COUNCIL OF THE CITY OF PHILADELPHIA

JOINT COMMITTEES ON TECHNOLOGY AND

INFORMATION SERVICES AND PUBLIC PROPERTY

AND PUBLIC WORKS

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, May 3, 2006
3:35 a.m.

- - -

PRESENT:
COUNCILMAN BRIAN J. O'NEILL, CHAIR
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN JACK KELLY
COUNCILMAN JAMES KENNEY
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN FRANK RIZZO
COUNCILWOMAN MARIAN B. TASCO

BILL 060160 - An ordinance for the purpose of creating a citywide wireless broadband Internet access system, to bridge the digital divide, to increase the efficiency and reduce costs of government, and to promote economic development and tourism...

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COUNCILMAN O'NEILL: Good afternoon. I'd like to call together the recessed meeting of the Committee on Technology and Information Services and Public Property and Public Works on Bill 060160, and we're going to take some testimony.

I'm going to turn the chair over to the Vice-Chair of Information Technology, Councilwoman Blondell Reynolds Brown, and the main thrust of the testimony is going to be from Michael Williams at MBEC. I'm going to go out in the corridor and try to finish up our amendments.

We really do plan to get this bill out today, and I think we're 99 percent there. And I thank Mr. Romy Diaz, our City Solicitor, and his staff and my colleagues in Council, particularly Councilwoman Reynolds Brown and Councilman Clarke and our fine staff, Mr. McPherson and Rick Auerbach. We couldn't have done it without all of you.

So I think we're real close and we should leave here with a bill.

Councilwoman Brown.

COUNCILWOMAN BROWN: Thank you, Mr. Chairman.

COUNCILMAN O'NEILL: I'll just be out in the hall. Thank you.

COUNCILWOMAN BROWN: Good afternoon, gentlemen. Forgive me for my memory lapse. Did you want to provide testimony and then we proceed with our questions?

MR. WILLIAMS: I have no testimony to provide.

COUNCILWOMAN BROWN: Well, then --

MR. WILLIAMS: No written testimony. Excuse me.

COUNCILWOMAN BROWN: Allow us first to take care of a protocol matter and share with you the members in attendance at this Committee hearing.

To my extreme left is Councilman Frank Rizzo, Councilman Jack

Kelly. To my extreme right, Councilman Frank DiCicco, Councilman Jim Kenney, Councilwoman Donna Reed Miller and Councilwoman Joanie Krajewski.

With that, the record should reflect that a number of legitimate questions have been raised with regards to MBE/WBE participation around this unprecedented initiative, and, further, sentiment has been expressed that we want to as much as possible do as good, if not better, with the work that has been done around the building of the new stadiums and the efforts there to ensure MBE/WBE participation and, where possible, we want to exceed the goals that have been put in testimony around this initiative.

So with that, we simply need you to respond about the role you see for MBEC going forward, particularly around this initiative.

MR. WILLIAMS: Thank you, Councilwoman. The role that I see and the role that I know that MBEC will be

playing is a role to help guide the project through to sit on an oversight committee and to help monitor the project, as we do with other projects.

COUNCILWOMAN BROWN: Why don't you elaborate on what you say, and help guide. Define what that means procedurally.

MR. WILLIAMS: Procedurally that means helping them write an economic opportunity plan and --

COUNCILWOMAN BROWN: Speak louder so that my colleague -- Councilwoman Marian Tasco has joined us and has a strong interest in this area.

MR. WILLIAMS: Good afternoon.

COUNCILWOMAN TASCO: Hey.

MR. WILLIAMS: Hey.

To draft an economic opportunity plan and to sit on an oversight committee, a monthly oversight committee, which will consistently monitor goals and the progress of the project.

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COUNCILWOMAN BROWN: Speak to the composition of the committee.

MR. WILLIAMS: Well, the committee hasn't been created as of yet, but generally these committees will have MBEC involvement, someone from Council, someone from the project and community members.

COUNCILWOMAN BROWN: Councilwoman Marian Tasco.

