

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, May 12, 2015
10:25 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN ED NEILSON
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

BILLS 150162, 150163, and 150164
RESOLUTION 150179

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COUNCILMAN GREENLEE: Good morning, everyone. We want to get started here. This is the public hearing of the Committee of the Whole regarding Bill Nos. 150162, 150163, 150164, and Resolution No. 150179.

Ms. Lewis, will you please read the titles of the bills and resolution.

MS. LEWIS: Bill No. 150162, an ordinance to adopt a Capital Program for the six Fiscal Years 2016 through 2021 inclusive.

Bill No. 150163, an ordinance to adopt a Fiscal 2016 Capital Budget.

Bill No. 150164, an ordinance adopting the Operating Budget for Fiscal Year 2016.

And Resolution No. 150179, providing for the approval by the Council of the City of Philadelphia of a Revised Five Year Financial Plan for the City of Philadelphia covering Fiscal Years 2016 through 2020, and incorporating proposed changes with respect to Fiscal Year 2015,

1 5/12/15 - WHOLE - BILL 150162, etc.
2 which is to be submitted by the Mayor to
3 the Pennsylvania Intergovernmental
4 Cooperation Authority (the "Authority")
5 pursuant to the Intergovernmental
6 Cooperation Agreement, authorized by an
7 ordinance of this Council approved by the
8 Mayor on January 3rd, 1992 (Bill No.
9 1563-A), by and between the City and the
10 Authority.

11 COUNCILMAN GREENLEE: Thank you
12 very much.

13 Today we continue the public
14 hearing of the Committee of the Whole to
15 consider various bills read by the Clerk
16 that constitute proposed operating and
17 capital spending measures for Fiscal Year
18 2016, a Capital Program and a
19 forward-looking Capital Plan for Fiscal
20 Year 2016 through Fiscal Year 2021.

21 Today we will hear testimony
22 from the following City departments: The
23 Board of Pension, SEPTA, Defender, and
24 Department of Licenses and Inspections.

25 Our first department is the

1 5/12/15 - WHOLE - BILL 150162, etc.
2 Board of Pensions. Would they please
3 approach.

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN GREENLEE: Good
7 morning. How are you?

8 MR. BIELLI: Good morning.

9 COUNCILMAN GREENLEE: Just
10 please state your name and proceed.

11 MR. BIELLI: Good morning. My
12 name is Francis Bielli, Executive
13 Director --

14 COUNCILMAN GREENLEE: Hold on
15 one second. I don't know if that's
16 working.

17 Go ahead.

18 MR. BIELLI: Good morning. My
19 name is Francis Bielli, Executive
20 Director of the Board of Pensions and
21 Retirement.

22 MS. TALIAFERRO: Shamika
23 Taliaferro, Deputy Director, Board of
24 Pensions and Retirement.

25 MR. WOOLWORTH: Brad Woolworth,

1 5/12/15 - WHOLE - BILL 150162, etc.
2 Chief Investment Officer.

3 MR. BIELLI: So thank you,
4 Councilman Greenlee, other members of
5 City Council for inviting us here today
6 to discuss our budget.

7 Briefly, according to the
8 Board's 2014 Actuarial Valuation Report,
9 our funding percentage for the plan year
10 ending on June 30th, 2014 was 45.8
11 percent, which was a decrease from the
12 47.4 percent funding level for the same
13 period for FY13. According to the
14 actuary, the valuation results reflect
15 the effect of a decrease in the assumed
16 rate of return from 7.85 percent to 7.80
17 percent, the application of a 0.54
18 percent liability load to account for
19 funding of benefits payable under the
20 Pension Adjustment Fund, and updating of
21 the mortality tables consistent with the
22 most recent actuarial data.

23 The actuary states further that
24 while this ratio may appear to reflect
25 lack of progress in funding, the fund's

1 5/12/15 - WHOLE - BILL 150162, etc.
2 risk profile is being improved by
3 including funding for the PAF and
4 lowering the discount rate.

5 On a market-to-liability basis,
6 the funding percentage increased from
7 43.9 percent to 46.1 percent for the plan
8 year ending June 30th, 2014, reflecting
9 favorable investment return results. Our
10 investment return for the fiscal year was
11 15.7 percent, which as a comparison more
12 than doubled the return of PSERS.

13 We also conducted this past
14 year a utilization study concerning
15 diverse investment managers. That
16 utilization study looked at the entire
17 universe of available investment managers
18 that were diverse investment managers
19 that met our minimum criteria of having a
20 three-year track record and at least \$100
21 million in assets under management. That
22 filter showed that the available firms
23 were 9.4 percent.

24 It should be noted that out of
25 our fund, out of the Board's portfolio,

1 5/12/15 - WHOLE - BILL 150162, etc.
2 24.1 percent of our investment managers
3 are diverse managers, accounting for fees
4 totalling \$4.8 million, which is a 15.52
5 percent amount of fees. That's the
6 highest level of fees that we have given
7 to diverse managers in the past five
8 years.

9 Recently, also the Board agreed
10 to support something called the Thirty
11 Percent Coalition. The Thirty Percent
12 Coalition is a group of industry leaders,
13 including institutional investors, which
14 are pushing for 30 percent representation
15 on corporate boards of female board
16 members.

17 Another example of the work
18 we're doing as a shareholder is Wendy's
19 Corporation. Due to our proxy filing
20 regarding poor corporate performance in
21 the areas of independence of the Board
22 and lack of Board diversity -- they only
23 had one woman on their Board -- Wendy's
24 agreed to amendments permitting
25 stockholders, such as us, to nominate

1 5/12/15 - WHOLE - BILL 150162, etc.
2 Board of Director nominees. Monster
3 Beverage Corporation, in response to our
4 shareholder proposal, agreed to nominate
5 a diverse candidate for their Board of
6 Directors. The company also agreed to
7 our proposed suggestion of new language
8 in its nominating charter to seek out
9 diverse nominees. The new language is as
10 follows: Diversity of race, ethnicity,
11 sexual orientation, and gender identity
12 are factors in evaluating suitable
13 candidates for Board membership.

14 As far as our information is
15 concerned, Monster Beverage Corporation
16 is only the third corporation in the
17 country to put such language in their
18 nominating charter. So we're very proud
19 of various other endeavors that we've
20 undertaken with our proxy partner to
21 leverage our shares and get corporations
22 to do the right thing concerning gender
23 diversity, ethnicity diversity, and
24 independence of their Board.

25 I think that's everything we

1 5/12/15 - WHOLE - BILL 150162, etc.
2 have. One other note is that in 2014,
3 the plan was named Institutional
4 Investor's Small Public Plan of the Year.
5 The award recognized U.S. institutional
6 investors whose innovative strategies and
7 fiduciary knowledge stood out in the eyes
8 of the investor community for their
9 extraordinary performance, risk
10 management, and service, and we won this
11 award over many, many other public funds
12 in the country. So the Board itself
13 should be congratulated for the good work
14 that it has done.

15 So they are some of the
16 highlights for the fiscal year, and we'd
17 be glad to answer any and all questions
18 that you have.

19 COUNCILMAN GREENLEE: Okay,
20 sir. Thank you very much. Thank you
21 all.

22 I notice in your summary here
23 on the first page, 19 unfilled positions.
24 Can you comment on that a little bit? Do
25 you have plans to fill those or any

1 5/12/15 - WHOLE - BILL 150162, etc.
2 issues with filling them, that kind of
3 thing.

4 MR. BIELLI: Some of those
5 unfilled positions are with the Office of
6 Information Technology, OIT, that we have
7 allotted to those, and due to attrition
8 the OIT decided not to fill those
9 positions. Some of the other positions
10 are internal, and we currently are on the
11 list for five positions from the Human
12 Resources Department. So that 19 is
13 somewhat of a rightsizing, but somewhat
14 of a process that we're going through now
15 with HR. We should be filling four or
16 five positions within the next several
17 weeks.

18 COUNCILMAN GREENLEE: So just
19 so I'm clear, you'll be filling those
20 four or five, but the others are
21 attrition that you're not looking to
22 fill?

23 MR. BIELLI: The others are --

24 COUNCILMAN GREENLEE: Because
25 you said they went to OIT?

1 5/12/15 - WHOLE - BILL 150162, etc.

2 MR. BIELLI: Yeah. We have a
3 number of employees, probably four or
4 five, that are OIT technology-related
5 assistants that work, I guess, for us and
6 are on our payroll, that a couple people
7 left and OIT decided they did not need to
8 be replaced. We don't hire those people.
9 We don't make that decision.

10 COUNCILMAN GREENLEE: Okay. I
11 got you. All right. I appreciate that.

12 I think Councilman Oh was the
13 first person.

14 COUNCILMAN OH: Okay. Thank
15 you very much, Mr. Chairman.

16 Good morning.

17 MR. BIELLI: Good morning,
18 Councilman.

19 COUNCILMAN OH: I'll have some
20 specific questions.

21 The contribution to the Pension
22 Fund is approximately 17 percent of the
23 budget. Is that roughly, generally
24 correct?

25 MR. BIELLI: I think Mr. Dubow

1 5/12/15 - WHOLE - BILL 150162, etc.
2 will probably answer that more
3 accurately, but I think that number is
4 right in the ball park, yes.

5 COUNCILMAN OH: Okay. So while
6 he's getting his papers, what I
7 understand is that it was 7 percent of
8 the budget in 2003 and then in 2013 it
9 was 17 percent of the budget and is
10 roughly about that right now.

11 (Witness approached witness
12 table.)

13 MR. DUBOW: I think this year,
14 I think it's about 15 percent this year.
15 It did peak at 17 percent, but I think
16 it's about 15 percent.

17 COUNCILMAN OH: Okay. And from
18 the paperwork that I have, basically
19 we're paying about \$600 million a year
20 towards the pension.

21 MR. DUBOW: From the General
22 Fund, between debt service on the pension
23 obligation bonds and the contribution,
24 right.

25 COUNCILMAN OH: Okay. So in

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2 terms of the minimum municipal obligation
3 payments, the MMO payments, currently the
4 City continues to do MMO payments. Is
5 that correct or is that not true any
6 longer?

7 MR. DUBOW: That is correct.
8 We pay the amount that our actuary
9 calculates is due under the minimum
10 municipal obligation under state law.
11 Sometimes we put in a little more, but
12 generally we put in around the MMO.

13 COUNCILMAN OH: Okay. But if
14 we continue to do the MMO, it appears to
15 me that we will continue to go into debt
16 and that we won't eventually build to a
17 percentage of funding that would be more
18 acceptable to the City of Philadelphia.

19 MR. DUBOW: So the MMO is
20 designed to pay off our unfunded
21 liability in the way that you pay off a
22 mortgage. So the actuary's projections
23 show that the funding percent will
24 continue to rise each year, eventually
25 reaching full funding, I think it's in

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2 2039, and we get up into the 60's by
3 2023, 2024, into the 70's by 2028, up
4 into the 80's by 2034, and then the
5 payoff accelerates. So if we continue
6 paying the MMO, we pay it off.

7 COUNCILMAN OH: Okay. Has the
8 actuarial predictions been pretty
9 accurate so far?

10 MR. DUBOW: So there are a
11 whole number of projections that go into
12 the actuarial calculation, everything
13 from the earnings assumption to mortality
14 of individuals to when people retire.

15 COUNCILMAN OH: Pretty
16 complicated.

17 MR. DUBOW: Yeah, it's
18 complicated. So obviously with that many
19 projections, there are going to be some
20 things that are off. What we do every
21 four years is, the actuary does what's
22 called an experience study. He looks at
23 how everything came in and recommends
24 whether there should be changes, and if
25 we were off on something, he'll tell us

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2 to change it, and we do.

3 COUNCILMAN OH: Do you have an
4 objection, a concern, a disagreement with
5 the idea that the City contribute for
6 each of the pension retirement systems no
7 less than the annual required
8 contribution, the ARC, as defined by the
9 Governmental Accounting Standards Board?

10 MR. DUBOW: So I think that --
11 I think we have an actuarial amount that
12 we pay that pays it off. I think that
13 amount would increase our contribution
14 every year, right? So that would change
15 this amortization, would speed up the
16 amortization. On the other hand, it
17 would mean more money was coming out of
18 the General Fund and we would have to
19 figure out how to pay for it, and that
20 would be a concern.

21 COUNCILMAN OH: Yes. So
22 clearly if you went by the ARC GAS --

23 MR. DUBOW: I just want to
24 clarify one thing. What we pay now is an
25 ARC. It's just a different ARC. So I

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2 don't want you to go away thinking that
3 we're not paying an annual required
4 contribution. It's just the ARC under
5 the MMO and that --

6 COUNCILMAN OH: It's an ARC
7 under the MMO?

8 MR. DUBOW: Yes. So you're
9 asking should we change that ARC to
10 something that puts in more?

11 COUNCILMAN OH: Well, you said
12 that if we went with the Government
13 Accounting Standards Board, we would pay
14 more --

15 MR. DUBOW: Correct.

16 COUNCILMAN OH: -- from the
17 General Fund, the operating fund, to pay
18 back the employees of the City of
19 Philadelphia the amount of money that's
20 supposed to be in their retirement fund.

21 MR. DUBOW: Well, there are two
22 different things there. One, the
23 employees still get the same benefits
24 every year. It's not that they're not
25 getting their benefits. We're talking

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2 about the funding percent in the --

3 COUNCILMAN OH: The

4 contribution from the City.

5 MR. DUBOW: Correct. So a

6 bigger contribution would increase the

7 funding percent. It doesn't have any

8 impact on benefits people get. It just

9 has an impact on how much comes from

10 the -- on the pace at which we get to

11 different funding percents.

12 COUNCILMAN OH: I'm going to

13 make this last statement, because we'll

14 get back to it, but that appears to me to

15 be like half true, my interpretation. I

16 understand what you're saying, because it

17 is true that they receive the same

18 benefit, but at the same time, since the

19 pension is underfunded currently like 45

20 something percent, that there is a higher

21 debt service on the taxpayers and

22 ultimately pressures on the employees not

23 to get step increases, not to get

24 promotion, hiring freezes and other

25 things.

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2 MR. DUBOW: Well, what you're
3 suggesting actually would put a lot more
4 pressure on all of that, because you
5 would be increasing the amount that comes
6 from the General Fund each year, which
7 would put more pressure on the General
8 Fund, which would mean there would be
9 more we'd have to do to compensate for it
10 right away. So actually what you're
11 suggesting would exacerbate the problem
12 that you're talking about.

13 COUNCILMAN OH: Well, I'll have
14 to say when we get back to it, I don't
15 think paying back people what we owe them
16 exacerbates the problem. It does
17 exacerbate --

18 MR. DUBOW: No, but that's why
19 I wanted to make the distinction. We are
20 paying people what we owe them every
21 year. What we're talking about is the
22 rate at which we pay off our unfunded
23 liability, which has nothing to do with
24 the benefits people receive.

25 COUNCILMAN OH: Okay. Thank

1 5/12/15 - WHOLE - BILL 150162, etc.
2 you very much. We'll come back. Thank
3 you.

4 COUNCILMAN GREENLEE: Thank
5 you, Councilman.

6 Councilman Goode.

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

9 Good morning. A couple of very
10 simple questions just for the record,
11 most of which are taken from your
12 testimony.

13 You talk about a decrease in
14 the assumed rate of return from 7.85
15 percent to 7.8 percent. Later in your
16 testimony you state that although
17 reducing the assumption is a factor that
18 reflects negatively on the current
19 funding ratio, the lower rate improves
20 the fund's risk profile going forward and
21 that through February 2015, that average
22 annual rate of return since inception is
23 in fact 7.8 percent.

24 Twofold question. One, is
25 there any financial benefit to improving

1 5/12/15 - WHOLE - BILL 150162, etc.
2 the risk profile?

3 MR. BIELLI: Yes, because what
4 happens is, the actuarial funding
5 percentage versus the market funding
6 percentage narrows. That gap narrows.
7 And, in fact, our market funding
8 percentage now is 102 percent of the
9 funding versus 90-some percent the
10 previous year. So that gives you a
11 little bit of cushion in a down market.
12 So there is an advantage for that. When
13 inevitably the Dow market comes, we won't
14 take as big of a hit as we would
15 otherwise.

16 COUNCILMAN GOODE: Okay. And
17 since the average ratio since inception
18 is 7.8 percent, I guess the simple
19 question is, is that a good enough
20 number?

21 MR. BIELLI: I think 7.8
22 percent is a good number compared to
23 where it's been, but to answer your
24 question, I think the Board would agree
25 that continuing to attempt to gradually

1 5/12/15 - WHOLE - BILL 150162, etc.
2 reduce that assumed rate of return is
3 probably prudent.

4 COUNCILMAN GOODE: I'm sorry.
5 I didn't hear the last part.

6 MR. BIELLI: Prudent going
7 forward to continue to gradually reduce
8 that. And just to note, over the last
9 seven years, the Board has reduced the
10 assumed rate of return from 8.75 to 7.80
11 percent. Each time that assumed rate of
12 return is reduced by 10 basis points, the
13 additional amount of money that the City
14 has to contribute to the Pension Fund is
15 anywhere, depending on the actuarial
16 valuation, between \$10 and \$15 million.
17 So it's not an easy decision to
18 continually reduce that, but the Board
19 has done that, and it's been reduced more
20 in the last seven years than -- three
21 times, triple the amount it has been in
22 the history of the fund. And that is a
23 prudent thing to do, because the easier
24 your target is to hit, the better
25 advantage you will get when you hit or

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2 exceed that funding level going into the
3 future, and that's where you'll start to
4 see the compounding effect of positive
5 returns and it will affect the underlying
6 valuation going forward.

7 COUNCILMAN GOODE: Okay. I
8 read that within your testimony. I
9 wanted you to put that on the record.

10 Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Any other questions?

14 (No response.)

15 COUNCILMAN GREENLEE: No other
16 questions?

17 COUNCILMAN OH: Oh, I'm sorry.

18 COUNCILMAN GREENLEE: I thought
19 you had others. That's why I kept
20 looking at you. Councilman Oh.

21 COUNCILMAN OH: I'm sorry.

22 Mr. Dubow, thank you very much.
23 So I'm going to say something else that
24 you disagree with, but I'll just say it,
25 so I --

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2 MR. DUBOW: I guess it won't be
3 the first or last time, right?

4 COUNCILMAN OH: No, no, no.
5 That's why you're the expert.

6 So annual assumed investment
7 rate of return for the pension retirement
8 systems of the City should be no more
9 than the average of two things - the
10 available average of ten-year market
11 yield published on an annualized basis by
12 the United States Federal Reserve in a
13 five-year constant maturity treasury rate
14 series and the previous available average
15 of a ten-year annualized total rates of
16 return on a Standard and Poor's S&P 500.
17 Balancing the S&P with the five-year note
18 gives a rather conservative but not too
19 conservative rate of return, don't get
20 much flexibility, can't make it higher,
21 it's going to be lower and, yes, takes
22 more money from the General Fund.

23 What is your reaction to that?

24 MR. DUBOW: So, I mean, I
25 understand kind of the desire to reduce

1 5/12/15 - WHOLE - BILL 150162, etc.
2 the earnings assumption and I think, as
3 Mr. Bielli said, we've reduced it
4 consistently over the last seven years.
5 It's gone from 8 and three-quarters to
6 7.8 percent and it's now actually right
7 around where our return has averaged
8 since 1988. So we do think that it's at
9 a reasonable place now, but that we
10 should continue each year looking for
11 ways to reduce it, as we've been doing.

12 COUNCILMAN OH: In your
13 opinion, are we in a pension crisis or is
14 that just the term the media uses and
15 really not in a pension crisis?

16 MR. DUBOW: So here's where I
17 think we are, and I don't want to -- I
18 don't think the label is as important as
19 kind of where we are. You've talked
20 about some of it already. You really
21 talked about the two key things.

22 We've seen pension costs go up
23 as a percent of our budget from in the 6
24 percent range to around 15 percent. So
25 it's eaten more and more of what's in

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2 there, giving us less flexibility. At
3 the same time, the fund has gotten less
4 healthy. So we're now under 46 percent
5 funded, in part because we've been
6 lowering our earnings assumption, but
7 still the fund looks weaker than it did
8 ten years ago and takes up more of the
9 City's General Fund.

10 So it is, I think, perhaps the
11 biggest financial challenge facing us and
12 we have to look at ways to solve it.
13 Whether you want to use the word "crisis"
14 or not, I mean, I'll leave that to you.

15 COUNCILMAN OH: Okay. Well, it
16 appears that the nature of four-year
17 terms for the mayors means that typically
18 the pension is not the first thing that
19 is going to get solved in the first four
20 years, and then there's the second four
21 years. So how would we -- how would you,
22 how would we do something different than
23 what is being done now or, in your
24 opinion, should we stay this course and
25 it will eventually lead to a sound

1 5/12/15 - WHOLE - BILL 150162, etc.
2 pension?

3 MR. DUBOW: So I think things
4 have been done over the last seven or
5 eight years. We have a new revenue
6 source in the sales tax. We've lowered
7 our earnings projections and made other
8 projections more conservative. In each
9 of the labor agreements, there have been
10 changes, whether it's increases in
11 contributions or changes in benefits. So
12 I think things have happened. I think
13 they need to continue to happen, both on
14 kind of the amount of resources put in
15 and on the kind of benefit and
16 contribution structure. I think that
17 everyone just has to continue to make it
18 their priority, and I think people have
19 really focused on it, I mean, over the
20 last at least eight years and probably
21 even before that. I just think that it's
22 a problem that was created over decades
23 and it's going to take a while to solve
24 it. There's not going to be a magic
25 bullet that will solve it in one year.

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2 It's just going to take a while to undo
3 what's taken a while to happen.

4 COUNCILMAN OH: Thank you very
5 much. I'll just close by saying I very
6 much appreciate that there's a lot of
7 expertise and effort that has been
8 directed towards this and that it is not
9 a simple problem and it's not as though
10 someone isn't working on it. I'd like
11 certainly that if anybody misunderstands
12 what I'm saying, that I appreciate the
13 dedication and expertise that has been
14 applied to this situation up to date.

15 Thank you.

16 MR. DUBOW: Thanks.

17 COUNCILMAN GREENLEE: Thank
18 you, Councilman.

19 Councilman Neilson.

20 COUNCILMAN NEILSON: Thank you,
21 Mr. Chairman.

22 Thank you, gentlemen, for
23 coming today. Over the past few years,
24 we've read about New York City and their
25 investment in fixed pension dollars as

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2 part of their portfolio for affordable
3 housing. Has there been any discussion
4 or plans to do so with the City's Pension
5 Fund due to the lack of affordable
6 housing within the City?

7 MR. DUBOW: There really has
8 not been. We have not had that
9 discussion. We haven't really been
10 approached about it either.

11 COUNCILMAN NEILSON: But seeing
12 the success of New York City, a city as
13 big as that, we didn't even look at it?

14 MR. DUBOW: We can look at what
15 they did there and kind of how they were
16 able to do it within their risk portfolio
17 and see kind of whether something works
18 for us, but I think we'd have to look at
19 that more before giving you kind of an
20 answer to the question.

21 COUNCILMAN NEILSON: Okay.

22 Thank you.

23 Nothing further.

24 COUNCILMAN GREENLEE: Thank
25 you.

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2 Being no further questions,
3 thank you all very much for coming today.

4 MR. DUBOW: Thank you.

5 COUNCILMAN GREENLEE: We will
6 proceed with SEPTA as soon as they
7 arrive.

8 COUNCILMAN NEILSON: The
9 train's late.

10 COUNCILMAN GREENLEE: The train
11 schedule is off. No. Just note for the
12 record, we're ahead of schedule today.
13 It doesn't happen very often.

