

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE OF THE WHOLE

Room 400, City Hall  
Philadelphia, Pennsylvania  
Wednesday, May 25, 2016  
1:40 p.m.

PRESENT:

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

BILLS 160170, 160171, 160172, 160173, 160174,  
160175, 160176, 160508, and 160509  
RESOLUTION 160180

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COUNCIL PRESIDENT CLARKE: Good afternoon, folks. We're going to start. Can I have everyone's attention. Thank you all very much.

To our friends and citizens in the audience, sorry for the delay, but it's kind of the function around here. We always have unforeseen incidents that pop up, but we will try to move this as expeditiously as possible.

First of all, I would like to say for the record there apparently has been some information that was put out through mass media and regular traditional media and other that there will be a vote on sugar tax or sugar tax-related activity today. That is not the case. I have no idea where that rumor or that information came from. It was never on the agenda to move sugar tax out today. So for those of you that are anticipating such a vote, that is not scheduled for today. It will happen pretty soon, but not today.

1           5/25/16 - WHOLE - BILL 160170, etc.

2                   So thank you all for your  
3 cooperation. We obviously welcome you  
4 regardless of why you decided to come  
5 down here. We really enjoy you being  
6 here.

7                   This is a public hearing on the  
8 Committee of the Whole regarding Bills  
9 No. 160170, 160171, 160172, 160173,  
10 160174, 160175, 160176, and Resolution  
11 No. 160180. And there will be testimony  
12 from the Administration on Bill No.  
13 160508 and 160509. Thank you very much.

14                   Mr. Stitt, please read the  
15 titles of the bills and resolution.

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

20                   Bill No. 160171, an ordinance  
21 to adopt a Fiscal 2017 Capital Budget.

22                   Bill No. 160172, an ordinance  
23 adopting the Operating Budget for Fiscal  
24 Year 2017.

25                   Bill No. 160173, an ordinance

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           amending Section 19-1806 of The  
3           Philadelphia Code, entitled  
4           "Authorization of Realty Use and  
5           Occupancy Tax," to further authorize the  
6           Board of Education of the School District  
7           of Philadelphia to impose a tax on the  
8           use or occupancy of real estate within  
9           the School District of Philadelphia,  
10          under certain terms and conditions.

11                   Bill No. 160174, an ordinance  
12          amending Section 19-1801 of The  
13          Philadelphia Code, entitled  
14          "Authorization of Tax," to further  
15          authorize the Board of Education of the  
16          School District of Philadelphia to impose  
17          a tax on real estate within the City of  
18          Philadelphia, all under certain terms and  
19          conditions.

20                   Bill No. 160175, an ordinance  
21          amending Chapter 19-1500 of The  
22          Philadelphia Code, entitled "Wage and Net  
23          Profits Tax," by revising certain tax  
24          rates, under certain terms and  
25          conditions.

1           5/25/16 - WHOLE - BILL 160170, etc.

2                   Bill No. 160176, an ordinance  
3 amending Title 19 of The Philadelphia  
4 Code, entitled "Finance, Taxes and  
5 Collections," by adding a new Chapter  
6 19-4100, entitled "Sugar-Sweetened  
7 Beverage Tax," under certain terms and  
8 conditions.

9                   Bill No. 160508, an ordinance  
10 amending Title 19 of The Philadelphia  
11 Code, entitled "Finance, Taxes and  
12 Collections," by adding a new Chapter  
13 19-4100, entitled "Non-reusable Beverage  
14 Container Tax," under certain terms and  
15 conditions.

16                   Bill No. 160509, an ordinance  
17 authorizing the transfer in  
18 appropriations for Fiscal Year 2017 from  
19 the General Fund, the Mayor - Office of  
20 Community Schools and Universal Pre-K to  
21 the General Fund, the Director of  
22 Finance - Contribution to School  
23 District, under certain terms and  
24 conditions.

25                   Resolution 160180, resolution

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           providing for the approval by the Council  
3           of the City of Philadelphia of a Revised  
4           Five Year Financial Plan for the City of  
5           Philadelphia covering Fiscal Years 2017  
6           through 2021, and incorporating proposed  
7           changes with respect to Fiscal Year 2016,  
8           which is to be submitted by the Mayor to  
9           the Pennsylvania Intergovernmental  
10          Cooperation Authority (the "Authority")  
11          pursuant to the Intergovernmental  
12          Cooperation Agreement, authorized by an  
13          ordinance of this Council approved by the  
14          Mayor on January 3, 1992 (Bill No.  
15          1563-A), by and between the City and the  
16          Authority.

17                   COUNCIL PRESIDENT CLARKE:

18          Thank you, Mr. Stitt.

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

1           5/25/16 - WHOLE - BILL 160170, etc.  
2 Fiscal 2022.

3                   First, we will hear testimony  
4 from the Administration regarding a  
5 proposed amendment to the Fiscal Year  
6 2017 Capital Budget and the Fiscal Year  
7 2017 through Fiscal Year 2022 Capital  
8 Program.

9                   Mr. Stitt, can you please call  
10 the name of the first witness.

11                   THE CLERK: Anna Wallace.  
12                   (Witness approached witness  
13 table.)

14                   COUNCIL PRESIDENT CLARKE:  
15 Thank you. How are you?

16                   MS. ADAMS: Hi. Good  
17 afternoon, Council President Clarke and  
18 members of the Committee. My name is  
19 Anna Adams and I'm the City's Budget  
20 Director. I'm here today to offer  
21 amendments to Bill Nos. 160170 and  
22 160171, the proposed FY17 to '22 Capital  
23 Program and the FY17 Capital Budget,  
24 respectively.

25                   On behalf of the

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           Administration, I'm requesting these  
3           amendments for both technical and  
4           programmatic reasons.  Importantly, these  
5           changes will not impact the amount of  
6           general obligation funds contemplated  
7           under the bills as originally proposed.

8                         From a technical basis, the  
9           amounts within the Division of Aviation  
10          contain carry-forward amounts that are  
11          too high and are proposed to be reduced  
12          to match their current progress on  
13          spending these funds.  The Water  
14          Department's federal and state funds are  
15          proposed to be adjusted to reflect the  
16          most recent grant awards from federal and  
17          state entities.  The Water Department is  
18          in the process of receiving  
19          state-sponsored grants in the form of  
20          Multimodal Trust Fund grants and federal  
21          grants from the Federal Highway  
22          Administration in partnership with the  
23          Streets Department.  The amendment also  
24          moves certain titles "OGOVO," "FO," and  
25          "SO" funding sources from the budget



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           ordinance under Transit, which are off  
3           budget governmental sources that were  
4           previously included in error.

5                         From a programmatic basis, the  
6           amendment moves \$1.3 million worth of  
7           funding within the Streets Department  
8           from streets reconstruction to \$850,000  
9           for critical roof and window replacements  
10          within the Traffic Operations Center,  
11          \$200,000 for traffic control equipment,  
12          and \$250,000 for street lighting  
13          improvements.

14                        The amendment also removes  
15          \$500,000 in planning funds within the  
16          City Commissioners' funding budget in  
17          FY17 and '18 intended for the launch of  
18          the new voting machines in FY19, which  
19          are deemed no longer necessary. An  
20          additional \$500,000 is proposed to be  
21          added to the Commerce Department for  
22          Penns Landing improvements. One million  
23          dollars in total City funds will leverage  
24          PennDOT funds and funding from the  
25          William Penn Foundation for a study

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           called the Preliminary Engineering  
3           Project, which will be managed by the  
4           Delaware River Waterfront Corporation, or  
5           DRWC. The study will analyze potential  
6           development and improvement options for  
7           the Penns Landing area over I-95 from  
8           approximately I-676 interchange south to  
9           Washington Avenue. The Administration's  
10          ITEF line will use \$500,000 to support  
11          the remainder of the project to ensure  
12          that the general obligation-supported  
13          Capital Budget remains neutral.

14                    These changes impact the  
15          overall FY17 budget with a decrease of  
16          407,094,954 due to the reduction of the  
17          carry-forward lines within the Division  
18          of Aviation. By proposing these changes  
19          to the FY17 budget, the amendment will  
20          also decrease the FY17 to '22 Capital  
21          Program by the same amount.

22                    I respectfully ask that the  
23          Committee consider and adopt these  
24          proposed amendments.

25                    Thank you for the opportunity

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           to appear before you this afternoon, and  
3           I'm happy to answer any questions that  
4           you may have.

5                        COUNCIL PRESIDENT CLARKE:

6           Thank you very much, Ms. Wallace.

7                        Do we have any questions from  
8           members for Ms. Wallace on the Capital  
9           Program?

10                      (No response.)

11                      COUNCIL PRESIDENT CLARKE:

12           Okay. Thank you very much for your  
13           testimony.

14                      MS. ADAMS: Thank you.

15                      COUNCIL PRESIDENT CLARKE: So  
16           next up we'll have Mr. Dubow and  
17           Mr. Tulante to testify on the container  
18           tax bill.

19                      (Witnesses approached witness  
20           table.)

21                      SOLICITOR TULANTE: Good  
22           afternoon, Council President Clarke --

23                      COUNCIL PRESIDENT CLARKE:

24           Could you hold on one second, please.

25                      (Brief pause.)

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Folks, we're going to -- real briefly,

4 let me explain what we're going to do.

5 We have a series of bills that are on the

6 Calendar where there's absolutely no

7 controversy, which is pretty good. So

8 because we have a timeline in terms of

9 passing our budget, we're going to go

10 into a public meeting. We're going to

11 move those bills to start the process of

12 moving towards final passage, just to

13 kind of give you a sense of what we're

14 doing.

15 So it's basically real estate

16 taxes. We're assuming that nobody wants

17 us to raise real estate taxes. U&O,

18 which is a business tax, the assumption

19 is nobody wants us to raise that.

20 Capital Program is pretty consistent with

21 our plan. And wage tax, the assumption

22 is that people want us to continue to

23 lower that.

24 So we're going to move those

25 non-controversial bills. So at this

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           time, we will briefly recess the public  
3           hearing and go to a public meeting to  
4           consider the action being taken on Bills  
5           No. 160170, 160171, 160173, 160174, and  
6           160175.

7                           And the Chair recognizes  
8           Councilman Henon for the purpose of  
9           making a motion to move those bills out  
10          of Committee.

11                          COUNCILMAN HENON: Thank you,  
12          Mr. President. I move that Bill No.  
13          160170, 160171, 160173, 160174, 160175 be  
14          voted out of Committee with a favorable  
15          recommendation.

16                           (Duly seconded.)

17                          COUNCIL PRESIDENT CLARKE:  
18          Councilman, make a motion with suspension  
19          of the rules.

20                          COUNCILMAN HENON: You want to  
21          suspend the rules?

22                          COUNCIL PRESIDENT CLARKE: Yes.

23                          COUNCILMAN HENON: Okay. We're  
24          going to vote them out with a suspension  
25          of the rules as to be heard at --

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCIL PRESIDENT CLARKE: You  
3 know what, we have to adopt the amendment  
4 for the Capital.

5 Oh, okay. It's my fault. I'm  
6 not reading my script. It's okay. It's  
7 my fault. I got a little bit too much  
8 going on right now.

9 So we are still in the public  
10 meeting. Councilman Henon, now that  
11 we're in the public meeting, I recognize  
12 the Councilmember for a motion on the  
13 amendment to Bill No. 160170.

14 COUNCILMAN HENON: Thank you,  
15 Mr. Chairman. I do offer an amendment to  
16 Bill No. 160170. A copy of the amendment  
17 has been circulated to all members of the  
18 Committee, and I move the adoption of the  
19 amendment be approved.

20 (Duly seconded.)

21 COUNCIL PRESIDENT CLARKE:  
22 Thank you. It's been moved and properly  
23 seconded that the amendment to Bill No.  
24 160170 be approved.

25 All those in favor say aye.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 (Aye.)

3 COUNCIL PRESIDENT CLARKE:

4 Those opposed?

5 (No response.)

6 COUNCIL PRESIDENT CLARKE: The  
7 ayes have it. Bill No. 160170 has been  
8 amended.

9 And the Chair recognizes  
10 Councilmember Henon for a motion on Bill  
11 No. 160170, as amended.

12 COUNCILMAN HENON: Thank you,  
13 Mr. Chairman. I move that Bill No.  
14 160170, as amended, be reported from this  
15 Committee with a favorable recommendation  
16 and further move that the rules of  
17 Council be suspended as to permit first  
18 reading of this bill at our next Council  
19 session.

20 (Duly seconded.)

21 COUNCIL PRESIDENT CLARKE:

22 Thank you. It has been moved and  
23 properly seconded that Bill No. 160170,  
24 as amended, be reported from this  
25 Committee with a favorable recommendation

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           and further moved that the rules of  
3           Council be suspended so as to permit  
4           first reading at the next session of  
5           Council.

6                     All those in favor say aye.  
7                     (Aye.)

8                     COUNCIL PRESIDENT CLARKE:  
9           Those opposed?

10                    (No response.)

11                    COUNCIL PRESIDENT CLARKE: The  
12           ayes have it and the motion carries.  
13           Bill No. 160170, as amended, will be  
14           reported from this Committee with a  
15           favorable recommendation and request that  
16           the rules of Council be suspended so as  
17           to permit first reading at the next  
18           session of Council.

19                    The Chair now recognizes  
20           Councilmember Henon for a motion on the  
21           amendment to Bill No. 160171.

22                    COUNCILMAN HENON: Thank you,  
23           Mr. Chairman. I offer an amendment to  
24           Bill No. 160171. A copy of the amendment  
25           has been circulated to all members of the



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           Committee, and I move for the adoption of  
3           the amendment.

4                         (Duly seconded.)

5                         COUNCIL PRESIDENT CLARKE:

6           Thank you. It has been moved and  
7           properly seconded that the amendment to  
8           Bill No. 160171 be adopted.

9                         All those in favor will signify  
10          by saying aye.

11                        (Aye.)

12                        COUNCIL PRESIDENT CLARKE:

13          Those opposed?

14                        (No response.)

15                        COUNCIL PRESIDENT CLARKE: The  
16          ayes have it. Bill No. 160171 has been  
17          amended.

18                        The Chair again recognizes  
19          Councilmember Henon for a motion on  
20          160171, as amended.

21                        COUNCILMAN HENON: Thank you,  
22          Mr. Chairman. I move that Bill No.  
23          160171, as amended, be reported from this  
24          Committees with a favorable  
25          recommendation and further move that the

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           rules of Council be suspended as to  
3           permit first reading of this bill at our  
4           next Council session.

5                         (Duly seconded.)

6                         COUNCIL PRESIDENT CLARKE:

7           Thank you. It's been moved and properly  
8           seconded that Bill No. 160171, as  
9           amended, be reported from this Committee  
10          with a favorable recommendation with a  
11          suspension of the rules.

12                        All in favor of this motion say  
13          aye.

14                        (Aye.)

15                        COUNCIL PRESIDENT CLARKE:

16          Those opposed?

17                        (No response.)

18                        COUNCIL PRESIDENT CLARKE: The  
19          ayes have it and the motion carries.  
20          Bill No. 160171, as amended, will be  
21          reported from this Committee with a  
22          favorable recommendation and a request  
23          that the rules of Council be suspended to  
24          permit first reading at the next session  
25          of Council.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 The Chair now recognizes  
3 Councilmember Henon for a motion on Bill  
4 No. 160173.

5 COUNCILMAN HENON: Thank you,  
6 Mr. Chairman. I move that Bill No.  
7 160173 be reported from this Committee  
8 with a favorable recommendation and  
9 further move that the rules of Council be  
10 suspended to permit first reading of this  
11 bill at our next Council session.

12 (Duly seconded.)

13 COUNCIL PRESIDENT CLARKE:  
14 Thank you. It's been moved and properly  
15 seconded that Bill No. 160173 be reported  
16 from this Committee with a favorable  
17 recommendation and further moved that the  
18 rules of Council be suspended so as to  
19 permit first reading of this bill at the  
20 next session of Council.

21 All those in favor say aye.

22 (Aye.)

23 COUNCIL PRESIDENT CLARKE:

24 Those opposed?

25 (No response.)

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCIL PRESIDENT CLARKE: The  
3 ayes have it and the motion carries.  
4 Bill No. 160173 will be reported from  
5 this Committee with a favorable  
6 recommendation and a request that the  
7 rules of Council be suspended to permit  
8 first reading at the next session of  
9 Council.

10 The Chair now recognizes  
11 Councilman Henon one more time for a  
12 motion on Bill No. 160174.

13 COUNCILMAN HENON: Thank you,  
14 Mr. Chairman. I move that Bill No.  
15 160174 be reported from this Committee  
16 with a favorable recommendation and  
17 further move that the rules of Council be  
18 suspended to permit first reading of this  
19 bill at our next Council session.

20 (Duly seconded.)