COUNCILWOMAN TASCO: Yes. Thank you for coming. I had some questions, but I spoke to the Councilwoman earlier about the oversight committee. What I really want to know is, what is the enforcement mechanism of this committee? I mean, if there are problems, how do we get back to EarthLink to say, What do we do about it?

MR. WILLIAMS: Well, the structure with oversight committees, as I explained before, will be a composition of folks who meet monthly, and inside economic opportunity plans, which we ask

all folks doing types of projects like this to have, at least since I started working at MBEC --

COUNCILWOMAN TASCO: Could you back up, because the mike is causing you to fluff.

MR. WILLIAMS: I'm sorry. I never get these things right. Is this okay?

COUNCILWOMAN TASCO: Yes.

MR. WILLIAMS: I apologize.

And in these economic opportunity plans, there are provisions that will require EarthLink to meet certain conditions or certain punitive standards, and I'm kind of using punitive as just the word that I'm finding now, but certain standards will kick in, and they'll have to report back to the oversight committee, and there will be someone more than likely on City Council on that committee who will report back to Council.

COUNCILWOMAN TASCO: But what

is the enforcement mechanism?

MR. WILLIAMS: Oh, I apologize. The enforcement mechanism is from MBEC. MBEC will be there and will institute any of its normal enforcement measures. For example, if someone doesn't meet a range on a project where we're on an oversight committee now, we work with the folks to get to that goal. And if they don't, there are certain measures written in any economic opportunity plan to get them to move that. Some plans even have -- and since this plan hasn't been written yet, I don't know what will be in it, but generally in these plans and plans we've used in the past, there have been monetary punitive requirements in the plans.

MR. DIAZ: Could I interject, if I may, Councilwoman. Romulo Diaz, Jr., City Solicitor.

There are contractual obligations that have been negotiated to ensure that the minority, woman and

disabled business enterprise commitments are met, and they have been very explicitly laid out in the contract between EarthLink and Wireless Philadelphia. Particularly, Exhibit O provides quantitative standards that have to be met in order to meet the contractual obligations by EarthLink.

Specifically in connection with minority-owned business enterprises, they have to achieve, at a minimum, 20 to 25 percent; for woman-owned business enterprises, a minimum of five to ten percent; and for disabled business enterprises, up to 1.5 percent. So we're talking about a range that is 25 to 36.5 percent of minority, woman and disabled business enterprise participation.

So what we're talking about is a set of contracts that have been negotiated, to which the City is a third-party beneficiary, because this is such an important element. The City has a direct right to ensure that these

participation goals are achieved.

What Mr. Williams is testifying to is, how do we on a day-to-day basis make sure that these legal commitments that have been agreed to and are binding upon the parties, how do we monitor whether in fact this is happening in realtime.

So I don't want to lose the fact that even in the absence of an economic opportunity plan, which normally would be negotiated between MBEC and a City-related vendor, we already have contractual obligations to meet these kinds of participation goals. I think what Mr. Williams is saying, in addition we'll have an opportunity to review them in the context of an economic opportunity plan and, beyond that, the oversight committee that was agreed to last week will provide another layer of certainty that in fact these MBEC-related objectives will be achieved.

COUNCILWOMAN TASCO: And in the

course of doing all of that, at the end of the day, if EarthLink is not in compliance, what are the sanctions?

MR. DIAZ: It depends, I believe, in terms of the level of shortcoming. I mean, we're talking about a legal obligation of EarthLink to Wireless Philadelphia, to which the City is a third-party beneficiary. If it is a significant deviation, it seems to me that that is a potential sanctionable failure on the part of EarthLink.

I can't give you a quantifiable measure of what would be a failure that would be sanctionable, but what I can tell you is that all the parties have negotiated from the perspective that this was an important City value and we wanted to protect it in legal compliance language, and in addition, we've created this special oversight committee because of the concerns that were expressed by the Joint Committee before about making sure that we don't have a failure. And

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in addition, we've got the ongoing role that MBEC would perform with regard to a City contract to work with the vendor, to make sure that the economic opportunity plan reflects what they have agreed to in terms of an RFP or whatever the context may be.

