

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, April 12, 2018
9:35 a.m.

PRESENT:

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

BILL 180108
RESOLUTIONS 180121, 180122, 180147, and 180124

- - -

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 COUNCIL PRESIDENT CLARKE: Good
3 morning. This hearing is called to
4 order. We have the presence of a quorum.
5 This is a public hearing of the Committee
6 of the Whole. The purpose of this
7 hearing is to consider Bill No. 180108
8 and Resolutions No. 180121, 180122,
9 180124, and 180147.

10 Mr. Christmas, please read the
11 titles of the bill and resolutions.

12 THE CLERK: Bill 180108, an
13 ordinance authorizing the City of
14 Philadelphia to enter into lease
15 agreements with the Philadelphia
16 Authority for Industrial Development
17 under which the City would lease to PAID
18 on a project-by-project basis certain
19 land and facilities in the Fairmount Park
20 system, recreation centers, playgrounds
21 and branches in the Free Library of
22 Philadelphia system, and which would
23 permit PAID to sublease such facilities
24 on a project-by-project basis to other
25 organizations in conformity with the

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 Economic Development Financing Law, as
3 amended, all under certain terms and
4 conditions; and

5 Resolution 180124, approving
6 the Rebuild Project Statement, including
7 annual budgets for Project expenditures
8 for Fiscal Years 2018 and 2019, a list of
9 City properties to be included in the
10 program and a master Economic Opportunity
11 Plan; and

12 Resolution 180121, appointing
13 Adam Teterus to the Board of Directors
14 for the Old City Special Services
15 District; and

16 Resolution 180122, appointing
17 Donal McCoy to the Board of Directors for
18 the Old City Special Services District;
19 and

20 Resolution 180147, confirming
21 the appointment of Marcel Pratt as City
22 Solicitor.

23 COUNCIL PRESIDENT CLARKE:
24 Thank you very much, Mr. Christmas.

25 I note that Bill No. 180108 and

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 Resolution No. 180124 are being held
3 today.

4 Our first witness to testify
5 for the remaining resolutions is Job
6 Itzkowitz, Executive Director of the Old
7 City Special Services District.

8 (Witness approached witness
9 table.)

10 COUNCIL PRESIDENT CLARKE: Good
11 morning, sir.

12 MR. ITZKOWITZ: Good morning,
13 Council President. Good morning, all
14 members of Council. My name is Job
15 Itzkowitz. I'm the Executive Director of
16 the Old City Special Services District.

17 I've circulated written
18 testimony. I'm happy to rely upon that
19 and take any questions, unless you prefer
20 that I read my testimony into the record.

21 COUNCIL PRESIDENT CLARKE:

22 Thank you.

23 Any questions?

24 This will be brief.

25 Councilwoman Reynolds Brown.

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 COUNCILWOMAN BROWN: Good
3 morning.

4 MR. ITZKOWITZ: Good morning,
5 Councilwoman.

6 COUNCILWOMAN BROWN: If you
7 could just please speak to the
8 composition of your Board.

9 MR. ITZKOWITZ: Sure. So we're
10 nominating two members today. Our Board
11 is largely made up of Old City business
12 owners, property owners, and residents.
13 We try to maintain diversity on our
14 Board, but it is representational of Old
15 City, which is not the most diverse
16 neighborhood in the City.

17 COUNCILWOMAN BROWN: So does
18 that mean primarily small business
19 people?

20 MR. ITZKOWITZ: It's a variety.
21 We have some small business owners. So
22 in today's resolution, we have a
23 restaurant owner. We have boutique
24 owners, art gallery owners, but we also
25 have representation from some of our

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 large ratepayers. So, for example, Mary
3 Hummel is the property manager with MRP
4 Realty, and they own the Bourse, 325
5 Chestnut, the Bourse Garage, and they are
6 our largest ratepayer, so it's important
7 that we have her on our Board as well.

8 COUNCILWOMAN BROWN:
9 Approximate demographics of women?

10 MR. ITZKOWITZ: I don't have
11 that number on me. It is less than 50
12 percent.

13 COUNCILWOMAN BROWN: Give me an
14 estimate.

15 MR. ITZKOWITZ: Less than 50
16 percent.

17 COUNCILWOMAN BROWN: And people
18 of color?

19 MR. ITZKOWITZ: We have two of
20 17 members right now are people of color.

21 COUNCILWOMAN BROWN: Thank you
22 very much.

23 MR. ITZKOWITZ: Thank you.

24 COUNCILWOMAN BROWN: Thank you,
25 Mr. President.

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you, Councilwoman.