21 COUNCIL PRESIDENT CLARKE:  
22 Thank you. It's been moved and properly  
23 seconded that Bill No. 160174 be reported  
24 from this Committee with a favorable  
25 recommendation and further moved that the

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           rules of Council be suspended to permit  
3           first reading on this at the next session  
4           of Council.

5                     All those in favor of the  
6           motion will signify by saying aye.

7                     (Aye.)

8                     COUNCIL PRESIDENT CLARKE:

9           Those opposed?

10                    (No response.)

11                    COUNCIL PRESIDENT CLARKE: The

12           ayes have it and the motion carries.

13           Bill No. 160174 will be reported from

14           this Committee with a favorable

15           recommendation and a request that the

16           rules of Council be suspended to permit

17           first reading at the next session of

18           Council.

19                    The Chair recognizes

20           Councilmember Henon for a motion on Bill

21           No. 160175.

22                    COUNCILMAN HENON: Thank you,

23           Mr. Chairman. I move that Bill No.

24           160175 be reported from this Committee

25           with a favorable recommendation and

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           further move that the rules of Council be  
3           suspended to permit first reading of this  
4           bill at our next Council session.

5                         (Duly seconded.)

6                         COUNCIL PRESIDENT CLARKE:

7           Thank you. It has been moved and  
8           properly seconded that Bill No. 160175 be  
9           reported from this Committee with a  
10          favorable recommendation and further  
11          moved that the rules of Council be  
12          suspended to permit first reading of this  
13          bill at the next session of Council.

14                        All those in favor say aye.

15                        (Aye.)

16                        COUNCIL PRESIDENT CLARKE:

17          Those opposed?

18                        (No response.)

19                        COUNCIL PRESIDENT CLARKE: The  
20          ayes have it and the motion carries.

21          Bill No. 160175 will be reported from  
22          this Committee with a favorable  
23          recommendation and a request that the  
24          rules of Council be suspended to permit  
25          first reading at the next session of

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           Council.

3                         We have concluded the public  
4           meeting. We will now go back into the  
5           public hearing, where we will hear  
6           testimony on Bill No. 160508. We are  
7           reserving June 8th as a date for public  
8           testimony in regards to the newly  
9           introduced bills. If you wish to testify  
10          on these bills, please go visit Council's  
11          website and call the Chief Clerk for  
12          further instructions or you can obviously  
13          call your Councilmember.

14                        Mr. Stitt, can you please call  
15          the name of the first witness on this  
16          bill.

17                        THE CLERK: The City Solicitor.

18                        SOLICITOR TULANTE: Good  
19          afternoon, Council President Clarke,  
20          members of the Committee of the Whole --

21                        COUNCIL PRESIDENT CLARKE: Hold  
22          on.

23                        Before we take the testimony,  
24          the Chair recognizes Councilwoman  
25          Reynolds Brown.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCILWOMAN BROWN: Yes,  
3 Mr. President. I do have opening remarks  
4 on this container bill, if I may.

5 COUNCIL PRESIDENT CLARKE:  
6 Absolutely.

7 COUNCILWOMAN BROWN: I need to  
8 say good afternoon to my colleagues and  
9 all of those who have joined us this  
10 afternoon out of your demanding work  
11 schedules to hear how we continue to  
12 figure out how we fund universal quality  
13 pre-K, how we fund community schools, and  
14 how we rebuild our rec, libraries, and  
15 parks with a guarantee of the inclusion  
16 and participation of MBE and WBEs. This  
17 afternoon continues that friendly debate.

18 Your opening remarks bear  
19 repeating in that we need to apologize  
20 for the inaccurate info on social media  
21 which indicated that we might be voting  
22 on these bills today. This afternoon we  
23 are calling on my colleagues to not vote  
24 on the proposed bills, but simply to hear  
25 and listen to the testimony as the



1 5/25/16 - WHOLE - BILL 160170, etc.

2 homework and the discussion continues.

3 I remain strong in my belief  
4 that the ideas up for consideration are  
5 all on the table, for my experience tells  
6 me when we have multiple ideas on the  
7 table, we typically end up with better  
8 outcomes for the citizens of our city.

9 And so I am asking my colleagues to do as  
10 you always do, maintain an open mind, ask  
11 the relevant questions related to this  
12 bill, and carefully consider this option,  
13 along with Mayor Kenney's proposal, as we  
14 stack these two options together and seek  
15 to win a win-win scenario.

16 In the words of Councilwoman  
17 Maria Quinones-Sanchez, often she says  
18 this does not have to be an either/or.  
19 We can actually end up with an "and," a  
20 win-win for everybody.

21 Thank you, Mr. President.

22 COUNCIL PRESIDENT CLARKE:

23 Thank you, Councilwoman.

24 Please proceed with your  
25 testimony.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 SOLICITOR TULANTE: Yes. Good

3 afternoon, Council President Clarke and  
4 members of the Committee of the Whole.

5 I've been asked by Councilmember Reynolds  
6 Brown to present brief testimony on the  
7 Bill No. 160508. That's the non-reusable  
8 beverage container tax. And my testimony

9 is very brief because for the same

10 reasons in which I testified to Council

11 before regarding the sugar-sweetened

12 beverage tax, I believe strongly that

13 Council has authority to enact this

14 measure. We've considered some of the

15 same potential arguments; that is, sales

16 tax, uniformity, and having reviewed them

17 and looking at the legislation, we're

18 very comfortable that Council has this

19 authority and if there's any challenge,

20 that we'll be ready for it.

21 I'm happy to take any

22 questions, but with the blessing of

23 Councilmember Reynolds Brown's staff, I

24 prepared an opinion and she's waived any

25 privilege with respect to that, and so

1 5/25/16 - WHOLE - BILL 160170, etc.

2 I'm happy to testify regarding any aspect  
3 to that opinion.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you, Mr. Tulante.

6 Mr. Dubow, you guys are not  
7 testifying?

8 MR. DUBOW: I am.

9 COUNCIL PRESIDENT CLARKE: On  
10 this measure?

11 MR. DUBOW: Yes.

12 COUNCIL PRESIDENT CLARKE:  
13 Please proceed.

14 MR. DUBOW: Good afternoon,  
15 Council President Clarke, members of the  
16 Committee. I'm Rob Dubow, the Director  
17 of Finance. I'm joined at the table by  
18 Mr. Tulante and Mr. Feder and close to  
19 the table by --

20 SOLICITOR TULANTE: This is  
21 Richie Feder. I apologize.

22 MR. DUBOW: -- Anna Adams, our  
23 Budget Director, and Frank Breslin, the  
24 Revenue Commissioner.

25 As Mr. Tulante explained, Bill

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           160508 would authorize the imposition of  
3           a 15-cent-per-container tax on  
4           non-reusable beverage containers. The  
5           bill would tax all containers, with the  
6           exception of those that contain alcohol,  
7           baby formula, any product the primary  
8           ingredient of which is milk, and any  
9           non-dairy milk substitute. The proceeds  
10          of the tax are intended to provide  
11          sufficient resources to fund expanded  
12          pre-K, community schools, and substantial  
13          new investments in park, recreation, and  
14          library facilities.

15                    On behalf of the Mayor, I  
16            acknowledge the difficult task of  
17            determining how to generate the funding  
18            necessary for those crucial programs.  
19            The Mayor appreciates in particular the  
20            efforts of Councilwoman Blondell Reynolds  
21            Brown in crafting and proposing the bill  
22            before us. To that end, we have given  
23            the bill serious analysis and  
24            consideration. The Administration does  
25            have significant reservations, and for

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           the reasons I'll detail in this  
3           testimony, we can't lend our support to  
4           the bill.

5                     A key concern we have with the  
6           legislation is that it's not projected to  
7           provide sufficient funding to  
8           appropriately fund these programs or  
9           provide any opportunity to provide the  
10          additional dollars to the Pension Fund.  
11          The projections for the amount in the  
12          bill would -- the projections for the  
13          amount in the bill would produce totally  
14          slightly over \$61 million for a full  
15          year. In contrast, when fully  
16          implemented, the total cost of the three  
17          programs would be \$89 million. The  
18          shortfall in funding for the three key  
19          programs created by the passage of this  
20          legislation as opposed to passage of the  
21          sugary drinks tax would leave a hole of  
22          over \$27 million and require the programs  
23          to be cut by about 30 percent. That  
24          would likely mean some combination or  
25          fewer pre-K slots, less support for

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           providers to become high-quality  
3           providers, fewer community schools, and  
4           reduced investment in park, recreation,  
5           and school facilities, and no  
6           contribution to pensions. That's an  
7           outcome the Administration can't support.

8                         We're also concerned about the  
9           aggressive nature of the tax. It applies  
10          to virtually all containers, making it  
11          very difficult to avoid. Of the 61  
12          million in projected revenue, for  
13          example, about 16 and a half million  
14          would come from bottled water. Unlike  
15          the sugar-sweetened beverage tax, which  
16          would leave healthier options on tax, the  
17          container tax would be imposed at the  
18          same level on all containers regardless  
19          of health or size. Thus, a small juice  
20          box or bottle of water would be subject  
21          to the same tax as a 2 liter bottle of  
22          soda.

23                         The Administration believes  
24          it's critical to provide sufficient  
25          recurring funding to pre-K, community

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           schools, and rebuilding community  
3           infrastructure. We believe the sugary  
4           drinks tax is the best and fairest way  
5           for providing that revenue.

6                         That concludes my testimony,  
7           and we'd be happy to answer any questions  
8           you might have.

9                         COUNCIL PRESIDENT CLARKE:

10          Thank you very much, Mr. Dubow. I just  
11          had one quick question. So in your  
12          fourth paragraph, you talk about the key  
13          concern of the legislation not providing  
14          sufficient funding to appropriately fund  
15          the programs. So basically you're saying  
16          unless you get whatever 3 cents will  
17          bring, 3 cents per ounce will bring, you  
18          will not be able to provide sufficient  
19          revenue to fund all of the programs?

20                         MR. DUBOW: So what we're  
21          saying is that at \$27 million below what  
22          we project --

23                         COUNCIL PRESIDENT CLARKE: No.  
24          I asked you very specific. Are you  
25          saying that anything short of 3 cents per

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           ounce, which is the current proposal by  
3           the Administration, will not sufficiently  
4           fund the programs?

5                   MR. DUBOW: I think anything  
6           that generates less than \$90 million  
7           would not sufficiently fund the program.

8                   COUNCIL PRESIDENT CLARKE:  
9           Which is 3 cents per ounce.

10                   MR. DUBOW: So --

11                   COUNCIL PRESIDENT CLARKE: This  
12           is another one of those real simple  
13           questions. I know you're very crafty.  
14           You and I have been around a long time,  
15           but that's a pretty, pretty, pretty clear  
16           question that usually requires a pretty  
17           clear answer.

18                   MR. DUBOW: So there is  
19           analysis done by Council's technical  
20           staff, which we agree, that shows that  
21           2.5 would also generate sufficient  
22           revenue.

23                   COUNCIL PRESIDENT CLARKE: So  
24           now you're going to put it back on us.

25                   MR. DUBOW: No. You asked the



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           question. I just gave the answer. I was  
3           just answering your question.

4                    COUNCIL PRESIDENT CLARKE: I  
5           got to tell you, there's a reason why  
6           you've been here through, what, four  
7           Administrations?

8                    MR. DUBOW: This is the fourth.

9                    COUNCIL PRESIDENT CLARKE:  
10          You're pretty good.

11                   MR. DUBOW: Thank you.

12                   COUNCIL PRESIDENT CLARKE: I've  
13          been here a little long too, though.  
14          I've been here for a minute.

15                   MR. DUBOW: That was like  
16          getting a free pizza.

17                   COUNCIL PRESIDENT CLARKE: So  
18          basically your projections for the 89 --  
19          is it 89 million?

20                   MR. DUBOW: Yes.

21                   COUNCIL PRESIDENT CLARKE: Is 3  
22          cents per ounce?

23                   MR. DUBOW: As I said, there  
24          was another analysis, which we agree,  
25          that 2.5 --

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCIL PRESIDENT CLARKE: No,  
3 no. I'm asking very specifically. So  
4 you're saying 2.5 will generate 89  
5 million?

6 MR. DUBOW: Yes.

7 COUNCIL PRESIDENT CLARKE:  
8 Okay. All right. I just want to get it  
9 clear. Okay. So anything below 2.5 will  
10 not?

11 MR. DUBOW: We have to look at  
12 what we'd have to cut.

13 COUNCIL PRESIDENT CLARKE:  
14 Which would be problematic. Okay. Thank  
15 you.

16 The Chair recognizes Councilman  
17 Greenlee.

18 COUNCILMAN GREENLEE: Thank  
19 you, Mr. President.

20 Good afternoon.

21 MR. DUBOW: Good afternoon.

22 COUNCILMAN GREENLEE:  
23 Mr. Dubow, I just had a couple of  
24 questions on your concerns about the  
25 container tax. I'm not going to get into

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           the money aspect. Other people may raise  
3           that. Obviously that's important, but --

4                   MR. DUBOW: We think so.

5                   COUNCILMAN GREENLEE: -- I'll  
6           take it from another angle.

7                   I know when you've talked about  
8           sugar tax, you've talked about  
9           consumption level. I think you're  
10          projecting 55 percent drop-off; is  
11          that --

12                   MR. DUBOW: That's correct. At  
13          3 cents, yes.

14                   COUNCILMAN GREENLEE: Is it  
15          fair to assume that given that the  
16          container tax hits just about all  
17          beverages, that the consumption level  
18          would not fall off nearly that much,  
19          because people have to drink something?

20                   MR. DUBOW: Right. So I think  
21          the analysis here assumes about a 30  
22          percent reduction.

23                   COUNCILMAN GREENLEE: 30  
24          percent?

25                   MR. DUBOW: So it does assume a

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           much lower fall-off, which we thought was  
3           reasonable.

4                   COUNCILMAN GREENLEE:   Where  
5           would they fall off to, I guess is the  
6           question?  Like with the soda, I think  
7           the assumption is that folks will stop  
8           drinking soda or at least buying it in  
9           Philadelphia.  What would be --

10                   MR. DUBOW:  So you could still,  
11           for example, buy fountain sodas.  Those  
12           wouldn't be covered, from what I  
13           understand, by the bill.  You could still  
14           decide to go outside the City to buy.  So  
15           there are ways -- there are other  
16           choices.  There are just fewer other  
17           choices.

18                   COUNCILMAN GREENLEE:  Do you  
19           think it's likely or logical that for  
20           just 15 cents a container that people  
21           will go outside the City?

22                   MR. DUBOW:  So what we saw, one  
23           of the things we saw with what happened  
24           in Baltimore, there we saw that the  
25           increase from 2 to 5 cents resulted in a

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           decrease in consumption. So we think  
3           that, yes, going to 15 cents would result  
4           in a decrease in consumption.

5                   COUNCILMAN GREENLEE: Now, I'm  
6           not going to get -- it seems like  
7           different people are defining  
8           "regressive" different ways. I know you  
9           think this tax would be regressive for  
10          the reasons you say. I think there's  
11          some folks that think regressive because  
12          of it hits -- the sugar tax would hit  
13          certain communities harder than others.  
14          So I guess we can debate what regressive  
15          means, but as far as fairest, you say, We  
16          believe the sugar tax is the best and  
17          fairest vehicle.

18                   If the container tax hits just  
19          about everybody instead of just certain  
20          portions of the community, as was shown  
21          in the chart that Council President had,  
22          I guess, a week or so ago, why is that  
23          less fair? Why would --

24                   MR. DUBOW: So our concern here  
25          is what you talked about, is people have

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           much fewer options to get around this  
3           tax. So if you're talking about impact  
4           on low-income neighborhoods, they will  
5           have fewer choices for not paying this  
6           tax.

7                        COUNCILMAN GREENLEE: But the  
8           object is for all communities to take  
9           advantage of pre-K, community schools,  
10          rec centers, right? So wouldn't an  
11          argument be that being fair is to make  
12          all those communities have to pay the tax  
13          that's funding those services?

14                      MR. DUBOW: So both of these  
15          taxes would hit people in every area.

16                      COUNCILMAN GREENLEE: I think  
17          it's been stated that the soda tax would  
18          hit some communities harder.

19                      MR. DUBOW: Yeah, and what we  
20          said, though, is that there's a choice  
21          with the sugary drinks tax, that you can  
22          buy other products that are not sugar  
23          sweetened. With this tax, you really  
24          wouldn't have that option unless you were  
25          buying milk products.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN GREENLEE: But

3 wouldn't that make a more consistent

4 assumption of money that's coming in

5 every year? Because doesn't -- I think

6 historically the last few years soda has

7 dropped off -- intake has dropped off

8 anyway, right, 30 percent? So I guess

9 what I'm saying is, people are going to

10 keep drinking something. So isn't there

11 a more -- to fund these good programs, we

12 all agree are good, wouldn't this have a

13 more consistent forecast of what money

14 would come in? Again, people are going

15 to probably drink something.