14 (Brief recess.)

15 COUNCILMAN GREENLEE: Can we
16 resume the hearing, please. I appreciate
17 SEPTA coming over. I know we're running
18 a little ahead here, so I appreciate them
19 hustling over here.

20 Mr. Casey, do you have your
21 breath yet?

22 MR. CASEY: Pardon?

23 COUNCILMAN GREENLEE: Did you
24 catch your breath yet?

25 MR. CASEY: We're fine.

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2 COUNCILMAN GREENLEE: Good
3 morning. State your name for the record
4 and proceed, please.

5 MR. CASEY: Good morning. My
6 name is Joseph Casey, General Manager for
7 the Southeastern Pennsylvania
8 Transportation Authority. We're pleased
9 to submit the following testimony
10 supporting the Authority's \$74 million
11 Fiscal Year 2016 Operating Budget request
12 and provide an overview on some of our
13 initiatives and milestones achieved
14 during the past year.

15 The City contributes a subsidy
16 to SEPTA, which is proposed as
17 \$74,215,000 in the Fiscal Year 2016
18 General Fund budget. The subsidy amount
19 will match the projected state operating
20 subsidy, as required by Pennsylvania Act
21 44. The Authority's total operating
22 budget for the next fiscal year totals
23 \$1.36 billion and contains no fare
24 increase, along with making permanent the
25 late night subway service on Friday and

1 5/12/15 - WHOLE - BILL 150162, etc.

2 Saturday evenings.

3 SEPTA's core focus continues to
4 be the delivery of safe and dependable
5 transit services to the residents of the
6 City of Philadelphia. The Authority
7 continues to make the customer experience
8 an organization priority, emphasizing
9 courtesy, cleanliness, communication, and
10 convenience.

11 With our strategic focus on the
12 customer and investment in the
13 Authority's infrastructure, our vehicles,
14 ridership continues to grow throughout
15 the SEPTA system, with ridership recently
16 at a 25-year high. The passage of State
17 Act 89 provides additional resources for
18 the Authority's capital program, and
19 SEPTA has launched a Rebuilding SEPTA for
20 the Future. Highlights of the capital
21 plan includes improvements at the 15th
22 Street and City Hall stations, new
23 electric power substations, and
24 improvements to the bus and rail
25 maintenance facilities, including roofs,

1 5/12/15 - WHOLE - BILL 150162, etc.
2 boilers, fire suppression systems, and
3 employee facilities to improve the
4 operation of working conditions for
5 employees.

6 Major new vehicle procurements
7 for City Transit Division include the
8 acquisition of 525 new diesel electric
9 hybrid buses to be delivered over the
10 next five years, 180 new vehicles for CCT
11 operations to be delivered over the next
12 three years, and modern light rail
13 vehicles for our five subway surface
14 trolley routes and the Route 15 on Girard
15 Avenue.

16 SEPTA is nearing completion of
17 the renovation of the historic Wayne
18 Junction rail station, and construction
19 will be completed this spring to make
20 Race-Vine station on the Broad Street
21 subway accessible. This station serves
22 the expanded Pennsylvania Convention
23 Center, a major economic contributor to
24 the City. Additional ADA accessibility
25 improvements at 40th Street and Market,

1 5/12/15 - WHOLE - BILL 150162, etc.
2 Orthodox stations on the Market-Frankford
3 subway elevated, and Erie Station on the
4 Broad Street subway system are planned.

5 With approval of the City's
6 Transit Division lease-leaseback
7 agreement, SEPTA is making improvements
8 in the cleaning and infrastructure
9 renewal of the Center City concourses.
10 Phase 1 work is underway, including
11 replacements of the escalators at 8th
12 Street and 15th Street and renovation of
13 the elevator at 8th Street. An early
14 action program is also underway to
15 mitigate water infiltration and
16 structural repairs at a number of the
17 locations throughout the concourse
18 system.

19 The Authority is strongly
20 committed to DBE participation in SEPTA
21 contracts. For contracts awarded during
22 the last three years, DBE participation
23 is 17.8 percent. SEPTA feels strongly
24 that its workforce should be
25 representative of the region in which it

1 5/12/15 - WHOLE - BILL 150162, etc.
2 serves. The SEPTA workforce out of
3 approximately 9,300 employees includes
4 minorities at 62 percent and females at
5 20 percent.

6 The upcoming year will be
7 unlike any other in SEPTA's history. In
8 September, Philadelphia will host the 8th
9 World Meetings of Families and Pope
10 Francis's first public papal mass in the
11 United States. More than two million
12 attendees, including thousands of
13 international visitors, are expected for
14 the conference and papal mass. Ten
15 months later, on July 2016, thousands of
16 delegates and visitors from all 50 states
17 will arrive at Philadelphia for the
18 Democratic National Convention. Our
19 region was chosen to host these important
20 events in part because of SEPTA's
21 extensive transit network. The eyes of
22 the world will be on Philadelphia, and
23 SEPTA staff is already working with the
24 City and regional officials to ensure
25 that both events are a resounding

1 5/12/15 - WHOLE - BILL 150162, etc.
2 success.

3 Thank you for the opportunity
4 to speak, and I'll be happy to answer any
5 questions. Before you begin, I want to
6 introduce Frances Jones, Assistant
7 General Manager for Government Affairs;
8 Jeff Kneuppel, SEPTA's Deputy General
9 Manager; Rich Kneuppel -- Rich Burnfield,
10 sorry, Chief Financial Officer/Treasurer;
11 and Henry Davis. He heads our CCT
12 operations.

13 COUNCILMAN GREENLEE: Welcome,
14 everyone, and trust me, you don't have to
15 introduce us to Frances. We introduce
16 ourselves all the time to her.

17 MS. JONES: Thank you.

18 COUNCILMAN GREENLEE: She's
19 always very responsive, so thank you, Ms.
20 Jones.

21 MS. JONES: Thank you.

22 COUNCILMAN GREENLEE: Just a
23 couple of quick questions. The
24 smart-card system, I know you've been
25 working on that to try to get that going.

1 5/12/15 - WHOLE - BILL 150162, etc.

2 Is there a time when you target they will
3 be fully operational?

4 MR. CASEY: Timing is
5 everything. We just had a meeting with
6 Xerox Corporation yesterday afternoon.
7 We expect to start the pilot within a
8 couple weeks and hopefully roll out by
9 the end of the calendar year.

10 COUNCILMAN GREENLEE: End of
11 the calendar year? Okay. And do you
12 expect any additional revenue with that
13 system? Do you expect better ridership,
14 anything like that?

15 MR. CASEY: We hope. You know,
16 especially for visitors and occasional
17 riders, we think it's going to be more
18 convenient for them to take the system so
19 they don't have to go searching for
20 tokens or exact fare. So we think it
21 will be more convenient for the riders
22 and more people will use the system.

23 COUNCILMAN GREENLEE: Okay.
24 Just one other question from me,
25 something Frances and I talk about a lot.

1 5/12/15 - WHOLE - BILL 150162, etc.

2 When there's detours and --

3 MR. CASEY: Pardon me?

4 COUNCILMAN GREENLEE: When

5 there's detours on the system because of

6 other utilities working and all, can you

7 describe the communication that happens.

8 Because I think the frustration is

9 sometimes buses are detoured, people

10 don't know it. I give the famous thing

11 in my neighborhood, 27th and Brown.

12 People are running up and down 27th

13 Street trying to figure out if they go to

14 Brown Street or Pennsylvania Avenue for

15 the 48 or the 7. So could you just

16 describe how that's supposed to work?

17 MR. CASEY: Yeah. Especially

18 if it's in advance, we certainly make

19 notices in advance. If you look on our

20 website, all of the detours are posted.

21 We try to make announcements on the

22 vehicles, especially if we know in

23 advance when it will happen. But, again,

24 occasional riders that don't always take

25 the system, they might not know it, but

1 5/12/15 - WHOLE - BILL 150162, etc.
2 we try to get that information out as
3 best we can.

4 COUNCILMAN GREENLEE: And are
5 the utilities usually pretty cooperative
6 in informing SEPTA?

7 MR. CASEY: Yeah, but, again,
8 if it's an emergency --

9 COUNCILMAN GREENLEE: No. I
10 understand emergencies, sure.

11 MR. CASEY: Yeah. They're
12 pretty cooperative in letting us know in
13 advance.

14 COUNCILMAN GREENLEE: Okay.
15 Thank you.

16 Councilman Neilson.

17 COUNCILMAN NEILSON: Thank you,
18 Mr. Chairman.

19 Thank you, Mr. Casey, for
20 coming in today. In your testimony you
21 mentioned Act 89.

22 MR. CASEY: Yes.

23 COUNCILMAN NEILSON: It was a
24 well-thought bill. Can you tell us the
25 real benefits in dollars that were

1 5/12/15 - WHOLE - BILL 150162, etc.
2 brought in since the transportation bill
3 has been enacted in Harrisburg. Because
4 we had a whole lot of promises, and we
5 just want to make sure they're coming
6 through.

7 MR. CASEY: Yeah. I mean, our
8 capital program a couple years ago was
9 about \$300 million. This year it's about
10 \$550 million. So it's an immediate boost
11 in the capital program. What we were
12 facing a couple years ago, we were
13 looking at dismantling a lot of our fixed
14 route system, simply because we didn't
15 have money to fix our bridges, repair our
16 power substations or even replace the
17 vehicles when they were due. The
18 immediate effect -- and I mentioned in my
19 testimony -- you look at the rail cars,
20 the trolley cars, that are now 32 years
21 old, we didn't have the money to replace
22 them until Act 89 came along, and now
23 we're in the process of replacing them.
24 Otherwise, I mean, if you look at the
25 mean distance between failures on that

1 5/12/15 - WHOLE - BILL 150162, etc.
2 slowly declining, we're having problems
3 in maintaining those vehicles, as anyone
4 would do with a car that's that old. So
5 we needed to really replace them, and Act
6 89 gave us the resources to do that,
7 address some of those critical needs.

8 COUNCILMAN NEILSON: We know
9 there's been a whole coalition of
10 individuals, centers, Congressmen, House
11 members, Senate members, the Pennsylvania
12 delegation on expanding the subway into
13 the Navy Yard. The best figures we were
14 talking about as we were going through
15 this could be upwards of 50,000 to 60,000
16 jobs that could be created just if we can
17 do that.

18 Can you explain to us where
19 we're at with that and how it's going? I
20 know it's a lot of lobbying. It's a
21 whole lot of moving parts there to get
22 together.

23 MR. CASEY: Yeah. A lot of it
24 will be tied to the federal program, and
25 we're looking in that reauthorization in

1 5/12/15 - WHOLE - BILL 150162, etc.
2 DC. But to get that project moving, it's
3 going to be a very expensive project. We
4 really need to qualify under the New
5 Starts program, and I know Congressman
6 Brady has really been at the forefront in
7 trying to push this project. But the
8 federal funding only provides about 50
9 percent, if it does qualify, 50 percent
10 of the capital cost for the project and
11 we have to come up with the other 50
12 percent.

13 COUNCILMAN NEILSON: Also this
14 week in the Philadelphia Magazine we read
15 some article about Route 1. Are you
16 involved in the study that's going to be
17 done on Route 1, on Roosevelt Boulevard,
18 with the transportation end of it?

19 MR. CASEY: Yeah, we are. We
20 constantly are working with the
21 Department of Transportation with the
22 City. We actually have a pilot program
23 that we have to express bus routes on
24 that route. It won't be as quickly as I
25 would like, but it would actually speed

1 5/12/15 - WHOLE - BILL 150162, etc.
2 up some of the services and making some
3 of those trips shorter for some of our
4 commuters.

5 COUNCILMAN NEILSON: Well,
6 thank you again.

7 I have nothing further,
8 Mr. Chairman.

9 COUNCILMAN GREENLEE: Thank
10 you, Councilman.

11 Councilwoman Blackwell.

12 COUNCILWOMAN BLACKWELL: Thank
13 you very much.

14 Good morning.

15 MR. CASEY: Good morning.

16 COUNCILWOMAN BLACKWELL: I too
17 want to reiterate and say thank you to
18 not only you and the team, but to Frances
19 Jones especially for all we've done
20 together over the years.

21 MS. JONES: Thank you.

22 COUNCILWOMAN BLACKWELL: And we
23 are grateful, very grateful.

24 MR. CASEY: Thank you.

25 COUNCILWOMAN BLACKWELL: And I

1 5/12/15 - WHOLE - BILL 150162, etc.
2 just wanted to -- we've been working hard
3 on 40th Street, the El station. So we're
4 grateful for that. Frances and I talked
5 about communicating to everyone. So
6 that's working well. So I'm just still
7 concerned about that and of course my
8 stop at 34th, my new stop. So those are
9 my two issues, and anything I need to do
10 to be helpful to make things go as smooth
11 as possible, I'm happy to do.

12 Thank you.

13 MR. CASEY: Thank you.

14 COUNCILWOMAN BLACKWELL: Thank
15 you.

16 COUNCILMAN GREENLEE: Thank
17 you, Councilwoman.

18 The issue of naming rights, I
19 know --

20 MR. CASEY: Pardon?

21 COUNCILMAN GREENLEE: The
22 naming rights to the stations. I know
23 you did AT&T and you did Jefferson. Are
24 there any others in the works that you
25 can talk about?

1 5/12/15 - WHOLE - BILL 150162, etc.

2 MR. CASEY: There's always
3 items in the works and --

4 COUNCILMAN GREENLEE: That
5 sounds like a political answer.

6 MR. CASEY: -- whether it's a
7 station domination where we actually
8 blitz the station with advertising or
9 out-and-out naming rights. But we've
10 been moderately successful with that. I
11 think we have two of the biggest naming
12 rights contracts in the country in
13 transit, and we'd certainly like to
14 continue pursuing that.

15 COUNCILMAN GREENLEE: Great.
16 And with regards to advertisements on the
17 buses, I know that got controversial
18 because of a certain issue. How much
19 does SEPTA make annually from that
20 contracting? And given that situation I
21 just referred to, are there any changes
22 planned?

23 MR. CASEY: Yeah. I think
24 annually it's about 14 million, a little
25 over \$14 million for the advertising, but

1 5/12/15 - WHOLE - BILL 150162, etc.
2 we did change our policy on that. It was
3 unfortunate that those things happened.
4 Generally when an ad is, we consider,
5 offensive or other people may consider
6 offensive, we generally push back and
7 then they modify the ad. It did not
8 happen in the last case. We refused to
9 run it and actually went to court and
10 unfortunately lost. But we did change
11 the policy to prevent so-called public
12 service announcements in the future.

13 COUNCILMAN GREENLEE: So you
14 have to cut back on the kind of
15 advertisements, I guess.

16 MR. CASEY: Yeah, but it wasn't
17 significant. We didn't have a lot of
18 that anyway. This particular ad was only
19 about a 30,000 buy. It was not
20 significant. Just the same thing
21 happened at other major cities, in New
22 York, Washington, and then San Francisco
23 where they actually lost and were forced
24 to put the ads up.

25 COUNCILMAN GREENLEE: Yeah.

1 5/12/15 - WHOLE - BILL 150162, etc.

2 That was unfortunate, but free speech, it
3 depends how it could be interpreted a
4 lot, I guess.

5 Any other questions?

6 (No response.)

7 COUNCILMAN GREENLEE: Seeing
8 none, thank you all very much. Thank you
9 for all you do. We appreciate it very
10 much.

11 MR. CASEY: Thank you,
12 Councilman.

13 COUNCILMAN GREENLEE: And as
14 soon as the Defender gets here, we will
15 continue.

16 (Brief recess.)

17 COUNCILMAN GREENLEE: We will
18 continue with our hearing.
19 Mr. Cunningham and et al., please
20 approach.

21 (Witnesses approached witness
22 table.)

23 COUNCILMAN GREENLEE:
24 Mr. Cunningham, before you start, let me
25 express my sympathies. I know you

1 5/12/15 - WHOLE - BILL 150162, etc.
2 recently lost your father. I know he had
3 a good long life, but, again, our
4 sympathies on his passing.

5 MR. CUNNINGHAM: Thank you. I
6 appreciate that. And I want to thank
7 Council for granting the continuance that
8 allowed me to attend my father's
9 services.

10 COUNCILMAN GREENLEE: Sure.
11 Absolutely.

12 If you just identify yourself
13 for the record and please proceed.

14 MR. CUNNINGHAM: Yes. Charles
15 Cunningham, Acting Defender for the
16 Philadelphia Defender Association.

17 COUNCILMAN GREENLEE: Please.

18 MR. CUNNINGHAM: Good morning,
19 Council, Council President, and members
20 of City Council. My name is Charles A.
21 Cunningham, Acting Defender of the
22 Defender Association of Philadelphia, and
23 I'm here to present the testimony in
24 support of the Association's budget for
25 2016. With me today is Kristen Muhl, our

1 5/12/15 - WHOLE - BILL 150162, etc.

2 Chief Financial Officer for the
3 Association.

4 The Defender Association of
5 Philadelphia is an independent
6 not-for-profit corporation that provides
7 legal representation to indigent
8 Philadelphia citizens through a purchase
9 of services contract with the City of
10 Philadelphia. Defender attorneys
11 represent adults and juveniles charged
12 with criminal offenses, adults and
13 juveniles who become the subject of
14 involuntary civil mental health
15 commitment procedures, and dependent and
16 neglected children whom the City's
17 Department of Human Services designates
18 as in need of a Child Advocate to protect
19 their legal rights. The office receives
20 all of its cases through an appointment
21 process managed by the Courts. Only
22 those who meet the indigence standards
23 set by the Courts will be appointed a
24 public defender. The Defender
25 Association cannot provide representation

1 5/12/15 - WHOLE - BILL 150162, etc.
2 unless appointed by the Courts to do so
3 and cannot reject a case unless such
4 representation would constitute a
5 conflict of interest.

6 The Association receives
7 approximately 65,000 cases per year, or
8 70 percent of the cases available for
9 appointment.

10 For Fiscal Year 2016, the
11 Budget Director has appropriated a budget
12 of \$41,753,949. The Association is
13 requesting an additional appropriation of
14 5.1 million to be distributed in the
15 following areas:

16 There's the need for eight
17 attorney positions. Changing from a
18 system of three divisions - misdemeanors,
19 felony waiver, and jury trials - to a
20 system of six zones, each with a mix of
21 all levels of cases, increased our need
22 for supervisors and assistants. Eight
23 attorney positions were added during the
24 transition and we are now asking for
25 funding for those positions.

1 5/12/15 - WHOLE - BILL 150162, etc.

2 Five administrative positions.

3 We need two scanning clerks and three
4 information technologies staff - one
5 system developer and two desktop support
6 personnel.

7 Salary parity. The City added
8 \$500,000 to the budget to advance the
9 promised goal of achieving salary parity
10 between the Association employees and the
11 City employees. We are asking for an
12 additional 1.5 million for Fiscal Year
13 2016. However, 6 million is needed if we
14 are to reach our goal of parity within
15 the next three years.

16 Medical costs. At one time,
17 the City automatically added 10 percent
18 increments to the budget each year for
19 health insurance increases. That
20 increment was subsequently removed, and
21 each year we must renegotiate an increase
22 in this category.

23 Benefit costs. Benefit costs,
24 employer taxes, et cetera, related to
25 wage increases and new positions.

1 5/12/15 - WHOLE - BILL 150162, etc.

2 Although it may appear that the
3 Defender Association's budget is large in
4 comparison to that of the District
5 Attorney's Office, it would be unfair to
6 compare the two offices without
7 accounting for the differences in
8 funding. As an independent entity, the
9 Association must provide for every
10 expense related to running an independent
11 office and does not have access to City
12 resources. Unlike the District
13 Attorney's Office, the Defender
14 Association's budget must fund all
15 aspects of a stand-alone business - rent,
16 utilities, equipment, telephone systems,
17 computers, supplies and expenses,
18 payroll, taxes, benefits such as health
19 insurance, life insurance, disability,
20 and workers compensation, malpractice
21 insurance, business and property
22 insurance, et cetera. In addition, the
23 District Attorney's Office receives
24 forfeiture monies, state and local
25 grants, and receives funding for

1 5/12/15 - WHOLE - BILL 150162, etc.
2 technology and new initiatives through
3 the City of Philadelphia.

4 Although the Association made
5 the change to the zone system much later
6 than the other criminal justice partners,
7 the system is functioning well. Zoning
8 promotes more one-to-one contact with
9 clients, better file control, and fewer
10 continuances, thus keeping cases moving
11 through the system.

12 The advent of electronic filing
13 for criminal matters and the passing of
14 discovery through electronic means within
15 the past two years have placed increasing
16 demands on our Information Technologies
17 Department. There are also an increasing
18 number of cases where videos, other
19 electronic devices, and social media have
20 become important pieces of evidence.
21 Therefore, it is incumbent upon the
22 Defender Association to make every effort
23 to locate this type of evidence and
24 expend resources to retrieve it.
25 Obviously this requires a change in our

1 5/12/15 - WHOLE - BILL 150162, etc.
2 practice and our requirements. Because
3 of these changes, it is even more
4 imperative that our Information
5 Technologies Department have the
6 resources to ensure that we are able to
7 keep pace with our partners in the
8 criminal justice system.

9 We continue to work toward the
10 creation of an electronic file, which we
11 call the Defender Case Management System,
12 DCM. Our DCM system includes notes of
13 testimony, discovery, investigation
14 reports, attorney case file notes,
15 status, and case tracking information
16 using the bar code on the files. This
17 system, while not only enabling us to
18 better track our files, has also enabled
19 us to retrieve information even if the
20 file cannot be located. These advances
21 cut down on the need for continuances
22 and, therefore, save time and money.

23 The decision to start scanning
24 closed trial files and to stop using the
25 off-site storage facility to archive

1 5/12/15 - WHOLE - BILL 150162, etc.
2 closed files continues to reap benefits
3 for the office, both from the perspective
4 of savings and file accessibility. We
5 now have six and a half years of trial
6 files in electronic form and have reduced
7 our off-site storage inventory by more
8 than 50 percent. Almost without
9 exception, no trial files have been sent
10 to off-site storage since 2002.

11 The Defender Association
12 continues to work with the First Judicial
13 District and the District Attorney's
14 Office to ensure an efficient criminal
15 justice system. Through programs such as
16 the Accelerated Misdemeanor Program,
17 Crash Court, and other diversion courts
18 such as Treatment Court, Veteran Court,
19 and Domestic Violence Court, many cases
20 have been diverted from the trial room to
21 programs that will help both the client
22 and our community. In addition to these
23 programs, the Defender Association plays
24 a major role in the Intermediate
25 Punishment Program. Again, we are

1 5/12/15 - WHOLE - BILL 150162, etc.
2 talking about a program that saves
3 valuable judicial time while at the same
4 time addressing the issues that have led
5 to the client's involvement in the
6 judicial system.

7 Last, but not least, the
8 Defender Association handles many early
9 parole petitions that, with the consent
10 of both the District Attorney and the
11 Court, enable people to gain an early
12 release from an overcrowded prison
13 system. We are also prepared to expand
14 this program to other clients who were
15 not originally appointed to the Defender
16 Association, but now find themselves
17 without representation. This will only
18 require a small increase in our
19 administrative staff, approximately one
20 person at a cost of \$50,000. This
21 includes benefits. At the same time, it
22 has been estimated that the savings to
23 the City will be about \$4 million. It,
24 therefore, goes without saying that the
25 cost of one administrative person is a

1 5/12/15 - WHOLE - BILL 150162, etc.
2 small price to pay for savings that the
3 City will experience.