4 No additional questions. No
5 one else to testify on that. That being
6 said, thank you very much for your
7 testimony.

8 MR. ITZKOWITZ: Thank you,
9 Council President.

10 COUNCIL PRESIDENT CLARKE: And
11 the next witness to testify is Marcel
12 Pratt, the Acting City Solicitor.

13 (Witness approached witness
14 table.)

15 COUNCIL PRESIDENT CLARKE: Good
16 morning, sir.

17 MR. PRATT: Good morning,
18 Council President Clarke and members of
19 the Committee of the Whole. I am Marcel
20 Pratt, the Acting City Solicitor for the
21 City of Philadelphia. I have had the
22 pleasure of serving in this role since
23 March 9th, 2018. I'm grateful to Mayor
24 James F. Kenney for proposing my
25 appointment as City Solicitor and

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 appreciate the opportunity to testify
3 today as I seek City Council's
4 confirmation.

5 Serving as Philadelphia City
6 Solicitor is one of the highest
7 privileges that a lawyer could ever
8 experience. This is especially true for
9 me, a lifelong Philadelphian. I am a
10 product of some of the City's proudest
11 neighborhoods in North and West
12 Philadelphia, earned degrees from the
13 University of Pennsylvania and Temple
14 University Beasley School of Law, and
15 established a successful legal career in
16 a city known for its exceptional legal
17 community. Now, in my proudest moment, I
18 address the members of Philadelphia City
19 Council seeking confirmation as the
20 City's chief legal officer.

21 I spent most of my legal career
22 at the national law firm Ballard Spahr,
23 representing clients in high-stakes
24 commercial litigation and legal matters
25 with significant financial ramifications.

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 My practice focused on anti-trust and
3 competition law, nationwide class
4 actions, false advertising, and
5 pre-merger review before the Federal
6 Trade Commission. However, I spent the
7 first year of my legal career in the
8 office that I now lead, the City of
9 Philadelphia Law Department. During that
10 year, which I spent in the Civil Rights
11 Unit, I became fascinated with the
12 sophisticated legal work of the entire
13 Law Department and began admiring the
14 talent and dedication of its attorneys
15 and staff.

16 In 2016, another extraordinary
17 opportunity to serve the City presented
18 itself. Former City Solicitor Sozi Pedro
19 Tulante asked me to lead the Law
20 Department's litigation practice as Chair
21 of the Litigation Group, which comprises
22 six units and 70 attorneys. In that
23 role, I was responsible for overseeing
24 the City's litigation matters and
25 directly supervised some of the City's

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 most significant court cases. For
3 instance, I managed our defense of the
4 Philadelphia Beverage Tax, appeared as
5 counsel for the City in the so-called
6 sanctuary cities litigation, and oversaw
7 the filing of affirmative litigation to
8 combat systemic problems in our city.

9 During my time as a City
10 lawyer, I have vigorously represented
11 both City Council and the Administration.
12 I remain committed to providing
13 high-quality representation, upholding
14 the attorney-client privilege, and
15 ensuring confidentiality over
16 communications with each of my clients.
17 As City Solicitor, my commitment to these
18 principles will never waver.

19 I have several goals for the
20 Law Department, a few of which I will
21 mention today. First, I will continue
22 using affirmative litigation to serve the
23 public policy goals of City Council and
24 the Administration, a commitment that I
25 have already demonstrated in my short

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 time as Acting City Solicitor. The
3 City's use of affirmative litigation has
4 been a powerful tool in addressing harms
5 done to our city and in raising awareness
6 around matters of public importance. I
7 am thankful that City Council has been
8 extremely supportive of our efforts to
9 date. I welcome your input as I explore
10 additional ways to use affirmative
11 litigation to further our City's mission.

12 Second, as the practice of law
13 continues to evolve rapidly, I plan to
14 ensure that the Law Department adapts
15 accordingly and is not outpaced. My
16 efforts will involve increasing and
17 institutionalizing legal training,
18 exploring the use of technology to
19 improve efficiency, investing in
20 professional development, and increasing
21 our intellectual capital through hiring
22 diverse attorneys and staff.

