4 The Notice of Intent toward a City

5 contract, which was posted last Thursday,

6 lists the cost at 28,959,502.

7 COUNCILMAN GREEN: You said 28

8 million?

9 DEPUTY COMMISSIONER CUSTODIO:

10 28,959,502.

11 (Audience members booing.)

12 COUNCILMAN GREEN: Now, that

13 cost is the cost for all costs in for

14 machines in reference to -- well, let

15 strike that.

16 What does that \$28 million

17 entail?

18 DEPUTY COMMISSIONER CUSTODIO:

19 That is just the up-front cost.

20 COUNCILMAN GREEN: Up-front

21 cost for the machines?

22 DEPUTY COMMISSIONER CUSTODIO:

23 For the machines. The e-poll books are

24 an additional \$2,659,400 to new ink.

25 COUNCILMAN GREEN: Right. And

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 what was that number again, that second
3 number?

4 DEPUTY COMMISSIONER CUSTODIO:
5 2,659,400.

6 COUNCILMAN GREEN: And what
7 does that number represent?

8 DEPUTY COMMISSIONER CUSTODIO:
9 That is the up-front costs for the
10 electronic poll books.

11 COUNCILMAN GREEN: Electronic
12 poll books? Okay. But the \$28 million
13 number that you reference, that's just
14 the cost for buying the machines?

15 DEPUTY COMMISSIONER CUSTODIO:
16 Yes. And the activation printers too.

17 COUNCILMAN GREEN: And
18 activation?

19 DEPUTY COMMISSIONER CUSTODIO:
20 Printers. There's an interface between
21 the e-poll books and the machines. So
22 when you check in on the new electronic
23 poll books, the e-poll book will print a
24 bar code on the paper ballot that is
25 solely in reference to your ballot style.

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 No voter information is recorded, but say
3 if you're a democrat living in twenty-six
4 six and you go to vote in the Primary, it
5 will record your ballot style. So the
6 machine will bring up just the democratic
7 ballot for your position, and that's --
8 the printer is how it tells that.

9 COUNCILMAN GREEN: Now, are
10 there any other costs associated with
11 making this transition from licensing,
12 other type of training costs, any other
13 costs specifically tied to the machines
14 other than the \$28 million?

15 DEPUTY COMMISSIONER CUSTODIO:
16 There will be warehousing, some overtime
17 costs for staff for trainings. Those are
18 the two main ones.

19 COUNCILMAN GREEN: And so this
20 contract is a one-year contract with
21 renewals or is it multi -- I would
22 venture this type of contract would be a
23 multi-year contract, so it would come to
24 City Council.

25 DEPUTY COMMISSIONER CUSTODIO:

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 I am not sure what type of contract it
3 is. We can get back to you on that.
4 That's a Procurement on that.

5 COUNCILMAN GREEN: Okay. And
6 so how will you get the word out to the
7 general public -- you may have said this
8 earlier -- about how these new machines
9 will operate as well as how we train
10 existing election workers on the new
11 machines?

12 DEPUTY COMMISSIONER CUSTODIO:
13 For the Election Board workers, we are
14 planning to conduct an additional
15 training class. So normally we train
16 poll workers once before every election.
17 We're going to train them twice before
18 the November election, starting probably
19 early July. We're going to have an
20 additional training class that will be
21 conducted by the vendors themselves. And
22 then in the fall, we'll have our normal
23 training class. There will be two
24 opportunities for the poll workers to be
25 trained. Hopefully they'll get a

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 training and a refresher before the
3 November election. And we're planning to
4 conduct hundreds of demos across the
5 City.

6 COUNCILMAN GREEN: And you'll
7 inform poll workers through the
8 traditional means of how you currently --

9 DEPUTY COMMISSIONER CUSTODIO:
10 We're going to be sending a mailing to
11 the poll workers with the training
12 schedule in about June, after the May
13 Primary.

14 COUNCILMAN GREEN: And then how
15 will you educate the public as a whole
16 regarding these new machines?

17 DEPUTY COMMISSIONER CUSTODIO:
18 We'll be conducting hundreds of demos.
19 In addition, we're going to be updating a
20 whole new section of our website
21 dedicated solely to voting machine
22 information.

23 COUNCILMAN GREEN: And will you
24 do any type of public service type
25 announcements or others to let people --

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 I think one of the concerns is that
3 people have been using the same machines
4 for a long time and you're trying to move
5 to a new type of machine and people are
6 not familiar. I'm specifically concerned
7 about those who have any type of physical
8 or learning difference getting used to or
9 people that are -- and their friends and
10 family may assist them in voting, them
11 not also being aware of the new machines.

12 So will you be continuing to do
13 outreach with Liberty Resources and other
14 groups?

15 DEPUTY COMMISSIONER CUSTODIO:
16 We will be conducting outreach in every
17 means available to us, including video
18 and public service announcements.

19 COUNCILMAN GREEN: The bell
20 rung, so I guess my time is up.

21 Thank you, Council President.

22 COUNCIL PRESIDENT CLARKE:

23 Thank you, Councilman.

24 The Chair recognizes Councilman
25 Domb.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 COUNCILMAN DOMB: Thank you,
3 Council President.

4 Good morning. I have a few
5 questions I wanted to ask. The existing
6 machines we have now, I understand
7 they're required to replace them by the
8 state. Did we have maintenance issues
9 with those machines over the last ten
10 years? Were there problems with those
11 machines?

12 DEPUTY COMMISSIONER BLUESTEIN:
13 I would say they were typical problems of
14 aging equipment. So we've had that
15 equipment since 2002. So over 17 years,
16 after the ten-year initial warranty, it
17 became more expensive to continue to
18 maintain them.

19 COUNCILMAN DOMB: Okay. And so
20 what is the typical age of a voting
21 machine? How long should it last for
22 typically?

23 DEPUTY COMMISSIONER BLUESTEIN:
24 I can get back to you on that. I believe
25 each machine probably has a different

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 warranty.

3 COUNCILMAN DOMB: So the
4 machines that we're talking about now,
5 what is their expectancy? How long
6 should they last us for?

7 DEPUTY COMMISSIONER BLUESTEIN:
8 I would expect them to last at least 12
9 years.

10 COUNCILMAN DOMB: Okay. And
11 then following up with Councilman Green's
12 question, I just want to make sure I
13 understood the cost. It sounded like --
14 did I hear 28 million or 20 million?

15 DEPUTY COMMISSIONER CUSTODIO:
16 28,959,502.

17 COUNCILMAN DOMB: So like 29
18 million. And there was another 2.6
19 million?

20 DEPUTY COMMISSIONER CUSTODIO:
21 Yes.

22 COUNCILMAN DOMB: So if we're
23 looking at total dollars, is it roughly
24 31.5 million?

25 DEPUTY COMMISSIONER CUSTODIO:

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 Up front, yes.

3 COUNCILMAN DOMB: Up front.

4 And then what's the annual cost? Is
5 there an annual cost?

6 DEPUTY COMMISSIONER CUSTODIO:

7 It's about a million a year.

8 COUNCILMAN DOMB: And how does
9 that compare to what we're paying now?

10 DEPUTY COMMISSIONER CUSTODIO:

11 It is an increase -- we now pay \$870,000
12 a year. So it's a slight increase.

13 COUNCILMAN DOMB: Similar.

14 DEPUTY COMMISSIONER CUSTODIO:

15 This is -- the increase was typical of
16 the marketplace now.

17 COUNCILMAN DOMB: Okay. I have
18 some technical questions in our budget.

19 It says the voting machines have been a
20 line item in our Capital Budget since

21 Fiscal Year '15, with an issuance of 25.5
22 million in new City debt that was

23 scheduled for Fiscal Year '16. There
24 were additional appropriations proposed

25 to the Capital Budget for Fiscal Year

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 '17, '18, '19, and finally Fiscal Year
3 '20. How much have we actually borrowed
4 to fund this purchase of the new voting
5 machines?

6 (Witness approached witness
7 table.)

8 MS. ADAMS: Good morning. I'm
9 Anna Adams. I'm the Budget Director.

10 We haven't borrowed anything
11 related to that. As you know,
12 Councilman, we borrow on a cash basis.
13 So we haven't used those appropriations
14 yet, and so we don't borrow until we need
15 that cash. We borrow on a cash basis.

16 COUNCILMAN DOMB: So that's in
17 the budget, the 25.5 million?

18 MS. ADAMS: So if you look at
19 the FY20 budget, it looks like it's -- it
20 shows a \$22 million line for FY20.
21 That's what we were assuming that we'd
22 need to find from the finance line to
23 cover the cost of these machines. I
24 think at this point with the timing,
25 we'll be probably using a lot of OIT

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 carryforward and then replenishing that
3 to make sure that we can buy the machines
4 on time.

5 COUNCILMAN DOMB: So let me ask
6 my next question. You may want to stay
7 up here.

8 MS. ADAMS: I'm happy to.

9 COUNCILMAN DOMB: The Fiscal
10 Year '20 Capital Budget shows that we
11 anticipate receiving an additional 20
12 million from the state and also another
13 20 million from the federal government.
14 This is what the budget is showing.

15 MS. ADAMS: Yeah. That was our
16 hope.

17 COUNCILMAN DOMB: That was your
18 hope?

19 MS. ADAMS: That was our hope
20 at the time. I think we now know from
21 the Governor's budget that we --

22 COUNCILMAN DOMB: But is it
23 true that the state budget shows that
24 Philadelphia will get 1.9 million and
25 appropriations will be 1.7, for a total

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 of 3.6 and we were hoping for 40 million?

3 MS. ADAMS: We were hoping for
4 significantly more than we're receiving.
5 So the Governor's budget proposal shows
6 that they are adding \$15 million a year
7 for the next few years statewide. I
8 believe there's still a discussion
9 exactly about how that formula will work.
10 That's our estimate right now, is about
11 1.9, and that we are assuming will go
12 into the General Fund. The revenue will
13 come into the General Fund to reimburse
14 us for costs that we're paying out of the
15 Capital Budget.