4 As a member of the criminal
5 justice partners, the Defender
6 Association continues to play a role in
7 the efficient running of our judicial
8 system. As such, we never forget that
9 our first duty is to our clients. We
10 continue to look for new ways to provide
11 better representation to our clients. We
12 also continue to work hard to ensure that
13 our clients receive the very best
14 representation.

15 Recently, we were involved in
16 two favorable decisions handed down by
17 the Pennsylvania Supreme Court. In the
18 case of Commonwealth versus Benjamin
19 Walker, our Appeals Division argued that
20 the expert testimony should be admissible
21 regarding the reliability of eyewitness
22 testimony as it pertains to
23 identification when certain factors are
24 present. Although 47 states as well as
25 the federal courts had accepted this type

1 5/12/15 - WHOLE - BILL 150162, etc.
2 of testimony, it was not until the
3 Defender Association argued this issue
4 before the Pennsylvania Supreme Court
5 that Pennsylvania joined in this
6 enlightened approach.

7 The second important decision
8 involved our Child Advocate Unit. In the
9 interest of LZ, a minor child, our Child
10 Advocate Unit sought to protect the
11 rights of a minor and argued the case
12 before the Pennsylvania Supreme Court.
13 In its decision, the Pennsylvania Supreme
14 Court sustained the position of the Child
15 Advocate and ruled that where a child is
16 neglected and/or harmed, the Courts are
17 justified in presuming that the
18 parent/caregiver has failed to meet
19 his/her responsibility to ensure the
20 safety of the child. These are just two
21 examples of how the Defender Association
22 continues to have an impactful role in
23 our justice system.

24 The Association has always
25 shown its commitment to staff diversity

1 5/12/15 - WHOLE - BILL 150162, etc.
2 by actively recruiting job candidates,
3 especially minority applicants, from a
4 diverse network of sources. Our staff is
5 up to 510 members, included in which are
6 305 women, 60 percent, and 190 members of
7 minority groups, 38 percent. Although
8 there is no residency requirement for
9 Defender Association employees,
10 approximately 67 percent of the staff
11 resides in the City of Philadelphia.

12 With few exceptions, the
13 Association does not enter into contracts
14 for goods and services and does not use
15 subcontractors. Nevertheless, it is our
16 policy to seek out vendors who are
17 members of the Minority Business
18 Enterprise, Women Business Enterprise,
19 Disabled Business Enterprise network. We
20 also routinely check the OEO, Office of
21 Economic Opportunity, database for new
22 vendors and services. The Business
23 Manager reviews purchase orders prepared
24 by the Purchasing Agent, Information
25 Technology Director, et cetera, before

1 5/12/15 - WHOLE - BILL 150162, etc.
2 purchases are finalized and assured. We
3 do this in order to ensure that we are
4 making reasonable attempts to choose
5 suppliers who are listed as members of
6 the MBE, the WBE, and DSBE.

7 The Association's Board of
8 Directors has had some preliminary
9 discussions with the City regarding the
10 creation of a conflicts office. We
11 believe a Defender conflict office, if
12 established, will enhance the
13 representation of those people who are
14 subject to conflict representation.

15 Finally, I would like to say
16 that the entire staff of the Defender
17 Association is committed to the idea that
18 we are responsible for providing the very
19 best representation that anyone who is
20 accused of a crime can receive. The
21 staff of attorneys is well trained and
22 hard-working. They manage a caseload
23 that at times seems incredible. Yet they
24 not only handle it, but they do so in a
25 fashion that would allow you the

1 5/12/15 - WHOLE - BILL 150162, etc.
2 opportunity to say that Philadelphia has
3 one of the best public defender offices
4 in the nation.

5 Thank you for the support of
6 the Defender Association.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Cunningham. Just a question on
9 the eight attorney positions that you're
10 requesting. Can you explain -- and I
11 know you talked about going into the zone
12 aspect, and they're the same zones, I
13 assume, that the DA talks about all the
14 time?

15 MR. CUNNINGHAM: Same zones
16 that the DA's Office and that the Courts
17 are using.

18 COUNCILMAN GREENLEE: Right.
19 Explain like what the difference is, why
20 you would need those eight attorneys and
21 the impact it would have on the system if
22 you have them.

23 MR. CUNNINGHAM: Well, let me
24 just say this: Number one, we used to
25 have just three major trial units, which

1 5/12/15 - WHOLE - BILL 150162, etc.
2 were basically Municipal Court, Felony
3 Waivers, and Majors. Because we have
4 gone to the zone system, we now had to
5 increase the number of supervisors,
6 because you have six zones versus just
7 three units, and each zone required a
8 Chief and Assistant Chief. These people
9 were necessary in order to make sure that
10 there was proper supervision of the young
11 attorneys that are coming through their
12 zones, and they were better able to make
13 sure that the scheduling of cases were
14 more appropriate in terms of the caseload
15 that the attorneys were having.

16 So basically what we have done
17 now is, we've also had a system by using
18 the zone system where we're better able
19 to provide what is known as vertical
20 representation, and by "vertical
21 representation," we mean an attorney is
22 assigned to the case. He or she handles
23 that case almost from beginning to end.
24 This obviously means that there's less
25 need for continuances because the

1 5/12/15 - WHOLE - BILL 150162, etc.
2 attorneys are familiar with these cases
3 and they have been the ones that have in
4 fact been preparing the cases from the
5 beginning to the end. This obviously
6 cuts down on the number of continuances
7 that the courts will have to experience
8 and it provides for a better
9 representation by our attorneys.

10 COUNCILMAN GREENLEE: Okay. I
11 guess when you had your budget
12 discussions, this was explained, I
13 assume, your position about why you need
14 these attorneys?

15 MR. CUNNINGHAM: Yes. We have
16 had these discussions with the City.

17 COUNCILMAN GREENLEE: Now, I
18 know in the past your predecessor
19 there -- I think I remember her name --
20 used to talk about they could get to a
21 point where you wouldn't be able to staff
22 certain courtrooms. Where are you with
23 that now?

24 MR. CUNNINGHAM: Right now we
25 are at a situation where we had a number

1 5/12/15 - WHOLE - BILL 150162, etc.
2 of attorneys that have left the office.
3 If we do not fill those positions, then
4 we will in fact find ourselves
5 short-staffed, and that in fact could
6 lead us to the position of having to
7 remove ourselves from courtrooms.

8 Frankly speaking, over the
9 last, I think, about four months we've
10 lost approximately 11 to 12 attorneys,
11 and I expect that if things go the way
12 they normally go, we will lose additional
13 attorneys between now and September.

14 COUNCILMAN GREENLEE: Is that
15 salary, is usually the --

16 MR. CUNNINGHAM: Salary has a
17 great deal to do with it, because, as you
18 know, for a number of years between 2008
19 and 2013, there were no pay increases.
20 And even though we've had a few pay
21 increases since 2013, the salary of the
22 attorneys in the office is considerably
23 low. It's incredibly low in terms of the
24 experience that many of our attorneys
25 have, our major trial attorneys. They

1 5/12/15 - WHOLE - BILL 150162, etc.
2 are forced to seek employment at other
3 offices in order to meet their daily
4 living expenses. So it is in fact a big
5 problem. And to be very honest with you,
6 we would like to have parity with the
7 District Attorney's Office. That would
8 obviously help alleviate some of the need
9 for our attorneys to leave. And you have
10 to have experienced attorneys on both
11 sides. You have to have experienced
12 district attorneys and you have to have
13 experienced defense attorneys. Because
14 if you have it, you have a criminal
15 justice system that is functioning
16 properly, and the fact of the matter is,
17 if you have good defense attorneys, you
18 are not going to be paying the cost down
19 the line, because you will pay the cost
20 down the line when people start filing
21 PCRA petitions.

22 COUNCILMAN GREENLEE: As far as
23 the salary, just give me an example you
24 said about some of the major cases. What
25 would a defender that handles some of

1 5/12/15 - WHOLE - BILL 150162, etc.

2 those major cases make, ball park?

3 MR. CUNNINGHAM: I think -- let

4 me just say this with regards to the

5 major cases: We have an Appeals Unit

6 that handles many cases, but I think the

7 one that I mentioned, Benjamin Walker, is

8 probably one of the most important,

9 simply because for many years we have

10 argued that there's a need to have expert

11 testimony regarding eyewitness

12 identification, and that was something

13 that even the federal government

14 recognized, 47 other states recognized

15 and, finally, we got the Pennsylvania

16 Supreme Court to go forward with that.

17 And even after the Pennsylvania Supreme

18 Court rendered its decision, we then went

19 and had hearings before three judges of

20 the Court of Common Pleas, the court en

21 banc, to talk about the Frye decisions

22 and whether or not this type of testimony

23 did in fact meet the Frye standards for

24 the presentation of expert testimony.

25 So that was an important

1 5/12/15 - WHOLE - BILL 150162, etc.
2 decision. And the other decision that I
3 spoke about with regards to the Child
4 Advocate Unit, that was very important,
5 because basically what it did was, it
6 stressed the need for people to be aware
7 of their obligations to children and to
8 be aware of the fact that they cannot
9 simply shirk their obligation to make
10 sure that their children are properly
11 cared for and provided for by simply
12 saying that the child was left with
13 someone else.

14 COUNCILMAN GREENLEE: Thank
15 you. Thank you for that information.

16 Councilman O'Brien.

17 COUNCILMAN O'BRIEN: Thank you,
18 Mr. Chairman.

19 I apologize for coming to
20 Council a little late.

21 On the last page of your
22 testimony, you said the Association's
23 Board of Directors had some preliminary
24 discussions with the City regarding the
25 creation of a conflict office.

1 5/12/15 - WHOLE - BILL 150162, etc.

2 MR. CUNNINGHAM: Yes.

3 COUNCILMAN O'BRIEN: You may be
4 aware that I've been tangentially
5 involved in that subject.

6 MR. CUNNINGHAM: I have heard
7 something to that effect.

8 COUNCILMAN O'BRIEN: Perhaps
9 you can tell me where you are in that
10 process, who you're talking to, where you
11 see that.

12 MR. CUNNINGHAM: To be very
13 honest with you, Councilman, I'd have to
14 say at this time our discussions have
15 been very, very preliminary, and in all
16 honesty, I think the better person to
17 answer that question would be the City,
18 because we have presented a proposal,
19 we've had a discussion, but we have heard
20 nothing else.

21 COUNCILMAN O'BRIEN: I'm sorry.
22 Can you repeat that again.

23 MR. CUNNINGHAM: I said we did
24 present a proposal to the City. They
25 reviewed it, and we have not heard

1 5/12/15 - WHOLE - BILL 150162, etc.
2 anything else from them.

3 COUNCILMAN O'BRIEN: Was that
4 an RFP?

5 MR. CUNNINGHAM: Yes, in
6 response to the RFP.

7 COUNCILMAN O'BRIEN: Just
8 recently?

9 MR. CUNNINGHAM: Yes; the last
10 time the City put out an RFP for it.

11 COUNCILMAN O'BRIEN: Is it
12 possible for my office or City Council to
13 review that RFP?

14 MR. CUNNINGHAM: I'm sure that
15 the --

16 COUNCILMAN O'BRIEN: Is that
17 public information?

18 (Witness approached witness
19 table.)

20 MR. RESNICK: Michael Resnick,
21 Director of Public Safety. Good
22 afternoon, Councilman.

23 COUNCILMAN O'BRIEN: Good
24 afternoon, Michael.

25 MR. RESNICK: As you know, RFPs

1 5/12/15 - WHOLE - BILL 150162, etc.
2 are public. The RFP that Mr. Cunningham
3 referred to was an RFP for basic indigent
4 defense services the Defender provides.
5 In addition to seeking those services,
6 the RFP also had conditional language
7 that any proposers would be requested to
8 propose how they would establish a
9 conflicts office. The Defender's
10 Association replied to that RFP with a
11 proposal for the basic indigent defense
12 services that they provide and they also
13 provided us with a proposal for how they
14 would establish a conflicts office.
15 That's the extent of where we are.

16 COUNCILMAN O'BRIEN: So the RFP
17 that you're talking about was the general
18 renewal, the annual renewal --

19 MR. RESNICK: Correct.

20 COUNCILMAN O'BRIEN: -- of
21 their Public Defender's contract, and
22 then you added the RFP?

23 MR. RESNICK: Well, we added to
24 that RFP language that said whoever -- an
25 invitation to the world to provide us

1 5/12/15 - WHOLE - BILL 150162, etc.
2 with a proposal for indigent defense
3 services that the Defender provides.
4 They responded to that RFP, but in that
5 RFP was also a provision that said, Oh,
6 and by the way, we would also be
7 interested in any proposer's ideas how
8 they could establish a conflicts office.

9 Now, the one was not dependent
10 on the other. So we can let a contract
11 for the underlying indigent defense
12 services and totally ignore any proposals
13 for a conflicts counsel office. The
14 Defender responded to the RFP by
15 submitting a proposal for both underlying
16 criminal defense for indigent services
17 plus a conflicts proposal, and that's
18 where we are at this point.

19 COUNCILMAN O'BRIEN: And my
20 reading of the statute or the ordinance
21 that we passed, that addendum would have
22 to be approved by the City.

23 MR. RESNICK: Of course it
24 would, but we're not anywhere near that.

25 COUNCILMAN O'BRIEN: Yeah.

1 5/12/15 - WHOLE - BILL 150162, etc.

2 And just for the record,

3 Mr. Chairman, I would just like to state

4 that we are very, very close to getting

5 funding for a comprehensive study, and

6 Mr. Resnick and the Public Defender's

7 Office, we would welcome your cooperation

8 in trying to find the appropriate model

9 if that study points to that model. What

10 it really does, it will be an analysis of

11 the existing system, and I really

12 believe, as I've expressed to the

13 Administration, that we really need to

14 have a better understanding and

15 comprehensive knowledge of the strengths

16 and weaknesses of the system as it exists

17 right now in order to move forward.

18 So thank you very much.

19 MR. RESNICK: Sure.

20 COUNCILMAN GREENLEE: Thank

21 you. Councilman, I was going to ask

22 about conflict counsel, but once I saw

23 you walk in, I knew that's where you were

24 going.

25 COUNCILMAN O'BRIEN: You're my

1 5/12/15 - WHOLE - BILL 150162, etc.

2 hero.

3 COUNCILMAN GREENLEE: That's
4 scary, but okay.

5 MR. CUNNINGHAM: Councilman,
6 just for the record, we have had -- I'm
7 sorry. The name escapes me right now,
8 but I know that there was a gentleman
9 that was in fact looking into the
10 conflict counsel. He consulted with us,
11 and we were more than willing to give him
12 any information that we had and stand
13 ready to do so in the future as well.

14 COUNCILMAN O'BRIEN: Just to
15 follow up on that, we had -- that was a
16 Department of Justice grant that we got
17 for \$20,000. We spent approximately
18 11,000 and we realized -- we came -- they
19 came to the same conclusion that I
20 thought they would, and that was that the
21 system was much more complex. So we
22 stopped at 11,000 and returned the
23 remainder of the money, and now we're
24 looking for and we believe that we're
25 very close to getting a comprehensive

1 5/12/15 - WHOLE - BILL 150162, etc.
2 study, and we would love for you to
3 participate in that process.

4 MR. CUNNINGHAM: I can assure
5 you that the Defender --

6 COUNCILMAN O'BRIEN: And it
7 might take a little bit more time to do
8 it, but I really believe that we'll nail
9 it, we'll get it right.

10 MR. CUNNINGHAM: I can assure
11 you that the Defender Association stands
12 ready to provide any information that it
13 can.

14 COUNCILMAN O'BRIEN: Thank you
15 very much.

16 MR. CUNNINGHAM: You're
17 welcome.

18 COUNCILMAN GREENLEE: Thank
19 you.

20 If there are no other
21 questions, thank you very much.
22 Mr. Cunningham, everyone. Thank you for
23 coming.

24 MR. CUNNINGHAM: May I say one
25 more thing on the record?

1 5/12/15 - WHOLE - BILL 150162, etc.

2 COUNCILMAN GREENLEE:

3 Absolutely.

4 MR. CUNNINGHAM: For the
5 previous 24 years, Ellen Greenlee sat in
6 the chair that I am presently sitting in,
7 and this year Ms. Greenlee retired, but I
8 want to say on the record that when she
9 retired, she left a very, very fine
10 Defender Association and that it is
11 recognized throughout this country as
12 being one of the best, and the credit
13 belongs to Ellen Greenlee.

14 Thank you.

15 COUNCILMAN GREENLEE: You won't
16 be surprised if I second that comment.

17 MR. CUNNINGHAM: No, I won't.

18 COUNCILMAN O'BRIEN: I also
19 second that.

20 COUNCILMAN GREENLEE: Thank
21 you, sir.

22 Thank you all.

23 Our next department is
24 Department of Licenses and Inspections.

25 (Witnesses approached witness

1 5/12/15 - WHOLE - BILL 150162, etc.
2 table.)

3 COUNCILMAN GREENLEE: I see
4 we've got some charts, Commissioner.

5 COMMISSIONER WILLIAMS: Yes.
6 We have props today. How you doing,
7 Councilman?

8 COUNCILMAN GREENLEE: Okay.
9 How are you, sir?

10 Let me just state for the
11 record in case any other members are
12 listening, we're way ahead of schedule
13 here. So there is a possibility, because
14 there are a couple more callback dates,
15 that you may be asked to come back,
16 because we're a little off schedule, in
17 case there's some members that aren't
18 able to come right now. But we thought
19 the way we were moving, it made sense to
20 just keep going.

21 COMMISSIONER WILLIAMS: We
22 certainly appreciate it and we're happy
23 to oblige.

24 COUNCILMAN GREENLEE: Thank
25 you, sir. If you're ready, please

1 5/12/15 - WHOLE - BILL 150162, etc.

2 identify yourself and proceed.

3 COMMISSIONER WILLIAMS: Thank

4 you very much. Good afternoon,

5 Councilman Greenlee, Council President

6 Clarke, and the honorable members of City

7 Council. My name is Carlton Williams,

8 Commissioner of the Department of

9 Licenses and Inspections. I'm pleased to

10 provide testimony on our Fiscal Year FY

11 2016 Operating Budget.

12 The Department of Licenses and

13 Inspections is requesting \$31,476,558.

14 This budget was created to support L&I's

15 ongoing public safety efforts which

16 affects all Philadelphians.

17 In the last two years, through

18 the effort of City Council, this

19 Administration, the Special Independent

20 Advisory Commission, the Building Safety

21 Oversight Board, and the hard-working

22 dedication of the staff at L&I, L&I has

23 made significant strides in increasing

24 oversight and building in public safety.

25 These strides have and will continue to

1 5/12/15 - WHOLE - BILL 150162, etc.
2 positively affect builders, first
3 responders, and the public.

4 I would like to highlight some
5 of our accomplishments for you today.

6 Two years ago, the City had
7 over 600 imminently dangerous properties.
8 Today we have cut that number in half to
9 fewer than 300 structures by aggressively
10 demolishing buildings that have
11 threatened our communities for years. We
12 expect that number to decrease to fewer
13 than 250 by the end of this year.

14 To prevent crime, health
15 issues, and possible dangerous
16 enticements to children, the Department
17 has decreased the number of vacant and
18 open properties by cleaning and sealing
19 1,914 vacant and open properties last
20 year. This represents a 25 percent
21 increase from the previous average of
22 1,400 properties annually. We must
23 continue to strategically and
24 aggressively address this citywide
25 epidemic. Strategic enforcement is our

1 5/12/15 - WHOLE - BILL 150162, etc.
2 first line of defense. Safety and
3 demolition is of paramount importance.

4 Last year, City Council passed
5 five legislative bills to improve public
6 safety in the construction industry. The
7 Department immediately began implementing
8 many of the bills, including a new
9 demolition application and inspection
10 procedure that now require an extensive
11 plan examination. This includes a review
12 of site safety plans, work schedules, and
13 contracting experience before a permit is
14 issued. These additional demolition
15 inspections ensure that the safety
16 precautions are in place for adjacent
17 properties and along pedestrian walkways
18 near demolition sites.

19 In addition to these stricter
20 requirements and improved training, it is
21 critical for the public to be able to
22 report on dangerous conditions that may
23 arise from demolition and construction
24 activities. In July of 2014, the
25 Department introduced a new signage

1 5/12/15 - WHOLE - BILL 150162, etc.
2 regulation that requires all permanent
3 construction projects to post a sign that
4 visibly displays vital information
5 regarding the project, including the name
6 and address, information of the property
7 owner and contractor. Most importantly,
8 contact information is displayed to
9 report an emergency or dangerous
10 condition for immediate response.
11 Moreover, because demolition oftentimes
12 takes place next to the vicinity of other
13 properties, the Department created
14 educational materials for the
15 dissemination to the public. These
16 materials notify adjacent property owners
17 or residents of the impending demolition
18 that L&I has already approved in the
19 safety plan and what to expect before,
20 during, and after the demolition.

21 And behind me, Councilman, I
22 wanted to point to the display. We also
23 have copies for all Councilmembers
24 present.

25 Both inspector and contractor

1 5/12/15 - WHOLE - BILL 150162, etc.
2 training are critical to improving public
3 safety in the constructing industry.
4 Thus, we are pleased with the partnership
5 we have formed with OSHA to provide
6 inspectors with training specific to
7 demolition excavations. To date, over 85
8 percent of inspectors have received OSHA
9 30 training, and we will be 100 percent
10 compliant by the middle of the summer.
11 In fact, in a recent news article, the
12 United States Department of Labor reports
13 that our partnership with OSHA has saved
14 over 250 construction workers from
15 imminently dangerous and life-threatening
16 construction accidents.

17 First responders are also of
18 great concern. Beginning in the spring,
19 L&I and the Philadelphia Fire Department
20 became a cross-departmental inspection
21 system of large vacant commercial and
22 industrial structures. These structures
23 are those with a floor area space in
24 excess of 15,000 square feet. As of
25 today, 63 properties have been inspected,

1 5/12/15 - WHOLE - BILL 150162, etc.
2 23 properties are deemed unsafe, two are
3 identified as previously existing
4 imminently dangerous properties, and one
5 building was identified as imminently
6 dangerous and now under demolition. We
7 look forward to scaling up this
8 initiative.

9 Project eCLIPSE went live on
10 January 5th, 2015. And one of the
11 benefits of the new system is that L&I
12 can now electronically interface with the
13 Revenue Department's tax system. As a
14 result, in just four months Project
15 eCLIPSE has flagged all license
16 applicants that were non-tax compliant.
17 This has resulted in collection of over
18 \$1.8 million in back taxes. This figure
19 is a result of 1,089 previously unfiled
20 tax returns being processed. And I also
21 must state for the record that most of
22 these taxes were real estate dollars that
23 were collected for the benefit of the
24 School District.

25 As we look to build upon this

1 5/12/15 - WHOLE - BILL 150162, etc.
2 work, L&I's current budget request
3 requires 31 new positions with L&I and
4 another 12 positions with other City
5 departments' budgets. These new
6 positions will help to solidify and
7 implement the recommended changes by City
8 Council and the Special Independent
9 Advisory Commission report.

10 In coordination with the
11 Building Safety Oversight Board and the
12 Administration, L&I has set forth an
13 implementation plan called the 2015 Plan
14 for a Safer City. Almost all of these
15 recommendations are done over a five-year
16 period. For FY16 we prioritized vacant
17 properties, Fire Code enforcement,
18 staffing, and training due to their clear
19 ties to public safety. I will briefly
20 review each in turn.

21 Vacant properties: We are
22 requesting 11 total positions.
23 Specifically, six inspectors are needed
24 for L&I. In addition, two GIS analysts
25 from the Office of Information Technology

1 5/12/15 - WHOLE - BILL 150162, etc.
2 and two research analysts from the
3 Managing Director's Office will assist in
4 increasing our proactive inspections that
5 will reduce the number of properties that
6 create public safety risks.