23 Lastly, I hope to raise the
24 professional profile of the Law
25 Department within City government and our

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 local legal community. We are the City's
3 law firm, so it is important for us to
4 promote our areas of expertise and the
5 important work that we do for our
6 clients. I plan to accomplish this
7 through increased marketing of our
8 services to our City clients and
9 encouraging our talented attorneys to be
10 active members of the Philadelphia legal
11 community. These efforts would not only
12 enhance client service and professional
13 development, but also assist with
14 employee retention and job satisfaction.

15 Thank you for the privilege of
16 addressing you today. I would be honored
17 to continue serving you and the rest of
18 our City as City Solicitor.

19 I am happy to answer any
20 questions that you may have as you
21 consider my appointment.

22 COUNCIL PRESIDENT CLARKE:

23 Thank you very much.

24 I got a couple of questions.
25 If you can just give us a brief, very

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 brief, update on the soda tax litigation
3 and the commercial real estate tax
4 litigation, two outstanding issues.

5 MR. PRATT: Sure. On the
6 beverage tax, the City's brief will be
7 filed this Friday. The case is still
8 pending before the Pennsylvania Supreme
9 Court, and we have oral argument on May
10 15th in Harrisburg.

11 And on the commercial
12 reassessment litigation, right now we're
13 in the middle of discovery, and the
14 timeline in the case currently takes us
15 to a pretrial phase in March of 2019, but
16 there was an attempt by a group of
17 commercial property owners to prevent the
18 City from collecting tax for tax year
19 '18, and that injunction was denied
20 sometime in mid February.

21 COUNCIL PRESIDENT CLARKE: All
22 right. Primarily Center City-ish type of
23 commercial real estate properties or was
24 it a broad --

25 MR. PRATT: A lot of those are

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 in the mix, yes.

3 COUNCIL PRESIDENT CLARKE:

4 Okay. One thing just for the record -- I
5 don't know why I'm saying this, but it's
6 on my mind. I've just never believed
7 that the City Solicitor can adequately
8 represent both the legislative and the
9 executive branch. I just fundamentally
10 don't know how that happens, in all
11 honesty. But I do want to say that
12 Mr. Tulante in his time here has done the
13 best job of changing my mind. He's
14 really balanced.

15 So I ask you -- and I know what
16 you're going to say obviously given the
17 fact that your fate stands within our
18 hands this morning, but in all
19 seriousness, I really need to get a sense
20 and a feel that you will continue
21 Mr. Tulante's representation of both
22 parties, although fundamentally I don't
23 know how you do that. But just give me a
24 sense of your perspective on that, how
25 you can serve two clients that are

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 co-equal branches of government.

3 MR. PRATT: In my role as head
4 of litigation, I think I did it pretty
5 successfully representing both the
6 Administration and Council. You know, I
7 do think that there is a lot of
8 opportunities for political conflict, so
9 to speak, between the Administration and
10 City Council, but that's different from a
11 true legal conflict. So in a political
12 conflict, it's not the Solicitor's job to
13 pick a side. The City Solicitor is not a
14 policy-maker. The City Solicitor is
15 simply a lawyer, and the legal advice
16 that I would give would say the same
17 thing no matter who is asking the
18 question.

19 Now, when a true legal conflict
20 arises, we would get outside counsel for
21 City Council. And, again, those true
22 legal conflicts are rare, but in my time
23 as head of litigation when they have
24 arisen, I have gotten outside counsel for
25 City Council, and the process was smooth

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 and I think everyone was satisfied with
3 the steps that were taken.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you for that response.

6 The Chair recognizes Councilman
7 Greenlee.

8 COUNCILMAN GREENLEE: Thank
9 you, Mr. President. Boy, his fate is in
10 our hands.

11 COUNCIL PRESIDENT CLARKE: It's
12 drama morning.

13 COUNCILMAN GREENLEE: I got
14 you.

15 Actually, I don't have a
16 question. I just want to go on record
17 saying I've interacted with Mr. Pratt on
18 a number of occasions, particularly on a
19 bill. On this one, the Administration
20 and Council are on the same side, so
21 there's no issue there. And he's always
22 been very thorough, knowledgeable. He's
23 kept us totally up to date on what's
24 going on, and I just want to go on record
25 saying I agree with your assessment of

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 Mr. Tulante, he did a great job, but I
3 think Mr. Pratt will also be an excellent
4 City Solicitor.