16 COUNCILMAN DOMB: Let me ask
17 you a question. Why is our hope so far
18 off from the reality?

19 MS. ADAMS: So we always like
20 to make sure we have room in
21 appropriations when -- we also like to
22 have an opportunity to negotiate. So we
23 kind of give ourselves -- there was also
24 a conversation at some point whether the
25 federal government was going to add any

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 additional funds. So that line is, you
3 can see, it's other government. So it's
4 an ability to get additional federal or
5 state grants, and we didn't know -- we
6 also had -- if you see, it has other
7 opportunities just in case, and you can
8 see this in any of the budget documents.
9 We generally like to make sure that we
10 have an opportunity. We're never going
11 to close ourselves in and prevent
12 ourselves from receiving any additional
13 funds. Unfortunately, we thought we
14 would get more than we were.

15 COUNCILMAN DOMB: It may be a
16 rumor, but at least in my opinion, if the
17 state is requiring us to change this
18 equipment, why is the state not paying
19 for it? And then I heard a rumor. I
20 could be wrong. You can clarify this for
21 me. I heard maybe Senator Hughes was
22 going to take up the battle with the
23 state to try to get us some more money.
24 Do you know where that might stand?

25 MS. ADAMS: I think you'd have

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 to talk to the state directly about why
3 they're not adding additional funds.
4 Obviously I can't answer that. I'm not
5 in the Governor's Budget Office. I'm not
6 at the State Legislature. So we would
7 advocate for as much funds as we could
8 receive, because this is a significant
9 cost to us and I'm sure for any other
10 county across the Commonwealth. And I'm
11 not sure where that stands with Senator
12 Hughes. I know that our delegation is
13 supportive of finding ways to offset our
14 costs, but I'm not sure --

15 COUNCILMAN DOMB: So when we
16 say we're going to go to the state, what
17 do we actually do? What action do we
18 take as a city to meet with the Governor?
19 How do we actually go after that and
20 discuss their funding of this big
21 expense?

22 MS. ADAMS: There are multiple
23 ways that we do this. We meet directly
24 with the State Budget Secretary. We have
25 through our direct conversations that the

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 Mayor and the Governor have. There are
3 conversations directly with our
4 delegation. We spend some time in
5 Harrisburg. We have briefed all of our
6 delegation with the Commissioners about
7 the voting machines and the cost well in
8 advance. We did that in the fall where
9 we talked about these were going to be
10 significant costs. And I know that the
11 Commissioners also have direct
12 conversations with the state. A variety
13 of levels, but at sort of the state
14 department level, the Budget Office
15 level, at the Governor's -- for the
16 Governor himself and then also with
17 staff.

18 COUNCILMAN DOMB: Is this body
19 at all engaged in helping the
20 Administration to ask for more money?

21 MS. ADAMS: Are you talking
22 about City Council?

23 COUNCILMAN DOMB: Yes.

24 MS. ADAMS: I'm sure that the
25 Council President has also had those

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 conversations directly with -- I don't
3 want to speak on the Council President's
4 part. I know that the Mayor and the
5 Council President have discussed it.

6 COUNCILMAN DOMB: One last
7 question. Actually, two last questions.

8 How many of the new voting
9 machines do we have right now?

10 DEPUTY COMMISSIONER BLUESTEIN:
11 We currently have 3,735 voting machines.

12 COUNCILMAN DOMB: How many
13 total machines are required?

14 DEPUTY COMMISSIONER BLUESTEIN:
15 3,750. So an increase of 15 machines.

16 COUNCILMAN DOMB: And how do we
17 get the money to pay for that? Has that
18 been paid for or has it not been paid
19 for?

20 DEPUTY COMMISSIONER BLUESTEIN:
21 We have not paid anything yet.

22 COUNCILMAN DOMB: When is that
23 due?

24 DEPUTY COMMISSIONER CUSTODIO:
25 The Notice of Intent to contract has been

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 issued last week. So no payments will be
3 made until the contract is conformed.

4 COUNCILMAN DOMB: I have one
5 last concern. And, by the way, thank you
6 for the demonstration yesterday of the
7 machine. Here's my concern: I want to
8 make sure that if we go forward or
9 whatever we do, that we don't have a
10 problem. And my concern is that from my
11 understanding is that we'll be the
12 biggest user of this machine of anyone
13 else in the country, and I think you
14 mentioned that next week Delaware is
15 getting it, but Delaware is one-third of
16 our size. So my concern is, I want to
17 make sure that whatever decisions we
18 make, that they're successful decisions
19 and they're positive and we don't have a
20 problem.

21 I'm a little concerned that
22 we're engaging a contractor or a company
23 to provide us with three times the
24 largest supply of any other municipality
25 they've done so far. If you said to me

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 ten other places are using it and they're
3 similar to Philadelphia, I'd feel very
4 comfortable. I just don't like being the
5 guinea pig here.

6 (Applause.)

7 COUNCILMAN DOMB: By the way,
8 let me just say this for the record. I'm
9 not saying I'm for or against. I'm just
10 saying I don't want to -- I'm interested
11 in making sure that whatever money we
12 spend, we don't make a mistake. That's
13 all.

14 DEPUTY COMMISSIONER CUSTODIO:
15 All right.

16 COUNCILMAN DOMB: And if we do
17 this and it goes forward -- I talked to
18 you yesterday about this -- make sure we
19 have plenty of coverage and plenty of
20 technical support and make sure that
21 there's not going to be a problem.

22 DEPUTY COMMISSIONER CUSTODIO:
23 Yes. We will. Thank you.

24 COUNCILMAN DOMB: Thank you.
25 Thanks for all your work you're doing.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 DEPUTY COMMISSIONER CUSTODIO:

3 Thank you.

4 COUNCILMAN DOMB: Thank you,
5 Council President.

6 COUNCIL PRESIDENT CLARKE:

7 Thank you, Councilman.

8 The Chair recognizes

9 Councilwoman Bass.

10 COUNCILWOMAN BASS: Good

11 morning. How are you?

12 DEPUTY COMMISSIONER CUSTODIO:

13 Good morning.

14 COUNCILWOMAN BASS: I just had
15 a couple of questions, and the first is
16 that on the timeline, if you could talk a
17 little bit about the timeline and the
18 idea that this was required to be done, I
19 believe, by the -- it may have been
20 dictated by the Governor -- by February
21 of this year. Can you talk a little bit
22 about that and the Commissioners' Office
23 understanding of the timeline?

24 DEPUTY COMMISSIONER CUSTODIO:

25 To be ready for the November 2019 General

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 Election, the selection for a new system
3 needed to be made by February 2019.
4 November 2019 is the most ideal target
5 because it would give voters and poll
6 workers an election under their belt for
7 the April Primary. In addition to our
8 current equipment, we'll still be
9 certified in November 2019. If there are
10 any unexpected delays in implementation,
11 then we can flip the switch and use the
12 current equipment in November and still
13 have an election.

14 Moving the target to April 2020
15 presidential Primary would only extend
16 the selection timeline to about July
17 2019. A target of April 2020 leaves us
18 vulnerable to unexpected delays in
19 implementation. If they were to occur on
20 an April 2020 timeline, we would be
21 forced to use decertified equipment in a
22 presidential Primary, which I don't think
23 anybody wants.

24 COUNCILWOMAN BASS: Okay. All
25 right. I just wanted to ask that about

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 the timeline.

3 And the other question I had
4 for you was on -- there was an op-ed this
5 morning or editorial this morning, I saw
6 it in the Daily News, regarding paper
7 receipts, and it said essentially that if
8 a recount was necessary, it would not be
9 possible because Philadelphia voting
10 machines do not produce a paper trail.
11 Now, as someone who has been a committee
12 person for a long time and now as a ward
13 leader and sees the actual paper trail,
14 I've got stacks and stacks of them. So
15 I'm just wondering how was that possibly
16 misinterpreted or do you know what it is
17 that they're specifically referring to
18 that says that our current voting
19 machines do not provide any sort of paper
20 trail that will be necessary for a
21 recount?

22 DEPUTY COMMISSIONER CUSTODIO:

23 So the difference between our current
24 machines and our new ballot marking
25 devices that we're procuring is that the

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 paper trail we get on our current
3 machines is a summary of all the votes
4 cast on that machine. So you'll see like
5 there's 40 votes for Councilwoman Bass on
6 this one machine. The new equipment will
7 have it down to the individual ballot.
8 So you'll be able to go one, two, three,
9 four, like that kind of thing, individual
10 votes down on a paper trail.

11 COUNCILWOMAN BASS: Okay. I
12 understand.

13 Also -- so it just provides a
14 higher level of detail --

15 DEPUTY COMMISSIONER CUSTODIO:
16 Correct.

17 COUNCILWOMAN BASS: -- what
18 will be provided?

19 And it also seemed to suggest
20 in today's op-ed that a recount is not
21 possible. And we have had recounts in
22 the City of Philadelphia before. So I'm
23 not exactly sure what they're referring
24 to as far as that goes. Can you speak to
25 that, about recounts in the City of

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 Philadelphia?

3 DEPUTY COMMISSIONER CUSTODIO:

4 Probably they're referring to a full hand
5 recount.

6 COUNCILWOMAN BASS: Say again.

7 DEPUTY COMMISSIONER CUSTODIO:

8 Probably what they're referring to is a
9 full hand recount, whereas I was
10 referring to their words -- if you
11 remember Bush-Gore 2000 --

12 COUNCILWOMAN BASS: I sure do.

13 DEPUTY COMMISSIONER

14 CUSTODIO: -- the room full of people
15 looking at ballots and putting them into
16 stacks. That's the kind of recount I
17 think they're referring to.

18 COUNCILWOMAN BASS: Okay. And,
19 finally, what kind of assurances can we
20 give the general voting public? I know
21 that there's a lot of concern on all
22 sides, because we want to get it right.
23 And so how can we reassure our citizens
24 that like this is going to be -- the
25 system that we have is going to be

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 something that's tamperproof, that it's
3 going to be effective, that it's going to
4 be easy for voters and for Election Day
5 workers? Because one of the things that
6 might be of concern is that is this new
7 process and the new options, is it going
8 to create long lines at the voting booth
9 on Election Day? Is that something that
10 we're going to have to be greatly
11 concerned about? So can you talk about
12 just how is this going to work to make
13 voters feel more secure in what the
14 decision of the Commissioners has been?