7 Fire Code enforcement: We are
8 requesting eight new inspectors and one
9 code administration for L&I and eight
10 positions in the Philadelphia Fire
11 Department inspectors. These inspectors
12 will be able to jointly exercise critical
13 oversight over buildings that present
14 heightened fire risks.

15 Staffing: We are requesting
16 four electrical inspectors, one crane
17 inspector, and six plumbing inspectors
18 and four staff engineers. The
19 specialized knowledge of those hired for
20 those positions will assist in improving
21 public safety oversight and will allow
22 L&I's building inspectors to focus on the
23 critical building safety enforcement.

24 Training: We are requesting
25 one full-time training development

1 5/12/15 - WHOLE - BILL 150162, etc.
2 manager. This manager will enhance L&I's
3 training offerings and assist in allowing
4 L&I to expand proactive training that
5 will fulfill their recertification/
6 continuing education requirements needed
7 by building inspectors.

8 We believe that this budget
9 will help L&I continue to make
10 significant progress towards improving
11 services and public safety for our
12 citizens. The men and women of L&I are
13 committed to the enormous responsibility
14 of maintaining and improving public
15 safety, and I commend them for their
16 daily efforts. As Commissioner of L&I,
17 I'm committed to strengthening the
18 departmental culture. This means leaving
19 behind old views and practices and
20 focusing upon change, improvement, and
21 development. Positive changes take time,
22 but they are possible and they are taking
23 place. L&I is not just a weigh station
24 towards the construction and demolition
25 of big buildings. It is a public entity

1 5/12/15 - WHOLE - BILL 150162, etc.
2 that makes sure everyone working in the
3 building environment is doing what they
4 do safely for themselves, for first
5 responders, and for the public. Our
6 budget request brings us another step
7 closer to fulfilling this vision.

8 Thank you for the opportunity
9 to present the FY16 budget, and I'm
10 available to answer any questions at this
11 time.

12 COUNCILMAN GREENLEE: Thank
13 you, Commissioner. You mentioned the
14 training through OSHA. Who actually does
15 the training? Is it OSHA?

16 COMMISSIONER WILLIAMS: Yes.
17 There's OSHA representatives and we also
18 contract with an OSHA-approved agency
19 that comes in and trains our building
20 inspectors on those type of level
21 trainings.

22 COUNCILMAN GREENLEE: Okay.
23 Now, I know I think in the Special
24 Independent Advisory Commission, they
25 talked about a hiring total of 101

1 5/12/15 - WHOLE - BILL 150162, etc.
2 additional employees over three years.

3 COMMISSIONER WILLIAMS: That's
4 correct.

5 COUNCILMAN GREENLEE: Where
6 does that stand now, just so we're clear
7 for the record?

8 COMMISSIONER WILLIAMS: Yes.
9 In FY16 we're hiring a total of 43
10 positions. Thirty-one of those positions
11 are in L&I; the other eight are in
12 supporting departments. There are two in
13 OIT, two in the Managing Director's
14 Office that will be assigned to L&I, and
15 eight in the Fire Department to make up
16 the Fire Prevention Program. The other
17 positions, the other 31 positions,
18 include 24 building inspectors and eight
19 supervisory support-level service
20 positions. And that's for this Fiscal
21 Year 2016.

22 COUNCILMAN GREENLEE: And just
23 so I'm clear, the three-year plan, we're
24 in year?

25 COMMISSIONER WILLIAMS: We're

1 5/12/15 - WHOLE - BILL 150162, etc.
2 in year one.

3 COUNCILMAN GREENLEE: One?
4 Okay.

5 COMMISSIONER WILLIAMS: Yes.
6 This is the first year of plan
7 implementation.

8 COUNCILMAN GREENLEE: Now, if
9 you know, was the reason to spread it out
10 over three years, was that budgetary?

11 COMMISSIONER WILLIAMS: Well,
12 it was practical and operational reasons,
13 Councilman. It takes a considerable
14 amount of time not only to hire but to
15 train to get their certifications to
16 actually perform building inspections.
17 We thought it made sense to establish
18 smaller units first and then grow the
19 program out so we can evaluate its
20 effectiveness over a three-year period.
21 But given the time it takes to bring that
22 amount of people on at one time, we
23 thought this was the most practical
24 solution.

25 COUNCILMAN GREENLEE: There's a

1 5/12/15 - WHOLE - BILL 150162, etc.
2 few Councilmembers that would like to ask
3 questions.

4 First, Councilwoman Blackwell.

5 COUNCILWOMAN BLACKWELL: Thank
6 you very much.

7 I really wanted to thank you
8 for what you have been doing. We know
9 we've come up with even the vendor plans.
10 Thank you. I know it's not beneath you,
11 and we talked after that building
12 collapse about with OSHA and all of these
13 people near and far who wanted to be
14 involved in training, and we see all
15 that's incorporated in what you're doing.
16 So we appreciate all that your department
17 does and look forward to supporting it.

18 COMMISSIONER WILLIAMS: Thank
19 you so much, Councilwoman. We appreciate
20 your support as well.

21 COUNCILWOMAN BLACKWELL:
22 Thanks.

23 COUNCILMAN GREENLEE: Thank
24 you, Councilwoman.

25 Councilwoman Tasco.

1 5/12/15 - WHOLE - BILL 150162, etc.

2 COUNCILWOMAN TASC0: Good

3 morning.

4 COMMISSIONER WILLIAMS: Good

5 morning.

6 COUNCILWOMAN TASC0: I don't

7 hear fast. I hear slowly. So I'm going

8 to have to ask you to speak slowly.

9 COMMISSIONER WILLIAMS:

10 Absolutely.

11 COUNCILWOMAN TASC0: But you

12 just said that you're going to hire a

13 number of employees, but some of them

14 would be assigned to other departments.

15 COMMISSIONER WILLIAMS:

16 Correct.

17 COUNCILWOMAN TASC0: How does

18 that impact your department? I mean, why

19 wouldn't the Fire Department get the

20 appropriation in their department for

21 smoke detectors?

22 COMMISSIONER WILLIAMS: The

23 overall budget does reflect the 5.5

24 million and it's broken down to identify

25 those inspectors in their budget. So

1 5/12/15 - WHOLE - BILL 150162, etc.
2 that's not a part of the Department's
3 budget. It's reflecting in the overall
4 FY16 Operating Budget for the City of
5 Philadelphia. But the positions in which
6 I name, I gave a general overall number,
7 but it's broken down by departmental
8 costs. So those eight inspectors are
9 covered in the Fire Department's budget,
10 not L&I's budget.

11 COUNCILWOMAN TASCO: Okay. So
12 why are you asking?

13 COMMISSIONER WILLIAMS: Well,
14 because it was easier to track the number
15 of inspectors in that budget because
16 they're responsible for them and we hire
17 the ones in our classification. And I'll
18 ask Rebecca if there's any specific
19 reason other than to make sure that we're
20 able to identify them in the appropriate
21 budget.

22 Rebecca.

23 COUNCILWOMAN TASCO: But
24 they're a part of your department?

25 COMMISSIONER WILLIAMS: No.

1 5/12/15 - WHOLE - BILL 150162, etc.
2 They're a part of the Fire Department.
3 We work close in hand, yes.

4 (Witness approached witness
5 table.)

6 COUNCILWOMAN TASCO: Tell me
7 how you all do the budget.

8 MS. RHYNHART: I think it's
9 good afternoon. Rebecca Rhynhart, Budget
10 Director.

11 So for the L&I Safer Cities
12 initiative, the majority of the increase,
13 the 5.5 million that the Commissioner was
14 speaking of, is in L&I's budget, but
15 there were certain portions, as he
16 mentioned, that needed to be put in other
17 departments' budget to help support the
18 goals of L&I, and we added money into
19 those budgets for that purpose. So, for
20 example, eventually there will be a few
21 additional lawyers. Well, it would make
22 sense to have them in the Law Department,
23 that type of rationale. But we added
24 money into the departments for that.

25 COUNCILWOMAN TASCO: So you

1 5/12/15 - WHOLE - BILL 150162, etc.

2 couldn't put them in the Law Department
3 budget assigned to L&I?

4 MS. RHYNHART: Right. So
5 they're in -- for example, the IT people
6 are in IT's budget, but they'll work on
7 L&I issues.

8 COUNCILWOMAN TASCO: That's not
9 what he said.

10 COMMISSIONER WILLIAMS: I'm
11 sorry.

12 COUNCILWOMAN TASCO: Maybe I
13 didn't hear you clearly.

14 COMMISSIONER WILLIAMS: Yes.
15 I'm sorry.

16 COUNCILWOMAN TASCO: You said
17 that they're in your budget. I thought
18 you said that OIT, those inspectors going
19 in the Fire Department, they're in your
20 budget, but they're going to be
21 assigned --

22 MS. RHYNHART: I think the
23 Commissioner was speaking of the overall
24 increase that the City has put into the
25 proposed Fiscal '16 budget. So the

1 5/12/15 - WHOLE - BILL 150162, etc.
2 overall increase is 5.5 million. A
3 portion of that, a big portion, but a
4 portion, is in L&I's budget. So I think
5 that's where the confusion lies. He was
6 trying to give a summary of the total
7 citywide increase, trying to be holistic
8 about it.

9 COMMISSIONER WILLIAMS: That's
10 correct. That's correct.

11 MS. RHYNHART: But it only --
12 the portion that is, for example, for
13 fire inspectors is in Fire. So I think
14 we're saying -- I think I'm agreeing with
15 what you're saying.

16 COUNCILWOMAN TASCO: Okay. I
17 guess that goes back to my first question
18 I was going to ask. Do you have enough
19 money in your budget to carry out the
20 duties of your office?

21 COMMISSIONER WILLIAMS: We
22 certainly believe that we are headed in
23 the right direction with this plan. I
24 think what the biggest gap that we were
25 missing was resources to address the

1 5/12/15 - WHOLE - BILL 150162, etc.
2 amount of issues and the growth and
3 development that's occurring in our City
4 right now. We have an increase in
5 building permits, that it's at its
6 all-time high in about ten years.
7 Certainly we want to make sure that we
8 have enough inspectors to keep up with
9 that pace of development.

10 Imminently dangerous
11 properties, thanks to Council last year,
12 we were able to increase the budget for
13 \$3 million above the 6 million that was
14 already appropriated and we were able to
15 reduce the amount of imminently dangerous
16 properties in half. Last year that was a
17 one-time increase, but this year's budget
18 makes it a permanent increase in L&I's
19 budget, which is going to help us
20 tremendously in triaging those building
21 properties that pose a threat to public
22 safety.

23 Is that enough? We need a
24 bigger strategy in terms of disposition
25 of vacant properties, especially unsafe

1 5/12/15 - WHOLE - BILL 150162, etc.
2 or imminently dangerous. Demolition is
3 the last means that we want to engage,
4 but obviously it's something that's very
5 important, so Council was able to help us
6 make that a permanent structure, and
7 we're very pleased for that.

8 COUNCILWOMAN TASCO: Okay.

9 They're not listening.

10 I've been an advocate since
11 I've been here for L&I, because as a
12 District Councilperson, we know the
13 importance of that office and the
14 services you provide. I'm sorry it took
15 a building to collapse to get the
16 attention of this Administration and the
17 other Administration, which did not
18 necessarily support increases in L&I.
19 You're one of the most important
20 departments in the City of Philadelphia
21 in terms of providing safety and that
22 kind of thing.

23 You talked about the Project
24 eCLIPSE, and I'm sorry I was late. I was
25 upstairs, and they moved everything so

1 5/12/15 - WHOLE - BILL 150162, etc.
2 quickly. Just give me a little brief
3 overview of that and what it does, its
4 importance, that kind of thing.

5 COMMISSIONER WILLIAMS: Sure.
6 Thank you, Councilwoman. Project eCLIPSE
7 actually is an acronym for electronic
8 Commercial Licensing and Inspection
9 Permit Services Enterprise. It is the
10 new data management system that
11 ultimately is going to replace our old
12 Hanson system that has been in existence
13 since 2000. Technology has changed and
14 it's time for us to change with it.

15 We are able to offer 24-hour
16 access online services to the public, who
17 no longer have to come into the concourse
18 if they choose not to come in and do
19 business with the City of Philadelphia.
20 That was a huge step in terms of our
21 business development process. We're also
22 offering the opportunity for permits to
23 be issued online as opposed to having
24 people come into the concourse as well.

25 For public safety, it enhances

1 5/12/15 - WHOLE - BILL 150162, etc.
2 our ability to be out in the field more.
3 We spend a lot of time doing
4 administrative paperwork in the office
5 after we issue inspections. If we
6 perform inspections and issue violations,
7 we're able to reduce that time by using
8 handheld computer systems, smartphones,
9 to be able to perform inspections in the
10 field in realtime. Our information will
11 now be stored inside of a cloud solution,
12 which actually disseminates the
13 information much faster than our
14 traditional practices.

15 Project eCLIPSE is going to
16 revolutionize the way we do business in
17 the City of Philadelphia. ePlan Review
18 is a huge component of eCLIPSE. That's
19 where a developer can submit all
20 documents as a one-stop shop over online
21 to L&I and it will get routed to other
22 approving departments where they can see
23 at which stage their plan level is. We
24 receive sometimes numerous complaints in
25 regards to the process being delayed,

1 5/12/15 - WHOLE - BILL 150162, etc.
2 because people don't understand that much
3 of their information is not provided, and
4 then we have to respond usually through
5 forms of written communication. This
6 process will allow them to track and see
7 exactly where their plan is and who has
8 it, without them actually having to come
9 down to the concourse and request it.

10 So we're very excited about the
11 new opportunities that eCLIPSE offers to
12 us. We launched it January 5th, and as
13 mentioned early in my testimony, already
14 it's paying off dividends. We've
15 collected over \$1.8 million in delinquent
16 taxes. Much of that is real estate taxes
17 to be used for the School District. So
18 we're very pleased with the progress that
19 we've made so far. We still have some
20 implementation phases to go, but we're on
21 the right track to getting that system up
22 and running by early next year.

23 COUNCILWOMAN TASCO: Sometimes
24 you get a complaint -- thank you -- from
25 a resident that the house next door is

1 5/12/15 - WHOLE - BILL 150162, etc.
2 maybe looking like it might collapse or
3 it's vacant. How long does it take you
4 to get an inspector out to check the
5 property, and from that point, how long
6 does it take to get some action on that
7 property?

8 COMMISSIONER WILLIAMS: Well,
9 if we get a report of a pending collapse,
10 it's immediately. So we get --

11 COUNCILWOMAN TASCO: Let's not
12 say collapse. The neighbor may not know
13 the house is going to collapse. They
14 know it's open, the windows is there,
15 they're not closed. It looks real bad.
16 It's just it's -- and so you know at some
17 point in time you're going to have
18 problems. So the neighbor calls and
19 says, Look, I got this vacant house next
20 to me, you got to come out and do
21 something about it. How long does it
22 take you to get out there to do it and,
23 second, how long does it take you to do
24 something about it?

25 COMMISSIONER WILLIAMS: From

1 5/12/15 - WHOLE - BILL 150162, etc.
2 the description that you just classified,
3 because we take all vacant, open
4 properties very seriously, because we
5 don't know the status or the condition
6 for the things that you just mentioned.
7 It may look real bad. Obviously if there
8 are reports that other things are falling
9 or appear to be falling, we get out there
10 immediately. If it's a vacant, open
11 property, we try to respond within five
12 days in terms of our service level
13 agreement to get that property sealed up.
14 But it depends on what the classification
15 is called in as.

16 Once the inspector goes out and
17 does an assessment and an inspection, he
18 can then make a determination if it's
19 vacant and open, unsafe or imminently
20 dangerous. If it's imminently dangerous,
21 then obviously that is something that
22 it's an immediate threat to public
23 safety. We can issue a curbside bid
24 within hours of the inspection and have
25 the work start that day. If it's an

1 5/12/15 - WHOLE - BILL 150162, etc.
2 unsafe structure, then we file a case
3 against the property owner and we
4 ultimately try to hold them accountable
5 for making the repairs, and that goes
6 through the court process. The same
7 thing for vacant and open properties.

8 COUNCILWOMAN TASCO: Well, that
9 could take some time. In the meantime,
10 do you board the building up or something
11 like that? Because some of these
12 buildings may be worse structurally than
13 you can see. I know you have inspectors
14 and they can see that, and the court
15 process takes some time and all that
16 bureaucratic stuff takes time, and that
17 builds up the further danger of the
18 building.

19 COMMISSIONER WILLIAMS: Yes.
20 You're absolutely correct. We do clean
21 and seal properties. In fact, as
22 mentioned earlier in my testimony, we've
23 increased the number of clean and seal
24 properties by 25 percent over the last
25 two years. We fully expect to clean and

1 5/12/15 - WHOLE - BILL 150162, etc.
2 seal about 2,000 properties this year,
3 and that's 500 more than we've cleaned in
4 previous years. So we're pleased that --
5 we certainly want to make sure we
6 understand the dangers of open and vacant
7 properties. Not only do they appear as a
8 structural risk, but they're open
9 elements to crime, blight, fire. Those
10 are the things that they pose an
11 immediate threat. We spend about \$20
12 million a year triaging those type of
13 properties, from demolishing them to
14 actually getting Police support and Fire
15 support. So our first goal is to seal
16 off the property to prevent any further
17 activity or dangers that can exist from
18 it being left vacant and open.

19 COUNCILWOMAN TASCO: Thank you.
20 I'll come back.

21 COUNCIL PRESIDENT CLARKE:
22 Thank you, Councilwoman.
23 The Chair recognizes Councilman
24 Neilson.

25 COUNCILMAN NEILSON: Thank you,

1 5/12/15 - WHOLE - BILL 150162, etc.

2 Mr. President.

3 Good afternoon, Commissioner.

4 How are you today?

5 COMMISSIONER WILLIAMS: Good
6 afternoon, Councilman.

7 COUNCILMAN NEILSON: We talked
8 about in your testimony you identified
9 some of the new hires you're going to
10 have. Have there been any issues with
11 recruiting new hires?

12 COMMISSIONER WILLIAMS: Last
13 year I think we had a very successful
14 recruitment campaign. With the
15 approval -- and thank you, City Council,
16 again for the approval of the \$2 million
17 last year to hire our current cast of
18 inspectors. We were able to attract
19 about 528 applicants. A hundred and
20 ninety qualified for the examination and
21 65 passed. So we were able to get an
22 extremely high level number of qualified
23 candidates for the Department, and we're
24 pleased with the results of that process.

25 COUNCILMAN NEILSON: We're

1 5/12/15 - WHOLE - BILL 150162, etc.
2 appropriating more money for the
3 Department this year, and I would say by
4 the end of this year, the City is going
5 to see some transition. Are you planning
6 on this transition at the current time to
7 make certain that our goals set forth
8 within this budget are carried out by he
9 or she, whoever might be our next Mayor?
10 Because what I'm afraid about is if I
11 give you all this money now, the next
12 Administration comes in and strips it
13 right now, because you know L&I has been
14 a target for years through different
15 mayors. You've had the lack of
16 resources, and now we're really giving
17 you the resources. I mean, you've been
18 the first one in many years to be able to
19 deliver new resources to the Department,
20 and sitting at this desk now, it's
21 concerning to me that if this transition
22 document isn't well documented in place,
23 a big plan, to make certain that the next
24 Mayor is accountable and we can hold that
25 person accountable for the dollars we're

1 5/12/15 - WHOLE - BILL 150162, etc.
2 about to spend.

3 COMMISSIONER WILLIAMS: I
4 certainly appreciate your comment,
5 Councilman, and that's an important
6 concern. The majority of the funding for
7 this plan for FY16 affects this year's
8 budget. So the most important, we think,
9 highest priority recommendations with
10 vacant strategy, with additional
11 specialized trade inspectors, with
12 additional engineers, and fire prevention
13 inspectors is, the bulk of that is fully
14 funded for this fiscal year.

15 That is a concern for future
16 years, but we thought we've made the case
17 for the additional inspectors in FY17 and
18 FY18 that the incoming Administration
19 will realize its importance and we can
20 move forward with the remainder of the
21 plan. But the bulk of the plan is
22 addressed in this fiscal year and we
23 fully expect to begin -- in fact, we've
24 begun the hiring process working with the
25 Office of Human Resources, who have been

1 5/12/15 - WHOLE - BILL 150162, etc.
2 very helpful in setting up the procedures
3 for selecting qualified candidates so
4 that we can begin the initiatives.

5 In addition, we didn't wait for
6 this fiscal year to start those
7 initiatives. We've established two of
8 the initiatives already with the Vacant
9 Strategy Unit and the Fire Prevention
10 Unit. Deputy Commissioner Ralph DiPietro
11 is heading up that Fire Prevention
12 initiative for the Department, and we're
13 happy to say that we've actually started
14 the process of inspecting large vacant
15 commercial properties. I believe we
16 inspected about 62, and 54 percent of
17 them resulted in violations. So we are
18 not waiting until the new Administration
19 arrives. We're starting this process
20 because we understand its importance to
21 public safety.

22 COUNCILMAN NEILSON: With the
23 anticipation of us passing the budget and
24 the increased funds, which many of us
25 here you know are in full support to get

1 5/12/15 - WHOLE - BILL 150162, etc.
2 these resources, and knowing at times
3 just the plain hiring of individuals is
4 an issue, has there been any -- are you
5 starting to get that ready to go?
6 Because sometimes I've heard from other
7 department heads sometimes it could take
8 three to six months to hire people.
9 Three to six months takes us into another
10 Administration.

11 COMMISSIONER WILLIAMS: Yes.
12 That's a good point. We started -- we're
13 going to mirror what we've done last year
14 where we actually started the process in
15 March. And you're absolutely correct, it
16 does take about three to six months, more
17 towards six months, to actually get
18 through the recruitment, application, and
19 interview process. So during that time,
20 we expect to have those positions
21 actually backfilled, because what we've
22 done is taken experienced inspectors who
23 have experience in Fire Code enforcement
24 and vacant strategy management and taken
25 them out of our existing Department's

1 5/12/15 - WHOLE - BILL 150162, etc.
2 resources to establish the units. So by
3 the time we hire those positions, we
4 already have experienced veterans
5 performing those duties. We will
6 backfill those positions, and that takes
7 about six months. So by September, we
8 will have those positions completely
9 filled that we've asked for in this
10 fiscal year.

11 COUNCILMAN NEILSON: Thank you,
12 Commissioner.

13 Thank you, Mr. President.

14 COMMISSIONER WILLIAMS: Thank
15 you, Councilman.

16 COUNCIL PRESIDENT CLARKE:
17 Good, Councilman?

18 COUNCILMAN NEILSON: Was I the
19 last one? I still got more. I can take
20 more. I was just going to wait until
21 everybody else got another shot.

22 COUNCIL PRESIDENT CLARKE: All
23 right. We'll --

24 COUNCILMAN NEILSON: With the
25 training -- real quick. I don't have a

1 5/12/15 - WHOLE - BILL 150162, etc.
2 lot more.

3 The training, has there been
4 any partnerships that you've developed
5 with local high schools? The school
6 funding has been an issue here and we're
7 trying to push our high school kids -- I
8 mean, not everybody is a college
9 student -- maybe try to push them into
10 the field and into this type of field in
11 L&I. Have you reached out to the
12 community to do your training? I know
13 you spend a significant amount training
14 your people. More investment in our city
15 right here instead of hiring outside
16 contractors, have courses themselves that
17 they can give us and save us a little
18 money.