5 Thank you, Mr. President.

6 MR. PRATT: Thank you,
7 Councilman.

8 COUNCIL PRESIDENT CLARKE:
9 Thank you, Councilman.

10 The Chair recognizes
11 Councilwoman Reynolds Brown.

12 COUNCILWOMAN BROWN: Thank you.
13 First let me say
14 congratulations on your very
15 distinguished career.

16 MR. PRATT: Thank you.

17 COUNCILWOMAN BROWN: You have
18 much to be proud of, and we're pleased
19 that you're here.

20 I was struck by the last
21 portion of your testimony where you
22 stated that you want to, quote, raise the
23 professional profile of the office.
24 Speak again as to why that is important
25 and a couple of strategies you plan to

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 implement to make that real.

3 MR. PRATT: Yeah. I think it's

4 important because the Law Department has

5 a very rich and diverse practice, and

6 having been in the private sector and in

7 the Law Department, I think folks in our

8 city and the legal community really don't

9 appreciate just the complexity and the

10 sophistication of what we do. So I think

11 it's important for us to just generally

12 make that known, and also to make it

13 known to our clients, because we want our

14 clients to know what we do, so if they

15 have an issue, they can come to us. And

16 I think we can do that through just plain

17 old-fashioned increased communication,

18 keeping you up to date on what we're

19 doing, things like having marketing

20 materials that outline what we do, our

21 successes and things of that nature, just

22 to generally make sure that everyone

23 knows what exactly it is that we're

24 working on and what our capabilities are.

25 COUNCILWOMAN BROWN: In the

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 past in the other administrations, the
3 City Solicitor's Office has been
4 criticized for not being fair and, some
5 might argue, judicious in spreading
6 opportunities around in doing business
7 with the City Solicitor's Office, and
8 your predecessor was very intentional
9 about leveling the playing field for
10 people of color in law firms who
11 ordinarily don't get the opportunity. So
12 speak to that, if you will.

13 MR. PRATT: Yeah. Your
14 assessment of my predecessor is correct,
15 and as head of litigation, I did make a
16 lot of decisions with regard to outside
17 counsel, and diversity is always an
18 important factor for us. It's something
19 that we look at. It's something that we
20 emphasize. And we don't have a favorite
21 or go-to law firm. We always pick the
22 best law firm or the best lawyer for the
23 job, and that's something that we're
24 committed to and that's something I don't
25 plan on changing.

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 COUNCILWOMAN BROWN: Thank you.

3 Thank you very much.

4 MR. PRATT: Thank you.

5 COUNCILWOMAN BROWN: Thank you,

6 Mr. President.

7 COUNCIL PRESIDENT CLARKE:

8 Thank you, Councilwoman.

9 The Chair recognizes

10 Councilwoman Quinones-Sanchez.

11 COUNCILWOMAN SANCHEZ: Good

12 morning. I'll be brief, because in your

13 response to Council President's question,

14 you answered what was -- my biggest

15 concern was the role of the office of the

16 Law Department, whether it was

17 policy-making or that of law to give

18 us -- it's not a yes or no, but the how

19 and how we become legal compliant. And

20 let me thank you for that, because I

21 think that's hugely, hugely important,

22 and I think that's one of the ways you

23 stay out of picking sides between the

24 executive and the legislative branch,

25 which are both your clients.

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2 All roads lead to the Law
3 Department, right, and every time there's
4 something bottlenecked, it's the Law
5 Department. It's sitting at the Law
6 Department. I'm sure you guys hate
7 hearing that, right?

8 MR. PRATT: Yes.

9 COUNCILWOMAN SANCHEZ: So speak
10 to me about the administrative processes
11 that you, in the short time you've been
12 there, you've seen that can be
13 streamlined, the issue of how many trees
14 do we really got to kill to get to a
15 point to conform contracts and speed up
16 the business that we do here in the City.