15 DEPUTY COMMISSIONER CUSTODIO:

16 I'll take it in two parts. As far as the
17 ability for people to adapt to it, it is
18 very similar in the look and feel of the
19 equipment they have not been -- not only
20 been voting on since 2002, but it's been
21 very similar like they've been voting on
22 since we've had voting machines in
23 Philadelphia. It's a full-face ballot
24 where you can see the selections you're
25 making. The only difference is, you now

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 have the voter-verifiable paper ballot as
3 an additional security.

4 This equipment also went
5 through a vigorous certification process
6 with both the Department of State and
7 federal government, and part of the state
8 certification it had to undergo
9 penetration testing where they tested the
10 election media to make sure it couldn't
11 be decrypted or manipulated.

12 COUNCILWOMAN BASS: Okay.

13 DEPUTY COMMISSIONER CUSTODIO:
14 An independent security consultant went
15 in and tested the security on this.

16 COUNCILWOMAN BASS: So
17 essentially the Commonwealth has signed
18 off on this equipment?

19 DEPUTY COMMISSIONER CUSTODIO:
20 Yes.

21 COUNCILWOMAN BASS: And they
22 are in support of using this equipment,
23 so the Governor's Office, the Secretary
24 of State and so forth?

25 DEPUTY COMMISSIONER CUSTODIO:

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 Yes. That is correct.

3 COUNCILWOMAN BASS: Okay.

4 DEPUTY COMMISSIONER BLUESTEIN:

5 And Philadelphia is going to be at the
6 forefront of using the enhanced audits
7 after this election. So not only is the
8 equipment secure and certified by the
9 Department of State, but we are going to
10 be doing enhanced audits.

11 COUNCILWOMAN BASS: Okay. Are
12 other counties using this equipment as
13 well?

14 DEPUTY COMMISSIONER CUSTODIO:
15 I believe Northampton County is also
16 looking to procure this equipment too.

17 COUNCILWOMAN BASS: Do we know
18 how many different types of machines are
19 being used throughout the entire
20 Commonwealth? Do we have any idea?

21 DEPUTY COMMISSIONER CUSTODIO:
22 I believe there's five total vendors that
23 are going to be up for certification. I
24 think currently there's four and one is
25 working its way through the EAC and state

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 certification process. Each vendor may
3 have various equipment options. So
4 probably as many as ten, I would say.
5 I'd have to get back to you.

6 COUNCILWOMAN BASS: How many?

7 DEPUTY COMMISSIONER CUSTODIO:
8 No more than ten, but I'd have to get
9 back to you on the specifics.

10 COUNCILWOMAN BASS: So ten or
11 less for all 66 or 67 counties in the --
12 60-plus counties in the Commonwealth.

13 And I hear the bell has rung,
14 so I know my time is up, but the last
15 thing I would just add is that it feels
16 to me that this was something that really
17 should have been handled on the
18 Commonwealth's level, because my thinking
19 is that if we really want to encourage
20 people to turn out and we really want to
21 encourage them to vote, that across the
22 board there really should have been one
23 system statewide for everyone. If I live
24 in Philadelphia, if I move to Montgomery
25 County or Delaware County, it shouldn't

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2 be a separate system that I have to now
3 figure out, okay, like what do I do.

4 I'm somebody who votes every
5 single election. I've never missed an
6 election. And so every time I go in, I
7 have to sort of like catch my breath,
8 okay, what am I doing here, let me just
9 make sure I've got my bearings and make
10 sure that I'm doing this right, because
11 you only do it every six months. But if
12 I'm moving or if I'm changing, if I'm
13 transient, then once again I have to just
14 sort of reconnect with the equipment
15 that's in this new county or this new
16 place, wherever I am.

17 So I really do think that this
18 is something that the Commonwealth should
19 have been charged with across the board
20 in terms of making sure that all voters
21 throughout the state have a system in
22 place that's going to really work.

23 I thank you for the work that
24 you do, but, again, I just think that
25 this is something that the Commonwealth

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2 really should have had the responsibility
3 for and not the local City Commissioners
4 here in Philadelphia and throughout the
5 state. But thank you.

6 DEPUTY COMMISSIONER CUSTODIO:
7 Thank you, Councilwoman.

8 COUNCIL PRESIDENT CLARKE:
9 Thank you, Councilwoman.

10 The Chair recognizes Councilman
11 Green.

12 COUNCILMAN GREEN: Thank you,
13 Council President.

14 I just want to follow up with
15 questions that Councilmember Domb raised.
16 If Ms. Adams can come back.

17 My understanding is that there
18 was a placeholder put in the budget
19 looking for about 40 million from the
20 Commonwealth; is that correct?

21 MS. ADAMS: I think we had
22 appropriations in a couple of different
23 places. One was 20 million in sort of
24 state and federal -- other governments.
25 Then we had some private appropriations

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2 in there just in case we got additional
3 funds.

4 We didn't know when we put the
5 budget together how much we thought we
6 would get, and also we didn't know
7 whether there would be any adjustments
8 during the budget process at the state.
9 We were hoping that there would be some
10 increases during the budget negotiations
11 at the state level, so we kept the
12 appropriations relatively high.

13 COUNCILMAN GREEN: Okay. But I
14 understand that you got to appropriate
15 dollars in case you do get them so you
16 don't have to go through the whole budget
17 process again, but from a \$28 million --
18 well, let's say \$30 million cost to
19 another 40 million on top of that, even
20 with giving yourselves a cushion for
21 appropriations, that's a pretty wide
22 spring.

23 I guess my question is, is
24 there a feeling there's going to be
25 additional dollars needed for these new

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2 machines and that's why -- even if it was
3 a \$10 million appropriation, but a \$40
4 million appropriation on top of 28 seems
5 a pretty big swing.

6 MS. ADAMS: Yeah. It was just
7 partly because we didn't know where the
8 funds would come from. So part also when
9 we put the budget together, we didn't
10 know what would be eligible for
11 reimbursement.

12 So, for example, we have -- I
13 think Nick had mentioned this. There are
14 costs in a variety of places that we're
15 having to include in the budget. So the
16 cost of the machines and the poll books,
17 kind of the printers, but there's also
18 maintenance and licenses and then the new
19 warehouses, kind of a variety of costs
20 that are sort of spread throughout the
21 government, including also at OIT for
22 assistance in preparation for the
23 machines.

24 So there's a lot of different
25 costs and we weren't sure exactly what

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2 would be eligible, so we wanted to make
3 sure we gave ourselves room in case the
4 state or we received other funds from the
5 federal government to be able to offset
6 some of these costs.

7 COUNCILMAN GREEN: So this \$28
8 million, this is going to be a one-year
9 contract or multi-year contract?

10 MS. ADAMS: So there's a few
11 different things within that 28 million
12 that Nick mentioned. So there's the cost
13 of the machines themselves, and those are
14 capital costs, which will be a one-time
15 cost in the Capital Budget. Then there
16 are printers, and printers are not
17 capital eligible because they don't have
18 the long enough useful life. So we
19 anticipate that we'll be having some --
20 there will be a cost -- actually part of
21 the transfer ordinance that we have
22 proposed to adjust money in the current
23 year budget is to allow for the cost of
24 those printers to be bought out of the
25 Operating Budget this fiscal year. And

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2 then there's also electronic poll books.
3 Neither of those have a long enough
4 useful life that we will be able to use
5 capital funds for them, and so we'll have
6 to get on a replacement cycle for those
7 printers and the electronic poll books.
8 We're still determining what that cycle
9 is and how many we would need to do and
10 what basis, but we know that every few
11 years, we will have to replace those two
12 items, because those aren't sort of the
13 long big machines that are capital
14 eligible.

15 COUNCILMAN GREEN: So that's
16 the printers and electronic poll books.

17 MS. ADAMS: Yes. But there's
18 also kind of maintenance and licenses and
19 all of those other costs, which are
20 annual costs.

21 COUNCILMAN GREEN: Exactly. So
22 are those going to be done on an annual
23 basis or a multi-year basis? Because it
24 seems like --

25 MS. ADAMS: So there would be

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2 a --

3 COUNCILMAN GREEN: Hold on.

4 Considering that the poll books and the
5 printers, because unlike other capital
6 items, have a shorter life, would it make
7 more sense to lease them over a
8 multi-year contract if there's more -- if
9 those printers or e-poll books'
10 technology upgrades go into effect, why
11 would we buy them when we know they're
12 going to have a short life and continue
13 to have to do that?

14 MS. ADAMS: I think the cost
15 comes in a little better for us if we buy
16 them on a sort of -- we'll use them so
17 often and the cost of leasing, we'll have
18 to pay the lease cost for that too. So
19 we think it's just -- it's a cheaper
20 option for us to buy and then replace on
21 a regular schedule.

22 COUNCILMAN GREEN: But you're
23 also talking about licensing and other
24 things. So couldn't you include the
25 licensing and other equipment costs as a

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2 multi-year lease as opposed to buying
3 e-poll books, buying printers? The
4 license is going to be over a period of
5 time. You could have done a procurement
6 that includes all of that together.

7 MS. ADAMS: We can -- if it
8 would be helpful, Councilman, we can kind
9 of show you those kind of -- we can put
10 it in a table form so you can see why we
11 chose the way we've chosen it and why we
12 think it makes more financial sense, but
13 we're happy to share that with you so you
14 can see the analysis that went behind it.

15 COUNCILMAN GREEN: So at the
16 end of the day, all the expenditures for
17 the new voting machines will be based on
18 one-year contracts with renewals?

19 MS. ADAMS: I'm not a
20 procurement expert to know exactly how
21 the contract is structured, but there
22 will be different -- there will be
23 multiple contracts, I would say.

24 COUNCILMAN GREEN: But multiple
25 one-year contracts?

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2 MS. ADAMS: Yeah. None of
3 these will be long-term contracts. Yeah.
4 They will all be kind of -- we aren't
5 seeking a multi-year contract. So it
6 will be one-time contracts with renewals,
7 yes.

8 COUNCILMAN GREEN: Even the
9 licensing, which is going to be over a
10 period of time. That's still going to
11 be --

12 MS. ADAMS: There will be
13 annual licensing costs, yes.

14 COUNCILMAN GREEN: Right.
15 Annual licensing costs, but you know
16 you're going to have that every year. So
17 why is the annual licensing cost going to
18 be a one-year contract with one-year
19 renewals when you know during the period
20 of time you're going to have electronic
21 poll books and new voting machines,
22 that's going to be more than one year at
23 a time?