19 COMMISSIONER WILLIAMS: That's
20 something that we certainly can look at.
21 I think our first priority was to try to
22 meet the intent of our legislation that
23 you guys passed last year regarding OSHA
24 training. That's specialized. And I'm
25 going to ask my Human Resource Manager,

1 5/12/15 - WHOLE - BILL 150162, etc.
2 Kirk McClarren, to come up and talk about
3 the vendor that we selected. I think
4 they have a local affiliation to the City
5 of Philadelphia.

6 Kirk, would you please come up
7 and give a review for the Councilman of
8 the training that we received this year.

9 And while he's coming up,
10 Councilman, I'm certainly open to
11 exposing our younger people in schools to
12 the trades, especially through L&I. I
13 think that's a very important initiative.
14 It's an opportunity that's there. I
15 think we need to look at it and try to
16 develop it, and I'm certainly willing to
17 work with your office to try to make that
18 happen.

19 COUNCILMAN NEILSON: Great.
20 Thank you, Commissioner.

21 (Witness approached witness
22 table.)

23 COUNCIL PRESIDENT CLARKE:
24 Thank you, Councilman.

25 MR. McCLARREN: Good

1 5/12/15 - WHOLE - BILL 150162, etc.
2 afternoon -- good morning, Councilman.
3 Kirk McClarren, Administrative Services
4 Director for L&I.

5 We partnered with the
6 Mid-Atlantic Construction Safety Council
7 to educate not only the 27 new inspectors
8 that were approved by Council for FY15
9 but also our existing inspectors. So we
10 have that local partnership. They've
11 been great with providing the OSHA 30
12 training. To date, over 85 percent of
13 our existing inspectors have gone through
14 that process, as mentioned by the
15 Commissioner in his testimony. And we
16 should be done that, we expect, in July
17 or August.

18 And in addition, we also
19 partnered with a nationally recognized
20 building certification preparation
21 training firm, which is Building and Fire
22 Codes Academy as well.

23 COUNCILMAN NEILSON: Thank you.
24 I got two more, if I can, Mr. President.
25 No?

1 5/12/15 - WHOLE - BILL 150162, etc.

2 COUNCIL PRESIDENT CLARKE: No.

3 Can you come back?

4 COUNCILMAN NEILSON: I can come
5 back.

6 COUNCIL PRESIDENT CLARKE:

7 Thank you.

8 The Chair recognizes Councilman
9 Jones.

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

12 I want to start out by saying
13 that I wrote an article of how I spent my
14 summer 2013, and what it said was with
15 L&I. Yeah, I wrote it. It's in my essay
16 at school. And what we did, thanks to
17 you, Mr. President, was put together a
18 commission. We came up with 75
19 recommendations, and what I'm hearing now
20 is that many of them, whether you're
21 talking about OSHA training, whether you
22 talk about signs at construction sites
23 that are visible, when you talk about
24 joint inspections -- we had a press
25 conference announcing that firemen are

1 5/12/15 - WHOLE - BILL 150162, etc.
2 actually going to go out and look at
3 imminently dangerous buildings together
4 with engineers from L&I or inspectors
5 from L&I. And so as I hear about
6 technology being added to this so that we
7 can quickly do this, it makes me feel
8 better that someone is listening over in
9 your department, and I appreciate that.
10 I want to start with saying that.

11 COMMISSIONER WILLIAMS: Thank
12 you very much, Councilman. Certainly
13 appreciate your support.

14 COUNCILMAN JONES: So a couple
15 of questions that -- how many of the 75
16 recommendations that were submitted to
17 you -- then the Special Commission was
18 established. Many of those
19 recommendations were similar. How many
20 of them have been implemented thus far?

21 COMMISSIONER WILLIAMS: First,
22 I certainly want to acknowledge that it's
23 one of our guiding documents that we keep
24 with us all the time. Between the
25 Special Investigative Committee report

1 5/12/15 - WHOLE - BILL 150162, etc.
2 and the Special Independent Commission
3 report, these are the two documents that
4 serve as our guiding lights for reform in
5 the Department, and we certainly took
6 them very seriously. We acknowledged
7 them and we began implementation after
8 the five legislative bills were passed.
9 Actually, prior to that were some
10 Executive Orders.

11 So we believe that we're about
12 70 to 75 percent complete. With me today
13 is my Executive Development -- Director
14 of Development Services, Ms. Elizabeth
15 Baldwin, and she could update you on the
16 remaining bills that we -- items in the
17 bills that we have to implement by this
18 year.

19 I can also say that we've been
20 on the road educating and informing
21 people. Just last week prior to that
22 press conference, Elizabeth and I did a
23 presentation for about 60 or so
24 demolition contractors from the General
25 Builders Contractors Association to

1 5/12/15 - WHOLE - BILL 150162, etc.
2 educate them on the next steps, and some
3 of those include new licensing, new
4 demolition contractor licensing, OSHA
5 requirements, and special inspections.
6 But Elizabeth can talk more in detail
7 about that.

8 COUNCILMAN JONES: Before you
9 do that, one of the most difficult or
10 push-back recommendations was moving the
11 reporting function from the Deputy Mayor
12 for Economic Development to the Deputy
13 Mayor for Public Safety, which I think
14 out of all of those recommendations
15 probably was the one that I felt strongly
16 about, because the priority now is safety
17 as opposed to just putting up buildings,
18 just completing construction. So I was
19 glad that you implemented that.

20 MS. BALDWIN: Good afternoon,
21 Council. My name is Elizabeth Baldwin.
22 I am the Director of Development.

23 Of the five bills that were
24 passed last year, there are three
25 remaining components to be implemented.

1 5/12/15 - WHOLE - BILL 150162, etc.

2 They are the demolition contractors
3 license, the special inspections
4 registration, and the OSHA training for
5 workers.

6 The demolition contractors
7 license we are planning on implementing
8 on October 1st. It will be a two-tiered
9 license, Class A and Class B,
10 incorporating insurance, bonding,
11 testing, and training for the employees.
12 The Class A license will require a
13 \$25,000 bond and it will enable one to
14 demolish any structure. The Class B
15 license will require a \$10,000 bond and
16 it will enable one to demolish a
17 structure up to three stories in height,
18 no mechanical demolition.

19 The special inspections
20 registration, again, we are moving
21 forward with that. There is the company
22 license and the worker license
23 registration. We are developing the
24 requirements for those categories outside
25 of what was stated in the bill, which was

1 5/12/15 - WHOLE - BILL 150162, etc.
2 only demolition and special inspection.
3 So we're addressing the rest of the
4 categories in Chapter 17 of the IBC.

5 OSHA 10 safety training and
6 OSHA 30, we are working proactively to
7 better define those requirements, and
8 we've been meeting with industry
9 representatives to determine what would
10 be acceptable as an equivalent. And OSHA
11 10, we are trying to reach out to the
12 industry to define exactly who needs OSHA
13 10.

14 COUNCILMAN JONES: So a couple
15 of other quick things, Mr. President.

16 As we start to look at this
17 process, the weather issue of why
18 collapses are happening, we had a couple
19 of extreme weather events, a couple of
20 extreme winters with high levels of
21 snowfall. Have you charted out in the
22 City where the greatest number in a
23 colliding scale where these neighborhoods
24 are impacted, and, if so, could you
25 provide that to the President to

1 5/12/15 - WHOLE - BILL 150162, etc.

2 distribute to members in Council?

3 COMMISSIONER WILLIAMS: Yes.

4 Thank you, Councilman. One of the things

5 that we're big on is transparency, and

6 just recently since being put under the

7 Department of Public Safety or the Chief

8 of Staff, Everett Gillison, we began to

9 submit imminently dangerous ID reports.

10 In addition, we've created similar to

11 what the Police Department has is a

12 CompStat, which shows where all of the

13 crimes in the City of Philadelphia occur

14 and the type of crimes. So we've adopted

15 that model in L&I, and we have soon to be

16 ready, if not ready now, a dashboard that

17 shows a map and the conditions and the

18 status of all imminently dangerous

19 properties in the City of Philadelphia

20 that we will make available to the

21 public. And this is important because it

22 keeps track on where they are, when

23 they're scheduled for demolition, and the

24 current status of the property, and you

25 can look at the history online. So we're

1 5/12/15 - WHOLE - BILL 150162, etc.
2 going to be able to provide that for you.

3 And to answer your question,
4 the majority of our ID properties are in
5 North Central Philadelphia and parts of
6 East Philadelphia, East North
7 Philadelphia too around the Kensington
8 section. We have some in Southwest
9 Philadelphia. Those are the three major
10 areas that we have the most number of
11 unsafe and ID properties in the City.

12 COUNCILMAN JONES: Under
13 Philadelphia's Community Sustainability
14 Initiative, President Clarke mapped out
15 some of the tax-delinquent properties
16 that were menacing our financial
17 condition. It would be interesting to me
18 to see if that map that you've created
19 for those tax-delinquent properties
20 overlap some of those imminently
21 dangerous properties that we have and to
22 figure out a special treatment for them.

23 Thank you, Mr. President.

24 Thank you, Commissioner.

25 COMMISSIONER WILLIAMS: Thank

1 5/12/15 - WHOLE - BILL 150162, etc.

2 you, Councilman.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you, Councilman.

5 Real quick, Commissioner, I

6 wanted to ask you about Bill No. 130655.

7 It was actually an overlay around the --

8 I probably spoke to you a couple of weeks

9 ago -- around the Temple University area

10 relating to signage and the

11 proliferation, is an understatement, of

12 signs all around every property, even in

13 the historical structures along Diamond

14 Street. What are we going to do about

15 that? And I've actually asked the

16 property owners, some of the more

17 organized property owners, TAPA, which is

18 the student housing organization, to

19 curtail that activity, but they've

20 basically blown me off, and Ms. Rhynhart,

21 the people in the public blow me off too.

22 I know I've referenced that to you,

23 blowing me off, on something earlier, but

24 they do it in the public sometimes also.

25 What are we going to do about

1 5/12/15 - WHOLE - BILL 150162, etc.
2 that? This is ridiculous. I mean, they
3 put these signs up. They're all
4 different sizes, huge banners. They're
5 all around and they just leave them there
6 all day, and it lends to what we believe
7 already to be a significant tension
8 between the community and the student
9 housing people, because it's essentially
10 saying this is our neighborhood, we don't
11 care what it looks like. And it is
12 overwhelming the community. Can we get
13 like a very aggressive push to comply
14 with the law?

15 COMMISSIONER WILLIAMS:

16 Absolutely. I think what's important,
17 that we have a consistent, targeted,
18 proactive enforcement program to identify
19 and address those properties that are not
20 in compliance with the codes regarding
21 signage, both zoning and the Property
22 Maintenance Code. Deputy Commissioner
23 Ralph DiPietro and Tracy Ruffin, who is
24 here with us today from the Nuisance
25 Property Unit, certainly can work and

1 5/12/15 - WHOLE - BILL 150162, etc.
2 we'll continue. Upon that request, we
3 did go out and do our first sweep. We
4 conduct sweeps with the Operations Unit
5 to go out and look at those issues, other
6 nuisance property issues as well, but
7 signage was one of the things that we
8 took a look at.

9 We need a continuous presence,
10 though, because the moment we conduct one
11 sweep, we might issue violations, you get
12 some compliance, and if it dies off, then
13 the proliferation of signs continue to
14 pop back up. So I think it's important
15 that we strategically identify,
16 especially at the start of the school
17 year and at the end of the school year
18 when there's that big transition process
19 of students coming into the neighborhood
20 to attend those universities, that we
21 address them before they become issues
22 and make it difficult for us to remove.
23 But I think that's one of the strategies
24 that we should employ.

25 I'll let Deputy Commissioner

1 5/12/15 - WHOLE - BILL 150162, etc.
2 DiPietro talk a little bit about the
3 signage issue in the City of Philadelphia
4 specifically around Temple University.

5 COUNCIL PRESIDENT CLARKE:

6 Thank you, Commissioner.

7 DEPUTY COMMISSIONER DiPIETRO:

8 Good afternoon, Council President. My
9 name is Ralph DiPietro, Deputy
10 Commissioner of License and Inspection.

11 I think the Commissioner is
12 referring to what we deem as business
13 corridor sweeps. We conduct these
14 several times throughout the year and try
15 to pick up -- we do it both from a life
16 safety perspective, we're looking at
17 specifically mixed occupancy areas where
18 we're finding residential and commercial.
19 This is one of the ways we sort of
20 address signage, and I think those are
21 the ones you're referring to. But
22 there's also a longer or larger term
23 scale when we're talking about signage
24 relative to zoning, more permanent
25 signage, and I think that's a little bit

1 5/12/15 - WHOLE - BILL 150162, etc.
2 different from what you're referring to
3 in terms of the signs in the Temple area.

4 The object here is to, as the
5 Commissioner said, sort of get an ongoing
6 presence in the community so that folks
7 see that that sort of behavior is not
8 permitted. The difficult part is, of
9 course we have to leverage resources from
10 other things that the inspectors are
11 doing, fire safety functions, property
12 maintenance functions, to sort of
13 concentrate on that. So as of now,
14 working with partners in the community,
15 conducting corridor sweeps, maybe some
16 public education and enhanced enforcement
17 I think is probably the next best option
18 in terms of having like a dedicated
19 function.

20 Now, at some point when we
21 fully implement all of the Independent
22 Commission recommendations, we'll
23 actually have once again a business
24 licensing unit, and I think that would be
25 a really appropriate function for those

1 5/12/15 - WHOLE - BILL 150162, etc.
2 folks to carry out on a day-to-day basis.

3 COUNCIL PRESIDENT CLARKE:

4 Well, with respect to resources -- and
5 thank you -- we are actually waiting for
6 the Administration on the issue with
7 respect to the conversation between
8 Temple University and TAPA, which is the
9 landlord organization, to enter into an
10 agreement to provide additional
11 resources; i.e., a CLIP in the Cecil B.
12 Moore area. I know the Commissioner is
13 aware of that. So we're prepared or at
14 least they are prepared to put additional
15 resources on the table, but I think that
16 we should be in a position to be very
17 aggressive in sending a signal to these
18 folks that we're just not going to let
19 them continue to trash the community. I
20 mean, there are places I go out
21 throughout Councilwoman Blackwell's
22 district and other areas and I don't see
23 anything like it is around Temple
24 University with the excessive signage,
25 and it's essentially a continuation of

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2 this attitude that we don't really care
3 about the communities over here in North
4 Philly.

5 So I really would like to see a
6 little more aggressive approach, and if
7 you can come back with some reports with
8 respect to the number of violations that
9 have been issued, that will be helpful.

10 COMMISSIONER WILLIAMS:
11 Absolutely, Council President. We
12 certainly will follow up with that.

13 COUNCIL PRESIDENT CLARKE:
14 Thank you very much.

15 The Chair recognizes Councilman
16 Squilla.

17 COUNCILMAN SQUILLA: Thank you,
18 Mr. President.

19 First of all, thank the
20 Commissioner for being responsive to our
21 calls and concerns, and it's every day.
22 I'm sure you don't only get bothered by
23 our office but a lot of offices with a
24 lot of questions, and you're always there
25 to give a response.

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2 COMMISSIONER WILLIAMS: Thank
3 you, Councilman.

4 COUNCILMAN SQUILLA: We
5 appreciate that.

6 Clean and seal, once a clean
7 and seal is completed, what's the policy
8 once it's completed when people open it
9 back up and go inside?

10 COMMISSIONER WILLIAMS: We
11 order a reseal. Again, we certainly want
12 the community to report those as soon as
13 possible, because the faster we get
14 there, the faster that we can eliminate
15 any further damage from someone trying to
16 break back into that property.

17 If it's continuously broken
18 into, we need to look at other methods
19 such as a permanent seal, which is bricks
20 and mortar, to try to just continue the
21 practice. But those are some of the
22 techniques that we try to use to prevent
23 further break-ins from us having to come
24 back out and resealing it right away.

25 COUNCILMAN SQUILLA: What's the

1 5/12/15 - WHOLE - BILL 150162, etc.
2 process for, I guess, a permanent seal?
3 Would it be that it was broken into three
4 times or people were in there? Is there
5 a certain policy that you have or is it
6 case by case?

7 COMMISSIONER WILLIAMS: The
8 threshold is normally three times, but
9 it's, again, what the inspector is able
10 and capable of doing and resources
11 available.

12 COUNCILMAN SQUILLA: And then I
13 know it's another difficult situation.
14 Usually we use Police also, but when
15 they're in these properties and then they
16 end up living in them, I know L&I has
17 limited resources for once somebody says
18 they're living there. What would an
19 inspector do when they go into a house
20 that was clean and sealed and somebody
21 happens to be inside?

22 COMMISSIONER WILLIAMS: Well,
23 this is a challenge for our department
24 and it has been for a number of years,
25 and I'm going to ask my deputy to talk

1 5/12/15 - WHOLE - BILL 150162, etc.
2 about this in detail because he handles
3 these situations quite frequently when we
4 get reports of squatters that invade a
5 property and ultimately take it over
6 illegally. There is a legal process that
7 we have to go through actually to
8 actually get them removed. And so that
9 becomes part of the challenge for L&I,
10 because now we have to work with other
11 departments and other legal agencies such
12 as the judicial and legislative branches
13 of government as well as the Police
14 Department.

15 So I'm going to let
16 Commissioner DiPietro come in and fill
17 you in on some of the details and the
18 methods used for us to remove squatters.

19 DEPUTY COMMISSIONER DiPIETRO:
20 So with respect to vacant and open
21 properties, when the inspectors find a
22 property is vacant and open -- and that's
23 code defined as open to trespass. If the
24 property is open on the second floor, the
25 third floor, that doesn't -- that's not

1 5/12/15 - WHOLE - BILL 150162, etc.
2 defined in the code and the Department
3 lacks the authority to go and seal those.
4 But when we do find a property that's
5 vacant and open, we'll inspect it. We'll
6 issue a notice of violation to the
7 property owner, as required by law, and I
8 think that's really where we sort of get
9 to the heart of your question, because
10 ultimately when that property becomes
11 reoccupied to whatever extent that is,
12 it's very difficult for the Department to
13 tell if those folks are there are
14 authorized to be there or not. Clearly
15 when a property is falling apart, it's
16 damaged, it's imminently dangerous and
17 it's occupied, irrespective of their
18 right to be there or not, the Department
19 will take that action. We're talking
20 really about those properties where the
21 property is sort of intact.

22 So what will happen in those
23 cases, if our Clean and Seal Unit finds
24 folks in there, they won't seal the
25 property. They won't chase them out. We

1 5/12/15 - WHOLE - BILL 150162, etc.
2 really lack the legal authority to do
3 that. What we will do, however, is issue
4 a violation to the property owner and
5 pursue them through court, because
6 ultimately it's their responsibility to
7 have those folks evicted from the
8 property to have the property sealed.
9 Frankly, very often we do find that those
10 folks are authorized to be there.
11 They're a family member or a relative of
12 the property owners, but there are
13 occasions where property owners are long
14 since deceased. And so in those cases,
15 we take it through the court process. If
16 we can't identify the owner or the owner
17 is deceased, we'll ask the judge for an
18 order to vacate and to seal the property.
19 And when it comes to that, we're
20 generally successful. The courts have
21 been accommodating in those regard, and
22 then we'll go back out and seal the
23 property and, if necessary, have the
24 folks removed either with the Sheriff's
25 Office or the Police Department.

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2 COUNCILMAN SQUILLA: And it
3 does sound like a long process, and it
4 is, because we've been through it. The
5 problem with that I think is that the
6 quality of life of the surrounding
7 neighbors that the squatter has invaded
8 and usually these properties are also tax
9 delinquent. Unfortunately the value of
10 the homes aren't that much, so there's no
11 method of forcing the issue. I wonder if
12 we could work through some type of task
13 force to look at a way where we would
14 have the Sheriff's Department with L&I
15 and with the Police Department and the
16 Courts to come up with a better way to
17 move on these a little faster, because if
18 we have that person and it's 30 days and
19 another 30 days and then 60 days and then
20 you go to court and you can't find the
21 person, you don't know who to sue, and no
22 fines are being paid. I just think with
23 all our department levels and the smarts
24 that we have in all these departments, we
25 need to try to come up with a way to deal

1 5/12/15 - WHOLE - BILL 150162, etc.
2 with these issues, especially when we
3 know that people don't belong and we know
4 they don't belong and we can't get them
5 out and they're ruining the quality of
6 life of the neighbors surrounding that
7 area. We need to come up with a way to
8 handle this that would either put the
9 house up for Sheriff Sale quicker, even
10 if it's only \$10,000 that's owed, or be
11 able to seal it up permanently so that
12 person -- even though we can't get to the
13 owner, we can't find the owner or
14 something. I mean, there's got to be a
15 way with our Law Department to go through
16 and do that.

17 Do you think that L&I would be
18 interested in that type of meeting?

19 DEPUTY COMMISSIONER DiPIETRO:
20 Yeah, most definitely. As I said,
21 properties where there's suspected
22 unauthorized occupants are very, very
23 difficult for us. So absolutely. We'd
24 be happy to participate in that.

25 COUNCILMAN SQUILLA: All right.

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2 Thank you.

3 Thank you, Mr. President.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you, Councilman.

6 The Chair recognizes

7 Councilwoman Tasco.

8 COUNCILWOMAN TASCO: I want to
9 piggyback on that question. What has
10 been so frustrating has been through the
11 years the ability to take control of a
12 property. You got to notify them 20
13 times. You got to go to court 15 times.
14 You got to get to the Sheriff's
15 Department. And it's five or six years
16 before you get control of that
17 department. Have you ever looked at a
18 way to shorten that time period? If you
19 notify somebody twice and tell them your
20 house is going to be demolished and they
21 don't respond, you ought to be able to
22 just go in and demolish it, because they
23 got notice. I mean, some people take
24 advantage of the Department because they
25 know that the law protects them. And I

1 5/12/15 - WHOLE - BILL 150162, etc.
2 don't want anybody who owns a property to
3 lose their property, but there has to be
4 a faster way to demolishing a building,
5 because if -- or taking it to Sheriff
6 Sale to sell it, because it just -- as
7 the Councilman said, the policy is light
8 and a hazard in the neighborhood. So I
9 just -- you don't have to answer that. I
10 mean, you can answer if you want to, but
11 I think your department, this lady here,
12 can find some way that allows you look at
13 other cities how they move properties
14 faster than we do.

15 COMMISSIONER WILLIAMS: Yeah.
16 Councilwoman, I certainly understand the
17 frustration that our residents have been
18 having with the procedure for dealing
19 with especially unsafe vacant properties,
20 and we are -- that's why it's one of our
21 top priorities in the Plan for a Safer
22 City, is that we want to use tools such
23 as conservatorship and also the Doors and
24 Windows that City Council passed a number
25 of years ago that's been proven to be a

1 5/12/15 - WHOLE - BILL 150162, etc.
2 very effective strategy. I just think
3 that we needed the additional resources
4 that you guys are approving for this
5 year's budget for us to do all that we
6 can to expedite that process.

7 One of the items that was
8 identified in the Special Independent
9 Commission report was improving the legal
10 process between L&I and Law so that we
11 can prioritize and get those cases much
12 faster to court, and that will lessen the
13 time for us to be able to address those
14 matters. So it won't take nine months.
15 It may take three or four months to
16 address. So we want to be able to not
17 only target those properties proactively
18 instead of waiting for the neighbors to
19 say, I've been waiting for this for three
20 years, no one has done anything. We want
21 to get there before it gets to that
22 three-year point and then put those cases
23 in court so we can get the property owner
24 to be held accountable for that, because
25 it does a number of things. The TRF, The

1 5/12/15 - WHOLE - BILL 150162, etc.
2 Reinvestment Fund, sponsored by the
3 William Penn Foundation, three years ago
4 did a study and showed property values
5 increased 5 to 15 percent when we
6 strategically enforced properties as
7 opposed to waiting for them to
8 deteriorate and go through a traditional
9 process.