17 MR. PRATT: Yeah. I think --
18 and I can talk more about this during my
19 budget testimony, but it does take a long
20 time in a lot of situations to get a
21 contract conformed. I know at the Law
22 Department we have decreased the amount
23 of time that contracts spend at our stage
24 of review, and we're still looking at
25 ways to get that down shorter. And then

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 we also want to work with some of the
3 departments who negotiate their own
4 contracts just to make sure that they can
5 help us out by speeding things up and
6 getting things to us in a timely fashion.
7 But I'm certainly committed to looking at
8 our processes internally just to make
9 sure that we're doing everything that we
10 can do.

11 COUNCILWOMAN SANCHEZ: Thank
12 you. And we've been having procurement
13 reform discussions, and I welcome you to
14 that discussion about how we set some
15 standards. I think sometimes the level
16 of discretion that's allowed complicates
17 the situation in different departments,
18 and that's why we don't have the
19 consistency in the aspirational goals
20 that we set here, whether it's
21 participation, inclusion, and all those
22 other places. So I welcome you.

23 I congratulate you and look
24 forward to working with you.

25 MR. PRATT: Thank you. You

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 too.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you, Councilwoman.

5 The Chair recognizes

6 Councilwoman Parker.

7 COUNCILWOMAN PARKER: Thank

8 you, Mr. President.

9 And good morning.

10 MR. PRATT: Good morning.

11 COUNCILWOMAN PARKER: You

12 mentioned in your testimony, you

13 reference your previous role at the Law

14 Department as Chair of the Litigation

15 Department, and particularly for the

16 benefit of those Philadelphians who are

17 watching, who are not here, you talked

18 about having to secure outside counsel

19 when there is a potential conflict, and

20 last year the Ninth Councilmanic District

21 was presented with such a conflict

22 relative to land use in the district, and

23 when we went to the Law Department, with

24 the support of Council President Clarke

25 and our colleagues, we needed your

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 leadership and support to help us get
3 through that process.

4 Can you just for the benefit of
5 the public explain why the
6 decision-making regarding fairly
7 acknowledging when there is a conflict
8 inside the department and making the
9 decision to get outside counsel is
10 extremely important, because sometimes
11 the rulings that you are challenging are
12 the City of Philadelphia's ruling. So
13 for the benefit of the public, why don't
14 you just explain that for us.

15 MR. PRATT: Yeah. It's a
16 pretty straightforward answer. That was
17 a situation where the Administration
18 through L&I took one position on a matter
19 and City Council had an idea of what was
20 in the best interest of the City through
21 what was happening in your district, and
22 it was a true legal conflict. There was
23 no way that the Law Department could
24 represent both the Administration and
25 City Council. So we had to get outside

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 counsel.

3 COUNCILWOMAN PARKER: Is it
4 usually always that cut and dry?

5 MR. PRATT: Not always, but in
6 that situation, that was one where it was
7 pretty clear from where I sat that we
8 needed outside counsel. There was no
9 representing both at the same time.

10 COUNCILWOMAN PARKER: Got it.

11 Let me also just lend my voice
12 to the choir in saying that I'm honored
13 that you are about to join the ranks.
14 Somebody is watching and they're saying,
15 we heard you all talk about his academic
16 credentials and his legal experience, but
17 he looks too young. He looks too young.
18 For the record, I just want to be very
19 clear that your youthful appearance is no
20 different than that of Mark Aronchick,
21 Stephanie Franklin-Suber, our own Sozi
22 Tulante, who had the great honor and
23 privilege of being named City Solicitor
24 for the City of Philadelphia. So we wish
25 you Godspeed and know that you will

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 continue to serve the Law Department and
3 our City well.

4 Thank you.

5 MR. PRATT: Thank you,
6 Councilwoman. I appreciate that.

7 COUNCIL PRESIDENT CLARKE:
8 Thank you, Councilwoman.

9 The Chair recognizes Councilman
10 Oh.

11 COUNCILMAN OH: Thank you very
12 much, Council President.

13 I just wanted to congratulate
14 you and just to thank you for taking on
15 this very difficult but very important
16 job, some would say a thankless job.
17 That's what makes it a high honor to the
18 entire Law Department, who fight hard for
19 our City, fight for what they believe in.
20 They have great leadership, and I have
21 great confidence in you. And in my time
22 interacting with you, I have been very
23 impressed with how you handle yourself,
24 not just as a lawyer. I have no doubt
25 about your legal abilities, but as a

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 person who acts with great wisdom and
3 certainly puts me at ease, whether you
4 agree or disagree with me, that you will
5 do all things very fairly.