24 MS. ADAMS: Again, I don't want
25 to pretend I'm something I'm not. I'm

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2 not a procurement expert. I believe this
3 is just the way typically these things
4 are structured. And we're not doing
5 anything different than we would normally
6 do with any kind of IT technology
7 contract. These are the typical way that
8 this has been structured, and so we're
9 following that same method.

10 COUNCILMAN GREEN: But most of
11 our IT contracts generally have not been
12 done in one-year increments. There's
13 multi-year -- I guess my concern -- this
14 goes back to issues that I've seen
15 historically where for some reason
16 contracts -- and this is not just this
17 administration. It's other
18 administrations as well. Contracts are
19 put together in a one-year time period
20 with multiple-year renewals, because
21 under the Charter, any contract over a
22 year has got to come through City Council
23 approval, which includes public hearings
24 and other conversations. So this, like
25 other contracts historically I've seen,

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2 have been drafted in a way to not have to
3 come in front of Council because they're
4 less than a year with multi-year renewals
5 as opposed to a multi-year contract which
6 will have to come to Council to afford
7 it.

8 MS. ADAMS: This was structured
9 this way, I believe, to allow us some
10 flexibility, but I'm sure there could be
11 other people who could respond more about
12 how those IT contracts are structured.
13 This is just something that I'm aware of.
14 This is typically how we've done these
15 types of contracts in the past. I think
16 that's why we followed the same
17 methodology here.

18 COUNCILMAN GREEN: Okay. The
19 bell has rung.

20 Thank you.

21 COUNCIL PRESIDENT CLARKE:

22 Thank you, Councilman.

23 The Chair recognizes Councilman

24 Oh.

25 COUNCILMAN OH: Thank you very

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 much, Council President.

3 So I'm understanding that this
4 is really kind of something you must do,
5 but also there's been concern about
6 hacking elections, going into computer
7 systems, that type of thing. Is that
8 true or not true? In other words, the
9 interest in these voting machines, in
10 addition to its time to replace them, has
11 also been about hacking elections. So
12 this produces an electronic tally as well
13 as a paper trail?

14 DEPUTY COMMISSIONER CUSTODIO:
15 Correct.

16 COUNCILMAN OH: So because it
17 produces an electronic number you can
18 tally, I would imagine you could tally
19 pretty quickly.

20 DEPUTY COMMISSIONER CUSTODIO:
21 We are trying to replicate our current
22 election night reporting structure, which
23 gets results back relatively quickly for
24 a city of our size.

25 COUNCILMAN OH: All other

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2 processes, do they stay the same? People
3 come in, you get a sign-in book, you sign
4 in.

5 DEPUTY COMMISSIONER CUSTODIO:
6 The only real change will be what they're
7 voting on and what they're signing in on.
8 So now instead of signing in on the paper
9 poll book, they'll sign on the e-poll
10 book.

11 COUNCILMAN OH: So where is
12 that? Is that in the machine?

13 DEPUTY COMMISSIONER CUSTODIO:
14 No. The e-poll book will be at the table
15 with the Election Board workers.

16 COUNCILMAN OH: So there's no
17 more paper book?

18 DEPUTY COMMISSIONER CUSTODIO:
19 No.

20 COUNCILMAN OH: There's an
21 electronic book?

22 DEPUTY COMMISSIONER CUSTODIO:
23 They'll be signing on an electronic poll
24 book.

25 COUNCILMAN OH: And does that

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2 electronic book -- so that records it or
3 does that compare signatures?

4 DEPUTY COMMISSIONER CUSTODIO:

5 It compares signatures. So all the stuff
6 that's done on paper right now with the
7 paper book will be captured and done with
8 the electronic poll book.

9 COUNCILMAN OH: Okay. All
10 right. Thank you.

11 COUNCIL PRESIDENT CLARKE:

12 Thank you, Councilman.

13 The Chair recognizes
14 Councilwoman Bass.

15 COUNCILWOMAN BASS: Thanks
16 again.

17 Quick question. What happens
18 if these machines during the course of an
19 election go down? Like what happens?

20 DEPUTY COMMISSIONER CUSTODIO:

21 We're going to have a maintenance team
22 around the City like we currently do.

23 COUNCILWOMAN BASS: So you
24 would send someone out?

25 DEPUTY COMMISSIONER CUSTODIO:

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2 Yeah. Conduct repairs or drop off a
3 replacement.

4 COUNCILWOMAN BASS: Okay. Is
5 that the current process now --

6 DEPUTY COMMISSIONER CUSTODIO:
7 Yes.

8 COUNCILWOMAN BASS: -- when
9 machines go down?

10 Is that susceptible to like
11 interference or hacking or like some of
12 those concerns? Can you talk about that
13 a little bit? I mean, I guess what
14 people feel is that --

15 DEPUTY COMMISSIONER CUSTODIO:
16 Is your question if the machines are
17 hacked on Election Day?

18 COUNCILWOMAN BASS: I'm sorry?

19 DEPUTY COMMISSIONER CUSTODIO:
20 Is your question if there is a hacking
21 incident on Election Day, would our tech
22 go out and detect that?

23 COUNCILWOMAN BASS: I guess
24 what I'm trying to probe here is, if
25 something goes wrong, if the machine goes

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2 down, if there is interference, like what
3 happens next? What's the response from
4 the office? Is there a game plan for
5 that?

6 DEPUTY COMMISSIONER CUSTODIO:

7 The poll workers will call up the voting
8 machine hotline, and our technicians will
9 first talk to them and try to triage it
10 over the phone, and then we'll send a
11 technician out to investigate. And then
12 depending on what the technician
13 determines, we would determine the next
14 step.

15 COUNCILWOMAN BASS: Okay. So a
16 technician would come out, try to repair
17 the machine and see what -- sort of
18 troubleshoot, if you would?

19 DEPUTY COMMISSIONER CUSTODIO:

20 Yes. That is correct.

21 COUNCILWOMAN BASS: What

22 happens -- you know what, actually can
23 you speak to -- there was just an article
24 that came out about voting machines that
25 showed up just recently, that there were

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 83 machines or something to that effect
3 that showed up in the Commissioners'
4 Office without the contract being signed.
5 Can you address that?

6 DEPUTY COMMISSIONER CUSTODIO:

7 We received an advanced shipment of 83
8 machines that we need to do acceptance
9 testing on. So that way, we could use
10 those machines for the training and demos
11 for the summer. Each machine that we
12 get, essentially we test-drive it, like
13 you're buying a car. You drive your car
14 before you do it. Our technicians go
15 through and spend about 45 minutes on
16 each machine, going through and testing
17 it and make sure that everything works,
18 there's no scratches or dents, the doors
19 close, are locked properly, you can go
20 through and vote. They test the ADA
21 devices to make sure that the buttons
22 work, the headphones jack work. They
23 test to make sure that the sip-and-puff
24 jack is responsive, and that takes about
25 45 minutes a machine. And we're also

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 gearing up for a Primary Election, so the
3 staff that we would allocate to doing
4 that acceptance testing is also the staff
5 that you're going to have to start
6 shipping our current machines for the
7 Primary Election next week. And so we
8 needed to get that advanced shipment when
9 we did so that we can finish up the
10 acceptance testing without interfering
11 with the Primary Election so that we can
12 have equipment that we need to do demos
13 and training in the summer.

14 COUNCILWOMAN BASS: Okay. So
15 even though a contract hasn't been
16 signed, is the idea that if the machines
17 aren't performing, you're going to return
18 them?

19 DEPUTY COMMISSIONER CUSTODIO:
20 Yes.

21 COUNCILWOMAN BASS: Okay.

22 DEPUTY COMMISSIONER BLUESTEIN:
23 The Procurement Department issued a
24 Notice to Proceed, which allows the
25 vendors to start providing services to us

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 while limiting the City's liability as we
3 wait for the contract to be finalized.

4 COUNCILWOMAN BASS: Okay.
5 Because I think from appearance side, it
6 gives the appearance that even though a
7 contract hasn't been signed, that it is a
8 done deal and that it's just moving
9 forward regardless of the public concerns
10 that may be addressed around it. So I
11 don't know if you could speak to that at
12 all. Again, we're in the business of
13 really trying to reassure the public that
14 we're doing the right thing, that we're
15 trying to do the right thing at all
16 times. So I don't know if you could
17 speak to that, because just getting the
18 machines in early might be -- it's not
19 probably the best look for the
20 department.

21 DEPUTY COMMISSIONER CUSTODIO:
22 As Seth stated, we had a Notice to
23 Proceed from the Procurement Department
24 on April 25th, which would allow the
25 vendor to start issuing us services while

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 limiting the liability of the City to, I
3 think, 35,000, and we are operating under
4 that. We're in a tight turnaround
5 here --

6 COUNCILWOMAN BASS: I
7 understand.

8 DEPUTY COMMISSIONER
9 CUSTODIO: -- to get this ready for the
10 November election. So everything we did
11 is done in order to meet the tight
12 deadline that we're under.

13 We had the notice to proceed on
14 the 25th. We received the shipment on
15 the 29th, and the contract is being
16 finalized. The Notice to Intent was
17 issued last Thursday. So it was just a
18 timing irregularity.

19 COUNCILWOMAN BASS: Okay. All
20 right. And so all of the machines will
21 go through the same process?

22 DEPUTY COMMISSIONER CUSTODIO:
23 Every machine will go through the same
24 process, yes.

25 COUNCILWOMAN BASS: All right.

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2 Thank you.

3 Thank you, Mr. President.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you, Councilwoman.

6 The Chair recognizes Councilman
7 Domb.

8 COUNCILMAN DOMB: Thank you,
9 Council President.

10 I just have two other
11 questions, because it was some of the, I
12 guess, concerns that some people have
13 had. I assume there was a leasing option
14 and a lease maybe to own option if we
15 have for these machines. Was there a
16 leasing option?

17 DEPUTY COMMISSIONER BLUESTEIN:
18 Yes. The RFP asked for leasing options
19 and lease to own and every type of option
20 that's available.