16 MR. DUBOW: Right. I think

17 that's why the projected fall-off at the

18 start is much smaller with this tax,

19 because we're assuming that fewer people

20 would avoid it. So that's already built

21 into each projection.

22 COUNCILMAN GREENLEE: Okay.

23 And I know you bring up the health. I'm

24 sorry. This will be my last question.

25 You bring up the health issue. I know

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           before we've heard from the  
3           Administration that that wasn't their  
4           focus. Their focus was bringing in the  
5           money. Now, I know we can debate what  
6           this brings in and all that. So in a  
7           sense, with all due respect, aren't you  
8           changing the goalpost a little bit by now  
9           talking health? I know a lot of people  
10          have talked health, but the  
11          Administration, that was not -- the Mayor  
12          made it clear in the beginning this was  
13          all about bringing in money.

14                   MR. DUBOW: It is definitely  
15                   about bringing in money. Our point is  
16                   that the container tax actually adds tax  
17                   to drinks that are healthy, so --

18                   COUNCILMAN GREENLEE: So you're  
19                   saying health is a factor?

20                   MR. DUBOW: It's not why we  
21                   were imposing the tax, but obviously  
22                   we're concerned about the health of  
23                   Philadelphians.

24                   COUNCILMAN GREENLEE: Okay.  
25                   All right. Thank you.



1 5/25/16 - WHOLE - BILL 160170, etc.

2 Thank you, Mr. President.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you, Councilman.

5 The Chair recognizes Councilman

6 Jones.

7 COUNCILMAN JONES: Thank you,

8 Mr. President.

9 And good afternoon.

10 MR. DUBOW: Good afternoon.

11 COUNCILMAN JONES: First of

12 all, let me thank my colleague Blondell

13 Reynolds Brown for presenting options to

14 discuss, deliberate on. I think this is

15 the forum for those kinds of discussions.

16 So I applaud her for taking the

17 initiative to do that.

18 I have some questions related

19 to the difference between a soda tax

20 being oppressive and a container tax not

21 being oppressive. I get confused when a

22 grocery tax on all items that are in

23 plastic containers versus soda, and I

24 don't know if philosophically you have

25 thought about this at all, but it just

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           confuses me to see one in one light and  
3           another that is more wide-reaching in a  
4           different light. Do you have any --

5                       MR. DUBOW: I think I agree  
6           with your underlying point, that because  
7           a container tax applies to more products  
8           and is harder to avoid, I think of it as  
9           more regressive.

10                      COUNCILMAN JONES: And I also  
11           thank her for having a briefing to  
12           discuss a lot of this. My staff  
13           attended, and they used the Baltimore  
14           model and the Berkeley model, I believe.  
15           Have you looked into Baltimore and  
16           Berkeley? So in Baltimore, what was  
17           their net out of their tax?

18                      MR. DUBOW: So Baltimore  
19           generated, I believe, about \$11 million  
20           from the tax. They were at 5 cents.  
21           We've heard different reports about how  
22           much it costs them to implement.

23                      COUNCILMAN JONES: What were  
24           those figures?

25                      MR. DUBOW: So we've heard as

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           much as 3 million and then we've also  
3           heard that it didn't cost nearly as much  
4           as that. But I think the 11 million  
5           we've heard consistently from how much  
6           they generated and at -- sorry. Go  
7           ahead.

8                        COUNCILMAN JONES: And under  
9           this proposal, it was brought up about  
10          health. I think Greenlee mentioned that.  
11          Does Baltimore's model include water?

12                       MR. DUBOW: I believe it does.  
13          Yes, it does. It includes water. It  
14          actually also includes alcohol. So it's  
15          a different tax. I mean, it has a  
16          different base.

17                       COUNCILMAN JONES: And that was  
18          a part of their net?

19                       MR. DUBOW: Yes.

20                       COUNCILMAN JONES: So we're not  
21          proposing alcohol?

22                       MR. DUBOW: We are not.

23                       COUNCILMAN JONES: And we're  
24          not proposing water, I hope?

25                       MR. DUBOW: Yes. Water would

1 5/25/16 - WHOLE - BILL 160170, etc.

2 be taxed under the container bill.

3 COUNCILMAN JONES: So I would

4 be concerned about water being an

5 essential part of anybody's diet under

6 any circumstances, sugar, no sugar.

7 Water is a part of that. So if that were

8 exempted from it, because that would have

9 to be a consideration for me, have you

10 done numbers if you take water out?

11 MR. DUBOW: Yeah. So I think

12 about 16 and a half million of the 61

13 roughly million comes from water. So

14 then the net would go down to about 45.

15 COUNCILMAN JONES: So another

16 concern was looking at an option of how

17 we collect and being more aggressive

18 about our collection. Have we juxtaposed

19 those numbers on top of what is being

20 proposed?

21 MR. DUBOW: Yeah. I don't

22 think between the two taxes, I don't

23 think there's a substantial difference in

24 what the cost would be. I'll ask the

25 Revenue Commissioner to come up and talk

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           about that. He would know more detail  
3           than I would.

4                   COUNCILMAN JONES: While he's  
5           coming up, because I know that clock is  
6           going to come out at some point, what  
7           would be the difference between the  
8           Berkeley Philly model? Do they also do  
9           water in that, in Berkeley?

10                   MR. DUBOW: In their --

11                   COUNCILMAN JONES: Container  
12           tax.

13                   MR. DUBOW: They don't have a  
14           container tax. They have a  
15           sugar-sweetened beverage tax. So it  
16           wouldn't include water.

17                   COUNCILMAN JONES: So they  
18           didn't do water?

19                   MR. DUBOW: No.

20                   COUNCILMAN JONES: So if we are  
21           for health, you know, I'm wondering fresh  
22           fruit juices also are being covered under  
23           that?

24                   MR. DUBOW: Correct.

25                   COUNCILMAN JONES: And we want

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           to encourage that. Because here's my  
3           concern: One, revenue. Where would the  
4           shortfall be made up at, and if those  
5           projections come close to what would be  
6           needed based on the goals that we all  
7           agree on. And then, number two, I did  
8           travel -- my granddaughter made a special  
9           request of lunch from pop-pop, and I came  
10          across the East Falls Bridge coming down  
11          Ridge Avenue towards Allegheny. From  
12          Allegheny and Ridge all the way to her  
13          school, which is on Broad Street, I could  
14          not find a healthy lunch for her and  
15          beverage to go with it. So if we're  
16          talking about health, we cannot ignore  
17          there are some food deserts here that,  
18          impacted one way or another, aren't very  
19          healthy right now. And so whatever  
20          solutions we come up with need to address  
21          some of those options.

22                        So back to the revenue side.

23                        COMMISSIONER BRESLIN: So your  
24          question was about enforcement?

25                        COUNCILMAN JONES: My question

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           was with enforcement, without water,  
3           net-net what would we get?

4                    COMMISSIONER BRESLIN: Looking  
5           at the dollar amounts?

6                    COUNCILMAN JONES: Yes, money,  
7           revenue, income.

8                    MR. DUBOW: So we included \$1.8  
9           million in the Revenue Department's  
10          budget for collections. So you can net  
11          that out of the 95 million we projected  
12          for sugar-sweetened beverage. I think  
13          that for the container tax, the cost  
14          would probably be roughly the same. So  
15          you have 1.8 million off of the 61  
16          million. You'd wind up around 59.

17                   COUNCILMAN JONES: So under  
18          your conservative effort, if we did  
19          container which excluded water, what  
20          would that net be?

21                   MR. DUBOW: So if we exclude  
22          water, that would take us down to about  
23          45. If you take out the cost of the 1.8  
24          million, you get down to about 43.2, but  
25          that 1.8 we've kind of put in our budget

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           and we weren't netting it out on the  
3           sugar-sweetened beverage either. So kind  
4           of apples to apples, the difference would  
5           be 95 versus 45.

6                    COUNCILMAN JONES: My time has  
7           been concluded, but I will come around on  
8           the second round.

9                    MR. DUBOW: Thank you.

10                   COUNCILMAN JONES: Thank you,  
11           Mr. President.

12                    COUNCIL PRESIDENT CLARKE:  
13           Thank you, Councilman.

14                    The Chair recognizes  
15           Councilwoman Reynolds Brown.

16                    COUNCILWOMAN BROWN: Thank you,  
17           Mr. President.

18                    Good afternoon, Administration.

19                    MR. DUBOW: Good afternoon.

20                    COUNCILWOMAN BROWN: Thank you,  
21           City Solicitor, for your testimony and  
22           for affirming that we have legal standing  
23           should this measure indeed become law.

24                    To our wizard of numbers, Rob  
25           Dubow, let's --



1 5/25/16 - WHOLE - BILL 160170, etc.

2 MR. DUBOW: I thought you were  
3 talking about the Budget Director.

4 COUNCILWOMAN BROWN: What did  
5 you say?

6 MR. DUBOW: I thought you were  
7 talking about the Budget Director when  
8 you said our wizard of numbers.

9 COUNCILWOMAN BROWN: For  
10 clarity purposes, define for me  
11 "regressive."

12 MR. DUBOW: So I think when you  
13 look at tax policy, regressive would be  
14 having a larger impact on lower income  
15 taxpayers.

16 COUNCILWOMAN BROWN: So if I  
17 accept the definition as you just  
18 presented it, would you agree that  
19 research shows that consumption of  
20 sugary-sweetened beverages based on  
21 research is higher in lower income  
22 communities?

23 MR. DUBOW: I think that is  
24 what the research shows. It also shows  
25 that those communities are more targeted

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           with advertising and that that I think is  
3           part of the reason the consumption is  
4           higher.

5                        COUNCILWOMAN BROWN:   Accepting  
6           that as well, then do you believe then  
7           that the sugary-sweetened beverage  
8           rate -- we won't use the four-letter word  
9           tax -- is indeed regressive?

10                      MR. DUBOW:   I think --

11                      COUNCILWOMAN BROWN:   Yes or no.  
12           Is it regressive?

13                      MR. DUBOW:   So I'd like to give  
14           a fuller answer than just yes or no, if  
15           that's okay.  I think for people who  
16           continue to consume those beverages and  
17           pay it, yes.  But I think people have a  
18           choice and will have choices to consume  
19           something else.

20                      COUNCILWOMAN BROWN:   For  
21           clarity purposes, define for me  
22           "sustainability."

23                      MR. DUBOW:   For tax?

24                      COUNCILWOMAN BROWN:   Yes.

25                      MR. DUBOW:   Predictability over

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           a long term at relatively level amounts.

3                   COUNCILWOMAN BROWN: Do you  
4           accept what some might view as the  
5           hypotheses that soda consumption is on  
6           the decline?

7                   MR. DUBOW: Yes. Soda  
8           consumption is on the decline.  
9           Sugar-sweetened beverages as a whole are  
10          not declining as rapidly as soda is, and  
11          we've built in a decline each year in our  
12          projections.

13                   COUNCILWOMAN BROWN: All right,  
14          then. In general, do you believe that  
15          broader taxes are preferable than very  
16          narrow taxes, in general?

17                   MR. DUBOW: In general, I  
18          actually -- I don't have a real strong  
19          point of view on that either way. I  
20          mean, we really would look at what taxes  
21          are projected to generate.

22                   COUNCILWOMAN BROWN: All right.  
23          Do you think there's value in casting a  
24          wider net so that there's, what I call,  
25          shared sacrifice than to have a measure

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           that potentially narrowly hits one  
3           particular sector?

4                       MR. DUBOW: So I think while  
5           there's some merit to that argument, I  
6           also think that in this case, you're  
7           giving people more of a choice to avoid  
8           the tax with the sugar-sweetened  
9           beverage, which is narrower because it  
10          doesn't apply to as many products.

11                      COUNCILWOMAN BROWN: So did I  
12          hear you say that you actually believe in  
13          shared sacrifice?

14                      MR. DUBOW: I do, and I think  
15          that you'd have shared sacrifice with  
16          either one of these measures.

17                      COUNCILWOMAN BROWN: Okay. Do  
18          you believe that a non-reusable beverage  
19          container tax is broader than a  
20          sugar-sweetened beverage tax, since you  
21          agree that shared sacrifice has value?

22                      MR. DUBOW: I think that the  
23          way that it's defined in this  
24          legislation, it applies to more products.

25                      COUNCILWOMAN BROWN: Okay.

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           When determining your internal revenue  
3           projections, what collection rate are you  
4           assuming for a non-reusable beverage  
5           container tax?

6                   MR. DUBOW: So actually we're  
7           using the projections from Council that  
8           assumed 30 percent either fall-off in  
9           consumption or non-compliance or  
10          avoidance, so the kind of 30 percent  
11          general fall-off from what you would  
12          project if you collected every dollar  
13          based on current consumption.

14                   COUNCILWOMAN BROWN: So then  
15          help me understand why do you believe  
16          that the Administration would be able to  
17          collect this tax at 30 percent, which is  
18          perplexing for me, if you're confident  
19          you'll be able to collect the  
20          sugar-sweetened beverage tax at 90  
21          percent?

22                   MR. DUBOW: So actually the  
23          equivalent of the 30 percent fall-off for  
24          sugar-sweetened beverage is actually 65  
25          percent, because we have the 55 percent

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           fall-off in consumption plus 10 percent  
3           non-compliance. So that's the equivalent  
4           of the 30 percent.

5                    COUNCILWOMAN BROWN: Okay.  
6           That's it for me in terms of prepared  
7           questions.

8                    Thank you, Mr. President.

9                    COUNCIL PRESIDENT CLARKE:  
10          Thank you, Councilwoman.

11                   The Chair recognizes  
12          Councilwoman Quinones-Sanchez.

13                   COUNCILWOMAN SANCHEZ: Thank  
14          you.

15                   Good afternoon.

16                   MR. DUBOW: Good afternoon.

17                   COUNCILWOMAN SANCHEZ: You've  
18          been here for multi Administrations. Can  
19          you recall a time when we have debated  
20          revenue that we need three years from the  
21          date it's proposed?

22                   MR. DUBOW: Yes. We've had  
23          discussions about, for example, the  
24          business taxes where we legislated taxes  
25          far into the future. We had Five Year

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           Plans in the past where we legislated the  
3           wage tax for five years. So, yes, we've  
4           done this in the past.

5                    COUNCILWOMAN SANCHEZ: For a  
6           new initiative.

7                    MR. DUBOW: For a new  
8           initiative, I don't remember the specific  
9           discussion.

10                   COUNCILWOMAN SANCHEZ: So I  
11           want to get to the point around  
12           regressive, because I think that both of  
13           these measures, container and the sugar  
14           beverage tax, is regressive. But I want  
15           to kind of highlight Councilman Jones'  
16           perspective around choice.

17                    We keep talking about people  
18           having a choice, and as I visit Wawa,  
19           7-Eleven and the bodegas, 98 percent of  
20           what is in those stores would be taxed.  
21           And so when we talk about deserts and the  
22           options, there is a diet option, there is  
23           water, and then there is juice that is  
24           three times more expensive. So I have a  
25           hard time in this debate. I've had such

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           a hard time getting my hands around when  
3           we say to people have choice, because the  
4           fact of the matter is that we don't --  
5           folks in neighborhoods that I represent  
6           will not have that choice.

7                         But let's talk about the water  
8           notation that you make. The Water  
9           Department asked for a water increase of  
10          how much?

11                        MR. DUBOW: It was a multi-year  
12          increase and I'm not sure of the --

13                        COUNCILWOMAN SANCHEZ: About 11  
14          percent.

15                        MR. DUBOW: Over four years, I  
16          think.

17                        COUNCILWOMAN SANCHEZ: Yes.  
18          Two years. Eleven percent. It was like  
19          a 5 and a half and a 6 and a half. And  
20          part of the justification they used was  
21          because people were drinking bottled  
22          water as opposed to tap water. That was  
23          part of their challenge for the rate  
24          increase, right?

25                        MR. DUBOW: I didn't see that,



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           but I believe it.

3                   COUNCILWOMAN SANCHEZ: Okay.  
4           So if we're going to tax water at 15  
5           percent, do you think we would have an  
6           increase in our water consumption, our  
7           tap water consumption?

8                   MR. DUBOW: So I don't think  
9           we'd have a dramatic increase in our tap  
10          consumption, no.

11                   COUNCILWOMAN SANCHEZ: So you  
12          don't think it would offset people going  
13          back to tap water as opposed to --

14                   MR. DUBOW: I don't think so.

15                   COUNCILWOMAN SANCHEZ: Okay.  
16          As it relates to the income amount that  
17          we're debating in terms of what the needs  
18          are, one of the issues for us or at least  
19          for me is we're building out a plan, all  
20          plans that we agree. Why the stickler  
21          for needing the full amount up front and  
22          not getting started so that we can  
23          justify more revenue later to the voters?