6 And I wanted to also publicly
7 thank Sozi Tulante, who is sitting in the
8 audience, for his wonderful service and I
9 would guess to say some fantastic
10 mentoring. So good luck to you.

11 MR. PRATT: Thank you,
12 Councilman.

13 COUNCIL PRESIDENT CLARKE:
14 Thank you, Councilman.

15 The Chair recognizes Councilman
16 Jones.

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

19 I want to add my voice to the
20 chorus of people who are congratulating
21 you on the appointment, God willing,
22 you're about to receive.

23 Council President has been
24 consistent in his concern about how to
25 represent two clients. I will remind him

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 that when we had the Carnegie Mellon
3 issue with the libraries, our batting
4 average isn't bad, because we won that
5 case and were able to save the libraries.

6 But I wanted to thank you and
7 your department for all of the times in
8 different capacities, whether it was
9 Minority Business Enterprise Council or
10 whether it was you representing our
11 office in other matters, which we won't
12 talk about, but to say always the folk
13 over there were professional. They
14 aren't there for the pay, obviously,
15 because they could probably do better in
16 the private market, and I want you to
17 understand that we are thankful for
18 having that representation and look
19 forward to your leadership in guiding
20 them.

21 Last big issue we had with you
22 guys was how to do conflict counsel in
23 those cases where defendants have to be
24 represented. We just appreciate how well
25 you go about your business, and we think

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 you're going to follow in the long line
3 of City Solicitors that have defended
4 this City, and wish you well.

5 MR. PRATT: Thank you,
6 Councilman. I appreciate that.

7 COUNCILMAN JONES: That does
8 not mean we are giving you more money for
9 your department.

10 Thank you, Mr. President.

11 MR. PRATT: I was hoping that
12 would change.

13 COUNCIL PRESIDENT CLARKE: Good
14 move, Councilman.

15 The Chair recognizes
16 Councilwoman Blackwell.

17 COUNCILWOMAN BLACKWELL: Thank
18 you, Mr. President.

19 I want to congratulate and
20 thank his predecessor as well for his
21 service. And I want to say this is the
22 first City Solicitor where I had so many
23 people approach me to say what a good
24 person he was and what a good role he was
25 and what a positive thinker he is.

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 I really liked his response to
3 your concerns about what happens when we
4 may be on different sides of the fence.
5 And so I only have to say when he turns
6 21, we can come back and --

7 (Laughter.)

8 COUNCILWOMAN BLACKWELL:

9 Congratulations. Thank you.

10 MR. PRATT: Thank you,
11 Councilwoman.

12 COUNCIL PRESIDENT CLARKE:

13 Thank you, Councilwoman.

14 The Chair recognizes Councilman
15 Taubenberger.

16 COUNCILMAN TAUBENBERGER: Thank
17 you, Council President.

18 And in staying with what
19 Councilwoman Blackwell has just said,
20 some have actually urged me to ask that
21 you show your driver's license to see if
22 you're actually eligible to serve.

23 I want to congratulate you on a
24 really distinguished career. I really
25 want to thank you for what you've done

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 with the Law Department in your short
3 time as Acting Director, Acting
4 Solicitor, and I also want to state very
5 clearly that your answers to the
6 questions posed by my colleagues have
7 been answered to my complete
8 satisfaction.

9 And, lastly, I also want to
10 really thank former City Solicitor
11 Tulante for his service to this City and
12 to this body as well. And I think in all
13 seriousness, even though you look very,
14 very young, I think your youthful
15 experience, your youthfulness will add to
16 this office, and I look forward
17 enthusiastically in working with you.

18 Thank you very much.

19 MR. PRATT: Thank you,
20 Councilman. I appreciate that.

21 COUNCILMAN TAUBENBERGER: Thank
22 you, Mr. President.

23 COUNCIL PRESIDENT CLARKE:
24 Thank you, Councilman.

25 The Chair recognizes Councilman

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 Green.