So we've got a multiple layer, I think, of protection, and we certainly on the part of the Administration -- and I'm speaking here in this context for the Administration -- we intend to protect the City's rights that were negotiated under these contracts even though we're not a direct party to the Wireless Philadelphia/EarthLink commitment.

COUNCILWOMAN TASCO:

Mr. Williams, what would be your sanctioning ability? How could MBEC enforce the contract -- or the economic opportunity plan?

MR. WILLIAMS: The sanctioning ability from MBEC would come through the contract. And, again, I agree with the

City Solicitor, that I don't know how to quantify that, but MBEC would certainly move, because we would be sitting on the committee of the oversight committee meetings meeting monthly, and if they were falling behind, we would certainly refer that to the City Solicitor's office to say that, We're falling behind, it's time to look at what kind of sanctions we have to do.

Now, one of the reasons that I think that it may be difficult at least for me to answer this question is because every project that we've been on, people have met the goals that they've had, so we haven't had to go through that. But if we did, and that would be hypothetically, we would certainly return that to the City Solicitor's office for investigating how to sanction them.

COUNCILWOMAN TASCO: Well, I express my concern so strongly because feedback, you hear there's the grapevine, that there was some comment about the no

interest in really following any minority participation. So I want you to know that. And I'm responding to that. That's why I feel so strongly about some ability to have some sanction, because I heard it twice that, Well, we don't have to do that, you don't have to worry about that, to this vendor. I don't want the vendor coming from out of town to think that he can just come in or they can come in and do business and not be inclusive, and then if they're not inclusive, nothing is going to happen.

MR. ROSCOE: Councilwoman Tasco, may I respond to that? I can assure you that we take this very seriously.

COUNCILWOMAN TASCO: You have to state your name for the record.

MR. ROSCOE: I'm sorry. Clifton Roscoe with EarthLink.

I can assure you we take the goals we've presented to you very seriously. I can assure you that we

would not allow people to see what we're doing and work with Mr. Williams and have people from Council represented on this committee if we didn't intend to follow through.

I'm not aware of the comments that you're referencing. If I knew who said it, I would give them a swift kick up the butt. But if you feel that there's some issues there, we will gladly build any assurances.

Someone from Council will sit on the committee. We're going to do monthly reporting. We're going to make sure that we actually keep our word. Everything we say, we believe.

COUNCILWOMAN TASCO: Now, in relationship to that, because when you were here before, we talked about EarthLink and Motorola.

MR. ROSCOE: Right.

COUNCILWOMAN TASCO: And talked about Motorola and the $11 million of contract, of hardware. They're your

subcontractor.

MR. ROSCOE: Correct.

COUNCILWOMAN TASCO: But what is EarthLink doing to enforce them to have minority participation?

MR. ROSCOE: EarthLink has a contract with Motorola. Motorola has to honor all the agreements we've made with Wireless Philadelphia. Every invoice that goes through EarthLink will be reviewed and make sure that every subcontractor that submits an invoice is classified, if we know, if they're MBEC or not, and we'll have the percentages every month. So we talked to Mr. Williams last week about coming through every month, going through every single invoice that goes through our accounting department, showing exactly how monies were spent with various types of vendors, and MBEC participation will be monitored every month.

COUNCILWOMAN TASCO: Well, right now with your contract with

Motorola, are you monitoring them? I think we were supposed to get a list of the vendors they were using.

MR. ROSCOE: Yes. We sent you a list the last time we submitted some information to Councilman Clarke. I can tell you who they are. In fact, we had Mr. Kiertan here last week when we talked about Urban Harvest as being one of our subcontractors, and I think he's again here today. So we've given information regarding who we plan to work with.

Now, granted, things may change a little bit, but directionally the numbers we gave you, we will meet those numbers.

COUNCILWOMAN TASCO: I just have a couple of questions.

Can I ask a couple of questions?

COUNCILMAN O'NEILL: Yes. Councilwoman Donna Reed Miller is waiting, but that's okay. Keep going.