24                   MR. DUBOW: To be clear, the 89  
25          million is actually the fifth year

1 5/25/16 - WHOLE - BILL 160170, etc.

2 number. The first year is about half --

3 COUNCILWOMAN SANCHEZ: You told  
4 me 48.

5 MR. DUBOW: That's right. So  
6 it does ramp up a little bit over time.  
7 The 48 included more than just these  
8 three initiatives. It included the  
9 Energy Authority initiative and it  
10 included contributions to the Pension  
11 Fund. These numbers, 89, no longer  
12 include the Energy Authority initiative,  
13 so that's part of the reason for the  
14 difference. But it does ramp up over  
15 time.

16 COUNCILWOMAN SANCHEZ: I think  
17 again -- and we've -- one of the things  
18 that particularly on the loan piece is  
19 how long is it going to take us to build  
20 capacity to be actually able to expend on  
21 the capital side this type of initiative?

22 MR. DUBOW: On rebuild?

23 COUNCILWOMAN SANCHEZ: Yes.

24 MR. DUBOW: So I can call  
25 someone from the Managing Director's

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           Office to give more detail, but we have  
3           done a lot of the kind of build-up work  
4           already, and that work will continue  
5           between now and when we would do the  
6           first bond issue, which would be in  
7           January. So I actually think by the time  
8           that we got to doing a bond issue, we  
9           would be ready to go.

10                   COUNCILWOMAN SANCHEZ: So your  
11           assertion is that we do the bond measure  
12           in January and by June 30th, we will have  
13           expended the first hundred million?

14                   MR. DUBOW: No. We don't  
15           actually assume that we'll do the next  
16           borrowing for two years. So we assume  
17           that we'd spend that hundred million  
18           dollars over two years.

19                   COUNCILWOMAN SANCHEZ: It's a  
20           hundred million plus what you're  
21           leveraging privately that we still don't  
22           know the amount.

23                   MR. DUBOW: That's right. Yes.  
24           And we assume that that would be spent  
25           within two years.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCILWOMAN SANCHEZ: Do we  
3 have a better idea of what that amount is  
4 going to be since we have not been told?  
5 We've been told that there's money  
6 committed. We don't know.

7 MR. DUBOW: I don't think we  
8 can give a specific amount here today.

9 COUNCILWOMAN SANCHEZ: So,  
10 again, we're being asked to take a vote  
11 on something we all agree on on something  
12 that's not finalized.

13 MR. DUBOW: I think that you've  
14 been briefed on rebuild. You know the  
15 details of that.

16 COUNCILWOMAN SANCHEZ: I have  
17 the details on the expenditures. I don't  
18 have the details on the income, other  
19 than trust me.

20 MR. DUBOW: I don't think it's  
21 trust me. I think we've said that we've  
22 had discussions with outside sources and  
23 that those discussions made it clear that  
24 we are going to get a substantial amount  
25 of money. What we haven't said is that

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           specific amount.

3                   COUNCILWOMAN SANCHEZ: Will  
4           that be finalized before we're expected  
5           to take a vote?

6                   MR. DUBOW: I don't know, but  
7           we'll get back to you on whether that  
8           will be finalized.

9                   COUNCILWOMAN SANCHEZ: Okay.  
10          Thank you, Mr. Chair.

11                   COUNCIL PRESIDENT CLARKE:  
12          Thank you, Councilwoman.

13                   The Chair recognizes Councilman  
14          Domb.

15                   COUNCILMAN DOMB: Thank you,  
16          Council President.

17                   Good afternoon.

18                   MR. DUBOW: Good afternoon.

19                   COUNCILMAN DOMB: I just wanted  
20          to verify that my numbers are accurate.

21                   MR. DUBOW: I'm sure they are.

22                   COUNCILMAN DOMB: I'm not so  
23          sure.

24                   I'm talking about the soda tax  
25          for a minute, just to make sure. We

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           talked about this in prior meetings. I  
3           just want to make sure we're on the same  
4           page.

5                        At a half a cent, my numbers  
6           say that generates \$31 million roughly.  
7           And at 1 cent, we generate 57 million.  
8           And at 1 and a half cents, we generate 76  
9           million and --

10                      MR. DUBOW: I don't have the  
11           half cent, but for 1 cent, 57.8; for 1  
12           and a half, 77 million.

13                      COUNCILMAN DOMB: And this is a  
14           question I had asked several weeks ago.  
15           I'm not saying I'm in favor or against  
16           any tax. Just in general from the math  
17           standpoint, it seems to me that at 1  
18           cent, you generate the most money, 57,  
19           because at half a cent, you generate 31.

20                      MR. DUBOW: The most money per  
21           cent, you mean?

22                      COUNCILMAN DOMB: Yeah. Your  
23           fall-off is only \$4 million. You go to  
24           the next half and the fall-off is more  
25           dramatic, but going from 1 and a half to

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           2 is not that much, and going from 2 to 3  
3           is minimal. So I'm just trying to  
4           understand why we even look at that.

5                   MR. DUBOW: Because going from  
6           1 and a half up to 2 and a half, it's  
7           another \$20 million, which funds a lot of  
8           programs. So even though it's generating  
9           less per cent than the first cent, the  
10          revenue that it generates is important  
11          for the programs.

12                   COUNCILMAN DOMB: So the 1 and  
13          a half to 2 and a half generates, I  
14          guess, about 19 million going the penny.  
15          So the first penny gets 57.

16                   MR. DUBOW: Right.

17                   COUNCILMAN DOMB: I just wanted  
18          to make sure I had the numbers.

19                   MR. DUBOW: You have it right.

20                   COUNCILMAN DOMB: Thank you.

21                   Thank you, Council President.

22                   COUNCIL PRESIDENT CLARKE:

23          Thank you, Councilman.

24                   The Chair recognizes Councilman

25          Oh.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 (No response.)

3 COUNCIL PRESIDENT CLARKE: The  
4 Chair now recognizes Councilman Squilla.

5 COUNCILMAN SQUILLA: Thank you,  
6 Mr. President.

7 COUNCIL PRESIDENT CLARKE:  
8 You're welcome, sir.

9 COUNCILMAN SQUILLA: Question  
10 on the taxes as far as the container tax  
11 at 15 cents, and I do appreciate too  
12 Councilwoman Blondell Reynolds Brown for  
13 putting out some options for us as  
14 Councilmembers, looking at opportunities  
15 to raise money for these great programs.  
16 Since it's on everything, so it's 15  
17 cents, it would work the same way as a  
18 case of water. So the 15 cents for each  
19 bottle in the case?

20 MR. DUBOW: Right. Yes, for  
21 each bottle in the case.

22 COUNCILMAN SQUILLA: Would that  
23 be considered one container, the whole  
24 case?

25 MR. DUBOW: No. It would be



1 5/25/16 - WHOLE - BILL 160170, etc.  
2 for each bottle.

3 COUNCILMAN SQUILLA: How about  
4 for like juices in like -- are the  
5 schools exempt from this?

6 MR. DUBOW: Yes. The School  
7 District is exempt.

8 COUNCILMAN SQUILLA: So when  
9 they buy the juices, that will not be  
10 included?

11 MR. DUBOW: Correct.

12 COUNCILWOMAN BROWN: Point of  
13 information.

14 COUNCIL PRESIDENT CLARKE:  
15 Point of information, Councilwoman  
16 Reynolds Brown.

17 COUNCILWOMAN BROWN: Yes. I  
18 would like to remind my colleagues that  
19 we do have the School District scheduled  
20 to offer brief testimony to fully address  
21 Councilman Squilla's question.

22 COUNCIL PRESIDENT CLARKE:  
23 Thank you, Councilwoman.

24 COUNCILWOMAN BROWN: Thank you.

25 COUNCILMAN SQUILLA: Thank you.

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           I think because that's important too,  
3           especially for the children of the School  
4           District.

5                         With those exemptions, then do  
6           the dollar amounts change? You said it  
7           went from 70 million to 40 million for  
8           without water?

9                         MR. DUBOW: From 61 to 45.

10                        COUNCILMAN SQUILLA: 61 to 45.

11                        MR. DUBOW: Right.

12                        COUNCILMAN SQUILLA: And then  
13           if we couldn't -- why can't we include  
14           the liquor into the container tax?

15                        MR. DUBOW: I think because  
16           it's overseen by the LCB, but there are  
17           two lawyers at the table, so I'm going to  
18           let them answer that.

19                        SOLICITOR TULANTE: Yeah.  
20           There's a real good case to be made that  
21           if you -- liquor is preempted under --  
22           because the state regulates so heavily  
23           liquor, that if you impose an additional  
24           tax on liquor as opposed to other taxes  
25           that are imposed statewide, that there

1 5/25/16 - WHOLE - BILL 160170, etc.  
2 would be an issue.

3 COUNCILMAN SQUILLA: Would that  
4 be challenged by the state?

5 SOLICITOR TULANTE: No. We  
6 would advise that we don't -- we wouldn't  
7 be comfortable with Council's authority  
8 with respect to that.

9 COUNCILMAN SQUILLA: Okay. And  
10 so the -- because it would be a lot more  
11 containers if you included liquor.

12 So the revenue generated from  
13 this container tax at the 15 cents would  
14 be sufficient or not sufficient to run  
15 the programs?

16 MR. DUBOW: It would not be  
17 sufficient. It is about \$27 million  
18 short of funding for those three  
19 programs. So we'd have to pull back and  
20 figure out how to pull back on the  
21 programs.

22 COUNCILMAN SQUILLA: Is it  
23 possible to use both taxes, the container  
24 tax and the sugar tax?

25 MR. DUBOW: I think --

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN SQUILLA: I'm just  
3 asking a question.

4 MR. DUBOW: I think there would  
5 be administrative nightmares, and then  
6 from a policy perspective, we'd be taxing  
7 the same product two different ways.

8 COUNCILMAN SQUILLA: One you're  
9 taxing what's the container. The other  
10 one you're taxing what's in it.

11 MR. DUBOW: Right.

12 COUNCILMAN SQUILLA: I don't  
13 know. I'm just asking questions out  
14 there since we have options. It's good  
15 to find out what the total options would  
16 be affordable to us come time for a vote.

17 When we go through the process  
18 of collection, is it going to be  
19 collected the same way as both the  
20 beverage tax and the --

21 MR. DUBOW: Yeah. I think  
22 they'd be pretty similar. I think there  
23 are more distributors who would be  
24 subject to the container tax. So there  
25 would be a slightly wider network, but in

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           terms of the cost of enforcement, it  
3           would be pretty much the same.

4                    COUNCILMAN SQUILLA: I mean, we  
5           hear about the loss of jobs from the  
6           sugar tax, the possibility of loss of  
7           jobs from the sugar tax. Did Baltimore  
8           see any loss of bottlers or anything in  
9           that instance that we know of?

10                   MR. DUBOW: They did see a loss  
11           of bottlers. I think two factories  
12           closed, I think. I think there were two  
13           factories that closed and said part of  
14           the reason was this tax.

15                   COUNCILMAN SQUILLA: Factories  
16           that were in Baltimore, do we know?

17                   MR. DUBOW: I think they were  
18           in Baltimore.

19                   COUNCILMAN SQUILLA: And --

20                   MR. DUBOW: And I read this a  
21           long time ago, but I think...

22                   COUNCILMAN SQUILLA: Right. So  
23           they closed or they moved out; do you  
24           know?

25                   MR. DUBOW: I think they

1 5/25/16 - WHOLE - BILL 160170, etc.  
2 closed.

3 COUNCILMAN SQUILLA: Okay. So  
4 do we see that as a negative effect?  
5 Were there taxes lost, jobs lost?  
6 Obviously wage tax lost. Do we know how  
7 many people lost jobs over that?

8 MR. DUBOW: I don't. We can  
9 get back to you with that number.

10 COUNCILMAN SQUILLA: Okay. All  
11 right. Thank you very much.

12 COUNCIL PRESIDENT CLARKE:  
13 Thank you, Councilman.

14 I'm sorry. I was going to jump  
15 in, but it's not my turn yet.

16 The Chair recognizes Councilman  
17 Henon.

18 COUNCILMAN HENON: Thank you,  
19 Mr. Chairman.

20 Based on the conversation here,  
21 which tax, the soda or sugar-sweetened  
22 beverage and the container taxes, which  
23 one taxes more products in our grocery  
24 stores?

25 MR. DUBOW: The container tax.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN HENON: Are you  
3 analyzing or have you fully analyzed how  
4 many more products or will you be  
5 analyzing?

6 MR. DUBOW: No. I think the  
7 big difference is water and fruit juices  
8 that are not taxed under the  
9 sugar-sweetened beverage tax and I guess  
10 diet sodas too not taxed under the  
11 sugar-sweetened beverage tax and are  
12 taxed under the container tax.

13 COUNCILMAN HENON: Is it  
14 accurate that the container tax would be  
15 at the same rate for juice boxes that you  
16 might have for kids as a Big Gulp?

17 MR. DUBOW: Yes. It would be  
18 the same for both.

19 COUNCILMAN HENON: Are Big  
20 Gulps taxed?

21 MR. DUBOW: I'm sorry.

22 MS. ADAMS: Just to clarify, I  
23 think the Big Gulps actually wouldn't be  
24 subject to the container tax because  
25 that's a fountain drink and I think it's

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           just the sealed containers that would be.  
3           So actually someone getting a Big Gulp  
4           would not be paying any tax under the  
5           container tax.

6                    COUNCILMAN HENON: So the juice  
7           boxes would --

8                    MS. ADAMS: Juice boxes you'd  
9           actually pay more under the container tax  
10          bill than you would under --

11                   COUNCILMAN HENON: I was just  
12          going to ask. My next question was,  
13          fountain drinks are exempt; is that  
14          correct?

15                   MR. DUBOW: Correct.

16                   COUNCILMAN HENON: So would it  
17          be fair to say that the bodegas and the  
18          corner stores that don't tend to have  
19          soda fountains, would they be at a  
20          competitive disadvantage to larger chains  
21          like 7-Eleven's or Wawa's or any other  
22          chains?

23                   MR. DUBOW: Go to Wawa where  
24          you have fountain drinks or McDonald's  
25          where you fountain drinks. Those



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           wouldn't be taxable, whereas the  
3           containers at the bodegas would be.

4                    COUNCILMAN HENON:  So the  
5           bodegas, the corner stores, the  
6           commercial corridors would have at least  
7           a disadvantage; is that correct?

8                    MR. DUBOW:  I think that's  
9           correct.

10                   COUNCILMAN HENON:  If this tax  
11           comes in at revenues that you project and  
12           no other estimates that have been  
13           circulated, in the best-case scenario  
14           what programs would you cut?

15                   MR. DUBOW:  So I think if --  
16           we'd probably have to look at doing it  
17           proportionately.  So we would have fewer  
18           pre-K seats, probably fewer community  
19           schools, and less investment in our  
20           parks, recs, and libraries.

21                   COUNCILMAN HENON:  Speaking of  
22           parks and recreation, I have a question  
23           here on the -- so how much revenue is  
24           needed to generate in order for the  
25           fund -- in order to fund the bonds that

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           will be taken out for the Mayor's  
3           initiatives?

4                   MR. DUBOW: So for the -- hold  
5           on one second. I have that. So for the  
6           rebuild bonds over the life of our Five  
7           Year Plan would cost about \$56 million.

8                   COUNCILMAN HENON: That's all  
9           our parks, recreations, and libraries?

10                   MR. DUBOW: Yes.

11                   COUNCILMAN HENON: And what is  
12           the impact on our bond rating if the City  
13           does not generate the revenue proposed  
14           through the container tax or the SSB?

15                   MR. DUBOW: So if we did not  
16           get either one of those taxes, we would  
17           not issue the bond.

18                   COUNCILMAN HENON: If we didn't  
19           generate the proposed revenue.

20                   MR. DUBOW: Are you saying if  
21           we implemented the tax and it came in  
22           lower than we --

23                   COUNCILMAN HENON: Right.

24                   MR. DUBOW: So if it was lower  
25           but not a lot lower, it wouldn't really

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           have that big of an impact on our bond  
3           rating, and it would depend really on  
4           what was happening with other revenues  
5           also. But if it's just the projection as  
6           being slightly off, I don't think that  
7           would have a major impact.

8                        COUNCILMAN HENON: So what are  
9           the consequences if we're overly  
10          optimistic on projections?

11                      MR. DUBOW: So the worst  
12          consequence is that we wind up running  
13          deficits, and that's not just a  
14          consequence for kind of how rating  
15          agencies look at it but how we operate  
16          the government.

17                      COUNCILMAN HENON: I know  
18          Councilman Jones was talking a lot about  
19          health benefits. Are there any health  
20          benefits to a container tax?

21                      MR. DUBOW: So we don't think  
22          so, and in fact, it would in some way  
23          steer people away from water and fruit  
24          juices, which are healthy.