3 COUNCILMAN GREEN: Thank you,
4 Council President.

5 I also want to echo the
6 comments of my colleagues in
7 congratulating my friend, Sozi Tulante,
8 on his term as City Solicitor and also
9 congratulate Marcel Pratt in this new
10 role. You truly are a man that achieves
11 in every field of human endeavor. Some
12 of the people in this room understand
13 that means that you wear the crimson and
14 cream colors as a member of Kappa Alpha
15 Psi Fraternity, Incorporated.

16 But on a more serious note, I
17 know recently we had some conversations
18 regarding the recent issue regarding the
19 census. I know from our conversation,
20 you anticipate working with our Attorney
21 General Josh Shapiro, who is signing on
22 to litigation suing the Trump
23 Administration regarding the new
24 citizenship question on the census, and I
25 want to get some perspective from you

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 about that initiative and other
3 initiatives where the City Solicitor's
4 Office will be proactive in doing
5 affirmative litigation that will benefit
6 the citizens of the City of Philadelphia.

7 MR. PRATT: Yeah. That was a
8 case where we saw that a number of state
9 attorneys general were getting together
10 in some cities and we thought it was
11 important for us to join, because the
12 census issue is one that will, if that
13 question is allowed, could have grave
14 consequences for our city. So it was
15 important for us to use our litigation
16 capabilities to make sure that that
17 doesn't come to fruition. And so that
18 case is obviously still spending, and
19 I'll keep you updated, because I know
20 that was an issue that you were
21 interested in.

22 As far as other types of cases,
23 we're always monitoring what's going on.
24 We have a couple of cases in the pipeline
25 right now that I can't talk about

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 publicly, but we're always open to new
3 ideas, and as I said in my testimony, I
4 welcome any ideas that anyone from City
5 Council may have about things that we can
6 look into. Affirmative litigation ideas,
7 they come to us a lot of times through
8 concerns that we see from other folks
9 within the City. So I welcome Council to
10 that conversation.

11 COUNCILMAN GREEN: Thank you,
12 Council President. Elder would be proud.

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

15 MR. PRATT: Thank you,
16 Councilman.

17 COUNCIL PRESIDENT CLARKE:
18 Thank you, Councilman.

19 The Chair recognizes Councilman
20 Domb.

21 COUNCILMAN DOMB: Thank you,
22 Council President.

23 I also want to join everyone,
24 congratulations to you and also to Sozi,
25 because I will say that for me and I

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 think many of us, very proud to have Sozi
3 as our Solicitor. He made us proud to be
4 involved in government, and I think
5 that's very important. So he would be a
6 great mentor, and I'm sure he is.

7 I guess the only thing that's
8 coming down the pike -- I don't know if
9 you want to comment on it at all -- is
10 have we noticed this Western Pennsylvania
11 legislator introduced some legislation at
12 the state that could affect our beverage
13 tax situation? I don't know if you have
14 any thoughts or comments on that, but I
15 was just wondering what you thought about
16 that.

17 MR. PRATT: Yeah. So, yeah, we
18 are aware of the legislation, and we're
19 still looking at it, and we have to
20 figure out what's the best course of
21 action legally to approach it, but right
22 now it's too early for me to say in this
23 hearing what exactly our plans are.

24 COUNCIL PRESIDENT CLARKE:
25 Thank you, Councilman.

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 One last question, and I
3 believe we have one witness on this
4 particular nominee. One of the prior
5 City Solicitors at their confirmation
6 hearing indicated that they believed that
7 a confidential opinion sought by a
8 Councilmember on a particular issue
9 should be public. That was in the
10 confirmation hearing. The confirmation
11 hearing was abruptly recessed, and later
12 on when we reconvened that afternoon,
13 that particular nominee came back and
14 said that should not be made available to
15 the public, and it was an issue with
16 respect to the public's right to know or
17 the public's need to know.

18 What's your position on that,
19 if a Councilmember asks you for a
20 confidential opinion about a particular
21 matter that either is before us or soon
22 will be before us in terms of making that
23 available to the general public without
24 the consent of that particular
25 Councilmember?

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 MR. PRATT: A request for legal
3 advice from a Councilmember is
4 confidential. The fact that the request
5 was made is confidential. The content of
6 the communications is confidential. I
7 don't know any other way to treat those
8 types of communications. I think that's
9 the hallmark of the attorney-client
10 privilege, is to protect confidentiality
11 over communications with your client. So
12 even when you approach us for advice and
13 you don't say the magic words of
14 confidentiality, it's assumed by us that
15 that's what you want, and we will never
16 share the content of legal advice that we
17 give to you or our communications with
18 you with the Administration or even with
19 another City Councilmember unless you
20 give us the permission to.