COUNCILWOMAN TASCO: Donna, you

have questions on minority participation?

COUNCILWOMAN MILLER: Yes.

COUNCILWOMAN TASCO: Mine go beyond that. Go ahead.

COUNCILMAN O'NEILL: Councilwoman Miller.

COUNCILWOMAN TASCO: I'll come back.

COUNCILWOMAN MILLER: Thank you.

Good afternoon. Excuse me. Mr. Williams, did you state that the economic opportunity plan has not been written yet?

MR. WILLIAMS: We've given them a template to use, and I'm sure that shortly they will get back to us with the completed project.

COUNCILWOMAN MILLER: So then how will that plan, the final draft, get to City Council members for our input? Is there some mechanism?

MR. DIAZ: Councilwoman, the economic opportunity plan is normally,

because it is a contracting function, is done by the executive administrative branch. I think in this instance, given the interest level, and it's certainly understandable and one that we are responsive to, it seems to me that once the economic opportunity plan has been prepared, we'd be pleased to file it with Council for information.

But, again, we're anticipating that the economic opportunity plan is going to build from the legal commitments already in the contracts involving EarthLink. In no way would the economic opportunity plan be a vehicle for deviating from the commitments that we have in writing that have been signed by EarthLink, Wireless Philadelphia and the City.

COUNCILWOMAN MILLER: Sure. Well, during the stadium negotiations, we were very much involved in the development of the economic opportunity plan, not just the Administration but

also Councilmembers that had that interest. I just want to put that on the record.

In doing the oversight, many times contractors, subcontractors get a contract and then they have problems being paid. I'm going through that right now with contractors that have secured contractors because of an MBEC agreement, but now the problem is, they're not being paid. And at some point -- we live and learn in these jobs, and that is a big issue of people not being paid and destroying companies, small businesses.

Have you thought about that and how you will handle any of those types of problems in the oversight committee?

MR. WILLIAMS: Yes, we have. When I first came to MBEC, I created an Enforcement Compliance and Monitoring Unit and hired a deputy, Wendy Staton, to head that unit, and among their various duties is to handle non-payment issues, which we currently do. We investigate

them. We mediate them. We try to bring the parties together. And some of the things that we can do per the Executive Order is to ask the City Solicitor and the Finance Director to de-bar the person who hasn't paid a subcontractor, to de-bar them for three years from doing any contracting with the City. We feel that that's a big stick to have people come in to compliance, and we've been pretty successful in getting people their money.

COUNCILWOMAN MILLER: All right. Because I remember years ago I was Chair of a board and we were actually getting some City funding to renovate a community center, and our roofer was doing really shoddy work, terrible work, all kinds of bad work, not just roofing. So we as a board fired the contractor.

The City came in. They threatened us. They did all kinds of things. They said we were in violation of the contract, which we were, but we

were just so desperate because nothing was happening to correct the shoddy work and they could just continue to do more and more and more, and it was a lot of money being spent. And I guess what shocked me that many years ago was, the City -- we called and called and called to try to get them to help us with the contractor, but when we took matters in our own hands and fired the contractors, all of the sudden, we were the bad guy.

So I know that the City can be forceful if they need to be. In fact, we had to hire them back in order to continue to receive our payments for the renovation.

So I'd just like to see the City be really forceful, because there's no point in helping people get contracts if it ends up ruining their businesses --

MR. WILLIAMS: Absolutely.

COUNCILWOMAN MILLER: -- and then going bankrupt.

MR. WILLIAMS: Which is why I

hired Wendy Staton. She's like a pit bull. If someone has been on the other side of a mediation with her and doing something wrong, we make sure that people get paid or we, again, ask the City Solicitor and the Finance Director to de-bar them. So we've been very aggressive about going after non-payment issues.

COUNCILWOMAN MILLER: And the only other thing that I would ask, too, is that we make sure that there's some workforce diversity involved with these subs. Certainly we have to keep Philadelphians working, and hopefully there is some mechanism so that some of our unemployed or people with the right skills can become employed as a part of this whole Wireless Philadelphia plan. Okay?