25                      COUNCILMAN HENON: Because

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           water and fruit juices will be taxed.

3                   MR. DUBOW: Will be taxed.

4                   COUNCILMAN HENON: Is it  
5           accurate to say that we're taxing some  
6           necessities of these healthy products  
7           that we want people to drink under the  
8           container tax?

9                   MR. DUBOW: Yeah. We believe  
10          that, and we believe that they have fewer  
11          choices to move to other products with  
12          the container tax.

13                  COUNCILMAN HENON: They were  
14          talking about water, health supplements  
15          like pediatric, nutritional drinks.  
16          Would they all be included?

17                  MR. DUBOW: In this tax I think  
18          that there's an exemption -- well, water  
19          would be taxed. Milk products would be  
20          exempt. So if it's a product that has  
21          milk in it, it would not be taxed. But  
22          alcohol and milk are the things that are  
23          exempt. Everything else would be taxed.

24                  COUNCILMAN HENON: But health  
25          supplements --

1 5/25/16 - WHOLE - BILL 160170, etc.

2 MR. DUBOW: Health supplements  
3 are not excluded.

4 COUNCILMAN HENON: They're not  
5 excluded. So they would be taxed.  
6 Pediatric, nutritional drinks, they would  
7 be taxed?

8 MR. DUBOW: (Mr. Dubow nods  
9 head in the affirmative.)

10 COUNCILMAN HENON: Are they  
11 taxed under the sugar-sweetened  
12 beverages?

13 MR. DUBOW: We plan to offer  
14 amendments to make it clear that they  
15 would be exempt.

16 COUNCILMAN HENON: So you  
17 would --

18 MR. DUBOW: We would exempt  
19 them.

20 COUNCILMAN HENON: Okay. Thank  
21 you.

22 I have no further questions at  
23 this time.

24 COUNCIL PRESIDENT CLARKE:  
25 Thank you, Councilman.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 The Chair recognizes

3 Councilwoman Bass.

4 COUNCILWOMAN BASS: Thank you,  
5 Mr. President.

6 Good afternoon.

7 MR. DUBOW: Good afternoon.

8 COUNCILWOMAN BASS: I just have  
9 a couple of questions here. I just want  
10 to make sure that we get the facts out  
11 and that we clarify things that may be a  
12 little bit misconstrued, because what we  
13 cannot afford to do is have any level of  
14 buyer's remorse. So after we vote for  
15 whatever it is that we want to vote for,  
16 whether it's soda tax or container tax or  
17 whatever it may be, that we get it right.  
18 We have to get it right. And I think  
19 that there's a good deal of information  
20 out there that's not completely accurate  
21 and I wanted to just clarify, and you can  
22 correct me if I'm incorrect on this. But  
23 I think that there's a common assumption  
24 that universal pre-K means that every  
25 child in the City of Philadelphia is

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           going to have access to high-quality  
3           child care under whatever plan is  
4           floated.

5                       MR. DUBOW: So our projection  
6           is that under our plan, there would be  
7           10,000 more spots available. That  
8           doesn't get you to universal within three  
9           years, but we also think that after three  
10          years, we'll kind of reexamine -- the  
11          plan was always to reexamine the program,  
12          see whether it was working to see whether  
13          we expand it further.

14                      COUNCILWOMAN BASS: Is it  
15          10,000 or is it 6,500?

16                      MR. DUBOW: 6,500 funded by the  
17          City, which we think will be matched by  
18          another 3,500 by the state to get us to  
19          10,000.

20                      COUNCILWOMAN BASS: And of  
21          those 10,000 spots, what's the universe?  
22          What's the range of young people, three-  
23          and four-year-olds who would be able to  
24          have the benefit versus that which is in  
25          the universe here in Philadelphia that

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           would need that level of child care?

3                   MR. DUBOW: So I'm going to ask  
4           other people to answer that question,  
5           Otis Hackney and Mr. Engler.

6                   (Witnesses approached witness  
7           table.)

8                   MR. HACKNEY: Good afternoon.  
9           Can you repeat your question, please.

10                   COUNCILWOMAN BASS: Certainly.  
11           Can you give us some idea of what the  
12           universe of three- and four-year-olds are  
13           here in Philadelphia that would  
14           require -- well, they all require  
15           universal pre-K, but what's the range?  
16           Because I've heard numbers anywhere from  
17           1,400, which the School District says is  
18           the current wait list for pre-K in the  
19           School District's numbers, versus I think  
20           it was up to 27,000, was it, from the  
21           Administration?

22                   MR. HACKNEY: Good afternoon.  
23           I'm Otis Hackney, Chief Education Officer  
24           for the Mayor's Office.

25                   The number is about 17,000



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           children that are not in quality pre-K  
3           programs across the City at this time.

4                    COUNCILWOMAN BASS: Okay. But  
5           we would be making available about --

6                    MR. HACKNEY: That fall under  
7           300 percent poverty.

8                    COUNCILWOMAN BASS: Say again.

9                    MR. HACKNEY: That fall under  
10          300 percent poverty.

11                   COUNCILWOMAN BASS: Okay. And  
12          what's the number that don't fall under  
13          the 300 percent? Because there will be,  
14          as I understand, an allotment available  
15          for those who are above 300 percent.

16                   MR. HACKNEY: Well, in terms of  
17          the world of -- it's about another 10,000  
18          that would be above that range.

19                   COUNCILWOMAN BASS: Okay. So  
20          I'm just throwing a number out there.  
21          Let's say for a family of four, if the  
22          number is, I don't know, \$30,000 that  
23          will be required to qualify for universal  
24          pre-K under the Administration's plan, if  
25          you're at \$31,000, you would not qualify

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           and, therefore, you would fit into the  
3           additional 10,000 numbers that you just  
4           referred to?

5                       MR. HACKNEY:  When you -- I'm  
6           sorry.  Repeat the question.  Are you  
7           talking about in terms of salary or just  
8           overall numbers?

9                       COUNCILWOMAN BASS:  The overall  
10          number.

11                      MR. HACKNEY:  So your  
12          question -- repeat your question, please.

13                      COUNCILWOMAN BASS:  So there  
14          are 10,000 slots that are available for  
15          pre-K and that's based on being 300  
16          percent or below; is that correct?  No?

17                      MR. HACKNEY:  Go ahead, finish  
18          your question and then I'll fix, I think,  
19          or correct whatever you're asking.

20                      COUNCILWOMAN BASS:  So there  
21          are -- so it's 300 percent or below that  
22          will qualify for universal pre-K in the  
23          10,000 spots that are available; is that  
24          correct?

25                      MR. HACKNEY:  No.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCILWOMAN BASS: Okay.

3 MR. HACKNEY: So in terms of  
4 there's 17,000 three- and four-year-olds  
5 that are not in quality pre-K centers  
6 across the City. We're looking to  
7 decrease that number of children that are  
8 not in -- and increase the number from  
9 that 17,000. So in terms of the total  
10 need, so the total need of children that  
11 need to be in pre-K is about 27. So I  
12 think that's where you're getting that  
13 27.

14 COUNCILWOMAN BASS: Right. So  
15 the total universe is 27,000 and then  
16 there's 17,000 that would qualify?

17 MR. HACKNEY: Correct.

18 COUNCILWOMAN BASS: Okay.

19 MR. HACKNEY: Or my -- that's  
20 correct.

21 COUNCILWOMAN BASS: Yes, no,  
22 maybe?

23 DEPUTY MAYOR ENGLER: I'm  
24 sorry. Jim Engler, Deputy Mayor for  
25 Policy and Legislation.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 So if there were to be an  
3 income cap at 300 percent of poverty,  
4 there's about 17,000 kids that fall  
5 underneath that 300 percent. What the  
6 Administration has proposed is a program  
7 that gets towards universal access that  
8 is accessible to everyone regardless of  
9 income, most specifically because of  
10 those families that might fall just  
11 outside of the income guidelines. So  
12 quality child care for a parent of a  
13 child age three or four is about \$272 per  
14 week. So for a single mother who has two  
15 kids in quality child care, if she's  
16 making over \$1,175 per week before taxes,  
17 she would not be eligible for any subsidy  
18 under a program that required a 300  
19 percent of poverty income cap.

20 COUNCILWOMAN BASS: Okay. But  
21 the income cap does not apply?

22 DEPUTY MAYOR ENGLER: The  
23 program that the Administration has  
24 talked about does not include an income  
25 cap.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCILWOMAN BASS: It does not  
3 include an income cap, okay. I just  
4 wanted to be clear, because I think a lot  
5 of people are under certain assumptions  
6 that every child in the City of  
7 Philadelphia is going to be able to get  
8 universal pre-K, and that's not accurate,  
9 and every child is going to qualify for  
10 one of these high-quality spots.

11 Can you also give me some sort  
12 of an idea of what the rollout is going  
13 to be of those 10,000 slots?

14 MR. HACKNEY: Well, the initial  
15 rollout is going to be 2,000 seats next  
16 year starting in January, and then we  
17 would add an additional 2,250 seats per  
18 year to get up to the 6,500 City-funded  
19 slots.

20 COUNCILWOMAN BASS: So as a  
21 District Councilmember, if I think of  
22 2,000 seats next year, I'm thinking,  
23 okay, so if you divide it by the ten  
24 districts, there's 200 seats per  
25 district, approximately. So can you give

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           us some sort of an idea of how that will  
3           work? Is that the way it's going to  
4           work?

5                       MR. HACKNEY: Well, we would  
6           have a very targeted rollout in terms of  
7           how we would identify certain areas of  
8           the City based on some risk factors to  
9           get the children in those communities to  
10          be in the quality pre-K program.

11                      COUNCILWOMAN BASS: Okay.

12                      So I'll come back around on my  
13          next round. Thank you.

14                      COUNCIL PRESIDENT CLARKE:

15          Thank you, Councilwoman.

16                      The Chair recognizes  
17          Councilwoman Gym.

18                      COUNCILWOMAN GYM: Hi. Good  
19          afternoon. So I am interested in  
20          questions about the soda tax in  
21          particular and its impact on pre-K. So I  
22          am, like many of my colleagues here,  
23          fully in support of universal pre-K. I  
24          think we're working towards that as a  
25          city. I see that as not only an enormous

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           anti-poverty measure, it's an education  
3           measure. It also puts women back to  
4           work, and that's one of the biggest  
5           factors in allowing our families and  
6           especially our single female heads of  
7           household to come back to work and begin  
8           earning income. So I'm very interested  
9           in the impact on pre-K.

10                        So my colleague had talked  
11           about the differential between 1 and a  
12           half to 2 and a half cents, and you said  
13           that that differential was about \$20  
14           million; is that right?

15                        MR. DUBOW: That's right.

16                        COUNCILWOMAN GYM: And I  
17           generally don't tend to look at things  
18           just in a percent measure, because I'm  
19           sure that economically that's a  
20           difference, but \$20 million. So how much  
21           is the Administration planning to spend  
22           on each pre-K student?

23                        MR. DUBOW: \$8,500.

24                        COUNCILWOMAN GYM: So at \$8,500  
25           and a 20 million gap, we're talking about

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           a differential of almost 2,300, 2,350  
3           students?

4                   MR. DUBOW: Yeah. If we  
5           took --

6                   COUNCILWOMAN GYM: 2,350  
7           students.

8                   MR. DUBOW: Right. If we took  
9           all of the cut out of pre-K, you would be  
10          down to about 4,100 seats.

11                   COUNCILWOMAN GYM: So losing  
12          \$20 million out of the budget would mean,  
13          if we were looking at it from a pre-K  
14          perspective, that we could not educate  
15          2,352 students that we had hoped to bring  
16          into a quality pre-K program?

17                   MR. DUBOW: That's correct.

18                   COUNCILWOMAN GYM: And that  
19          total in the first three years, the total  
20          number of pre-K students that we're  
21          hoping to bring into the program is  
22          6,500?

23                   MR. DUBOW: City-funded spots  
24          over the three years.

25                   COUNCILWOMAN GYM: Correct,



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           6,500. So that 2,352 students not being  
3           impacted out of 6,500 means that we're  
4           not fulfilling our mission by over a  
5           third.

6                       MR. DUBOW: (Mr. Dubow nods  
7           head in the affirmative.)

8                       COUNCILWOMAN GYM: So I guess  
9           one of the questions that I would want to  
10          be asking is the question about moving  
11          around as we go incrementally through the  
12          different options. If we're talking  
13          about pre-K, is there a reason not to --  
14          this tax obviously is difficult for  
15          everybody. Any kind of movement towards  
16          taxation needs to be thought out very  
17          carefully and thoughtfully, but if we're  
18          going to move towards that, are we not  
19          trying to move towards the maximum that  
20          we can do as opposed to, you know,  
21          compromising for incremental amounts that  
22          have significant impact on our ability to  
23          actually do the job?

24                      MR. DUBOW: Yes. We believe  
25          that we should tax the amount that gets

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           up to the amount we need to implement  
3           these programs, yes.

4                   COUNCILWOMAN GYM: So that you  
5           don't actually look at incremental gains  
6           in the tax as just being about  
7           incremental gains in revenue. We should  
8           also think about it in terms of how many  
9           students and young people,  
10          three-year-olds and four-year-olds in the  
11          City, that would not be able to access a  
12          quality City-funded seat in universal  
13          pre-K?

14                   MR. DUBOW: That's a very good  
15          way to look at it.

16                   COUNCILWOMAN GYM: The second  
17          question I had was a little bit about my  
18          colleague's bill, and I want to thank  
19          Councilwoman Blondell Reynolds Brown like  
20          everybody else, because it is important  
21          to have other options on the table.

22                   In terms of this question of  
23          whether a tax is regressive or not, in  
24          your opinion, are flat taxes considered  
25          regressive?

1 5/25/16 - WHOLE - BILL 160170, etc.

2 MR. DUBOW: Yes.

3 COUNCILWOMAN GYM: So a flat  
4 tax is a tax that applies across the  
5 board to all incomes, unavoidable --

6 MR. DUBOW: Yes.

7 COUNCILWOMAN GYM: -- and on a  
8 broad level?

9 And I think that --

10 MR. DUBOW: And then tends to  
11 have a larger impact on people at lower  
12 levels. A higher percent of their --

13 COUNCILWOMAN GYM: And they're  
14 unavoidable as a result.

15 MR. DUBOW: Correct.

16 COUNCILWOMAN GYM: And they  
17 will overwhelmingly impact families who  
18 can't avoid the tax?

19 MR. DUBOW: Correct.

20 COUNCILWOMAN GYM: Thank you.

21 And then the other question I  
22 had is, has the -- I know that the School  
23 District has testified about that it  
24 doesn't appear to be impacted by a  
25 container tax on its particular products.

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           Have you discussed whether Parks and Recs  
3           and the programming done through Parks  
4           and Rec, which I believe includes  
5           beverages, water, and juice, are impacted  
6           at all?

7                         MR. DUBOW: I think they would  
8           be. I don't think they're excluded from  
9           the bill, so I think they would be  
10          impacted.

11                        COUNCILWOMAN GYM: And have you  
12          costed out how much that impact would  
13          have on the City?

14                        MR. DUBOW: We have not.

15                        COUNCILWOMAN GYM: Okay. Is  
16          that something that you could provide?

17                        MR. DUBOW: Yes. We can  
18          provide it, yeah.

19                        COUNCILWOMAN GYM: Thank you  
20          very much.

21                        COUNCIL PRESIDENT CLARKE:

22          Thank you, Councilwoman.

23                        The Chair recognizes

24          Councilwoman Parker.

25                        COUNCILWOMAN PARKER: Thank

1 5/25/16 - WHOLE - BILL 160170, etc.

2 you, Mr. President.

3 And good afternoon to each of  
4 you.

5 MR. DUBOW: Good afternoon.

6 COUNCILWOMAN PARKER:

7 Councilwoman Reynolds Brown, thank you  
8 very much for just adding value to the  
9 discussion. Options are always welcomed  
10 and valued.

11 Let me just go back to the line  
12 of questioning that was started by  
13 Councilman Squilla earlier, and  
14 Councilwoman Reynolds Brown mentioned  
15 that the School District would be  
16 offering its own testimony relevant to  
17 how this would impact them, although it  
18 was answered that the School District of  
19 Philadelphia would be considered exempt  
20 and/or as the language in the bill  
21 states, they would not be considered a  
22 dealer. However, do we know whether or  
23 not parochial schools, private schools,  
24 and any other private day care centers,  
25 would they be considered as dealers as it

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           is described in the bill?

3                   MR. DUBOW: So I don't see an  
4           exemption in the legislation for other  
5           schools.

6                   COUNCILWOMAN PARKER: Okay. So  
7           just the listing of the School District  
8           of Philadelphia?