10 So our number one priority is
11 to make sure that we proactively and
12 aggressively go after those type of
13 property owners to hold them accountable
14 and to get them into court much faster.

15 The other part that we're
16 working on -- and I've worked with the
17 Law Department and Chief of Staff Everett
18 Gillison -- is to improve the legal
19 process by having a closer relationship
20 with legal-affiliated members,
21 paralegals, to actually process cases
22 much faster than our Code Enforcement
23 process staff can do. They can focus on
24 doing inspections. Our paralegals can
25 focus on everything that's necessary to

1 5/12/15 - WHOLE - BILL 150162, etc.
2 get that owner in court. Because a lot
3 of the times, especially in Municipal
4 Court cases, about 25 percent of those
5 cases get thrown out for administrative
6 reasons. So bad address, unable to
7 deliver a writ of service. So those are
8 the things that we have to tighten up on
9 so that we can make sure that we get
10 those properties in court before they
11 become imminently dangerous or
12 deteriorated so bad that it becomes
13 nuisance property. So that's what we're
14 working on with this plan.

15 COUNCILWOMAN TASCO: Okay. I
16 have one other question. I have a lot,
17 but I'm going to ask just one. I see
18 that you're going to hire 27 plus
19 inspectors?

20 COMMISSIONER WILLIAMS: Yes.
21 We hired 27 last year. We're hiring an
22 additional 24 this year.

23 COUNCILWOMAN TASCO: How do you
24 recruit them? What's the backgrounds?
25 Is there a way to cooperate with the

1 5/12/15 - WHOLE - BILL 150162, etc.
2 School District to set up courses in the
3 schools where they can learn this whole
4 business and give jobs to young people
5 who may not go to college?

6 COMMISSIONER WILLIAMS: Yeah.
7 As a follow-up to Councilman Neilson's
8 comment earlier, I think it's a great
9 idea. Absolutely. The trade inspectors
10 require certain experience and background
11 before being hired to the Department.
12 You have to have at least two years
13 experience in one of the industry trades
14 to actually become a building inspector.
15 The operational inspectors are a little
16 different in terms of code enforcement.
17 But I think if we can have a discussion
18 about how we can transition high school
19 students into the trades through a
20 certified program that can be sponsored
21 either through either the union trades or
22 the GBC or professional affiliated
23 organizations, I think it would be a
24 great way to offer them an exposure, and
25 then hopefully down the line when they

1 5/12/15 - WHOLE - BILL 150162, etc.
2 get the experience, they will be able to
3 get hired through the City of
4 Philadelphia. I think that's a great,
5 great opportunity to combine what we're
6 teaching in schools to further employment
7 and educational opportunities here in the
8 City of Philadelphia.

9 COUNCILWOMAN TASCO: Thank you.

10 COUNCIL PRESIDENT CLARKE:

11 Thank you, Councilwoman.

12 The Chair recognizes Councilman
13 Jones.

14 COUNCILMAN JONES: Yes. I
15 wanted to follow up on what Councilwoman
16 Tasco said and before her Councilman
17 Neilson said, that we have an opportunity
18 to create our own stimulus package within
19 neighborhoods. Whenever you hire that
20 many people, there's a pipeline that
21 should be developed right out of our
22 public school system. There are many
23 good trade schools in the City of
24 Philadelphia that if you put in the specs
25 of what you're looking for at the end of

1 5/12/15 - WHOLE - BILL 150162, etc.
2 a day for a municipal employee, you could
3 retro-engineer the curriculum to fit
4 that. They can fit a math class into the
5 design of scaffolding for a building
6 externally. You can do geometry
7 questions, things like that. But if we
8 work with our school system, we don't
9 have to hire folk from Podunk County. We
10 actually hire some of our young people,
11 and it does something that I think is
12 very important. You put a hammer in
13 someone's young at-risk hands, you take a
14 hammer out of their hand and they become
15 responsible citizens because they have
16 gainful employment. I've noticed that
17 over the last budget period, you
18 commissioners are really looking at that,
19 but I think we can do a step further by
20 meeting with the trade school and saying,
21 Well, what kinds of folk do you produce?

22 Mercy Academy right down the
23 street from -- on Henry Avenue, they
24 found that some of the construction guys
25 during the summer said, We don't want any

1 5/12/15 - WHOLE - BILL 150162, etc.
2 other kids but the kids that come from
3 there, and it was a validation of the
4 process of training. We have to be able
5 to connect them to real jobs. And I
6 applaud you for what you're doing, but
7 challenge you to do more, because there
8 are folk that's sitting in this Chambers
9 that will work, raise a family, pay taxes
10 in the City of Philadelphia, become
11 football coaches, not necessarily
12 successful, but at least giving back to
13 young people that otherwise won't have
14 that opportunity. So the more you can
15 do, the better.

16 COMMISSIONER WILLIAMS: Thank
17 you, Councilman. I'm absolutely open to
18 look at an apprenticeship type program.
19 That's certainly something that I think
20 would be of value, especially to our
21 young people in the City of Philadelphia
22 to look for gainful, meaningful
23 employment right here in the City,
24 especially with the amount of development
25 that is happening. We are on the rise.

1 5/12/15 - WHOLE - BILL 150162, etc.
2 Our building permits are increasing, and
3 opportunities should avail themselves to
4 those that live, work, and go to school
5 here in the City of Philadelphia. So I'm
6 very open to that as well.

7 COUNCILMAN JONES: Giving
8 credit to Councilman Neilson and
9 Councilwoman Tasco who raised this issue.

10 Thank you.

11 COUNCIL PRESIDENT CLARKE: Are
12 you good, Councilman?

13 COUNCILMAN JONES: Yes.

14 COUNCIL PRESIDENT CLARKE:
15 Thank you. There appears to be no other
16 members teed up. I want to thank you
17 very much for your testimony. Have a
18 good day.

19 COMMISSIONER WILLIAMS: Thank
20 you, Council President. And if I can
21 close, I just wanted to interrupt
22 Councilwoman Tasco for a second and say I
23 know this is our last budget together and
24 it's been a pleasure working with you and
25 I am honored to have known you for all

1 5/12/15 - WHOLE - BILL 150162, etc.
2 the years, and thank you for the support
3 and wish you nothing but the best in your
4 future retirement. God bless.

5 COUNCILWOMAN TASCO: Thank you
6 very much. I'll see you around.

7 COMMISSIONER WILLIAMS: I'm
8 sure you will. I got you.

9 COUNCIL PRESIDENT CLARKE:
10 Thank you.

11 COMMISSIONER WILLIAMS: Thank
12 you, Council President.

13 COUNCIL PRESIDENT CLARKE:
14 You're welcome.

15 Although we do have two days of
16 callbacks, Commissioner.

17 COMMISSIONER WILLIAMS: Yes,
18 sir. Yes, sir. Understood.

19 COUNCIL PRESIDENT CLARKE: You
20 may be on that list.

21 This Committee will stand in
22 recess until Thursday, May 21st, 2015 at
23 1:00 p.m., at which time we will
24 reconvene in Room 400, City Hall.

25 Thank you all very much.

Committee of the Whole
May 12, 2015

1 5/12/15 - WHOLE - BILL 150162, etc.

2 (Committee of the Whole

3 adjourned at 12:50 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

Committee of the Whole
May 12, 2015

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City of Philadelphia

Recessed Hearing Notice

May 5, 2015

The **Committee of the Whole** of the Council of the City of Philadelphia held a Public Hearing on **Tuesday, May 5, 2015**, and recessed the public hearing until **Tuesday, May 12, 2015 at 10:00 AM**, in **Room 400, City Hall**, to hear further testimony on the following:

- 150162** An Ordinance to adopt a Capital Program for the six Fiscal Years 2016-2021 inclusive.
- 150163** An Ordinance to adopt a Fiscal 2016 Capital Budget.
- 150164** An Ordinance adopting the Operating Budget for Fiscal Year 2016.
- 150179** Resolution providing for the approval by the Council of the City of Philadelphia of a Revised Five Year Financial Plan for the City of Philadelphia covering Fiscal Years 2016 through 2020, and incorporating proposed changes with respect to Fiscal Year 2015, which is to be submitted by the Mayor to the Pennsylvania Intergovernmental Cooperation Authority (the "Authority") pursuant to the Intergovernmental Cooperation Agreement, authorized by an ordinance of this Council approved by the Mayor on January 3, 1992 (Bill No. 1563-A), by and between the City and the Authority.

Immediately following the public hearing, a meeting of the Committee of the Whole, open to the public, will be held to consider the action to be taken on the above listed items.

Copies of the foregoing items are available in the Office of the Chief Clerk of the Council, Room 402, City Hall.

Michael Decker
Chief Clerk

**BOARD OF PENSIONS AND RETIREMENT
FISCAL YEAR 2016 BUDGET TESTIMONY
MAY 12, 2015**

EXECUTIVE SUMMARY

DEPARTMENT MISSION AND FUNCTION

Mission: The Board of Pensions and Retirement (the Board) is responsible for the creation and maintenance of an actuarially sound Retirement System for the benefit of all current and future benefit recipients. The nine member Board is composed of the Director of Finance, who serves as chairperson, the Managing Director, the City Solicitor, the Human Resources Director, the City Controller and four members who are elected by the Civil Service employees of the City. In addition, there is one non-voting member on the Pension Board, who is appointed by the President of City Council. The Executive Director administers the day-to-day activities of the Retirement System, providing services to over 64,000 members.

Description of Major Services: The Board acts as a 'trustee' to make sure that the Retirement System remains actuarially and financially sound for the benefit of current and future benefit recipients. With the assistance of staff and professional consultants, the Board manages assets in the pension system and develops policies and strategies that enable the Board to successfully implement its fiduciary duties. In addition, the Board formally approves all benefit applications.

PROPOSED BUDGET HIGHLIGHTS/FUNDING REQUEST

Budget Highlights: The Pension Board is entirely funded by the Pension Fund. The Pension Board's proposed FY16 budget is \$2.4 million lower than the current projection for FY15 because FY15 included one-time costs related to the One Philly Project.

Fund	Class	FY14 Actual	FY15 Current Projection	FY16 Proposed Budget	FY16-FY15 Change	FY16-FY15 Percent Change
	100	6,448,745	7,058,000	7,170,000	112,000	1.6%
	200	1,753,784	5,093,667	2,538,000	(2,555,667)	-50.2%
Other*	300/400	65,771	138,000	138,000	0	0.0%
	800	178,885	125,000	125,000	0	0.0%
	Total:	8,447,185	12,414,667	9,971,000	(2,443,667)	-19.7%
	Positions	50	77	73	0	0.0%

Staff Demographics Summary (as of December 2014)

	Total	Minority	White	Female
Full-Time Staff	58	36	22	44
Executive Staff	7	5	2	4
Average Salary - Executive Staff	\$107,537	\$95,492	\$137,649	\$79,583
Median Salary - Executive Staff	\$98,325	\$98,325	\$159,131	\$77,634

Employment Levels (as of December 2014)

	Budgeted	Filled
Full-Time Positions	77	58
Part-Time Positions	0	0
Executive Positions	7	7

Contracts Summary (* as of December 2014)

	FY10	FY11	FY12	FY13	FY14	FY15*
Total amount of contracts	\$31,026,354	\$32,546,075	\$27,410,231	\$29,890,980	\$37,621,563	\$8,263,554
Total amount to M/W/DBE	\$3,372,233	\$4,216,549	\$2,560,146	\$3,939,110	\$4,881,899	\$1,196,500
Participation Rate	11%	13%	9%	13%	13%	14%

PERFORMANCE, CHALLENGES AND INITIATIVES

DEPARTMENT PERFORMANCE (OPERATIONS)

The Pension Board staff is efficient and professional. One of the measures we use is the administrative cost per member to perform our duties. The most recent data available shows that through June 30, 2014, our cost to administer the plan is \$130 per member. Although the previous annual cost figures decreased from prior years, the \$130 cost is the lowest for a full fiscal year since adopting the measurement. According to the Pennsylvania Employee Retirement Commission, our annual cost per employee is among the lowest in the industry.

An additional measure we use is the time it takes an individual to obtain an appointment with a counselor. Since implementation of a more coordinated scheduling process, the time has reduced considerably, from more than four weeks to often less than two weeks. The availability of the counselors also improved by allowing estimates and retirements via mail.

DEPARTMENT CHALLENGES

Ongoing management challenges include harnessing advanced technology in the marketplace to create further efficiencies for our employees to utilize. The burgeoning availability of forms on our web site that are commonly used by members, along with the ability to complete retirement via mail, are examples of using technology and/or alternatives to the traditional counselor appointment to provide additional options for our members and increase efficiency.

An initial challenge was to coordinate the workflow of the department in a manner that enabled the talented and knowledgeable staff to fully use their skills. By creating a largely flat organization and empowering our employees to challenge the conventional or accepted way of doing things, we believe the free flow of ideas among all of us has resulted in finding improvement of processes and growth of our professionals.

The current challenge is to continue to ensure that silos do not exist and that everyone feels empowered to share their ideas and/or question established procedures to improve the workplace. A central challenge of the Board and investment staff is to continue to work diligently to identify investments which will reduce fees, provide above-market returns and mitigate risk.

ACCOMPLISHMENTS & INITIATIVES

Improved Returns and Updated Investment Strategy: Following the financial distress and contraction of the world stock markets in 2007-2009, the Fund reviewed its asset allocation and adopted an asset mix intended to create more income and reduce relative risk; while positioning itself to capture positive market performance. The annual market returns and corresponding actuarial returns are listed in the following table. The actuarial return smoothes gains and losses over a number of years to lessen their impact on any one year.

Fiscal Year	Market Return	Actuarial Return
FY10	13.8%	12.9%
FY11	19.4%	9.9%
FY12	0.2%	2.4%
FY13	12.1%	5.1%
FY14	15.7%	4.8%

Increased Number of Electronic Fund Transfers: The Board continues to increase the percentage of monthly benefit recipients who receive their payment through electronic funds transfer (EFT). That number now stands at 31,764, representing over 91% of the Board's monthly payments. Each monthly EFT recipient saves the Board \$4 in postage annually.

Improved Online Access to Information: The Board continues to update its website to include more forms that are commonly used by members and provide access to retirement benefit and investment information for those who are

interested in learning more about the Pension Fund. Minutes of the Board's monthly benefit, investment and deferred compensation meetings are posted to this site as soon as they are approved by the Board.

Increased Number of Deferred Compensation Participants: The Board continued to increase the number of deferred compensation participants by holding deferred compensation seminars at department locations, distributing educational materials, implementing online enrollment and contribution authorization, and by generally increasing employee awareness of the benefits of the program. Membership in deferred compensation through February 28, 2015 was 18,544 (up from 17,496 on February 28, 2014) with total assets of \$896 million (up from \$824 million on February 28, 2014).

STAFFING

The current budgeted staffing level appears to be at or close to the appropriate level. Our intent is to continue to evaluate and review the vacancy level based on necessity. The fiscal year 2015 budget contains funding for 77 positions that service nearly 65,000 participants. This is the same number of positions that are budgeted for in the current fiscal year. To date in FY15, the Board has no expenditures for temporary staff. The Board anticipates overtime expenditures of approximately \$20,000 in FY15 to address a significant increase in retirements from DROP during the period November 2014 through February 2015. Current DROP participation levels do not forecast a repeat of this peak activity level through FY20, minimizing the Board’s need to utilize overtime going forward.

Overtime and temporary staff expenditures during previous years were as follows: FY14 (\$0 / \$0); FY13 (\$0 / \$3,336); FY12 (\$0 / \$0); FY11 (\$1,580 / \$1,389); FY10 (\$45,051 / \$22,175); FY09 (\$112,963 / \$66,814); and FY08 (\$111,332 / \$89,031).

The staff of the Board of Pensions is 76% female, 57% African-American and 5% Asian-American. The Board’s executive staff is composed of the Executive Director, Deputy Pension Director, the Chief Investment Officer and two Benefit Administrators. The demographic of the executive staff is 60% female and 60% minority. There is not a large multilingual population at the Board. One staff member speaks Italian.

Staff Demographics (as of December 2014)

<i>Full-Time Staff</i>				<i>Executive Staff</i>			
		Male	Female			Male	Female
		African-American	African-American			African-American	African-American
<i>Total</i>		4	29	<i>Total</i>		0	4
<i>% of Total</i>		6.9%	50.0%	<i>% of Total</i>		0.0%	57.1%
		White	White			White	White
<i>Total</i>		7	15	<i>Total</i>		2	0
<i>% of Total</i>		12.1%	25.9%	<i>% of Total</i>		28.6%	0.0%
		Hispanic	Hispanic			Hispanic	Hispanic
<i>Total</i>		0	0	<i>Total</i>		0	0
<i>% of Total</i>		0.0%	0.0%	<i>% of Total</i>		0.0%	0.0%
		Asian	Asian			Asian	Asian
<i>Total</i>		3	0	<i>Total</i>		1	0
<i>% of Total</i>		5.2%	0.0%	<i>% of Total</i>		14.3%	0.0%
		Other	Other			Other	Other
<i>Total</i>		0	0	<i>Total</i>		0	0
<i>% of Total</i>		0.0%	0.0%	<i>% of Total</i>		0.0%	0.0%
		Bi-lingual	Bi-lingual			Bi-lingual	Bi-lingual
<i>Total</i>		0	0	<i>Total</i>		0	0
<i>% of Total</i>		0.0%	0.0%	<i>% of Total</i>		0.0%	0.0%
		Male	Female			Male	Female
<i>Total</i>		14	44	<i>Total</i>		3	4
<i>% of Total</i>		24.1%	75.9%	<i>% of Total</i>		42.9%	57.1%

CONTRACTING

**M/W/DBE Participation on Large Contracts
FY15 Contracts**

Vendor	Service Provided	Amount of Contract	RFP Issue Date	Contract Start Date	Ranges in RFP	% of M/W/DBE Participation Achieved	\$ Value of M/W/DBE Participation	Total % and \$ Value Participation - All DSBES	Living Wage Compliant?
400 Capital	Hedge Fund Manager	\$924,392	N/A	6/1/13	MBE: N/A	0%	\$0		N/A
					WBE: N/A	0%	\$0	0%	
					DSBE: N/A	0%	\$0	\$0	
Axonic	Hedge Fund Manager	\$623,552	N/A	2/1/13	MBE: N/A	0%	\$0		N/A
					WBE: N/A	0%	\$0	0%	
					DSBE: N/A	0%	\$0	\$0	
KKR	Hedge Fund Manager	\$390,312	N/A	7/1/13	MBE: N/A	0%	\$0		N/A
					WBE: N/A	0%	\$0	0%	
					DSBE: N/A	0%	\$0	\$0	
ICMA-RC	457 Plan TPA	\$266,460	N/A	9/1/12	MBE: N/A	0%	\$0		Yes
					WBE: N/A	0%	\$0	0%	
					DSBE: N/A	0%	\$0	\$0	
PFM	Oppty Fund Mgr of Mgrs	\$262,751	N/A	11/1/08	MBE: N/A	87%	\$227,736		Yes
					WBE: N/A	13%	\$35,015	100%	
					DSBE: N/A	0%	\$0	\$262,751	

As part of the Board’s efforts to increase participation goals, the Board again conducted a Utilization Study using PSN to determine the number of available minority and women owned investment management firms that meet the Board’s minimum criteria among the investment universe. Using the PSN Database, Staff created a filter to get a universe of managers that have a 3 year track record and an active product with at least \$100 million in Assets Under Management. After running the filter, 1,170 firms with 8,159 products were available. Of this amount, 110 firms and 494 products had greater than 50% minority or woman ownership. This equates to 9.4% of firms and 6.1% of products. As of 2/28/2015, the Board had a total 108 managers, of which 26 were MWBE products, a percentage of 24.1%.

The Board also developed criteria which broadened the scope of investment opportunities for emerging, minority or women managers outside the areas of public equities and fixed income to extend to the area of private equity, real estate and hedge funds. The new criteria resulted in the hiring of several diverse managers in the area of alternative investments. The Board anticipates continued allocations to diversity managers in the alternative asset class during the remainder of calendar year 2015. More detail is included in the Investment section of our testimony.

Fees paid to investment managers make up the largest portion of the Board’s contract expenses. These management fees are asset based and can vary greatly depending on the change of asset levels, making fees for the remainder of FY15 and FY16 difficult to project.

Recently, the Board agreed to support the Thirty Percent Coalition. This Coalition is a group of industry leaders, including institutional investors, who collaborate to achieve gender diversity in public company boardrooms. In addition, we work closely with our proxy consultant and join with other public pension funds to leverage our shareholder influence in order to increase ethnic and gender diversity and reform general corporate governance.

Additional outreach to increase the Board’s participation percentage includes sending notification of every RFP to the following organizations:

- African American Chamber of Commerce of Pennsylvania, New Jersey and Delaware
- Greater Philadelphia Chamber of Commerce

- National Association of Asian American Professionals
- Greater Philadelphia Urban Affairs Coalition
- Women's Business Development Center

Furthermore, we send notification of all RFP's to OEO.

It is the Board's intent to continue our outreach efforts in order to increase the use of minority, women and local managers, while also prudently exercising our fiduciary duty to the Pension Fund.

OTHER BUDGETARY IMPACTS

FEDERAL AND STATE (WHERE APPLICABLE)

N/A

OTHER

Funding Percentage:

According to the Board's 2014 Actuarial Valuation Report, the funding percentage for the plan year ending on June 30, 2014 is 45.8%, a decrease from the 47.4% funding level for the same period in FY13. According to the actuary, the valuation results reflect the effect of a decrease in the assumed rate of return from 7.85% to 7.80% and the application of a 0.54% liability load to account for funding of benefits payable under the Pension Adjustment Fund (PAF). The actuary states further that "while this ratio may appear to reflect lack of progress in funding, the Fund's risk profile is being improved by including funding for the PAF and lowering the discount rate."

On a market to liability basis, the funding percentage increased from 43.9% to 46.1% for the plan year ending June 30, 2014, reflecting favorable investment return results.

The Board continues to work with the Administration to reduce the assumed rate of return. The Board voted in March 2014 to reduce this rate from 7.85% to 7.80%. Over the last seven years, the assumed rate of return has been reduced ninety five basis points (8.75% to 7.80%), which is more than three times greater than the combined reductions in the entire history of the fund. As indicated by the actuary, although reducing the assumption rate is a factor that reflects negatively on the current funding ratio, the lower rate improves the Fund's risk profile going forward. Through February 2015, the average annual return of the Fund since inception is 7.80%.

Legislation:

The Board continues to administer the terms of Council legislation concerning DROP and PLOP, subject to applicable stipulations agreed to by the unions and the administration, staying full implementation pending the outcome of current litigation.

Plan 10, the hybrid defined benefit and defined contribution plan, has been implemented for new Police, Fire, Exempt, Non-Represented, District Council 33 and 47 represented, Deputy Sheriff's, Correctional Officers, and Register of Wills employees. The Correctional Officers and Register of Will employees are mandatory Plan 10 participants; while all other employees have the option to opt out of Plan 10 and pay an additional 1% pension contribution rate.

Retirements:

From July 1, 2014 through February 28, 2015 there were 823 retirements and 455 withdrawals of contributions. The totals for the corresponding period in FY14 were 820 retirements and 577 withdrawals of contributions.

For the period July 1, 2014 through February 28, 2015, there were 352 DROP enrollments. For the corresponding period of July 1, 2013 through February 28, 2014, there were a total of 274 DROP enrollments.