MR. WILLIAMS: Yeah. You know, Councilwoman, that you and I have worked on this issue.

COUNCILWOMAN MILLER: Right.

We've talked about that a lot.

MR. WILLIAMS: A lot. So I hear you loudly and clearly.

COUNCILWOMAN MILLER: Okay. Thank you.

MR. WILLIAMS: Thank you.

COUNCILWOMAN MILLER: Thank you, Mr. Chair.

COUNCILMAN O'NEILL: Thank you, Councilwoman.

Councilwoman Tasco.

COUNCILWOMAN TASCO: This is just for the record, and you've probably already answered this before. I'm not sure that I heard it. This goes to your business model where you have an aggressive goal of obtaining consumer penetration and adding subscribers each year after start-up. From what basis have you derived these figures?

MR. ROSCOE: We have done some estimates of what we think the market is for WiFi and we've actually done some -- let me back up and say, around other

cities around the country, people have done WiFi networks and we've kind of learned from what other people have been able to accomplish. We've also viewed it as a dial-up substitute. We look at how many dial-up subscribers there are in Philadelphia and make estimates as to how many of those might be willing to switch over to a broadband connection at about the same price and of higher quality.

So we've done some marketing studies and some estimates using data in our own shop to kind of figure out how big we think the market is and how many people we think might actually change over.

COUNCILWOMAN TASCO: Do you have a marketing plan? Have you all developed a marketing plan?

MR. ROSCOE: We have one in-house, yes.

COUNCILWOMAN TASCO: In-house marketing plan?

MR. ROSCOE: Yes.

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COUNCILWOMAN TASCO: You do it in-house?

MR. ROSCOE: Yes. We have our own economic models and forecasts as to what we think this business will do over the next several years.

COUNCILWOMAN TASCO: Let me ask you, what if you don't meet the goals? I mean, I think I've heard of costs of about $9 or $10 per subscriber. What if you don't meet your goal? What is your contract with your subscribers? Do you raise the rates, and how high could the rates go?

MR. ROSCOE: We're in this for the long haul, and, in general, the trend in broadband prices is to go down, not to go up. We've said our prices will be somewhere around $20 for our normal retail customers. They may vary a little bit, but they'll be around $20, and my guess is, over time they will trend down.

For those who are getting the digital inclusion rate at 9.95, it is a

fixed 9.95. So we've kind of already thought about what our price is going to be and how we're going to maintain it over time.

COUNCILWOMAN TASCO: This is a ten-year contract?

MR. ROSCOE: Right.

COUNCILWOMAN TASCO: What is the exit strategy?

MR. ROSCOE: We plan on being in Philadelphia for the duration.

COUNCILWOMAN TASCO: I know that, but what if it doesn't work?

MR. ROSCOE: I mean, define "doesn't work." If you're saying we come in a little below what we thought in terms of revenues and profits, we will still continue to fight and get revenues and profits as we need them. I mean, we're making a fairly good up-front investment and we don't plan to walk away from that.

COUNCILWOMAN TASCO: In order to use your services, do homeowners, your

subscribers, have to have additional hardware to access your system, and how much would this hardware cost?

MR. ROSCOE: Sure. If you have a newer computer, it typically comes with some form of a WiFi card, so you would not need any additional equipment. If you've got an older computer, there is something called a CPE, or customer premise equipment. They're currently costing around $70, $75.

COUNCILWOMAN TASCO: $75?

MR. ROSCOE: $70 to $75, somewhere in that range.

COUNCILWOMAN TASCO: Okay. Thank you.

COUNCILMAN O'NEILL: Thank you, Councilwoman.

Councilman Rizzo.

COUNCILMAN RIZZO: Thank you, Mr. Chairman.

When the concept of Philadelphia wireless was announced, it was about making the Internet available

to people that could not afford it, didn't have access to it. I just heard a number, $20-some for --

MR. ROSCOE: That was for the normal retail customer. For the low-income digital inclusion customer, the price is 9.95, and I think Wireless Philadelphia has been on record to try to bring that number down even more.