9                   MR. DUBOW: Correct.

10                  COUNCILWOMAN PARKER: With that  
11          being said, let me ask you, because I've  
12          heard this quite often and I thought,  
13          Council President, after we dealt with  
14          that sort of elasticity of demand when we  
15          worked on that \$2-per-pack cigarette tax  
16          to get that enabling authority, I thought  
17          that was the last time I was going to  
18          have to deal with the elasticity of  
19          demand regarding the selling of anything.

20                  MR. DUBOW: Aren't you happy  
21          it's back?

22                  COUNCILWOMAN PARKER:  
23          Especially since Cheltenham Avenue is a  
24          part of the district and Councilman  
25          Curtis Jones has City Avenue and our

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           people can easily cross the street.

3                         With that being said, has the  
4           Administration reviewed or do you have  
5           any numbers reflective of how the  
6           elasticity of demand would be measured  
7           with the soda tax versus the container  
8           tax?

9                         MR. DUBOW:   Sure.   So for the  
10          sugary drinks tax at 3 cents, we built in  
11          55 percent reduction in consumption and  
12          then an additional 10 percent tax  
13          avoidance.   So a total reduction of 65  
14          percent.

15                        For the container tax, which is  
16          at a lower level, the assumed fall-off in  
17          the analysis is about 30 percent.   So  
18          it's a much smaller fall-off, which makes  
19          sense.

20                        COUNCILWOMAN PARKER:   In  
21          addition to that, one of the things we  
22          have heard quite often in this debate --  
23          and I will definitely be addressing the  
24          issue I know a little more in detail  
25          later -- is this impact on small

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           neighborhood-based businesses,  
3           particularly our corner stores, all of  
4           those neighborhood-based businesses. And  
5           we value the taxes generated in those  
6           businesses, from sales to U&O. They are  
7           extremely valuable. However, a question  
8           that has come up when we talked about the  
9           high level of consumption where we see a  
10          large number of neighborhood-based corner  
11          stores -- I'm talking about those areas  
12          that are deserts -- has the  
13          Administration conducted any analysis  
14          about ownership?

15                    And let me just be more  
16          specific in my question. Have we  
17          conducted an analysis of whether or not  
18          the owners of the small neighborhood  
19          corner stores in our city, do we have a  
20          number relative to how many of them live  
21          in the City of Philadelphia?

22                    MR. DUBOW: I do not know that.

23                    COUNCILWOMAN PARKER: We do not  
24          know? Okay.

25                    And the reason why I ask that



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           question is because after concluding  
3           about eight budget briefing and town hall  
4           meetings throughout the 9th District and  
5           we talked about the tax that was proposed  
6           and everything that was sort of on the  
7           table, one of the questions was the issue  
8           that we have been talking about as it  
9           related to City business and construction  
10          about minority inclusion and ownership,  
11          and I will tell you that it was a little  
12          interesting to hear questions coming from  
13          my constituency about how many of those  
14          neighborhood-based corner stores were  
15          actually owned by people who lived in the  
16          communities in which they served.

17                    So has the Administration  
18                    conducted any sort of analysis from that  
19                    perspective?

20                    MR. DUBOW: We don't. We don't  
21                    have information on the residency of  
22                    owners of businesses.

23                    COUNCILWOMAN PARKER: Okay.  
24                    Let me just state for the record that if  
25                    by any chance there's any way that you --

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           and we will be in contact with our  
3           chambers to see whether or not they have  
4           any data that can be helpful, but when we  
5           talk about the issue of consumption, I  
6           would hope that we would find a way to  
7           add into this discussion the issue of  
8           ownership, because what we're seeing in  
9           many communities is that while we have  
10          high levels of consumption, there are  
11          very low levels of ownership there. So I  
12          think that's something that I would like  
13          to see. And there are some instances  
14          where there will be some owners who  
15          actually live in the community. I don't  
16          want anyone to think that I'm talking  
17          about in absolute terms, but just in sort  
18          of an informal survey of the district  
19          that I serve, along with some others in  
20          the area, there was not a great sampling  
21          of particularly on neighborhood  
22          commercial corridors and on neighborhood  
23          corner stores that it was a high level of  
24          ownership amongst those that actually  
25          lived in the communities that were being

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           served. So I ask that that be sort of  
3           added to the discussion.

4                   MR. DUBOW: And I think the way  
5           we'd probably have to do that is some  
6           kind of survey, which may take a little  
7           bit of time, but we could do that to  
8           understand that better.

9                   COUNCILWOMAN PARKER: Thank  
10          you, Mr. President, and I think I'll come  
11          back the second round.

12                   COUNCIL PRESIDENT CLARKE:  
13          You're welcome, Councilwoman.

14                   Councilman Oh.

15                   COUNCILMAN OH: Thank you,  
16          Council President.

17                   COUNCIL PRESIDENT CLARKE:  
18          You're welcome.

19                   COUNCILMAN OH: Earlier we had  
20          a discussion about the fact that the cost  
21          of the universal pre-K is being proposed  
22          at 8,500 per person, per child, and that  
23          the cost averaged 14,000, but that since  
24          this program was not going to run a full  
25          year and it would have shorter hours,

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           that the 8,500 per child would be  
3           adequate funding. Do you recall that or  
4           was I talking to somebody else?

5                       MR. DUBOW: I think -- and,  
6           again, Mr. Engler and Mr. Hackney can  
7           come up. I think that actually the 8,500  
8           would be matched with other funding  
9           streams to get you up to the 14,000 per  
10          seat.

11                      COUNCILMAN OH: Okay. He  
12          doesn't have to come up, because you just  
13          told me that 8,500 would need to be  
14          matched by other funding streams to get  
15          to 14,000.

16                      MR. DUBOW: Yes.

17                      COUNCILMAN OH: Okay. But the  
18          proposed tax that you have gets you to  
19          8,500, not more than that?

20                      MR. DUBOW: That's correct.

21                      COUNCILMAN OH: Okay. And  
22          you're not in favor of a container tax.  
23          And I'm not saying that I am. I'm just  
24          saying that what is the difference in  
25          your testimony between a tax that gets

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           the money that you need and a tax that  
3           gets the money that -- what's the  
4           difference? Why is it that you don't  
5           want to do the container tax? I  
6           understand what you said about health,  
7           but health cannot really be at the base  
8           of this discussion, can it?

9                     MR. DUBOW: So the primary  
10           reason is \$27 million.

11                    COUNCILMAN OH: Right, money.

12                    MR. DUBOW: It generates \$27  
13           million less. We also think that it's  
14           because it's not avoidable that it's more  
15           regressive than the sugar-sweetened  
16           beverage tax. So those are the two  
17           reasons that are in the testimony.

18                    COUNCILMAN OH: Okay. So the  
19           regressiveness of the tax and the health  
20           outcomes are a part of the reason why you  
21           are proposing a sugary drink tax?

22                    MR. DUBOW: No. We're  
23           proposing a sugary drink tax to generate  
24           money for these initiatives. That's why  
25           we're proposing that tax. And the reason

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           that we favor that over the 15 cents  
3           container tax are it generates more  
4           money. I mean, that's the first reason  
5           we give in the testimony.

6                    COUNCILMAN OH: Okay. If you  
7           start -- if you were to get your sugary  
8           drink tax and you started this program,  
9           can you sustain it?

10                   MR. DUBOW: Yes.

11                   COUNCILMAN OH: For how long?

12                   MR. DUBOW: We think we can  
13           continue it indefinitely.

14                   COUNCILMAN OH: Indefinitely,  
15           okay.

16                   So the School District will  
17           need \$600 million in 2021 and that will,  
18           let's assume for discussion's sake, say  
19           be in the earlier portion of the Mayor's  
20           second term. He's got eight years, no  
21           more than eight years. So in 2021, the  
22           School District needs 600-some million  
23           dollars, which I am thinking that perhaps  
24           by that time, I hope we get control of  
25           the School District back, but if we do,

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           we are not going to get as much of an  
3           input of revenues from the state. If we  
4           don't get it back, I'm not sure we're  
5           getting any more money from the state  
6           anyway, but they need \$600 million.  
7           Where will you get that money if you are  
8           being asked to provide a large portion of  
9           that money?

10                   MR. DUBOW: So that money is a  
11           cumulative amount and assumes that  
12           nothing happens to address the issue  
13           between now and then.

14                   COUNCILMAN OH: Right.

15                   MR. DUBOW: And it assumes that  
16           the state doesn't step up to do its part.  
17           I think it's too early to draw that  
18           conclusion and to speculate on what would  
19           have to happen.

20                   COUNCILMAN OH: Right. But we  
21           know two things are going to happen  
22           definitely, the cigarette tax sunsets and  
23           we know that the PICA wage tax sunsets in  
24           2023. And according to your testimony  
25           numerous times, you said that puts a hole

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           in the City's budget of 350 million per  
3           year from that point forward unless there  
4           is another tax of some sort to fill that  
5           hole.

6                       MR. DUBOW: Or unless the PICA  
7           tax is reauthorized or we increase it  
8           locally. So we have options on the wage  
9           tax amount. And the School District's  
10          projections already assume that the  
11          cigarette tax expires. That's part of  
12          that projection of 600 million.

13                      COUNCILMAN OH: So does any of  
14          these numbers concern you? I mean, it  
15          concerns me in the sense that the Kenney  
16          Administration will be done in 2023 and,  
17          therefore, a new Mayor comes in and  
18          inherits all these problems. Are there  
19          problems that you are leaving or are you  
20          taking care of this? Is this all  
21          sustainable?

22                      MR. DUBOW: I think I've  
23          testified many times that we plan to  
24          take -- that we plan to address that PICA  
25          tax issue well before 2023. And the



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           cigarette tax issue is actually 2019, so  
3           that's during the Mayor's term.

4                    COUNCILMAN OH: So with  
5           whatever universal pre-K is going to turn  
6           out to be, which is not truly universal,  
7           we have neighborhoods that have good  
8           neighborhood schools and we have  
9           neighborhoods that have poorly performing  
10          neighborhood schools. How is it that  
11          you're going to put five-star pre-K in  
12          every neighborhood, good and bad,  
13          according to your plan?

14                   MR. DUBOW: So for that, I'll  
15          ask Mr. Engler and Mr. Hackney to come  
16          up.

17                   MR. HACKNEY: So a major  
18          component of our plan is building the  
19          capacity of providers across the City.  
20          And so we want to make sure that as we  
21          expand the number of seats available to  
22          children, we want to also move the --  
23          increase the capacity of the providers  
24          along with that.

25                   COUNCILMAN OH: Okay. So could

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           I just say that I would like to see some  
3           hard reports, because the thing that  
4           occurs to me is it's like saying we want  
5           every restaurant to be a five-star  
6           restaurant, and not every restaurant  
7           wants to be a five-star restaurant. It  
8           requires an investment of capital on  
9           their part. It requires an analysis on  
10          their part. And so if you're going into  
11          good neighborhoods, I am sure that they  
12          generally are going to cater to more  
13          wealthy people who have higher kind of  
14          options, but this is really -- universal  
15          pre-K is addressing poor neighborhoods  
16          and you're going into neighborhoods and  
17          saying, You shall be a five-star  
18          provider, which means they have to pick  
19          up costs, increase salaries, and a whole  
20          lot of other things. So my question  
21          about the 8,500 per student is, there  
22          would be an additional level of cost if  
23          you want -- because I've spoken to pre-K  
24          providers who say, We're happy where we  
25          are. We make more money where we are

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           than if we were to take on these  
3           additional costs.

4                     Are you going to compensate  
5           them or provide the cost that they need  
6           to be pre-K? And if you're not, is there  
7           an opportunity for the School District to  
8           pick that up or is that just not part of  
9           the plan?

10                    MR. HACKNEY: So in terms of  
11           the rate at which students would be  
12           compensated for the 8,500 for the school  
13           day school year, that's what that amount  
14           would cover. So that's the rate that  
15           we -- in terms of the cost of quality  
16           that we have projected in our plan as we  
17           built it out.

18                    COUNCILMAN OH: Okay. I'm  
19           sorry to stop, but the bell has rung and  
20           so I'll come back in the next round.  
21           Thank you.

22                    COUNCIL PRESIDENT CLARKE:  
23           Thank you, Councilman. I didn't hear the  
24           bell.

25                    COUNCILMAN OH: Oh, I could

1 5/25/16 - WHOLE - BILL 160170, etc.

2 have just kept going?

3 COUNCIL PRESIDENT CLARKE: No.

4 I'm just kidding. Thank you, Councilman.

5 Actually maybe you guys want to  
6 stay up. So I'm going to try not to get  
7 myself in trouble. So I've been here for  
8 a lot of years and through a lot of  
9 budget seasons, and normally it's like  
10 the people in the audience against us or  
11 maybe against the Mayor, but I got to  
12 tell you, this has been like one of the  
13 most divisive proposals since I've been  
14 here. And I'm being very frank, candid.  
15 I know I'm going to get in trouble. But  
16 I see this division along class lines,  
17 along all sorts of different lines, young  
18 versus old, manufacturing jobs versus  
19 service and white-collar jobs, and it  
20 troubles me, because actually for every  
21 child that gets pre-K whose parents might  
22 make \$150,000, the child whose mom makes  
23 \$10,000 doesn't get one because we're  
24 making a choice because this is  
25 unlimited. And it troubles me that

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           whenever there's a serious conversation  
3           about funding this -- because I believe  
4           everybody should have everything, right?  
5           I mean, that's normally what we promise  
6           as politicians when we're out  
7           campaigning, and then reality sets in and  
8           you got to make decisions.

9                         But every time there seems to  
10          be a conversation about a broad-based  
11          revenue source, it seems to get rebuffed,  
12          every imaginable reason why you can't do  
13          it. I mean, the notion that you're  
14          sitting here talking about a container  
15          tax, you can't do it because it's not  
16          going to be enough revenue. And I think  
17          everybody in this room on this side of  
18          the rail knows it's not going to be a  
19          3-cent-an-ounce tax, unless something is  
20          going on that I don't know about. So the  
21          notion that you're going to raise the  
22          revenue to do all of the programs, it's  
23          probably not realistic. But when there's  
24          a conversation about doing something --  
25          and I don't know where I am. I talked to

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           the Mayor directly, because I think  
3           that's the way it should be. I have  
4           those conversations. I want to help the  
5           Mayor. I want to help the  
6           Administration. More importantly, I want  
7           to help the citizens in the City of  
8           Philadelphia. But when I'm hearing that  
9           this is going to be universal pre-K,  
10          which I guess we all support, although  
11          I'm telling you -- and I'm too old for  
12          this now, but if I had a kid in pre-K, I  
13          don't think that the taxpayers should  
14          have to pay for that. I should be able  
15          to pay for that. But the conversation  
16          about it not being --

17                                (Applause.)

18                                COUNCIL PRESIDENT CLARKE: And  
19          I'm not trying to do it for applause or  
20          anything. Every now and then I'm  
21          supposed to be conducting hearings and  
22          just kind of not give my opinion, but,  
23          you know...

24                                So I guess I'm saying that the  
25          notion that it can't be some sort of a

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           universal or broader based funding source  
3           for this is beyond my comprehension when  
4           everybody in the City -- I'm sure when  
5           we're looking at rec centers -- and I've  
6           heard from some members there might be  
7           rec centers that are going to be proposed  
8           that are going to be in areas where  
9           there's projected growth as a result of,  
10          quote/unquote, gentrification. And  
11          that's okay, because you got to provide  
12          support for everybody.

13                        So I don't know why -- and I'm  
14          not saying I'm voting for the container  
15          tax. I think it's a laudable idea. If  
16          there's a conversation about a broader  
17          based tax that everybody should pay, this  
18          notion that, well, you know, only the  
19          poor people should pay -- because you all  
20          know. You saw the map up there where all  
21          of these stores are that are selling this  
22          product. It's going to be in low-income  
23          neighborhoods. That's just a fact,  
24          right?

25                        So I think that people should

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           take a little more serious the notion of  
3           having a broad-based tax, and maybe not  
4           this year but maybe in future years as we  
5           try to get to 10,000, if you're saying  
6           that's the number, because I thought it  
7           was 65, but whatever it is, that we can't  
8           keep going to a source that is going to  
9           diminish, not necessarily because of the  
10          consumption but just generally the  
11          industry in terms of soda consumption is  
12          going down and the revenues associated  
13          with that are going to go down.

14                        So we got like a week, two  
15          weeks to finish this up, and we're going  
16          to probably do something, I would hope.  
17          I would ask the Administration to take a  
18          little more seriously about a broader  
19          based revenue stream and a more fair and  
20          equitable revenue stream than just  
21          simply, as my good friend Harold Jackson  
22          from the Philadelphia Inquirer Editorial  
23          Board, who never agrees with me, said on  
24          Inside Story that this was the least path  
25          of resistance, poor people. I really



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           would like us to, as we move through this  
3           process -- and as I say, not just today  
4           and not just this budget, but in a  
5           longer-term conversation, let's really  
6           like talk about broadening the  
7           responsibility for making sure that our  
8           kids, who are the most important aspect  
9           of what we do, and our neighborhoods and  
10          our city, we take it a little more  
11          seriously than coming up with some of the  
12          stuff that I've heard, and with respect  
13          to the container tax, why it won't  
14          generate revenue. It will generate the  
15          revenue. It's just a matter of the rate  
16          if you want. And if it does generate the  
17          revenue, we pass it. Is the  
18          Administration not going to do the  
19          programs because it wasn't a sugary tax?  
20          I would think not. I would hope not.