Retirement Seminars:

Retirement Planning Seminars continue to be attended by an average of 60 persons per session. Eight (8) of these programs are held per year.

A secondary retirement education program designed to serve those employees in the early stages of retirement planning, has been in place for five years. The average attendance at these sessions, which are held six times per year, is 60 employees. In addition, the Board's Deferred Compensation Provider has a Certified Financial Planner available for consultation free of charge for all members.

The Board utilizes its own staff and that of the 457 Plan Third Party Administrator to deliver presentations at these seminars. As a result the projected cost for providing these programs in FY15, and all years going forward, is limited to the cost of distributing handouts of the various presentations. This is an annual saving of approximately \$50,000 per year in comparison to the cost of compensating presenters from outside the Board.

Pension staff also participates in education seminars at the Fraternal Order of Police, Firefighters Local 22, District Council's 33 & 47, as well as various City departments for non-represented and exempt employees several times per year.

Investments:

The Pension Fund returned 15.6% on a market basis for the fiscal year ending June 30, 2014 with a net asset value of \$4.91 billion. The actuarial market basis return was 15.7% reflecting the differences created by the actuary using a different return calculation method that is more sensitive to the timing of cash flows, with a net asset actuarial value of \$4.81 billion. Based on the annual actuarial valuation, the Fund's actuarial return, which is the ten-year smoothed return, as of June 30, 2014 was 4.81% and the funding ratio was 45.8%, a reduction from the funding ratio of 47.4% for June 30, 2013, reflecting mainly the 0.05% decrease in the assumption rate and the 0.54% liability for the Pension Adjustment Fund.

In 2014 the Plan was named *Institutional Investor's* Small Public Plan of the Year, a category that includes public plans that are \$15 billion and under in assets managed. Institutional Investor, a monthly periodical that is published by Euromoney Institutional Investor, held their 12th annual Industry Awards event in New York City in June of 2014. The awards recognize U.S. institutional investors whose innovative strategies and fiduciary knowledge stood out in the eyes of the investor community for their extraordinary performance, risk management and service.

Working in conjunction with the Plan's General Consultant and investment staff, the Board approved an asset allocation strategy in January of 2015 that reaffirmed last year's target portfolio mix. The allocation study continues to focus on the optimal allocation mix of investment strategies that will achieve the targeted actuarial level of return at the lowest possible level of risk to the Plan. The asset mix builds on the prior allocation recommendation to target strategies that are designed to generate current income while also dampening the overall level of return volatility.

The Board, with assistance from the Plan's General Consultant and investment staff, conducted a comprehensive review of the Plan's Opportunity Fund, a Manager-of-Manager program designed to provide capital to diverse, local and emerging investment managers that have traditionally faced certain disadvantages when seeking institutional capital. After a thorough review of all options available, the Board elected to restructure the Opportunity Fund allocation in a way that would better reflect the current investment landscape and the new asset allocation and strategy implementation. The restructuring moved the Plan away from the Manager-of-Manager model and focused on creating a direct relationship with the underlying investment managers. The benefits of this restructuring are as follows:

- Direct relationship provides the Board with greater flexibility and control for the review, selection, sizing, monitoring and termination of investment managers. In addition, direct relationships allow greater flexibility to adjust the overall portfolio to meet asset allocation targets and the payment of benefits.
- Removes the additional layer of fees that were charged by the Manager-of-Managers and provides the opportunity to negotiate investment manager fees directly.
- Diverse, local and emerging investment managers want to have a direct relationship with Institutional Investors. This relationship is symbiotic as the City benefits from greater control of its investments and the manager benefits in the marketplace by having a direct institutional relationship which is often required prior to receiving more capital from other institutional investors.
- Focuses the Opportunity Fund mission to invest in diversity, local, and emerging managers across all asset classes, including Alternative Investments, including (but not limited to) private equity and private real estate. This will increase the number of funds available beyond the current universe and offer the Plan more options for the strategic deployment of capital.

- The overall sizing of the Opportunity Fund has, and will continue to, increase as all asset classes and strategies are included.

The Plan initiated a comprehensive search across all asset classes to seek out the best available diverse, local and emerging investment managers. Existing Plan managers were evaluated alongside external managers and a final line-up of high quality domestic equity, fixed income, and international managers were selected for a direct allocation of capital. The allocations made to diversity and local investment managers total \$499 million.

As part of this transition away from the manager-of-manager model to a direct fund investment in diverse, local and emerging managers in the domestic equity, international equity and fixed income asset classes, the Board was able to negotiate a reduction in overall fees of approximately \$900,000 per year going forward.

The Board continues to seek out high quality diverse, local, and emerging managers for allocations across all asset classes, including alternative investments. It is also expected that these additional allocations will increase the diversity participation in the Plan while providing superior risk adjusted returns to the beneficiaries.

It is the goal of Board of Pensions staff to continue to provide education and improved services to its members.

DEFENDER ASSOCIATION OF PHILADELPHIA

1441 Sansom Street
Philadelphia, PA 19102
(215) 568-3190

CHARLES A. CUNNINGHAM
ACTING DEFENDER

MEMORANDUM
March 31, 2015

TO: HONORABLE DARRELL L. CLARKE, COUNCIL PRESIDENT AND
MEMBERS OF PHILADELPHIA CITY COUNCIL

FROM: CHARLES A. CUNNINGHAM, ACTING DEFENDER
DEFENDER ASSOCIATION OF PHILADELPHIA

RE: STATEMENT IN SUPPORT OF FISCAL YEAR 2016 APPROPRIATION
REQUEST FOR THE DEFENDER ASSOCIATION OF PHILADELPHIA

Good morning Council President Clarke and Members of City Council. My name is Charles A. Cunningham, Acting Defender of the Defender Association of Philadelphia, and I am here to present testimony in support of the Association's FY 2016 budget appropriation. With me today is Kristen Muhl, Chief Financial Officer for the Association.

The Defender Association of Philadelphia is an independent, not-for-profit corporation that provides legal representation to indigent Philadelphia citizens through a purchase of services contract with the City of Philadelphia. Defender attorneys represent adults and juveniles charged with criminal offenses, adults and juveniles who become the subject of involuntary civil mental health commitment procedures, and dependent and neglected children whom the City's Department of Human Services designates as in need of a Child Advocate to protect their legal rights. The office receives all of its cases through an appointment process managed by the Courts. Only those who meet the indigence standards set by the Courts will be appointed a "public defender." The Defender Association cannot provide representation unless appointed by the Courts to do so and cannot reject a case unless such representation would constitute a conflict of interest. The

Association receives approximately 65,000 new cases per year, or 70% of the cases available for appointment.

For FY 2016, the Budget Director has appropriated a budget of \$41,753,949. The Association is requesting an additional appropriation of \$5.1 million, to be distributed in the following areas:

- Eight (8) attorney positions. Changing from a system of three divisions (misdemeanors, felony waiver and jury trials) to a system of six zones, each with a mix of all levels of cases, increased our need for supervisors and assistants. Eight attorney positions were added during the transition and we are now asking for funding for those positions.
- Five (5) administrative positions. We need two (2) scanning clerks and three (3) Information Technologies staff (one systems developer and two desktop support personnel).
- Salary parity. The City added \$500,000 to the budget to advance the promised goal of achieving salary parity between Association employees and City employees. We are asking for an additional \$1.5 million in FY 2016; however \$6 million is needed if we are to reach our goal of parity within the next three years.
- Medical costs. At one time, the City automatically added a 10% increment to the budget each year for health insurance increases. That increment was subsequently removed and each year we must renegotiate an increase in this category.
- Benefits costs. Benefits costs, employer taxes, etc., related to the wage increases and new positions.

Although it may appear that the Defender Association's budget is large in comparison to that of the District Attorney's Office, it would be unfair to compare the two offices without accounting for the differences in funding. As an independent entity, the Association must provide for every expense

related to running an independent office and does not have access to City resources. Unlike the District Attorney's Office, the Defender Association's budget must fund all aspects of a stand-alone business: rent, utilities, equipment, telephone systems, computers, supplies and expenses, payroll taxes, benefits such as health insurance, life insurance, disability, and Workers' Compensation, malpractice insurance, business and property insurance, etc. In addition, the District Attorney's Office receives forfeiture monies, state and local grants and receives funding for technology and new initiatives through the City.

Although the Association made the change to the Zone System much later than the other criminal justice partners, the system is functioning well. Zoning promotes more one-to-one contact with clients, better file control and fewer continuances, thus keeping cases moving through the system.

The advent of electronic filing for criminal matters and the passing of discovery through electronic means within the past two years have placed increasing demands on our Information Technologies Department. There are also an increasing number of cases where videos, other electronic devices and social media have become important pieces of evidence. Therefore, it is incumbent upon the Defender Association to make every effort to locate this type of evidence and expend resources to retrieve it. Obviously this requires a change in our practice and our requirements. Because of these changes, it is even more imperative that our Information Technologies Department have the resources to ensure that we are able to keep pace with our partners in the criminal justice system.

We continue to work toward the creation of an electronic file, which we call the Defender Case Management System (DCM). Our DCM system includes notes of testimony, discovery, investigation reports, attorney case file notes, status and case tracking information using the bar

codes on the files. This system, while not only enabling us to better track our files, has also enabled us to retrieve information even if the file cannot be located. These advances cut down on the need for continuances and therefore save time and money.

The decision to start scanning closed trial files and to stop using an offsite storage facility to archive closed files continues to reap benefits for the office, both from the perspective of savings and file accessibility. We now have 6 ½ years of trial files in electronic form and have reduced our offsite storage inventory by more than 50%. Almost without exception, no trial files have been sent to off-site storage since 2002.

The Defender Association continues to work with the First Judicial District and the District Attorney's Office to ensure an efficient criminal justice system. Through programs such as the Accelerated Misdemeanor Program, Crash Court and other diversion courts such as Treatment Court, Veteran Court and Domestic Violence Court, many cases have been diverted from the trial room to programs that will help both the client and our community. In addition to these programs, the Defender Association plays a major role in the Intermediate Punishment Program. Again we are talking about a program that saves valuable judicial time while at the same time addressing the issues that have led to the client's involvement in the judicial system. Last but not least, the Defender Association handles many early parole petitions that, with the consent of both the District Attorney and the Court, enable people to gain an early release from an overcrowded prison system. We are also prepared to expand this program to other clients who were not originally appointed to the Defender Association, but now find themselves without representation. This will only require a small increase in our administrative staff, approximately one person at a cost of \$50,000 (this includes benefits). At the same time it has been estimated that the savings to the city will be about

\$4,000,000. It therefore goes without saying that the cost of one administrative person is a small price to pay for the savings that the city will experience.

As a member of the criminal justice partners, the Defender Association continues to play a role in the efficient running of our judicial system. As such, we never forget that our first duty is to our clients. We continue to look for new ways to provide better representation to our clients. We also continue to work hard to ensure that our clients receive the very best representation. Recently we were involved in two favorable decisions handed down by the Pennsylvania Supreme Court. In the case of Commonwealth v Benjamin Walker, our Appeals Division argued that expert testimony should be admissible regarding the reliability of eye witness testimony as it pertains to identification when certain factors are present. Although 47 states as well as the Federal Courts had accepted this type of testimony, it was not until the Defender Association argued this issue before the Pennsylvania Supreme Court that Pennsylvania joined in this enlightened approach. The second important decision involved our Child Advocate Unit. In the Interest of L.Z a Minor Child, our Child Advocate Unit sought to protect the rights of a minor and argued the case before the Pennsylvania Supreme Court. In its decision the Pennsylvania Supreme Court sustained the position of the Child Advocate and ruled that where a child is neglected and /or harmed the courts are justified in presuming that the parent/caregiver has failed to meet her/ his responsibility to ensure the safety of the child. These are just two examples of how the Defender Association continues to have an impactful role in our justice system.

The Association has always shown its commitment to staff diversity by actively recruiting job candidates, especially minority applicants, from a diverse network of sources. Our staff is made up of 510 members, included in which are 305 women (60%) and 190 members of minority groups (38%). Although there is no residency requirement for Defender Association employees,

approximately 67% of staff resides in the City of Philadelphia.

With few exceptions, the Association does not enter into contracts for goods and services and does not use subcontractors. Nevertheless, it is our policy to seek out vendors who are members of the Minority Business Enterprise/Women's Business Enterprise/Disabled Business Enterprise network. We also routinely check the OEO (Office of Economic Opportunity) database for new vendors and services. The Business Manager reviews purchase orders prepared by the Purchasing Agent, Information Technology Director, etc. before purchases are finalized and assures that we are making reasonable attempts to choose suppliers who are listed as members of the MBE/WBE/ DSBE.

The Association's Board of Directors has had some preliminary discussions with the City regarding the creation of a conflict office. We believe a Defender conflict office, if established, will enhance the representation of those people who are subject to conflict representation.

Finally, I would like to say that the entire staff of the Defender Association is committed to the idea that we are responsible for providing the very best representation that anyone who is accused of a crime can receive. The staff of attorneys is well trained and hard-working. They manage a caseload that at times seems incredible. Yet they not only handle it but they do so in a fashion that would allow you the opportunity to say that Philadelphia has one of the best public defender offices in the nation.

Thank you for your support of the Association and its work.

Attachments:

EEO Report
Residency Report

DEPARTMENT
FISCAL YEAR 2016 BUDGET TESTIMONY
March 26, 2015

EXECUTIVE SUMMARY

DEPARTMENT MISSION AND FUNCTION

Explain in narrative and/or bulleted form the overview of the department's mission, and any other pertinent facts related to the department's operation. Should include department's short and long-term goals, and other performance facts.

Mission and Description of Major Services:

The Defender Association of Philadelphia provides competent, quality legal representation to indigent adult and juvenile defendants charged with criminal offenses, to respondents in civil mental health proceedings, and to dependent and neglected children in custody and abuse matters as appointed by the Philadelphia courts.

Short and long-term goals:

- o The Defender Association represents 70% of the defendants who qualify for no cost criminal representation and, overall, receives approximately 60,000 new cases each year.
- o The Defender Association is in the process of restructuring the office by assigning felony and misdemeanor cases according to the zone system.
- o The Defender Association continues to work toward automating its practice by using a case management system.
- o The Defender Association is in negotiations with the City Administration, exploring the possibility of establishing a public service pay equity plan.

PROPOSED BUDGET HIGHLIGHTS/FUNDING REQUEST

Highlights of proposed budget request and fiscal year achievements/challenges in bulleted form. Explain in narrative and/or bulleted form the department's proposed funding request. Should include details on the purpose of the request, and specific cost allocation of the requested funding.

Budget Highlights:

The Defender Association is working with the City to implement a public service pay equity plan.

The Defender Association continues to move toward automating its file management program with no additional funding from the City thus far.

The Defender Association needed additional supervisors/attorneys to meet the needs of a zone structure.

Proposed Funding Request:

- o 5 information technology positions for \$299,000
- o 8 attorney positions for \$896,480
- o Parity increase of \$1,500,000

- 3% general salary increase for staff for \$882,000
- Medical insurance increase in cost of \$792,000
- Benefits including employer taxes related to salary increases for \$531,000
- 5% general increase in operating costs for \$173,800
- One-time cost to purchase servers for \$50,000

[Placeholder: Staff Demographics Summary Table]

[Placeholder: Employment Levels Table]

[Placeholder: Contracts Summary Table]

PERFORMANCE, CHALLENGES AND INITIATIVES

DEPARTMENT PERFORMANCE (OPERATIONS)

Explain in narrative and/or bulleted form the department's operational performance for current fiscal year. Include additional performance measures/models here. Explain methodology of measurement.

The Defender Association measures productivity by tracking and reviewing caseload and workload numbers. The numbers are strong evidence of an efficient operation. We also measure the impact the office has on the criminal justice system through its participation in the various specialty programs: AMP, Drug Court, Veterans Court, Domestic Violence Court, etc... In alternative sentencing programs (which assist incarcerated prisoners with getting out of jail and into rehabilitative settings, thus reducing the county prison population and easing the prison overcrowding situation), we track the success of parole petitions filed to measure productivity and effectiveness.

Internally, the office has followed the Courts and moved to a "Zone" system of providing representation. Although the volume of cases assigned to the office prevents individual representation in all but the most serious cases, zoning has made it more efficient for attorneys to represent the same client at multiple listings of a case and helps them maintain a better working relationship. This will lead to fewer case continuances, more expeditious dispositions of cases, and better client relations.

DEPARTMENT CHALLENGES

Explain in narrative and/or bulleted form the departmental challenges, and the budgetary impacts of these challenges, experienced in current or prior fiscal years and how your department has overcome or plans to overcome them.

Our biggest challenge continues to be low morale and keeping competent staff, considering the fact that those at the Defender Association are paid far less than their counterparts at the District Attorney Office and the City Solicitor Office and do not have the same retirement benefits.

ACCOMPLISHMENTS & INITIATIVES

Explain in narrative and/or bulleted form past accomplishments and current/future initiatives and include specifics on what data was tracked, and the actual costs of the initiatives.

The Defender Association has been slowly automating its case management system. We have requested \$299,000 from the City to hire additional staff to complete the process.

The Defender Association has followed the Courts and moved to a "Zone" system of providing representation. The office tracks cases opened, cases closed, hearings, date disposed and hearing date.

We are continuing negotiations with the City for a public service pay equity plan. The City Administration has examined the salary disparity between Defender staff and that of their counterparts in the City: the District Attorney Office and the City Solicitor Office and found merit to our request. The City Administration has promised to come up with a plan to close the salary gap that includes our entire staff of attorneys, social workers, paralegals, administrative, and law interns. As we get closer to the end of the current Administration, it seems unlikely that goal will be realized. We would like to see something concrete in the 5-year Plan that lays the foundation for progress in this area.

STAFFING

Please insert narrative describing the Staff and Demographics table from the excel file.

[Placeholder: Staff and Demographics Table]

CONTRACTING

[Placeholder: Staff and Demographics Table]

OTHER BUDGETARY IMPACTS

FEDERAL AND STATE (WHERE APPLICABLE)

Explain in narrative and/or bulleted form the impacts of increased or decreased federal and/or state funds.

The Defender Association receives approximately \$500,000 from federal and state agencies annually. We expect a 20% reduction in this level of funding in the upcoming fiscal year. We will reduce our staff accordingly.

OTHER

Explain in narrative and/or bulleted form the impacts of other factors on your department.

OTHER RELEVANT DATA AND CHARTS

**SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY
FISCAL YEAR 2016 BUDGET TESTIMONY
MAY 12, 2015**

EXECUTIVE SUMMARY

DEPARTMENT MISSION AND FUNCTION

SEPTA's core focus continues to be the delivery of safe and dependable transit services to the residents of the City of Philadelphia. The Authority continues to make the customer experience an organization priority emphasizing courtesy, cleanliness, communication and convenience. With our strategic focus on the customer and investment in the Authority's infrastructure and vehicles, ridership continues to grow throughout the SEPTA system with ridership recently at a 25 year high.

PROPOSED BUDGET HIGHLIGHTS/FUNDING REQUEST

SEPTA is pleased to submit the following testimony supporting the Authority's \$74 million FY 2016 Operating Budget request and provide an overview on initiatives and milestones achieved during the past year. The City contributes a subsidy to SEPTA, which is proposed at \$74,215,000 in the FY 16 General Fund budget. The subsidy amount will match the projected State operating subsidy as required by the Pennsylvania Act 44. The Authority's recently released FY 2016 operating budget totals \$1.36 billion and contains no fare increase along with making permanent the late night subway service on Friday and Saturday nights.

CURRENT INITIATIVES

The passage of State Act 89 provides additional resources for the Authority's Capital Program and SEPTA has launched "Rebuilding SEPTA for the Future". Highlights of the capital plan include improvements at 15th Street and City Hall Stations, new electric power substations and improvements to bus and rail maintenance facilities including roofs, boilers, fire suppression systems and employee facilities to improve their operation and working conditions for our employees. Major new vehicle procurements for City Transit Division operations include the acquisition of 525 new diesel-electric hybrid buses to be delivered over the next five years; 180 new vehicles for CCT operations to be delivered over the next three years; and modern light rail vehicles for the five subway-surface trolley routes and Route 15 on Girard Avenue. The acquisition of new vehicles is part of a comprehensive modernization program including stations, maintenance facilities, power and fare collection.

SEPTA is nearing completion of the renovation of the historic Wayne Junction Rail Station. We have worked very closely with our neighbors in the planning and scheduling of construction of this project. Last year, SEPTA worked with the City and Center City District in the renovation of transit facilities and connections as part of the Dilworth Park construction project work.

PERFORMANCE, CHALLENGES AND INITIATIVES

Construction will be completed this spring to make the Race-Vine Station on the Broad Street Subway accessible. This station serves the expanded Pennsylvania Convention Center, a major economic contributor to the City. Additional ADA accessibility improvements at 40th Street and Margaret-Orthodox Stations on the Market-Frankford Subway-Elevated and Erie Station on the Broad Street Subway are planned.

NEW INITIATIVES

With approval of the City Transit Division lease/leaseback agreement, SEPTA is making improvements in the cleaning and infrastructure renewal of the Center City Concourses. Phase 1 work is underway including replacement of escalators at 8th and 15th Streets and renovation of the elevator at 8th Street. An early action program is also underway to mitigate water infiltration and structural repairs at a number of locations throughout the concourse system.

With the New Payment Technology/SMART Card Project well underway, we look forward to a much anticipated transformation of the antiquated fare collection systems and processes currently in place. As the last major transit agency using tokens and paper transfers, the new technology will greatly enhance the convenience of fare payment in this region.

The Authority is strongly committed to DBE participation in SEPTA contracts. For contracts awarded during the last three fiscal years, DBE participation is 17.8%. SEPTA strongly feels its workforce should be representative of the region in which it serves.

STAFFING LEVELS

The SEPTA workforce of approximately 9,400 employees includes minorities at 62% and females at 20%. Since January 2012, new employees include minority hires at 62% and female hires at 25%.

OTHER BUDGETARY IMPACTS

The upcoming year will be unlike any other in SEPTA's history. In September, Philadelphia will host the Eighth World Meeting of Families and Pope Francis' first public Papal mass in the United States. More than two million attendees, including thousands of international visitors, are expected to attend the conference and Papal Mass. Ten months later, in July 2016, thousands of delegates and visitors from all fifty states will arrive in Philadelphia for the Democratic National Convention.

Our region was chosen to host these important events in large part because of SEPTA's extensive transit network and the demonstrated commitment of our employees. The eyes of the world will be on Philadelphia, and SEPTA staff is already working with City and regional officials to ensure that both events are a resounding success.

**DEPARTMENT OF LICENSES AND INSPECTIONS
FISCAL YEAR 2016 BUDGET TESTIMONY
MAY 12, 2015**

EXECUTIVE SUMMARY

DEPARTMENT MISSION AND FUNCTION

Mission: To make Philadelphia the Nation's leader in building safety. The Department of Licenses and Inspections (L+I) supports investment, growth, and development through education, code enforcement, and the delivery of outstanding customer service.

Description of Major Services: L+I is in charge of enforcing the Philadelphia code and educating residents about the code's requirements. The core services of L+I are to inspect properties and businesses for compliance with fire and property maintenance, trade and professional license requirements codes; inspect, clean and seal vacant properties and demolish imminently dangerous buildings; review plans, inspect and issue permits according to building, zoning, plumbing and electrical codes; and issue licenses for various trades and business activities and locations.