21 COUNCILMAN DOMB: Would it make
22 sense -- I didn't see the proposal or the
23 results of the proposal. Would it make
24 sense for us to look at maybe doing some
25 sort of a structure where we lease it for

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 the first two years, but then we have the
3 right to buy it and those lease payments
4 get applied to the payment if we're
5 satisfied with the equipment?

6 DEPUTY COMMISSIONER BLUESTEIN:
7 I believe all of these options were
8 reviewed by the Selection Committee and
9 submitted to the Procurement Department,
10 and the option that was chosen was
11 chosen.

12 COUNCILMAN DOMB: Just to
13 purchase it? Okay. I just think that
14 that might be something to visit, because
15 if there's some uncertainty or some
16 problem, then we're stuck with the
17 product. It's like dating --

18 (Applause.)

19 COUNCILMAN DOMB: The other
20 question I had was, do we need to borrow
21 any money for this purchase? Will we
22 need to borrow any money today or in the
23 future for this purchase of machines?

24 (Witness approached witness
25 table.)

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2 MS. ADAMS: Hi, Councilman. As
3 this is part of the Capital Budget, this
4 will be part of the regular GO borrowing
5 that we will do.

6 COUNCILMAN DOMB: So we will be
7 borrowing money?

8 MS. ADAMS: Yeah. The capital
9 component of this we'll borrow money for,
10 yeah.

11 COUNCILMAN DOMB: How much will
12 we be borrowing?

13 MS. ADAMS: So the component
14 that is capital eligible, which I think
15 is around 26 million, will be part of our
16 capital borrowing.

17 COUNCILMAN DOMB: And so when
18 we borrow that money, what's the term of
19 the borrowing typically?

20 MS. ADAMS: I think that's a
21 question for Rasheia. I don't have the
22 interest right -- we have an assumption
23 built into the plan. I can get you that.
24 But we tend to budget relatively
25 conservative for that, but it all depends

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2 on market conditions at the time. But
3 Rasheia would be able to provide more
4 information about that.

5 COUNCILMAN DOMB: Because
6 really if we're going to borrow the
7 money, it's not just the cost of what
8 we're saying today. It's also the
9 interest on the borrowing of that money.

10 MS. ADAMS: Absolutely. That's
11 why we've been sort of the last few years
12 trying to do as much pay-as-you-go
13 capital as we can. So if we have that
14 opportunity again this year, we'll try
15 and do the same thing. Any opportunity
16 we have to kind of put more on the
17 operating side so that we're not
18 borrowing and paying interest on it,
19 that's definitely been a factor for us.
20 So it's a part of when Nick mentioned the
21 28 million, some of those aren't capital
22 eligible, but we're trying to put as much
23 as we can on the operating side, bearing
24 in mind we also have challenges there.

25 COUNCILMAN DOMB: Right. So I

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 learned how to ask this question, because
3 I want to bring up something that's not
4 pleasant, which is 46th and Market, where
5 we did borrow 60 million and it's going
6 to cost us 40 million in interest roughly
7 for the borrowing over the time period.
8 So I guess what I'd like to see is some
9 sort of analysis given to Council as to
10 what's the real cost, including the
11 borrowing, including all the interest
12 over time, what will that real cost be to
13 the City.

14 MS. ADAMS: We can do that.
15 Bear in mind what we're assuming right
16 now is capital eligible, yes, we can do
17 that. I mean, obviously I know that the
18 Treasurer's Office refinances regularly,
19 but based on what the current conditions
20 are, we can do that.

21 COUNCILMAN DOMB: Thank you
22 very much. Thank you for your testimony.
23 Thank you, Council President.

24 COUNCIL PRESIDENT CLARKE:
25 Thank you, Councilman.

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2 The Chair recognizes

3 Councilman -- not here.

4 Thank you. I had a couple of
5 quick questions. Voter fraud,
6 significant level of conversation. We're
7 looking into that. I don't think that
8 we've experienced any measurable amount
9 here in the City, but just for purposes,
10 what are we looking at here to ensure
11 that we don't have any voter fraud?
12 Anything in particular?

13 DEPUTY COMMISSIONER BLUESTEIN:

14 Thank you, Councilman. Our office works
15 very closely with the District Attorney's
16 Office to be prepared for each election
17 for potential cases of voter fraud, and
18 we cooperate with any investigations that
19 they do after the election.

20 COUNCIL PRESIDENT CLARKE:

21 Okay. All right. Thank you.

22 Councilman Green came back.

23 The Chair recognizes Councilman
24 Green.

25 COUNCILMAN GREEN: Thank you,

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 Council President. I'm just trying to
3 multi-task here.

4 I wanted to just follow up on
5 some questions that were going on with
6 Ms. Adams and just trying to get a sense
7 in reference to, I think, off some
8 questions that Councilmember Bass and
9 also Councilmember Oh raised, because
10 there's been a lot of concerns, and I
11 asked some questions about educating the
12 public on the new voting machines and
13 there's been a lot of the concerns and
14 issues regarding hacking and paper
15 ballots and other perspectives. So I
16 want to get a perspective from you what
17 assurances are you providing to the
18 public that these machines are not going
19 to have those problems?

20 DEPUTY COMMISSIONER CUSTODIO:

21 As I said, these machines had to go
22 through a vigorous certification process
23 by both the federal EAC and the
24 Pennsylvania Department of State, and as
25 part of the state certification, the

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2 system was sent to an independent
3 security consultant for security and
4 penetration testing. Tests were done to
5 ensure that the election results, media
6 use reports, and audit logs were
7 protected from any attempts to decrypt,
8 manipulate, or corrupt the election data.
9 The system also meets requirements that
10 was written by the Office of Innovation
11 and Technology security experts. And
12 furthermore, the hardware, election
13 media, and ballots are secured with lock
14 and key and security seals.

15 COUNCILMAN GREEN: Okay. And
16 as we were going through this process,
17 was there any coordination with other
18 counties who were also in the process of
19 getting voting machines? I know I
20 participate with the County Commissioner
21 Association of Pennsylvania. Have there
22 been other coordination with those type
23 of groups as we were going through this
24 process?

25 DEPUTY COMMISSIONER CUSTODIO:

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2 Yes. We participate with the County
3 Commissioners Association and in contact
4 with other counties.

5 DEPUTY COMMISSIONER BLUESTEIN:

6 And representatives from the
7 Commissioners' Office and OIT went with
8 other counties to Harrisburg to meet with
9 the Department of State and Homeland
10 Security to go through security training.

11 COUNCILMAN GREEN: And then one
12 other follow-up. I just wanted to make
13 sure, because I think when you were
14 talking to Councilmember Oh about the
15 process in reference to the ballot. So
16 you go into the voting booth, you push
17 your buttons, you get a printed ballot,
18 and then you say that's okay, and then
19 that goes over a printer? I just want to
20 make sure I understand the full process.

21 DEPUTY COMMISSIONER CUSTODIO:

22 It gets scanned after you hit cast. It
23 gets scanned.

24 COUNCILMAN GREEN: So it gets
25 scanned after it's printed?

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2 DEPUTY COMMISSIONER CUSTODIO:

3 It gets scanned after it's printed, yes.

4 COUNCILMAN GREEN: So that

5 scanning process, who controls that

6 scanning process?

7 DEPUTY COMMISSIONER BLUESTEIN:

8 The scanner is part of the design of the

9 machine. So there's nobody touching the

10 paper. It stays behind the glass and

11 it's printed and scanned within the

12 machine.

13 COUNCILMAN GREEN: So you see

14 the print and then it gets scanned?

15 DEPUTY COMMISSIONER BLUESTEIN:

16 Yes.

17 COUNCILMAN GREEN: I guess the

18 question is that you're taking the

19 printed information based on your vote

20 and then you're putting it over a

21 scanner?

22 DEPUTY COMMISSIONER CUSTODIO:

23 Yes.

24 COUNCILMAN GREEN: So it gets

25 printed and then it's scanned. So when I

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 push the button, I see my ballot and then
3 after I see my ballot, now I say it's
4 okay, then it goes over a scanner?

5 DEPUTY COMMISSIONER CUSTODIO:

6 Yes.

7 COUNCILMAN GREEN: I guess the
8 question, who controls the scanner?

9 That's all --

10 DEPUTY COMMISSIONER CUSTODIO:

11 It's all -- it's all part of the machine.
12 It's little wheels that like suck the
13 ballot up into the scanner.

14 COUNCILMAN GREEN: So what if
15 there's any issue with the scanner itself
16 or stuff like that?

17 DEPUTY COMMISSIONER BLUESTEIN:

18 If there's any issues with any part of
19 the machine, our techs will be trained
20 to fix it.

21 COUNCILMAN GREEN: And that
22 goes back to what Councilmember Bass was
23 saying, if the machine breaks down or
24 anything.

25 DEPUTY COMMISSIONER CUSTODIO:

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 Correct.

3 COUNCILMAN GREEN: And you're
4 confident that this system is okay based
5 on certification from the Commonwealth?

6 DEPUTY COMMISSIONER CUSTODIO:

7 Mm-hmm.

8 DEPUTY COMMISSIONER BLUESTEIN:

9 Yes.

10 COUNCILMAN GREEN: And there
11 are other counties in the Commonwealth
12 using this machine?

13 DEPUTY COMMISSIONER CUSTODIO:

14 Northampton County I believe is the other
15 one that's seeking to purchase this same
16 equipment, and the entire State of
17 Delaware is using this in their statewide
18 election next week.

19 COUNCILMAN GREEN: Okay. And
20 once again, you're also confident this
21 machine, based on certification from the
22 Commonwealth level, is also going to be
23 okay for people that have any type of
24 learning or physical difference?

25 DEPUTY COMMISSIONER CUSTODIO:

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 Yes.

3 COUNCILMAN GREEN: Okay. It
4 just seems like there's a lot of issues
5 and concerns regarding the machines,
6 especially that scanning process, which
7 to me seems somewhat challenging.

8 (Applause.)