21                        So that's over the next week  
22          and a half -- and this is more of an  
23          internal game plan -- can we like have  
24          like a little sit-down and kind of like  
25          talk about not only short term, a little

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           longer term strategy for doing the things  
3           that we need to do in the City that has  
4           some shared responsibility and not just  
5           simply targeting one particular category  
6           of individuals. All right?

7                         So I know that wasn't a  
8           question, but I just had to put it out  
9           there, because I'm serious about this.  
10          I'm like really concerned about some of  
11          the stuff that I've seen going on in our  
12          city about this particular issue.

13                         Mr. Engler.

14                         DEPUTY MAYOR ENGLER: We're  
15          happy to continue the discussions.  
16          Obviously we meet with your staff on a  
17          regular basis.

18                         COUNCIL PRESIDENT CLARKE: I'm  
19          sorry. Could you bring that a little  
20          closer.

21                         DEPUTY MAYOR ENGLER: I'm  
22          sorry. Yes. We meet with your staff on  
23          a regular basis. We're happy to continue  
24          those meetings and to talk about a way  
25          that's going to fund the programs.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 Obviously the Administration --

3 COUNCIL PRESIDENT CLARKE:

4 Yeah, but we've been meeting and every  
5 time something gets posed to you all,  
6 you're like, Yeah, okay.

7 DEPUTY MAYOR ENGLER: And we've  
8 reviewed them and we're happy to continue  
9 those discussions in a real full way.

10 COUNCIL PRESIDENT CLARKE:

11 Yeah, but I know, and continue the  
12 discussions -- we've been talking about  
13 this for two months, and I've said stuff.  
14 And we had two months of hearing, and one  
15 of my people said, Well, they don't know.  
16 Councilman, the press doesn't know -- I'm  
17 sorry to bring you guys into it. The  
18 press doesn't know what you guys are  
19 talking about.

20 I said, Well, we've been having  
21 two months of hearings.

22 So I'm saying you can talk, but  
23 then you can talk. So all I'm saying is  
24 like, you know, seriously, folks -- and I  
25 hate to bring this public, but we got to

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           really start talking about some kind of  
3           broader based strategy than just simply  
4           going after taxing poor people, when the  
5           testimony is inconsistent with the  
6           reality of saying -- one hand you say you  
7           want to deal with health and I look at  
8           the health budget, you got an increase of  
9           a million dollars in the Health  
10          Department's budget and none of it is  
11          going towards obesity. It's going  
12          towards raises and family center, you  
13          know, so -- that's all I'm saying. I'm  
14          going to get off my little soapbox and  
15          I'm going to call on the next member.  
16          Thank you.

17                         The Chair recognizes Councilman  
18          Jones.

19                         COUNCILMAN JONES: Thank you,  
20          Mr. President.

21                         I still have not heard the  
22          difference in why a soda tax is a grocery  
23          tax and a container tax is not. I'm just  
24          confused.

25                         (Applause.)

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN JONES: I disagree  
3 that -- and I can pay for my  
4 granddaughter's pre-K, but if I couldn't,  
5 that she doesn't deserve an equal footing  
6 and an opportunity for a life and then I  
7 think somehow government is responsible  
8 for public education. And every study  
9 shows everyone that if a kid can't read  
10 by the time they are in fourth grade,  
11 that they are -- their outcomes are  
12 determined in a negative way, usually  
13 resulting in a place that I visited  
14 today, which is prison. So I disagree  
15 totally that it is not a government  
16 issue, because we will either pay now or  
17 we will pay later. So I'd rather pay now  
18 and get positive outcomes than pay later  
19 and see a kid that says, The best school  
20 I ever went to was a jail school. I  
21 don't get that.

22 So on the issue, I need to know  
23 how if we can't -- can we do both taxes  
24 or not? What would happen? Isn't that a  
25 double tax, if you would, on the same

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           product?

3                       SOLICITOR TULANTE: We can look  
4           into it. So this is the first time I've  
5           heard it --

6                       COUNCILMAN JONES: Sometimes  
7           compromise is difficult because of the  
8           regulations and laws that we have. We  
9           either -- you stand on one side of the  
10          street, you okay. You stand on the other  
11          side of the street, you okay. You stand  
12          in the middle of the street, you get run  
13          over. So we need to figure this out.

14                      I agree with my colleague that  
15          we all agree that these are important  
16          issues, but we got to get -- I think it  
17          was Sanchez that said it. We got to get  
18          this right.

19                      We talked about consumption and  
20          sustainability on the cigarette tax, and  
21          I get the cigarette runs that were  
22          supposed to happen and probably do, but  
23          nobody can argue the benefit of 88 extra  
24          million dollars in a school district even  
25          though two years from now, you're right,

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           we're going to be dealing with a problem.  
3           But ever since I came here, we've been  
4           dealing with public education, not in a  
5           planned way, not in a well thought-out  
6           way, but in a response to crisis, like  
7           they're getting ready to cancel  
8           kindergarten.

9                        So I think it is incumbent upon  
10          us to do two things. Recognize that  
11          there are intended and unintended  
12          consequences of not doing pre-K, and they  
13          are serious. The second thing is that it  
14          is our responsibility to look into that.  
15          And, yeah, those who can afford pre-K,  
16          but there's a lot of Philadelphians that  
17          cannot, and they deserve good outcomes  
18          for their children too.

19                        Thank you, Mr. President.

20                        (Applause.)

21                        COUNCIL PRESIDENT CLARKE: See,  
22          now that's what I'm saying, the division.  
23          So when Councilman Jones spoke, that side  
24          of the room clapped. When I spoke, that  
25          side of the room. Come on, we got to

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           stop all this, right? I'm serious. We  
3           got to stop. We got to figure out a way  
4           to get this to work. See what I'm  
5           saying.

6                     The Chair recognizes -- folks,  
7           please, please.

8                     The Chair recognizes  
9           Councilwoman Quinones-Sanchez.

10                    COUNCILWOMAN SANCHEZ: I guess  
11           in the spirit of what you said, Council  
12           President, I will withhold this, because  
13           I do think the week and a half will give  
14           folks an opportunity for pause. But I  
15           think it's important to remember that the  
16           Pre-K Commission was started out of a  
17           Council initiative. It was a commission  
18           that came out of here that then the  
19           people voted for. And so the division  
20           doesn't exist on the goal. The division  
21           exists around how we get there. And,  
22           quite frankly, I'd be ready to vote for a  
23           3 percent real estate tax and do this  
24           right the same way we do education. And  
25           I believe that it should be sustainable,



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           and if we want to do it, we want to do it  
3           in a way that's thoughtful and that at  
4           the same time we are taking into  
5           consideration what Councilman Oh says,  
6           that we are going to hit a cliff and  
7           we're going to have to be here and make  
8           those tough choices.

9                         But the rhetoric around this,  
10          around people having choices, is one that  
11          as a person of color in this city, I've  
12          been extremely offended, because my folks  
13          don't have choices, you know. They  
14          don't -- when you look at that person  
15          that goes and buys a 128 ounce of  
16          Hawaiian Punch, under this sugary drink,  
17          that's a \$3.84 tax. Under the container,  
18          it's 15 cents. When you look at that 64  
19          ounce iced tea that that mother buys for  
20          the week, you know, under the sugar tax,  
21          it's \$1.92. Under the container tax,  
22          it's 15 cents.

23                         Now, I don't like either one of  
24          these, but I am concerned about the  
25          rhetoric and using the kids as a shield

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           around bad policy. We're making bad  
3           choices here. And I support and I think  
4           these things are too important and  
5           they're things that this Council has  
6           talked about too long for us not to take  
7           this serious.

8                         So, Council President, I'm  
9           going to take your advice and use the  
10          next week and a half so that we can have  
11          a more thoughtful resolution to the  
12          conversation. But I don't like a  
13          conversation where it's them against us,  
14          because that's not the case, that it is  
15          rich people versus poor or brown and  
16          black people versus folks who have  
17          choices. I think this discussion is too,  
18          too important to be narrowed that way.  
19          And I don't like to be told as an  
20          independent elected official that I only  
21          have one option. I've never taken on a  
22          budget discussion with one option, and  
23          that's the kind of rhetoric that really  
24          gets people against the wall and doesn't  
25          allow for the open, respectful

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           conversation that we've always had in  
3           this Council Chamber.

4                        So I'll take my week and a half  
5           recess.

6                        COUNCIL PRESIDENT CLARKE:

7           Thank you, Councilwoman.

8                        The Chair recognizes Councilman  
9           Domb.

10                      COUNCILMAN DOMB: Thank you,  
11           Council President.

12                      I just wanted to clarify. I  
13           know my colleague had some comments about  
14           the analysis. I'm in favor of all the  
15           initiatives. I'm just not clear how  
16           we're going to fund them. And I want to  
17           just give you my observations, because  
18           I'm probably the least political person  
19           here. I come from the business  
20           community.

21                      In the four or five months I've  
22           been here, in business when you need  
23           money, the first thing you do is you make  
24           yourself more efficient. You try to buy  
25           products cheaper. You try to figure out

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           how to make efficiencies within labor  
3           cheaper. You put systems in place that  
4           save you money. And the last thing you  
5           do is you raise prices.

6                     It seems to me in government  
7           the first thing we do is raise prices  
8           instead of doing the efficiencies. Now,  
9           I know we are working together to do more  
10          efficiencies, and I'm not blaming this  
11          Administration or this Mayor, because I  
12          think they're doing a good job, but I  
13          think some of these things are holdovers  
14          from prior situations that should have  
15          been addressed. One is OPA that still  
16          has the same value as three years ago,  
17          134, and we're addressing it now.

18                    And the other question I  
19          have -- maybe you could answer this for  
20          me, because I'm just curious. I've sat  
21          through every budget hearing. There's  
22          1,300 positions -- I added them all up --  
23          that aren't filled. I don't think we're  
24          going to fill 1,300, but I don't think  
25          we'll fill 200. If we could assume we're

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           going to fill half of those positions,  
3           650, close to 1,300 positions in our  
4           budget are \$64 million a year and, with  
5           benefits, 48 million. So we're talking  
6           over \$120 million on that piece. Our  
7           benefits, by the way, are 76 percent of  
8           salaries. In private industry it's 32  
9           percent. It's amazing the benefits  
10          working in the government.

11                        Is there a way to cut that in  
12          half and say we'll fill half the  
13          positions, and is there a way to put  
14          money not to this initiative but to the  
15          pensions? That's my concern.

16                        MR. DUBOW: So there were a lot  
17          of things in there. I'd want to kind of  
18          go back to the beginning.

19                        So we did, in putting our  
20          budget together, the first things we  
21          looked at were can we do a better job of  
22          collections, and we have over our plan  
23          \$70 million in additional collections.  
24          Can we reduce things like unnecessary  
25          overtime? So we have overtime

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           reductions. So we looked throughout the  
3           government for efficiencies. That is  
4           kind of the first thing that we do. I  
5           just want to make that point.

6                        On the vacant positions, the  
7           budget actually doesn't assume that  
8           they'll all be filled. We have what's  
9           called a vacancy allowance in each  
10          department. So we've already assumed a  
11          significant amount of savings from those.  
12          In addition, from the list, some of those  
13          weren't in our General Fund. So they  
14          were Aviation Fund and Water Fund  
15          positions that don't accrue, but we're  
16          kind of happy to go through that list  
17          with you and show you kind of what's in  
18          the budget and what's not for them.

19                       COUNCILMAN DOMB: It just  
20          seemed like a lot of money that was being  
21          allocated to positions that aren't going  
22          to get filled. Even if it's half the  
23          amount, even half the amount is close to  
24          over 60 million.

25                       MS. ADAMS: And I just want to

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           add to that. Sometimes it's related to  
3           the timing of when that class. So, for  
4           example, if you have a large police class  
5           or a large fire class that come in in the  
6           fourth quarter of the year, we include  
7           their positions, because they will  
8           eventually get filled, but then  
9           three-quarters of the year they won't get  
10          paid. So we use that in a vacancy  
11          allowance. And so there's often timing  
12          by each budget, and so there's a bit of  
13          an art and a bit of a science that goes  
14          into it based on what we think will get  
15          filled and then we try and have that  
16          vacancy allowance reflect what we think  
17          is the reality. And so if there are  
18          challenges filling certain positions,  
19          then we may have a larger vacancy  
20          allowance or if there's a large class  
21          that we assume that comes in much later.  
22          And so we plan for that within the  
23          budget. We try not to allocate any  
24          additional funds that we don't think  
25          actually will get filled. But then at

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           the same time, we want -- some of those  
3           positions are really critical and we want  
4           to fill them and we're working through  
5           different processes to make sure they get  
6           filled, because they really help the  
7           operations of the department.

8                    COUNCILMAN DOMB: Okay. I  
9           still think when you're dealing with a \$4  
10          billion budget, saving 2 or 3 percent is  
11          not difficult to do, just in general.

12                   MS. ADAMS: Our big challenge  
13          is, there are a large amount of fixed  
14          costs, and I think once you start  
15          removing the big fixed costs, which I  
16          think is like the pension costs and our  
17          other kind of big fixed costs, when you  
18          start whittling it down, we actually have  
19          very limited flexibility despite the  
20          large size of our budget, and I think  
21          that's where -- and we can have many more  
22          conversations about this. We kind of  
23          give this presentation on a regular  
24          basis. But once you start whittling down  
25          those big fixed costs that we don't have



1           5/25/16 - WHOLE - BILL 160170, etc.  
2           any control over, the amount of  
3           flexibility that we have as an  
4           Administration and Council is relatively  
5           small despite the large size of the  
6           budget.

7                        COUNCILMAN DOMB: But we had  
8           the court system president here who  
9           testified that their fees haven't been  
10          raised since 1984.

11                      MS. ADAMS: And some of those  
12          fees -- and we're doing a lot of analysis  
13          on those fees themselves. Some of those  
14          fees -- there's only a portion of those  
15          fees that flow into and remain in the  
16          General Fund. Some of those fees flow  
17          directly to the court system. So we want  
18          to work with you and with the courts to  
19          understand those fees. We also have to  
20          make sure that for every fee, that  
21          there's a real cost structure that we can  
22          align those fees to. So we need to do  
23          quite a lot of analysis to make sure, but  
24          that's definitely on our radar. We have  
25          about three or four departments we want

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           to work with on reviewing their fees,  
3           L&I, the Sheriff's Office, the courts,  
4           just to make sure, and we hopefully will  
5           introduce something in the fall to look  
6           at those fees, and we'll work with you on  
7           that.

8                        COUNCILMAN DOMB: Just to be  
9           clear, we write a check for \$56 million  
10          out of our fund to the court system, and  
11          if you had raised the fees per inflation  
12          from 1984, it would be an extra \$48  
13          million, just on an inflation basis.

14                      Thank you, Council President.

15                      COUNCIL PRESIDENT CLARKE:  
16          Thank you, Councilman.

17                      The Chair recognizes  
18          Councilwoman Reynolds Brown.

19                      COUNCILWOMAN BROWN: Rob Dubow,  
20          I join you in appreciating the laser beam  
21          focus that Councilman Domb brings to the  
22          numbers in his analysis of numbers. I  
23          want to revisit your response to his  
24          questions regarding the yield of  
25          potential soda tax rates at 1 cent.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 So what was the yield you  
3 believe we would get with the 1 cent per  
4 ounce?

5 MR. DUBOW: Roughly \$58 million  
6 when you annualize it.

7 COUNCILWOMAN BROWN: And --

8 MR. DUBOW: So the first full  
9 year, which is FY18, it would be about 58  
10 million.

11 COUNCILWOMAN BROWN: And 1 and  
12 1 half cent, the yield you anticipate?

13 MR. DUBOW: 77 million.

14 COUNCILWOMAN BROWN: And on 2  
15 cents?

16 MR. DUBOW: 2 cents is roughly  
17 90, 89.8.

18 COUNCILWOMAN BROWN: Okay. And  
19 so then with the conservative -- and I  
20 underscore that -- the conservative  
21 estimate of a 15 cent flat rate in our  
22 projections yield for us \$64 million. Is  
23 it fair to say then that our 15 cent flat  
24 rate yielding \$64 million would get us  
25 where we need to be if the Administration

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           came in at 1 cent?