PROPOSED BUDGET HIGHLIGHTS/FUNDING REQUEST

Budget Highlights: In November 2013, Mayor Nutter created a Special Independent Advisory Commission to review and evaluate the Department of Licenses and Inspections (L+I). The Commission was formed in the wake of the tragic building collapse that killed six people and injured thirteen others in June 2013. After a ten month review, the Commission released a report, titled "Safety First and Foremost", and announced 37 recommendations on the structure and operations of L+I. After receiving the Commission's report, the Mayor formed an internal Steering Committee to review the legal, fiscal and administrative implications of each recommendation. The Steering Committee consisted of key members of the Mayor's Administration with expertise on demolition, fire safety, vacant property, information technology, staffing and training, legal and financial controls. In January 2015, the Committee's draft report, entitled "2015 Plan for a Safer City", was provided to the recently established Building Safety Oversight Board (Board), which will make decisions about immediate and long-term actions necessary for the City to implement recommendations made in the Special Independent Advisory Commission's report. The Board consists of former and present City officials, administrators, and industry professionals. The Board will work with L+I and the internal City work groups to monitor the progress of implementation throughout the remainder of the administration.

In response to the recommendations of the Special Independent Advisory Commission's recommendations, this budget proposes a General Fund allocation increase of 9.2% year over year. The FY16 Proposed General Fund allocation includes a continuation of \$3 million in additional demolition funding to address the list of imminently dangerous properties. Secondly, L+I selected the 2015 *Plan for a Safer City* initiatives to be funded in FY16 based on their direct impact to public safety. The consensus between L+I and the Board was that 1) Vacant Property Management should be at the top of the list, followed by 2) Electrical Agency Oversight and Crane Safety, 3) Engineering/Plumbing Inspections, 4) Fire Code Enforcement, 5) Training and pay for Building Inspectors, 6) Business Compliance, 7) Project eCLIPSE database support, and 8) Law Department support. In order to implement all of the initiatives properly, L+I and the Board determined that a three-year implementation plan would be the most effective strategy. Initiatives that can be implemented in the short-term were identified for full funding in FY16 (\$5.5 million), while those requiring more time for recruitment and training of staff and cross-department collaboration were identified for funding in either FY17 (estimated \$9.7 million) or FY18 (estimated \$10.8 million). L+I plans to hire 31 employees in FY16, 37 in FY17, and 4 in FY18 for a total of 72 new employees by FY18. In addition, 12 employees will be hired in other Departments to support L+I in FY16, 13 employees in FY17 and 4 employees in FY18. All together, this totals 101 new employees by FY18. Please see the summary table below:

	FY16	FY17	FY18
L+I	31	37	4
Fire Department	8	3	4
Law Department	0	6	0
OIT	2	4	0
MDO	2	0	0
SUB-TOTAL	43	50	8
TOTAL			101

As a result of budget cuts in FY09, FY10, and FY11 during the recession, funding decreased by \$4.8 million from FY08 to FY14. Partial funding was restored (from a low of \$18 million) to \$21.2 million in FY12 and has since increased. L+'s General Fund allocation in FY14 was increased by over \$4 million relative to FY13 to pay for additional demolitions (\$3 million) to address the list of imminently dangerous properties (see performance trends for a more detailed discussion) and for 20 new code enforcement inspectors and building inspectors. While the purpose of this increase in the number of inspectors is to bolster enforcement and safety, it is also anticipated to generate revenue for the City due to an increase in permit and license fees. Grant funding has fluctuated significantly from FY08 to FY14 as a result of the Neighborhood Transformation Initiative funding from the Redevelopment Authority (\$3.5 million) in FY08 becoming available again in FY13 (\$6.6 million). Starting in FY11, L+I received a significant increase in ARRA-related grant funding from the Neighborhood Stabilization Program II (NSP2) program, which provides funds to restore foreclosed properties into productive use through selected demolitions as well as rehabilitation and new construction. NSP2 funding ended in FY13. Overall, the total FY16 Proposed Operating Budget is 7.9% higher than the FY15 Current Projection and \$1.8 million (5.3%) higher than FY08.

Fund	Class	FY08 Actual	FY14 Actual	FY15 Current Projection	FY16 Proposed Budget	FY16-FY15 Change	FY16-FY15 Percent Change
General	100	17,773,107	15,002,935	17,793,010	19,770,711	1,977,701	11.1%
	200	11,897,482	10,099,962	10,042,535	10,261,906	219,371	2.2%
	300/400	584,250	303,570	983,613	1,443,941	460,328	46.8%
	Total	30,254,839	25,406,467	28,819,158	31,476,558	2,657,400	9.2%
	Positions	356	296	353	384	31	8.8%
Other*	100	878,510	490,303	514,818	514,818	0	0.0%
	200	3,468,981	162,807	4,500,000	4,500,000	0	0.0%
	800	60,429	2,234,801	0	0	0	0.0%
	Total	4,407,920	2,887,911	5,014,818	5,014,818	0	0.0%
	Positions	18	7	9	9	0	0.0%
All	100	18,651,617	15,493,238	18,307,828	20,285,529	1,977,701	10.8%
	200	15,366,462	10,262,769	14,542,535	14,761,906	219,371	1.5%
	300/400	584,250	303,570	983,613	1,443,941	460,328	46.8%
	800	60,429	2,234,801	0	0	0	0.0%
	Total	34,662,758	28,294,377	33,833,976	36,491,376	2,657,400	7.9%
Positions	374	303	362	393	31	8.6%	

* Other Funds includes: County Liquid Fuels Tax Fund, Special Gasoline Tax Fund, Healthchoices Behavioral Health Fund, Hotel Room Rental Tax Fund, Grants Revenue Fund, Community Development Fund, Car Rental Tax Fund, Housing Trust Fund, Water Fund, Water Residual Fund, Aviation Fund, and Acute Care Hospital Assessment Fund.

Staff Demographics Summary (as of December 2014)

	Total	Minority	White	Female
Full-Time Staff	335	197	138	111
Executive Staff	13	7	6	3
Average Salary - Executive Staff	\$86,653	\$84,233	\$89,476	\$83,187
Median Salary - Executive Staff	\$88,023	\$85,000	\$90,586	\$75,000

Employment Levels (as of December 2014)

	Budgeted	Filled
Full-Time Positions	362	335
Part-Time Positions	0	0
Executive Positions	13	13

Contracts Summary (*as of December 2014)

	FY10	FY11	FY12	FY13	FY14	FY15*
Total amount of contracts	\$325,628	\$10,697,630	\$8,317,543	\$7,813,056	\$9,561,084	\$5,462,460
Total amount to M/W/DBE	\$123,885	\$2,283,774	\$1,928,973	\$1,761,002	\$2,459,805	\$1,062,067
Participation Rate	38%	21%	23%	23%	26%	19%

PERFORMANCE, CHALLENGES AND INITIATIVES

DEPARTMENT PERFORMANCE (OPERATIONS)

Between FY13 and FY14, the percent of over-the-counter customers processed within 30 minutes increased 1.7%. FY14 only includes data for the first three quarters because the queuing system was out of service during the fourth quarter, however, the queuing system is expected to be fully operational by March 2015. The percent of residential building plans reviewed within 15 days increased 1.3% from FY13 to FY14 and has shown an increase of almost 4% from the first half of FY14 to the first half of FY15. L+I increased the percentage of commercial plumbing, electrical and zoning plan reviews within 20 days by 3% from the first half of FY14 to the first half of FY15. However, the FY14 and FY15 year to date percentages are still below FY13 (98.0%). The percent of building permit and plumbing permit inspections performed within 2 business days has remained flat at 99.0% through FY14, and is currently at 98.5% through the first half of FY15.

L+I also made significant progress towards decreasing the number of properties that are classified as Imminently Dangerous (ID). At the end of the second quarter of FY14, there were over 600 properties categorized as ID. At the end of the second quarter of FY15 there were 218, a decrease of 64%. These improvements are the direct result of a \$3 million demolition funding increase in FY14 and FY15. L+I expects to meet the FY15 goal of 600 demolitions for FY15. L+I demolished 321 residential buildings during the first half of FY15 compared to 249 during the same period in FY14, an increase of 29%. During the first half of FY13, L+I issued 17,378 building, electrical and plumbing permits. The number of building, electrical and plumbing permits increased by 5.6% year over year in the first half of FY15 relative to the first half of FY14, and L+I expects to issue 33,000 permits during FY15 and FY16.

Performance Measure	FY08	FY13	FY14	FY14- FY13 Change	FY14 Q1-Q2	FY15 Q1-Q2	FY15- FY14 Q1-Q2 Change	FY15 Goal	FY16 Goal
Over-the-counter customers processed within 30 minutes	N/A	98.0%	99.7%	1.7%	100.0%	N/A	N/A	100.0%	100.0%
Percent of residential building plans reviewed within 15 days	N/A	95.0%	96.3%	1.3%	96.0%	99.9%	4.0%	100.0%	100.0%
Percent of commercial building, plumbing, electrical and zoning plans reviewed within 20 days	N/A	98.0%	95.0%	-3.1%	91.0%	94.0%	3.3%	100.0%	100.0%
Percent of building permit and plumbing permit inspections performed within 2 business days	N/A	99.0%	99.0%	0.0%	99.0%	98.5%	-0.5%	100.0%	100.0%
Number of Imminently Dangerous (ID) properties	N/A	375	566	50.8%	603	218	-63.9%	250	250
Number of residential demolitions	405	521	522	0.2%	249	321	28.9%	600	600
Number of building, electrical and plumbing permits issued	37,306	39,696	35,444	-10.7%	18,460	19,490	5.6%	33,000	33,000

DEPARTMENT CHALLENGES

As outlined below, a variety of challenges were highlighted in the *2015 Plan for a Safer City (The Plan)*. One of the most significant issues facing the Department, Vacant Property Management, will be addressed by hiring additional staff and implementing enhanced technology. Investments have been made by the City's Office of Innovation and Technology (OIT) to purchase LIDAR, Pictometry and Planimetrics systems, which will deliver accurate building heights and heatmaps by mid FY16. In addition, Electrical, Crane and Plumbing Inspectors will be added in FY16 to address challenges related to specialty inspections along with additional engineers to improve the quality of building plan reviews. Project eCLIPSE support has also been a significant challenge for the Department. The *Plan* addresses this challenge by adding four OIT employees in FY17.

ACCOMPLISHMENTS & INITIATIVES

Implementation of 2015 Plan for a Safer City: As explained in the Budget Trends section, the *Plan for a Safer City (Plan)* will be implemented over three years. The *Plan* will be phased in:

- Vacant Property Management:** The top priority in the *2015 Plan for a Safer City* is addressing the thousands of vacant buildings that threaten public safety and drain the city of millions of dollars annually. A targeted vacant property program focused on proactive inspections of vacant buildings will significantly reduce the number of properties that create public safety risks – such as increased crime, fire, and nuisance behavior – and require expensive abatement work. L+I’s previous vacant property program, which ran from 2012 through last year, resulted in the rehabilitation or re-occupancy of more than one-third of the buildings cited, meaning that thousands of vacant properties were returned to productive use. In FY16, L+I will hire five inspectors, two research assistants, two GIS Analysts and one Code Administrator for this new unit. These resources will help better assemble and distribute property data for use by different City agencies as a part of larger blight reduction and public safety strategies and lead to both cost savings and increased revenue for the city. While the financial benefits are secondary to public safety, it is important to note that the investment in this program will have a return. Vacant properties cost the City millions of dollars a year to maintain and reduce the City’s collection of property, wage, and transfer taxes, but a study by The Reinvestment Fund proved that these costs can be eliminated – and revenue gained – through proactive inspection programs. The reduction in the number of vacant properties created by L+I’s previous program significantly reduced the City’s annual maintenance costs. Based on historical revenue, the rehabilitation and re-occupancy of these properties also brings with it approximately \$466,284 in annual revenue from the issuance of permits and licenses.
- Electrical Agency Oversight and Crane Safety:** Additional Electrical Inspectors and a new Crane Inspector position will also have a direct impact on public safety and allow increased auditing of Electrical Inspection agencies. Four Electrical Inspectors and one Crane Inspector will be hired in FY16. Electrical permits are the only permit inspections not carried out by departmental staff, and so it is critical to public safety that oversight of these third party agencies is improved. L+I will increase audit activity to 50% of all electrical permits. The proposed Crane Inspector will ensure all equipment certifications, operator licensing and rigger/signal person certifications and by conducting on-site audits.
- Engineering/Plumbing Inspections:** Four experienced Staff Engineers with specialized experience in Structural, Mechanical, and Electrical engineering will be hired in FY16 to improve the quality of permit plan reviews. The engineers will help streamline the permit review process to ensure efficiency and accountability. The engineers will possess at least five years of experience and will hold a Pennsylvania Professional Engineer’s license. They will also help guide L+I’s newer engineers and make recommendations on future staffing. In addition, six specialized Plumbing Inspectors will be hired in FY16 to strengthen L+I’s oversight of plumbing projects throughout the city. The prevention of illegal and unsafe plumbing work is of great concern to L+I, and has been evidenced by recent critical enforcement against unsafe tunneling below public streets and major thoroughfares. Tunneling without proper bracing and shoring to prevent collapse is critical to public safety. The addition of specialized Plumbing Inspectors will allow L+I to step up enforcement and also will allow L+I’s building inspectors to focus on other critical building safety enforcement.
- Fire Code Enforcement & Law Department Support:** The *Plan* also prioritizes the expansion of the City’s fire prevention efforts. Investing in the creation of a dedicated Fire Prevention Unit within L+I and phasing in a new joint inspection and referral system between L+I and the Philadelphia Fire Department will increase public safety and reduce fire deaths throughout the city. Phased in over several years, this investment will allow L+I and the Fire Department to provide up-to-date Fire Code training for inspectors and increase the number of inspections that the departments can conduct. By combining the expertise of L+I’s Fire Code inspectors and the Fire Department’s Fire Code officials, the departments will be able to exercise additional oversight over buildings that present heightened fire risks, including large vacant commercial and industrial buildings and other critical buildings and businesses. Because of the highly technical nature of the training and the complexities of personnel reassignment involved, it is necessary to phase this part of the plan in over three years to ensure that the program is implemented systematically and with identifiable results. FY16 will fund eight of the fifteen new inspectors in L+I and also eight of the fifteen new inspectors in the Fire Department. This will grow to eleven new inspectors in each department in FY17 and the full level of fifteen in each department by FY18. As L+I begins to see the impact of increased Fire Code enforcement during FY16, additional resources for the Law Department will be needed to handle this anticipated increase in cases being referred for prosecution; a total of six Law positions will be funded in FY17 to account for this increase.
- Training, Building Inspectors Pay, and New Hires:** L+I will implement a “broadband” pay range and a new streamlined L+I Building Inspector title in FY16, which will provide a clearly defined career progression and easier to understand requirements. Employees will also progress through the new broadband title/pay range

without having to take further civil service examinations. The starting salary and full performance level salary of existing inspectors will increase as a result of this change and the Department will be able to hire new inspectors at any step in the pay range based on qualifications and experience. These changes will be implemented in FY16 and twenty-four new Building Inspectors will be hired in FY17 under the new, improved requirements. L+I will also hire one Training and Development Manager in FY16, which will have an immediate impact by enhancing L+I's Training offerings. L+I will have the ability to provide expanded proactive training that will fulfill the re-certification continuing education requirements needed by all Building Inspectors. In addition, training offerings for all department employees will expand.

Prior to the release of the *Plan*, L+I hired 27 additional building inspectors in FY15 for the Department's Emergency Services and Compliance Divisions. The inspectors specifically target unlicensed, unpermitted, or unsafe construction and demolition sites and will also respond to building emergencies. This new group of inspectors will complement the work of the Building Division by providing additional oversight on top of the code-required inspections conducted by Building Inspectors.

- **Business Compliance:** The re-establishment of a Business Compliance Unit in L+I will allow L+I to improve enforcement of all required business licenses, zoning, signage and regulated use. Eight inspectors will be hired in FY17 for this unit, which will be housed in L+I's Operations Division. Two Code Administrators will also be hired to supervise the unit.
- **Project eCLIPSE Support:** Project eCLIPSE (electronic Commercial Inspection Permit Service Enterprise) will replace L+I's current database system and will offer residents online access to many L+I services. Project eCLIPSE will improve data accuracy, enable online application and payment for licenses and permits, and expand performance measurement tools. The first phase, business licensing, went live on January 5, 2015. L+I's vendor for Project eCLIPSE, Computronix, winds down its presence in FY16, and four additional positions will be funded in FY17 to ensure a smooth transition during post-implementation (one IT Director, one Project Lead, one Mobile Device Lead and one Trainer).

Increasing Demolition and Construction Safety: L+I implemented new demolition application and permit controls as well as new construction site signage requirements that were passed into law in 2014. In addition, demolition permits now require a 20-day plan review to include site safety plans, engineering reports, tax clearances and contractor experience requirements where previously these were issued over the counter.

In FY14, L+I formed the Construction Site Task Force (CSTF) to address construction site and licensing issues and to enforce all contractor licensing requirements, monitor construction sites for clean and safe conditions and ensure Streets Department Right of Way (ROW) permits and licenses for all contractors working on the sites. CSTF has issued over 75 Stop Work Orders so far in FY15. L+I estimates that it will issue 200 Stop Work Orders in FY15 and 225 in FY16.

Increasing Transparency: L+I launched a new website in FY14 (www.phila.gov/LI) that provides citizens with information on permits, licenses, violations and enforcement actions for any property within the city, a major step toward increasing transparency of City government. L+I provides its extensive collection of data in a way that can be easily searched, mapped, and analyzed. The website's mapping tool will help residents and businesses not only monitor the work the L+I does in their neighborhoods, but also identify and report problems to the Department in order to make their neighborhoods safer and promote compliance.

Code Enforcement: After working closely with City Council to adopt the International Property Maintenance Code, L+I is currently preparing for enforcement by investing in comprehensive training and certification for all code enforcement inspectors in the Operations Division, which is responsible for enforcing the Property Maintenance Code. Since the City already recognizes the International Code Council's Building Code for construction of new buildings, adopting the ICC property maintenance code will bring all of the code under the nation's best practice, which has been adopted by 36 other states across the country.

L+I will continue the practice it began in FY15 of securing the perimeter of imminently dangerous properties until they are either repaired or demolished. The perimeter barriers establish a visible deterrent to entry and trespass while

corrective repair or demolition is pending. To date, 70 imminently dangerous properties have been secured pending demolition.

A new Compliance Division has been created to increase oversight on construction and demolition sites to improve public safety. As L+I's newly hired building inspectors conclude their certification training, this Division will be fully staffed. The Division is responsible for ensuring that development projects fully comply with all applicable laws, statutes, ordinances, rules and regulations related to the protection of people, the environment, or property. The division also performs internal audits of departmental operations.

Receipt of IAS Accreditation: L+I underwent a comprehensive review of procedures and field visits for more than a year. In September 2013, the Department received accreditation from the International Accreditation Service (IAS) for observing high standards in plan review, permit inspection, and code enforcement procedures. Philadelphia is now the largest municipality in the nation to hold this accreditation. In order to maintain this distinction, IAS will return in 2016 to again review L+I's policies and procedures and make a determination on whether best practices have been upheld.

STAFFING

L+I continues to employ a diverse staff. Of the 335 full-time employees in L+I, 67% are Male, 33% are Female, 49% are African-American, 41% are White, 7% are Hispanic, 2% are Asian and 1% Other Ethnicities. Of the 54 employees hired in the last 12 months, 78% are Male, 22% are Female, 41% are African-American, 57% are White, and 2% are Hispanic.

Staff Demographics (as of December 2014)

Full-Time Staff			Executive Staff			FY15 New Hires		
	Male	Female		Male	Female		Male	Female
	African-American	African-American		African-American	African-American		African-American	African-American
<i>Total</i>	88	77	<i>Total</i>	5	1	<i>Total</i>	12	8
<i>% of Total</i>	26.3%	23.0%	<i>% of Total</i>	38.5%	7.7%	<i>% of Total</i>	22.2%	14.8%
	White	White		White	White		White	White
<i>Total</i>	115	23	<i>Total</i>	4	2	<i>Total</i>	31	2
<i>% of Total</i>	34.3%	6.9%	<i>% of Total</i>	30.8%	15.4%	<i>% of Total</i>	57.4%	3.7%
	Hispanic	Hispanic		Hispanic	Hispanic		Hispanic	Hispanic
<i>Total</i>	13	9	<i>Total</i>	1	0	<i>Total</i>	1	0
<i>% of Total</i>	3.9%	2.7%	<i>% of Total</i>	7.7%	0.0%	<i>% of Total</i>	1.9%	0.0%
	Asian	Asian		Asian	Asian		Asian	Asian
<i>Total</i>	5	2	<i>Total</i>	0	0	<i>Total</i>	0	0
<i>% of Total</i>	1.5%	0.6%	<i>% of Total</i>	0.0%	0.0%	<i>% of Total</i>	0.0%	0.0%
	Other	Other		Other	Other		Other	Other
<i>Total</i>	3	0	<i>Total</i>	0	0	<i>Total</i>	0	0
<i>% of Total</i>	0.9%	0.0%	<i>% of Total</i>	0.0%	0.0%	<i>% of Total</i>	0.0%	0.0%
	Bi-lingual	Bi-lingual		Bi-lingual	Bi-lingual		Bi-lingual	Bi-lingual
<i>Total</i>	10	6	<i>Total</i>	1	0	<i>Total</i>	2	0
<i>% of Total</i>	3.0%	1.8%	<i>% of Total</i>	7.7%	0.0%	<i>% of Total</i>	3.7%	0.0%
	Male	Female		Male	Female		Male	Female
<i>Total</i>	224	111	<i>Total</i>	10	3	<i>Total</i>	44	10
<i>% of Total</i>	66.9%	33.1%	<i>% of Total</i>	76.9%	23.1%	<i>% of Total</i>	81.5%	18.5%

CONTRACTING

**M/W/DBE Participation on Large Contracts
FY15 Contracts**

Vendor	Service Provided	Amount of Contract	RFP Issue Date	Contract Start Date	Ranges in RFP	% of M/W/DBE Participation Achieved	\$ Value of M/W/DBE Participation	Total % and \$ Value Participation - All	Living Wage Compliant?
Pedro Palmer	Public Demolitions	\$1,641,936		9/8/14	MBE:	0%	\$0		Yes
					WBE:	0%	\$0		
					DSBE:	0%	\$0		
Gama Wrecking	Public Demolitions	\$1,459,106		8/1/14	MBE:	0%	\$0		Yes
					WBE:	0%	\$0		
					DSBE:	0%	\$0		
Manguai	Public Demolitions	\$797,870		8/27/14	MBE:	100%	\$797,870		Yes
					WBE:	0%	\$0		
					DSBE:	0%	\$0		
USA Env	Public Demolitions	\$549,765		8/1/14	MBE:	0%	\$0		Yes
					WBE:	0%	\$0		
					DSBE:	0%	\$0		
A & M Curran	Public Demolitions	\$197,592		10/1/14	MBE:	0%	\$0		Yes
					WBE:	0%	\$0		
					DSBE:	0%	\$0		
RLC	Public Demolitions	\$142,200		9/9/14	MBE:	0%	\$0		Yes
					WBE:	0%	\$0		
					DSBE:	0%	\$0		
Monticello	Public Demolitions	\$74,747		11/21/14	MBE:	0%	\$0		Yes
					WBE:	0%	\$0		
					DSBE:	0%	\$0		
Ray's Home Repair	Public Demolitions	\$61,297		10/1/14	MBE:	100%	\$61,297		Yes
					WBE:	0%	\$0		
					DSBE:	0%	\$0		
JPC Group	Public Demolitions	\$2,764		8/8/14	MBE:	0%	\$0		Yes
					WBE:	0%	\$0		
					DSBE:	0%	\$0		