9 COUNCILMAN GREEN: Just the
10 scanning process just gives me concern.
11 I just saw a report earlier today talking
12 about all machines, even not just this
13 machine but all machines currently being
14 used, have the potential to be hacked.
15 So it just raises a concern when you're
16 putting -- not just this machine. I'm
17 talking about all -- and that's something
18 that from an industry perspective is a
19 problem, that we can for ATM transaction
20 or Visa debit cards, that's all -- but
21 for some reason in the voting industry --
22 and it's not so much on the
23 Commissioners' perspective, but more as
24 an industry, and it's whoever needs
25 guides at the federal level, but for

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 whatever reason, this administration
3 doesn't have any interest in making sure
4 things are more safe for people. I don't
5 know why.

6 (Applause.)

7 COUNCILMAN GREEN: I don't know
8 why this administration has that
9 perspective. I could assume, but you
10 should not make assumptions. But it just
11 is something as a technology industry
12 when we have technology that can do so
13 many other things, the voting integrity
14 is problematic.

15 (Applause.)

16 COUNCILMAN GREEN: I think
17 that's an issue for any of the machines.
18 From what the brief research I've done, I
19 think all the machines have those issues.
20 And that's more of an indictment of us as
21 a nation, that we don't have better
22 integrity of our machines, especially
23 based on what happened last election and
24 what could happen in future elections.

25 DEPUTY COMMISSIONER CUSTODIO:

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 That's part of the benefits of the
3 transition to the voter-verifiable paper
4 ballot, where now on our current
5 equipment it's all electronically stored.
6 The official vote record for recounts and
7 audits will be the plain English language
8 on the voter-verifiable paper ballot. So
9 if there is any issues with the scanning,
10 it will come up in the new robust audits
11 that we're piloting in November, and the
12 entire election will be able to be hand
13 recounted using the official record off
14 of the paper ballot.

15 COUNCILMAN GREEN: Okay.

16 Thank you, Council President.

17 COUNCIL PRESIDENT CLARKE:

18 Thank you, Councilman.

19 That concludes our questions
20 for the Commissioners' Office. Thank you
21 very much for your testimony.

22 DEPUTY COMMISSIONER CUSTODIO:

23 Thank you, Council President.

24 COUNCIL PRESIDENT CLARKE:

25 Thank you.

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2 (Pause.)

3 (Witness approached witness
4 table.)

5 COUNCIL PRESIDENT CLARKE: We
6 have callbacks. First up we have Public
7 Property Commissioner.

8 Good afternoon. Commissioner,
9 I'm assuming you don't have any
10 testimony, but I know we have questions
11 by at least one member for you. So I'm
12 going to go directly to that member.

13 Councilman Green.

14 COUNCILMAN GREEN: Give me one
15 second. Thank you, Council President.
16 I'm just trying to get my notes here
17 together.

18 Thank you, Commissioner, for
19 coming. I know you had prior -- we were
20 going to meet before, but then you had a
21 conflict and then also needed to leave
22 here earlier.

23 So I wanted to get some
24 perspectives on -- I notice there's been
25 a lot of back and forth regarding certain

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 contracting with the City through your
3 department, and I wanted to get more in
4 reference to -- and I missed the earlier
5 testimony, so I'm not sure if you had a
6 chance to provide some more background,
7 but in reference to some of the more
8 recent contracts in reference to the
9 quadplex, can you give some perspective
10 on the diversity and inclusion that will
11 occur?

12 COMMISSIONER GREENWALD: So
13 Bridget Collins-Greenwald, Department of
14 Public Property Commissioner.

15 So for the triplex contract,
16 there is a 53 percent -- there was a 35
17 percent goal, I believe, and a 7 percent
18 goal -- excuse me. Because I have these
19 new contacts, I swear, and they're
20 bifocals, I'm having a hard time looking
21 at this.

22 So the contract comes in at the
23 moment 53 percent.

24 COUNCILMAN GREEN: Okay. And
25 so the goal is 53 percent?

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 COMMISSIONER GREENWALD: No.

3 That's what it is. The goal is lower
4 than that.

5 COUNCILMAN GREEN: The goal was
6 35 and the actual 53 percent?

7 COMMISSIONER GREENWALD: Yes.

8 COUNCILMAN GREEN: And of that
9 53 percent, can you give me some
10 perspective on the makeup of the subs on
11 the contract?

12 COMMISSIONER GREENWALD: Sure.
13 So the subs -- so two of the main subs
14 are janitorial and the other main sub is
15 security. They make up the bulk of the
16 subcontracts. So the custodial sub is a
17 company called CMTI.

18 COUNCILMAN GREEN: That's
19 custodial?

20 COMMISSIONER GREENWALD: Yes.
21 And the security sub is a group called
22 Ingage with an I, I-N-G-A-G-E. Both
23 minority-owned subcontractors.

24 COUNCILMAN GREEN: And --

25 COMMISSIONER GREENWALD: So the

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 amounts in total for them for the whole
3 contract make up about 7.2 roughly
4 million of the 15.

5 COUNCILMAN GREEN: And so CMTI
6 and what was the other company?

7 COMMISSIONER GREENWALD: Ingage
8 with an I, I-N-G-A-G-E.

9 COUNCILMAN GREEN: And where
10 are these companies based out of?

11 COMMISSIONER GREENWALD: So
12 Ingage is based in Philly and CMTI is
13 based in Florida.

14 COUNCILMAN GREEN: Okay. So
15 CMTI is based in Florida and Ingage is
16 based in Philadelphia?

17 COMMISSIONER GREENWALD: Yes.

18 COUNCILMAN GREEN: And what is
19 their track record in reference to --
20 well, let me step back.

21 As part of the contracting
22 process, were you engaged or is that just
23 strictly through JLL in reference to
24 their vetting of the subcontractors?

25 COMMISSIONER GREENWALD: We are

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 not engaged in the part where they pick
3 the subcontractors.

4 COUNCILMAN GREEN: Is there any
5 concern in reference to these subs, their
6 capacity to do the work as subcontractors
7 for JLL?

8 COMMISSIONER GREENWALD: JLL
9 had no concerns, and so I don't have any
10 concerns if they didn't have any
11 concerns.

12 COUNCILMAN GREEN: I guess this
13 is part of a more macro concern, that we
14 talk about the issues of poverty in the
15 City of Philadelphia and we got to make
16 sure that we get the best companies to do
17 the best services for the City of
18 Philadelphia, but one of the concerns
19 I've had over the years -- and it's not
20 just this Administration, but more so
21 just a general thought process in how we
22 do procurement -- is that we're not using
23 the City of Philadelphia as an economic
24 development engine and that we are
25 bringing in goods and services from

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2 companies from wherever, just looking at
3 dynamics as opposed to what impact it may
4 have in the City of Philadelphia.

5 And so I guess my question is,
6 what steps are we taking from a
7 procurement within Public Property to try
8 to use local-based businesses that can
9 provide the same level of quality of work
10 and services?

11 COMMISSIONER GREENWALD: So I
12 should start out by saying both firms
13 will be hiring locally. So the employees
14 that are employed by the current subs
15 stay on. They continue on. So the
16 employees themselves do.

17 COUNCILMAN GREEN: Right,
18 but --

19 COMMISSIONER GREENWALD: As for
20 what Public Property --

21 COUNCILMAN GREEN: Let me just
22 jump in. But employing locally is you're
23 employing people in the City of
24 Philadelphia, but you're not growing
25 businesses locally. So although they may

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 be hiring people from the City of
3 Philadelphia, at least CMTI is based in
4 Florida as opposed to being based here in
5 the City of Philadelphia. So to me, we
6 should be doing more from as a city
7 perspective to growing local businesses,
8 because the revenue that we are using for
9 procurement is coming from the taxpayers
10 and business owners from the City of
11 Philadelphia. So we as a city should be
12 doing a better job to use qualified
13 local-based businesses that can do the
14 work.

15 COMMISSIONER GREENWALD: So the
16 Department of Public Property only has
17 this one major contract. So that is the
18 one contract that we have. So part of
19 the criteria is, there is a selection
20 piece for local. There's a selection
21 piece for minority. There's a selection
22 piece for experience.

23 On that end, this is the only
24 contract we really have. So what we do
25 in general like globally for the City, we

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 participate in the CAO's minority vendor
3 fairs, which they try to engage local
4 businesses to bid on other jobs and
5 whatnot, but as for Public Property, us,
6 we only have this one major contract.

7 COUNCILMAN GREEN: I understand
8 there's one major contract, but this is
9 an issue across all City departments.

10 Was there an engagement with
11 the entity that was selected in reference
12 to how they're going to procure local --
13 how they're going to procure their subs?

14 COMMISSIONER GREENWALD: So we
15 do not have those conversations in Public
16 Property. What we do is, we refer the
17 prime contractor to the OEO Office and
18 have them work with that group to see how
19 they would procure their subs.

20 COUNCILMAN GREEN: Was there
21 any concern from your perspective that
22 the firm that was selected would or would
23 not be using companies based from
24 Philadelphia?

25 COMMISSIONER GREENWALD: Was

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 there any concern on my direct part that
3 they were not going to use firms from
4 Philadelphia? No.

5 COUNCILMAN GREEN: Okay. Now,
6 Ingage, that's a Philadelphia-based
7 company?

8 COMMISSIONER GREENWALD: Yes.

9 COUNCILMAN GREEN: How long
10 have they been in capacity here in the
11 City of Philadelphia?

12 COMMISSIONER GREENWALD: I do
13 not know that information, because as for
14 right now, our contract is with JLL, and
15 they are still in negotiations with us
16 and they are also in negotiations with
17 their subs. So I'll have more
18 information as the contract goes through
19 the process, but it's not -- we're still
20 in the negotiating phase right at this
21 time.

22 COUNCILMAN GREEN: So you're
23 still negotiating with JLL?

24 COMMISSIONER GREENWALD: Yes.

25 COUNCILMAN GREEN: So as part

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 of that negotiation process -- let me
3 just step back.

4 How long will this contract
5 last?

6 COMMISSIONER GREENWALD: This
7 contract will last one year, with the
8 option to renew three times.

9 COUNCILMAN GREEN: So this
10 brings us back to the conversation we
11 just had with the City Commissioners,
12 which is an issue that predates this
13 Administration, but this process of
14 having one-year contracts with multiple
15 renewals, which does not provide those
16 contracts an opportunity to have any
17 engagement or oversight from City
18 Council.