3                   MR. DUBOW: Yes. I mean, it's  
4           not where -- it's not equivalent to the  
5           cost of the programs, but in terms of  
6           revenue generated, it's a little bit more  
7           than 1 cent.

8                   COUNCILWOMAN BROWN: Looking  
9           strictly at numbers, putting the programs  
10          that we all agree are essential and also  
11          acknowledging the fact that there's no  
12          appetite for 3 cents, the question again  
13          is, with the conservative estimate of a  
14          15 cent flat rate yielding \$64 million,  
15          does that not get us where we need to be  
16          compared to the Mayor's 1 cent?

17                   MR. DUBOW: Well, just to be  
18          clear, the Mayor hasn't proposed 1 cent.

19                   COUNCILWOMAN BROWN:  
20          Prospective potential.

21                   MR. DUBOW: Compared to 1 cent,  
22          yes, it's about the same. But neither  
23          one of those would fund the programs at  
24          the level we want.

25                   COUNCILWOMAN BROWN: Thank you,

1 5/25/16 - WHOLE - BILL 160170, etc.

2 Mr. President.

3 COUNCIL PRESIDENT CLARKE:

4 You're welcome, Councilwoman.

5 The Chair recognizes

6 Councilwoman Parker.

7 COUNCILWOMAN PARKER: Thank

8 you. Thank you, Mr. President.

9 I want to, one, acknowledge

10 that I agree with all of my colleagues

11 and that we will ultimately reach the

12 much-needed compromise. It's just great

13 to hear everyone echo the sentiments

14 about the ultimate goals and objectives

15 and that the sausage gets made, and that

16 depends on how we get there in the end.

17 With that being said, I need to

18 know from a programmatic perspective, has

19 the Administration changed its

20 perspective in any way, shape or form

21 relative to assuring that

22 neighborhood-based pre-K providers who

23 are STAR 1 and/or STAR 2 or no STARS,

24 that they receive technical and

25 administrative assistance to improve

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           their quality? And the reason why I ask  
3           that question is aside from the  
4           programmatic base, when we're thinking  
5           about the business and economic  
6           development side and the employment side,  
7           many of our home-based providers actually  
8           do live in the neighborhoods where they  
9           are providing their services.

10                         And so with that being said,  
11           has any of that changed?

12                         MR. DUBOW: That is still part  
13           of the proposal, but two people are  
14           coming up who can answer it better than I  
15           can.

16                         MR. HACKNEY: Yes. Thank you  
17           for the question. That is an important  
18           part of the plan that we have put  
19           together in terms of making sure in order  
20           for us to get -- to increase the number  
21           of children going into seats across the  
22           City, we need to increase the number of  
23           3- and 4-star providers across the City.  
24           So an important aspect of our work will  
25           be helping to provide the technical

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           assistance that centers with no stars, 1  
3           or 2 stars to move over into at least the  
4           realm of Keystone STARS in the 3- or  
5           4-star categories.

6                   COUNCILWOMAN PARKER: And just  
7           for the record, the reason why I asked  
8           that question is because you will find,  
9           again, particularly neighborhood based,  
10          neighborhood-based early childhood  
11          providers on neighborhood commercial  
12          corridors in residential blocks up to six  
13          children, but just because they are  
14          available, it does not always mean that  
15          quality is offered. And there are a  
16          number of barriers that we've discussed  
17          in hearings about why, the amount of  
18          dollars that they can afford to pay their  
19          workers, the level of education. And so  
20          what I don't want us to end up doing with  
21          this program is that we begin to simply  
22          direct dollars to 3 and 4 stars and it's  
23          almost like we begin creating magnet  
24          schools, right? So we end up having the  
25          Masterman-like preschools throughout the

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           City of Philadelphia. And the problem  
3           with creating magnets is, there are not  
4           enough magnets to go around in all of our  
5           neighborhoods.

6                        So I will hope that as we, the  
7           legislative body, led by our President,  
8           along with the Administration and the  
9           Mayor sort of work to hammer out the  
10          compromises, that we remember that we  
11          should not be creating magnet sort of  
12          preschools, but just trying to make sure  
13          that that quality is available in  
14          neighborhoods. So that's commercial  
15          corridors along with home-based and not  
16          forget that many of the home-based  
17          providers are African American women and  
18          that these are business owners. So let's  
19          not forget the business perspective of  
20          it.

21                        (Applause.)

22                        COUNCILWOMAN PARKER: Thank  
23          you, Mr. President.

24                        COUNCILMAN GREENLEE: Thank  
25          you, Councilwoman.



1 5/25/16 - WHOLE - BILL 160170, etc.

2 Councilman Oh.

3 COUNCILMAN OH: Thank you very  
4 much.

5 I'll say that I think our goal  
6 is to educate and equip individuals in  
7 our city to be the best that they can to  
8 help them discover what their  
9 capabilities are. And for me I clearly  
10 understand and agree with the discussion  
11 about K to 4. That I understand. I'd  
12 like to say that with limited resources,  
13 I am concerned that we have the  
14 resources, the vocational equipment, the  
15 opportunities, the art, the music, the  
16 technology for young people who are  
17 making decisions about their lives. For  
18 people with good households, for children  
19 with good households, parents make good  
20 decisions for them. For many of the  
21 people that we're talking about, they  
22 don't necessarily have good  
23 decision-makers in their lives, but they  
24 don't have good schools. They have poor  
25 performing schools. They will make the

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           decision for themselves. Their  
3           self-determination comes with their  
4           maturity and the realization of the  
5           situation if there's a job for them, if  
6           there's education and training.

7                        So when we talk about pre-K and  
8           we juxtapose that to a point where a  
9           young person says, I'm going to get my  
10          act together, and I look at this room and  
11          I'm going to say I think I see a lot of  
12          late bloomers. They didn't do well in  
13          first grade, second grade, third grade.  
14          I'm going to guess. I could be wrong,  
15          but I was a late bloomer, C and D student  
16          in elementary school. I didn't get  
17          myself together until I got into law  
18          school. I was a late bloomer. I made a  
19          decision, as many people in this room  
20          did. They weren't A and B students or  
21          all A students in first, second, and  
22          third grade. And a lot of people in our  
23          city who are struggling around making a  
24          future for themselves need the help, and  
25          I'm concerned that when we start focusing

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           on three- and four-year-olds who don't  
3           have self-determination, at the expense  
4           of not providing these choices.

5                       Now, if you can come up with a  
6           sustainable way of funding schools,  
7           education, and choice and add pre-K, I'm  
8           with you. But here's what I would say to  
9           that at risk, like the Council President  
10          did: Soda tax is a minuscule way of  
11          raising money and it adds a lot of cost  
12          to people who are purchasing.

13                      Could I ask, what happened to  
14          the fact, for example, that every time  
15          someone goes through a red light camera  
16          and we collect all this money, that it  
17          goes out of our city? What happened to  
18          once upon a time when we tax and towed  
19          vehicles and gave them a ticket, that  
20          money was all inside? How many hundreds  
21          of millions of dollars of Philadelphia  
22          money is going to fund projects all  
23          throughout our state?

24                      So I would challenge the  
25          Administration to stop going after little

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           bitty bits amount of money that are new  
3           taxes and new costs and why don't you  
4           look at the revenues that we generate in  
5           this city that should be going to our  
6           city to fund our schools and our large  
7           projects and to more completely deal with  
8           the lack of education, because we're not  
9           getting the money from Harrisburg.

10                   MR. HACKNEY: So I will tackle  
11           the education question. In terms of the  
12           impact that pre-K would have on three-  
13           and four-year-olds, you would see that if  
14           children are in quality programs, their  
15           readiness for kindergarten and their  
16           readiness for reading. So, I mean, I can  
17           put on my former education principal hat  
18           for a moment and tell you that children  
19           that cannot read often if you look in  
20           schools and find out where you have a lot  
21           of disruptions or the children have  
22           deficits or gaps in their learning,  
23           kindergarten sets the table -- I mean,  
24           pre-K would set the table for that. So  
25           as children transition into kindergarten,

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           they will be able to read and be prepared  
3           for that transition that's most important  
4           from third grade to fourth grade when  
5           reading turns from learning to read to  
6           reading to learn. If we could address  
7           that with a robust, quality expansion of  
8           quality programming for our three- and  
9           four-year-olds across the City -- and  
10          getting them at three is a key component  
11          to ensuring that success -- we would see  
12          an improvement in schools across the  
13          board. I feel very confident about that.  
14          And as someone that ran a school, I would  
15          understand the level of resources and  
16          interventions that were once used for  
17          children to get caught up can now be  
18          allocated and used in other places around  
19          the school.

20                        So the investment -- as  
21          Councilman Jones said earlier, to invest  
22          early is key to the long-term success.  
23          So it definitely would be a high return  
24          on investment for pre-K, quality pre-K  
25          across the City.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN OH: I appreciate  
3 the answer and the spirit. We talked  
4 about taking a week and a half to think  
5 about this. I'm just saying I agree K  
6 through 4, put the resources in, put the  
7 books in, put the computers in, put the  
8 art class, put all that stuff in there,  
9 do the pre-K too, but what I'm looking  
10 for is the hundreds of millions of  
11 dollars in revenues that we should be  
12 getting that through a taking over of our  
13 Parking Authority is now going to fund  
14 projects everywhere outside of  
15 Philadelphia, and I don't think  
16 politically we should let that happen.

17 MR. DUBOW: I mean, we're happy  
18 to work with you or talk to you about how  
19 to approach the General Assembly about  
20 changing those things. I mean, those are  
21 all things that were done at the state  
22 level, and we're happy to work with you  
23 on that.

24 COUNCILMAN OH: And I think we  
25 should.

1 5/25/16 - WHOLE - BILL 160170, etc.

2 MR. DUBOW: Happy to.

3 COUNCILMAN GREENLEE: Thank  
4 you, Councilman.

5 Councilman Jones.

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

8 So I went to public school, and  
9 so when I heard the "rhetoric" word three  
10 times, I went and looked it up, and it  
11 says "eloquent oratory." So I guess that  
12 wasn't an insult, so I'm going to press  
13 pause too and wait for the week and a  
14 half to find compromise at this level.  
15 So at first, I pressed the button. I'm  
16 like, wait a minute. But I'm going to  
17 work with my colleague, my dear friend,  
18 to try to figure this out, and hopefully  
19 the math adds up and the kids get help.

20 Thank you.

21 COUNCILMAN GREENLEE: Thank  
22 you, Councilman.

23 Councilman Domb.

24 COUNCILMAN DOMB: I just want  
25 to make a comment. This morning -- I

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           want to thank the Revenue and Finance and  
3           the Mayor. We had a press conference  
4           this morning about the idea of possibly  
5           selling some of our delinquent taxes,  
6           specifically BIRT taxes, and monetizing  
7           those, and we're going to look into that.  
8           And I don't know if you want to speak to  
9           that, Rob, but I think it's a great thing  
10          for the City to be taking those  
11          efficiencies in place. I just want to  
12          make sure I call that attention to you  
13          guys. So maybe just speak about that  
14          briefly.

15                   MR. DUBOW: I actually just  
16          wanted to thank you for all the help  
17          you've given us since you've been in  
18          office and even before with kind of  
19          prodding us and giving us ideas and  
20          working together to come up with  
21          solutions, like selling business tax  
22          debt. So we're going to do a feasibility  
23          study to see how we can do that, and  
24          hopefully that will generate some  
25          revenue.



1 5/25/16 - WHOLE - BILL 160170, etc.

2 COUNCILMAN GREENLEE: Thank  
3 you.

4 Thank you all very much.  
5 Unless you want to stay longer, Rob. You  
6 look like you're having fun up there.

7 MR. DUBOW: It's never enough.

8 COUNCILMAN GREENLEE: Okay. If  
9 you really mean that, I worry about you.

10 I understand the School  
11 District has been here this whole time.  
12 We're sorry. I know you may have a short  
13 statement. I know that your issue has  
14 been addressed. Are you still here?  
15 Somebody from the School District here?  
16 There you are. Okay. Would you like to  
17 come up, Ms. Burns?

18 (Witness approached witness  
19 table.)

20 COUNCILMAN GREENLEE:  
21 Councilman Oh.

22 COUNCILMAN OH: I'll just put  
23 this out there, because I'm not sure of  
24 the answer either. The City asked the  
25 state to create an Authority. That's the

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           Parking Authority. The City put its  
3           parking responsibilities under the  
4           Authority. I don't know that we need the  
5           General Assembly to take back the  
6           functions of the Streets Department. So  
7           I just lay that out there.

8                    COUNCILMAN GREENLEE: It's  
9           something that we can discuss certainly.  
10          Sure.

11                   Ms. Burns, hold on one second.

12                   If I could ask everybody as  
13          you're leaving, please do it quietly.  
14          The hearing is still going. Thank you.

15                   Ms. Burns, I appreciate your  
16          patience. You've been here a while.

17                   MS. BURNS: Certainly.

18                   COUNCILMAN GREENLEE: Please.

19                   MS. BURNS: Thank you. Good  
20          afternoon, City Council President Clarke,  
21          City Councilwoman Blondell Reynolds  
22          Brown, and Councilmembers. I am Fran  
23          Burns, Chief Operating Officer of the  
24          School District of Philadelphia. I thank  
25          you for the opportunity to testify today

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           on Bill No. 160508 regarding a possible  
3           non-reusable beverage container tax.

4                     The School District provides  
5           breakfast, lunch, and dinner meals to all  
6           students daily at no charge to our  
7           students. That includes School District  
8           of Philadelphia students as well as  
9           charter schools who participate in our  
10          meals program. These meal services are  
11          funded by our participation in various  
12          state and federal meal reimbursement  
13          programs, and, therefore, the School  
14          District of Philadelphia Food Services  
15          Division is fully funded through direct  
16          state and federal reimbursements; in  
17          fact, 95 percent federally funded, and  
18          currently operates as an Enterprise Fund.

19                    Under proposed Bill No. 160508,  
20          all milk products would be exempt from  
21          any non-reusable beverage container tax.  
22          This bill also defines a dealer as any  
23          person engaged in the business of selling  
24          at retail and stipulates that the  
25          proposed non-reusable beverage container

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           tax be subject to any dealer of retail  
3           sales.

4                         Since the bulk of our beverage  
5           volume is milk products and given the  
6           District does not meet the criteria for a  
7           retail dealer under the proposed bill, we  
8           believe passage of the proposed Bill No.  
9           160508 would have little or no financial  
10          impact to the School District or to our  
11          ongoing ability to provide students daily  
12          breakfast, lunch, and dinner meals at no  
13          cost.

14                        Thank you for the opportunity  
15          to testify.

16                        COUNCIL PRESIDENT CLARKE:  
17          Sorry. Thank you. Thank you so much for  
18          your testimony.

19                        Councilwoman Sanchez, you have  
20          a question for the witness?

21                        COUNCILWOMAN SANCHEZ: Yes. I  
22          just want -- one of the questions that  
23          Councilwoman Cherelle Parker had posed  
24          and I know her staff did so yesterday  
25          was -- and I wanted to ask Fran Burns if

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           she had any knowledge about the  
3           archdiocese parochial schools or the  
4           lunch programs, because they're similarly  
5           reimbursed by the feds and the state. Is  
6           there some sort of common designation so  
7           that if an exemption is going to be built  
8           in to capture those, that we can tie them  
9           into?

10                       MS. BURNS: I don't know. I  
11           think they would have the same  
12           interpretation as us under the current  
13           legislation, but I don't know. I also  
14           don't know what percentage of their  
15           beverages are milk compared to other  
16           drinks.

17                       COUNCILWOMAN SANCHEZ: They  
18           similarly have the same breakdown  
19           depending on -- because we have the  
20           Streets programs that do in some cases  
21           breakfast and lunch or lunch and  
22           afternoon snack. I'm just wondering in  
23           your reimbursement model, is there a  
24           category that we can ensure that it gets  
25           captured? You don't need to answer that

1           5/25/16 - WHOLE - BILL 160170, etc.  
2           now, but it would be something that we'd  
3           be interested in receiving.

4                       MS. BURNS:   Okay.

5                       COUNCILWOMAN SANCHEZ:   Thank  
6           you.

7                       Thank you.

8                       COUNCIL PRESIDENT CLARKE:

9           Thank you, Councilwoman.

10                      There appears to be no  
11           additional questions for this witness.  
12           Thank you very much.

13                      MS. BURNS:   Thank you.

14                      COUNCIL PRESIDENT CLARKE:   And  
15           there being no additional business before  
16           this Committee today, the public hearing  
17           of Bills No. 160172, 160176, 160508,  
18           160509, Resolution No. 160180 will stand  
19           in recess until Wednesday, June 8th at  
20           2:00 p.m., at which time we will  
21           reconvene in Room 400.

22                      (Committee of the Whole  
23           concluded at 3:50 p.m.)

24                      - - -

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CERTIFICATE

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

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

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Committee Of The Whole  
May 25, 2016

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