21 COUNCIL PRESIDENT CLARKE:

22 Okay. Thank you. I had to ask that
23 question.

24 The Chair recognizes Councilman
25 O'Neill.

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 COUNCILMAN O'NEILL: Thank you,
3 Mr. President.

4 Good morning.

5 MR. PRATT: Good morning.

6 COUNCILMAN O'NEILL: First of
7 all, I'd like to thank you for the
8 meeting we had last week. It was good.
9 It saved us a lot of time here, but also
10 made it easy for me to enthusiastically
11 vote for your confirmation.

12 MR. PRATT: Thank you.

13 COUNCILMAN O'NEILL: I believe
14 you get it. And I don't think it's just
15 your background in a large firm. I think
16 it's just your understanding of how
17 clients and lawyers work together, but I
18 know you fully understand that the person
19 that appointed you, Mayor of
20 Philadelphia, is one of your clients and
21 there's 17 other ones sitting in this
22 room, and that's all I needed to know and
23 you've more than satisfied my concerns.
24 So good luck.

25 MR. PRATT: Thank you,

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 Councilman.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you, Councilman.

5 I believe we have one witness
6 that would like to testify on this
7 nominee. Please come forward.

8 (Witness approached witness
9 table.)

10 MR. GIBBS: Good afternoon,
11 Mr. Chairman.

12 COUNCIL PRESIDENT CLARKE: Good
13 morning.

14 MR. GIBBS: Good morning. I'm
15 testifying on Resolution No. 180147. I
16 have the proud honor and privilege of
17 serving as the President of the
18 Barristers Association for Philadelphia.
19 I will ask the members here, please
20 stand.

21 (Audience members standing.)

22 COUNCIL PRESIDENT CLARKE: Mr.
23 Gibbs, just make sure you state your name
24 for the record.

25 MR. GIBBS: My name is Charles

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 Gibbs, G-I-B-B-S.

3 Mr. Pratt, Mr. Chairman, is
4 more than a lawyer. He's a lawyer's
5 lawyer. He is person who we hold in the
6 highest esteem. We are asking
7 collectively as an organization and as
8 lawyers all around the City for you to
9 unanimously confirm him. He will be one
10 of the best City Solicitors. I wish
11 Mr. Tulante wasn't here. He will be the
12 best City Solicitor that this City has
13 ever had. We ask that you support him,
14 and we are proud of him as one of our
15 members.

16 Thank you.

17 COUNCIL PRESIDENT CLARKE:

18 Thank you. Thank you for your testimony.

19 MR. PRATT: Thank you.

20 COUNCIL PRESIDENT CLARKE: That
21 completes our witness list and our
22 questions, and that concludes our public
23 hearing on the Committee of the Whole.

24 We will now go into our public
25 meeting, and the Chair recognizes

1 4/12/18 - WHOLE - RES. 180121, ETC.
2 Councilmember Henon for a motion to
3 report out of Committee with a favorable
4 recommendation Resolutions No. 180121,
5 180122, and 180147.

6 COUNCILMAN HENON: Thank you,
7 Mr. Chairman. So moved.

8 (Duly seconded.)

9 COUNCIL PRESIDENT CLARKE:
10 Thank you. It has been moved and
11 properly seconded that Resolutions No.
12 180121, 180122, 180147 be reported from
13 this Committee with a favorable
14 recommendation.

15 All those in favor of the
16 motion signify by saying aye.

17 (Aye.)

18 COUNCIL PRESIDENT CLARKE:
19 Those opposed?

20 (No response.)

21 COUNCIL PRESIDENT CLARKE: The
22 ayes have it, and Resolutions 180121,
23 180122, 180147 will be reported from this
24 Committee with a favorable recommendation
25 at our next session of Council.

1 4/12/18 - WHOLE - RES. 180121, ETC.

2 That concludes the business of
3 the Committee.

4 Thank you all very much.

5 (Applause.)

6 COUNCIL PRESIDENT CLARKE:

7 Thank you.

8 (Committee of the Whole
9 concluded at 10:10 a.m.)

10 - - -

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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