19 COMMISSIONER GREENWALD: Okay.
20 I just know historically we bid this
21 contract this way for the past, I guess,
22 25 years it's been in place and we just
23 followed that.

24 COUNCILMAN GREEN: Right.
25 That's why I said this issue predates

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 this Administration, but is an issue that
3 has been historically occurring through
4 multiple administrations where contracts
5 are one-year contracts with multiple-year
6 renewals, but, in essence, these are
7 multi-year contracts. And this is not so
8 much a question for you. It's more of a
9 rhetorical comment, that various
10 administrations over the years have done
11 this, where as opposed to doing a
12 multi-year contract, which is required by
13 the Home Rule Charter to come to City
14 Council, it's a one-year contract with
15 multiple renewal years, which then does
16 not come to City Council for any type of
17 oversight. So this causes a continual
18 concern, from my observation, from City
19 Council's perspective because we're not
20 able to, one, engage in this conversation
21 and, two, there's no public hearing on
22 the type of large multi-year contracts,
23 large multi-year contracts that we're
24 using City resources from the taxpayers
25 to fund. So if I'm a taxpayer and I

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 wanted to get some perspective on a large
3 contract that the City is giving, which
4 is based on revenue coming either from my
5 business or from me personally, I don't
6 have the opportunity to engage.

7 And so I think this is
8 something that I've raised this issue in
9 the past, even before coming into
10 Council, that this concept of one-year
11 contracts with multi-year renewals is
12 problematic.

13 So as you're going through the
14 negotiations with the vendor that was
15 selected, will you be -- as part of the
16 negotiation process, will you be talking
17 to them about their subcontracts?

18 COMMISSIONER GREENWALD: We,
19 Public Property, will not be talking to
20 them about their subcontractors. They've
21 submitted their proposal to us. We
22 negotiate now on things like price and
23 those options, but, no, we won't be
24 talking to them specifically about their
25 subcontractors and their performance.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 We'll hold JLL to standards, and JLL will
3 be required to meet those standards.

4 COUNCILMAN GREEN: So as part
5 of your negotiations regarding price --
6 and what was the other aspect?

7 COMMISSIONER GREENWALD: We do
8 price. We do things like insurance
9 requirements, terms and conditions,
10 things like that, scope. But the scope
11 is like pretty much determined by the
12 RFP, but that's what we would negotiate
13 back and forth on.

14 COUNCILMAN GREEN: And so the
15 subs that they use will have no impact on
16 the things you'll be negotiating in
17 your --

18 COMMISSIONER GREENWALD: We
19 negotiate just with JLL. Then JLL would
20 negotiate with its subs. So if we came
21 to JLL with something and they had to go
22 to their subs, they would do that. We do
23 not get in the middle of a prime and
24 their subs.

25 COUNCILMAN GREEN: And so it's

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 your perspective that because JLL
3 submitted the subs as part of their
4 proposal, that you don't have any
5 concerns or issues with the subs being
6 able to do the work that's required?

7 COMMISSIONER GREENWALD: Well,
8 we're going to hold JLL to standards, so
9 we expect them to meet those standards.
10 So I would have to assume as a business,
11 they would hold their subs to those same
12 standards that we're going to require.

13 COUNCILMAN GREEN: So when will
14 this contract go into effect?

15 COMMISSIONER GREENWALD: July
16 1st.

17 COUNCILMAN GREEN: July 1st of
18 this year?

19 COMMISSIONER GREENWALD:
20 Mm-hmm.

21 COUNCILMAN GREEN: And what's
22 the transition process from current
23 entities providing services to when the
24 contract --

25 COMMISSIONER GREENWALD:

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 There's a transition that takes place on
3 the ground with management and workers.

4 There's a transition that takes place
5 where the workers that I had mentioned a
6 little bit earlier go to JLL, find out
7 everything that JLL is about, the
8 company, and then they -- there's a
9 90-day transition between the existing
10 company and the new company.

11 COUNCILMAN GREEN: Okay. And
12 so the contract is supposed to go into
13 effect as of July 1st, but historically
14 the contracts are supposed to be started
15 in the beginning of a new fiscal year,
16 but not get executed in reality until
17 sometime later, like September or
18 October. Do you anticipate that
19 occurring with this contract?

20 COMMISSIONER GREENWALD: No. I
21 anticipate this one will be ready to go
22 July 1st.

23 COUNCILMAN GREEN: So it will
24 be ready July 1st. So as of right now,
25 you're already moving forward with a

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 transition with the current entities that
3 are doing the work now?

4 COMMISSIONER GREENWALD: We're
5 moving forward, yes, preliminarily on a
6 transition, yes, a transition plan.

7 COUNCILMAN GREEN: So you're in
8 the process of putting together the
9 transition plan?

10 COMMISSIONER GREENWALD: We
11 have a transition plan that we're working
12 on with JLL and there are processes that
13 have to be met. There are legal
14 processes from the Charter that I really
15 don't know all the specifics of. Law
16 would have to get into with you. But
17 that's what we're working on now, like
18 what are their legal requirements per
19 letting subs know and all that stuff,
20 letting workers know. There's a Worker
21 Displacement Act, so notifications have
22 to go out. That's the process we're in
23 now. And then the plan would be, okay,
24 how do you transition from -- these are
25 the projects that we're working on now,

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 how do they transition to the new
3 company, things like that.

4 COUNCILMAN GREEN: And so from
5 your perspective, because you're just in
6 negotiations with JLL, you haven't had
7 any interaction or communication with any
8 of the subs that either JLL will use or
9 any existing subs? And so how that
10 transaction and transition is occurring
11 you would you not be aware of?

12 COMMISSIONER GREENWALD: I
13 would not be part of how the transition
14 would occur between the subs, no.

15 COUNCILMAN GREEN: From your
16 experience in reference to other
17 contracts, when there is a transition
18 like this and companies reach out to a
19 new vendor, historically what is the
20 process of communication?

21 COMMISSIONER GREENWALD: I
22 don't know. This is the only contract,
23 major contract, that we have and there's
24 never been a new vendor up until now.

25 COUNCILMAN GREEN: Because from

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 my understanding, various entities had
3 reached out to JLL in reference to issues
4 of diversity and inclusion and there was
5 no response, and I think just from a
6 business perspective, that's concerning,
7 that any time a new entity is coming into
8 the City of Philadelphia to do business,
9 you would think that they would be --
10 I've seen other corporations when they
11 come into the City of Philadelphia to do
12 work, they have a vendor fair or an
13 introduction, meet and greet, where any
14 vendor that's interested in participating
15 with them has an opportunity to meet with
16 that corporation. My understanding, that
17 did not occur.

18 In addition, outreach was made
19 to JLL, from my understanding, and that
20 was not reciprocated, which from a
21 business perspective I think is kind of
22 odd when you come into a new city and
23 that's not occurring.

24 COMMISSIONER GREENWALD: That
25 is contradictory to what I've been told.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 I've actually been told that JLL has met
3 with one of the main subcontractors and
4 they were in conversations about maybe
5 other services that contractor can
6 provide.

7 COUNCILMAN GREEN: Okay. Once
8 again, there's all kinds of different
9 perspectives on different things. I'm
10 just trying to get a sense.

11 But from your perspective, you
12 have a strong feeling in reference to
13 moving forward with this contractor. And
14 so the contract -- so how will your
15 oversight occur of the contract? Because
16 it's one year with multiple-year
17 renewals. So is it possible that they
18 will get extended for a year or not?

19 COMMISSIONER GREENWALD: So
20 it's possible based on how they meet
21 their service-level agreements with us.
22 So we set metrics, this is what we
23 expect. You get -- for an example of a
24 service-level measure is, if there's a
25 complaint about a specific issue, you

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 have X amount of time to get to it. So
3 the percentage of time you get to those
4 complaints. There's scheduled preventive
5 maintenance. So we follow up on that to
6 make sure you're following that schedule.
7 So that's what we would measure them on,
8 whether they're meeting their
9 service-level agreements with us.

10 COUNCILMAN GREEN: Okay. All
11 right. I guess you can get a perspective
12 of some of the issues and concerns that
13 have been raised in reference to this
14 transition when there's been contractors
15 and subs that have been doing work with
16 the City for a period of time and then
17 this transition occurs, and then even
18 when some of those subs try to reach
19 out -- I know although from your
20 perspective, there was outreach, but it
21 seems that there was a difference of
22 opinion on that perspective in reference
23 to what was communicated and
24 opportunities for engaging in
25 conversation.

1 5/7/19 - WHOLE - BILL 190152, ETC.

2 But this is part of a larger
3 dynamic which I think is problematic in
4 the City, and this goes back to previous
5 administrations where we are not doing
6 all that we can from a procurement
7 perspective to address poverty in our
8 city, especially from an economic
9 development dynamic, and I think it's
10 problematic. That's part of the reasons
11 why I introduced legislation like Best
12 Value or Local Procurement Initiative,
13 because I don't think we as a city are
14 really using all that we can to address
15 poverty from what we do from a
16 procurement perspective.

17 I understand this is your one
18 major contract in Public Property, but
19 it's more of a macro issue in reference
20 to the City, that we could be doing more,
21 and this goes across the past number of
22 administrations as well.

23 I guess I'm the only one?

24 Thank you, Madam Chair. Thank you.

25 COUNCILWOMAN BASS: Well,

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 before you go, actually I have some
3 questions on that line of questioning,
4 because I've been talking about this
5 issue for some time now and been very
6 frustrated with it as well, and I want to
7 thank Councilman Green for articulating
8 those concerns. I'm not as familiar with
9 what he's specifically referring to, but
10 I can tell you that in my work in my
11 committees, which are Parks and
12 Recreation and also Health and Human
13 Services, that one of the things that
14 we've talked about extensively is the
15 amount of -- or not the amount of
16 contracts, but where are our contracts
17 going. And when we talk about
18 Philadelphia having the largest
19 population of people who are living in
20 poverty, building wealth means for a lot
21 of folks building a business. And if we
22 farm those businesses out to places all
23 over the country, then it really does
24 exclude a lot of people here in the City
25 who -- a small contract by the City's

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 means could make all the difference in
3 the world in helping their business to
4 survive and to thrive and to hire folks
5 from the neighborhood who otherwise might
6 not have job opportunities.

7 And one thing that specifically
8 comes to mind is a number of contracts --
9 and, again, not through your department,
10 but the ones that I'm familiar with -- in
11 which as the Chair of Parks and
12 Recreation in which we've actually been
13 looking at contracts that have been
14 issued in an attempt to reissue those
15 contracts without looking locally, one
16 based outside of the City of Philadelphia
17 in Chicago and one based, to my
18 understanding, as far away as Paris,
19 France. And we've looked at how was it
20 that this is occurring, and you've got
21 folks who are here who are providing the
22 same services and can provide these
23 services locally and, again, they're
24 being provided -- they're being issued
25 far outside of the City of Philadelphia.

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2 So it's an opportunity to
3 really build wealth, and we certainly
4 want to work with all of our
5 commissioners to make sure that where
6 there's an opportunity, that we do so.

7 And, again, the case that I'm
8 thinking of, the contract was issued, and
9 when we asked about it, it was, oh, well,
10 there was only one RFP that responded.
11 Well, there was only one RFP because it
12 almost was as if the contract was written
13 specifically for this one entity to be
14 able to respond.

15 So we just really have to be
16 thoughtful about if we're really serious
17 about doing something about the poverty
18 rate in the City of Philadelphia and if
19 we're really serious about minority
20 participation here in Philadelphia, then
21 I think we have to, have to, have to look
22 at how contracts are issued, where
23 they're going, who is being affected, and
24 really who is being left out, because
25 there's a whole lot of folks in

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2 Philadelphia who are being left out. And
3 I don't think that it's something that
4 Council should be in the business of,
5 like this is not -- I don't think any of
6 us should be down here directing
7 contracts or being very engaged in
8 contracts, except to say where there is a
9 disparity and where folks are being left
10 out, that we need to do better. We need
11 to do a whole lot better.

12 And I think that's it. Thank
13 you so much, Commissioner.

14 COMMISSIONER GREENWALD: Thank
15 you. Have a good afternoon.

16 COUNCILWOMAN BASS: Thank you.
17 Have a good afternoon.

18 And if we could have the Office
19 of Property Assessment come forward,
20 Mr. Piper.

21 (Witnesses approached witness
22 table.)

23 MR. PIPER: Good afternoon,
24 Councilwoman Bass and members of City
25 Council. I'm Michael Piper, the City of

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 Philadelphia's Office of Property
3 Assessment's Chief Assessment Officer,
4 and with me today are my Deputy Chief
5 Assessment Officer James Aros, Jr. and
6 our Interim Administrative Service
7 Director Maria Holmes.

8 We do not have any additional
9 testimony to amend our April 3rd
10 testimony, but we understand Council has
11 questions for us, and we're here to at
12 least try to answer them.

13 COUNCILWOMAN BASS: Very good.
14 One moment.
15 And Councilman Domb.

16 COUNCILMAN DOMB: I guess I'm
17 asking these questions on behalf of
18 another Councilmember. I just got the
19 sheet. I'm just going to read the
20 questions to you.

21 As I understand it, state law
22 requires assessments to be available to
23 the public by March 31st of each year.
24 Is that correct?

25 MR. PIPER: Yes.

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2 COUNCILMAN DOMB: Page 7 of the
3 OPA trending methodology document states
4 that approximately 40,000 parcels were
5 under review as no trending factor was
6 assigned of March 31st.

7 MR. PIPER: That's correct.

8 COUNCILMAN DOMB: What type of
9 parcels are in this group?

10 MR. PIPER: Primarily
11 residential. Primarily residential, but
12 some non-residential also.

13 COUNCILMAN DOMB: The next
14 question asks, why wasn't work completed
15 on these parcels?

16 MR. PIPER: The work was
17 completed, but as part of what we do in
18 looking to apply some oversight, we saw
19 some trending factors that didn't seem
20 like they applied to several categories
21 of property, and rather than send out
22 assessments that we knew were erroneous
23 or we even had questions about, the law
24 allows us to, in instances where there
25 are mistakes that we can identify, to

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2 postpone that assessment for a second
3 mailing.

4 COUNCILMAN DOMB: When will
5 this review be completed?

6 MR. PIPER: That should be
7 completed sometime in June.

8 COUNCILMAN DOMB: Okay. And
9 how long will owners of these properties
10 have to file requests for first-level
11 review after OPA completes its review?

12 MR. PIPER: The owners of those
13 properties will be given the same 30-day
14 window to file as anyone else. So we
15 will send them a new assessment notice
16 with a new filing deadline.

17 COUNCILMAN DOMB: And how did
18 you calculate the trending factors for
19 non-residential parcels?

20 MR. PIPER: For the
21 non-residential parcels, we actually used
22 our consultant, A.R. Hughes, who pretty
23 much did a market analysis of the various
24 subcategories of non-residential
25 property - retail, office buildings, and

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2 hotel - and we looked at those factors
3 and applied those to those categories.

4 COUNCILMAN DOMB: Your tax year
5 2020 residential ratio study presents the
6 results of your analysis, but not the
7 underlying data used to produce those
8 results. Do you plan to post the
9 underlying sales ratio studies that you
10 used to establish the trending factors,
11 as well as the sales ratio studies you
12 used to determine the accuracy of your
13 assessments?

14 MR. PIPER: I heard most of
15 what you said, but --

16 COUNCILMAN DOMB: Let me repeat
17 it.

18 MR. PIPER: I couldn't glean
19 the question out of it.

20 COUNCILMAN DOMB: Your tax year
21 2020 residential ratio study presents the
22 results of your analysis, but not the
23 underlying data used to produce those
24 results. Do you plan to post the
25 underlying sales ratio studies that you

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 used to establish the trending factors,
3 as well as the sales ratio studies you
4 used to determine the accuracy of your
5 assessments?

6 MR. PIPER: We do plan on
7 posting that.

8 COUNCILMAN DOMB: And any
9 timeframe on that?

10 MR. PIPER: I would say
11 probably within the next month and
12 probably less than a month from now.

13 COUNCILMAN DOMB: This is one
14 of my questions now.

15 MR. PIPER: Okay.

16 COUNCILMAN DOMB: On Page 23 of
17 the overview of the trending methodology,
18 it shows the Zone G/Other as trending
19 down 23.5 percent in 2020. That, I
20 guess, went down.

21 MR. PIPER: Correct.

22 COUNCILMAN DOMB: Which is a
23 big drop.

24 On Page 4 of the methodology
25 overview, it says you examined

1 5/7/19 - WHOLE - BILL 190152, ETC.
2 transactions from 2012 to 2017 for that
3 2019 reassessment project.

4 MR. PIPER: Correct.

5 COUNCILMAN DOMB: How is it
6 possible, though, in this area that they
7 depreciated by 23 and a half percent in
8 one year?

9 MR. PIPER: In that particular
10 zone, what we were seeing is, there were
11 some parts to that area that were -- it
12 looked like they were overassessed if we
13 applied a positive trending factor,
14 something over one, and that's just what
15 the market showed us. You won't see that
16 for too many zones.

17 COUNCILMAN DOMB: Can you tell
18 us just for the record what area this is
19 in the City?

20 MR. PIPER: Is this G/Other
21 you're referring to?

22 COUNCILMAN DOMB: Yes.

23 MR. PIPER: That was something
24 that we split from the original G.

25 If you don't mind, Councilman,

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2 I'm going to call our Director of Mass
3 Appraisal, Kevin Keene up, because Kevin
4 is actually the person that was involved
5 in that analysis.

6 (Witness approached witness
7 table.)

8 MR. KEENE: Good afternoon.

9 I'm Kevin Keene, the Director of Mass
10 Appraisal Analysis at the Office of
11 Property Assessment.

12 COUNCILMAN DOMB: So can you
13 tell us where Zone G/Other is located in
14 the City?

15 MR. KEENE: Zone G/Other is
16 east of Broad Street, north of Center
17 City and below Roosevelt Boulevard, but
18 it's the area that specifically excludes
19 Kensington, Fishtown, and the area right
20 around --

21 COUNCILMAN DOMB: Would that be
22 above Girard Avenue?

23 MR. KEENE: I think Girard
24 Avenue might be this current southern
25 boundary.

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2 COUNCILMAN DOMB: So it's
3 Girard to the south up to Roosevelt
4 Boulevard in the north?

5 MR. KEENE: Yes. And east of
6 Broad and -- the eastern boundary bounds
7 up against the River Wards. It might be
8 Frankford Avenue. I'm not sure what the
9 eastern boundary of that is.

10 COUNCILMAN DOMB: Are we saying
11 that that area went down 23 and a half
12 percent in value?

13 MR. KEENE: No, that's not
14 actually what we're saying. What we're
15 saying is that compared to the 2019
16 values, that those values for some of
17 those areas have been too high. So even
18 though the market hasn't been moving
19 downwards, that was the adjustment that
20 was needed to bring them to where they
21 should be.

22 COUNCILMAN DOMB: I see. Okay.
23 Last question. In the trending
24 methodology, do we take into
25 consideration the effect the ten-year tax

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2 abatement has had on the inflation of
3 sales in a zone?

4 MR. PIPER: We don't factor the
5 abatement or other exemptions into
6 anything we're doing for this general
7 assessment or even this year for
8 trending.

9 COUNCILMAN DOMB: Let me ask
10 another question about the abatement
11 actually. Have you seen from the data
12 across the City when the abatement is
13 over, has there been any change in the
14 value of the real estate once the
15 abatement is over?

16 MR. PIPER: Not in the value.
17 I don't think the market reflects that.
18 We do see -- well, to answer your
19 question, no.

20 COUNCILMAN DOMB: Okay. You
21 don't see a change in the value?

22 MR. PIPER: We don't.

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

25 Thank you, Madam Chairwoman.

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2 COUNCILWOMAN BASS: Thank you,
3 Councilman.

4 And there being no other
5 questions, this Committee will stand in
6 recess until Wednesday, May 8th, 2019 at
7 10:00 a.m., at which time we will
8 reconvene in Room 400 in City Hall.

9 Thank you very much.

10 MR. PIPER: Thanks,
11 Councilwoman.

12 COUNCILWOMAN BASS: Thank you.

13 (Committee of the Whole
14 adjourned at 12:56 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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