COUNCILMAN RIZZO: What's the criteria? How do we determine the 9.95 customer versus the retail customer?

MR. ROSCOE: I'm going to let Derek answer that one.

MR. PEW: Derek Pew, Interim CEO, Wireless Philadelphia.

Councilman Rizzo, I actually had submitted from Wireless Philadelphia to this Committee the digital inclusion program that includes the entire process by which that happens. I can go through it quickly, if you'd like.

COUNCILMAN RIZZO: No, you don't have to. I'll read it.

In the research that you've done, again, when we first started to talk about this, we were talking about new customers, people that didn't have access to the system. You just said something, a word which got my attention. You're actually going to go after the other providers, the dial-ups, the other types of Internet access.

What research have you done? How much business are you going to take away from Verizon, how much away from Comcast and any of the other providers? I'm sure as part of your business plan, there's a number.

MR. ROSCOE: Well, I mean, in general, we're looking at dial-up as being -- over time dial-up has been going away. People have been migrating to broadband over time. If you look at where we were nationwide a few years ago, EarthLink three or four years ago was about an 80 percent dial-up shop, about 20 percent broadband. That number has

been steadily coming down as broadband prices come down.

So we kind of think that over time, for about $20 a month, it makes more sense to go to a broadband connection as opposed to a dial-up connection.

You may have noticed recently AOL has said they're going to move all of their customers from dial-up to broadband and essentially charge them the same price for both services.

So this is a trend that's been going on for a long, long time, and as people decide to give up their dial-up accounts, we think this is a good alternative for them.

COUNCILMAN RIZZO: Why would a person that has dial-up or some other technology not want to switch to an upscale or a more superior product with the company they're already with? Why would a person want to not continue their relationship with a Verizon or a Comcast

and want to come to EarthLink?

MR. ROSCOE: In some cases, it's availability. I don't know this for certain, but I believe not all parts of Philadelphia are built out for broadband. In some cases, it's just convenience, the idea of being able to operate wirelessly is more appealing than being tied to a cable in your house. And so for some people, it's nice to be able to go out to the park, operate your laptop and do things on a nice wireless connection.

COUNCILMAN RIZZO: Thank you, Mr. Chairman.

COUNCILMAN O'NEILL: Any other questions?

(No response.)

COUNCILMAN O'NEILL: While we're killing time waiting for those amendments to get copied and brought in here --

MR. DIAZ: I understand, Chairman, they're on their way down now.

COUNCILMAN O'NEILL: Great.

Could you just explain --

MR. DIAZ: They just walked in the door.

COUNCILMAN O'NEILL: I know EarthLink is a pretty smart company and has a lot at risk here and is investing a lot as well. The issue of coverage going up to two or three stories and then above, I mean, I know initially that's the coverage level on the poles, but you have other plans to get to people that live above a second or third story?

MR. ROSCOE: Correct. We are looking at other solutions now. We hope to have those figured out in the next year or so. So as we get the network built out, we'll have additional technologies to be able to go up higher in the buildings.

COUNCILMAN O'NEILL: You don't intend on not marketing those people?

MR. ROSCOE: No. No. They're fair game.

COUNCILMAN O'NEILL: Okay.

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We're now distributing some amendments as soon as we get them up here.

I would like to recognize the members of the two Committees that are here in attendance. We certainly have a quorum. Councilman Rizzo; Chair of the Public Property Committee, Councilman Clarke; one of the co-sponsors, Councilman DiCicco; Councilwoman Tasco, the other co-sponsor; and Vice-Chair of Technology, Councilwoman Reynolds Brown; Councilwoman Krajewski; Councilwoman Miller, Donna Reed Miller; Councilman Jim Kenney; and Councilman Jack Kelly.

I'd like to thank everyone for being here at a late hour of the day when we've been involved in a lot of other things today, but also for all of the hearings. I don't know if it's a record, but I think this is our sixth hearing in seven weeks, including Easter break and during the budget. So we managed to do, I think, a whole lot.

I also want to thank the

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Administration, Mr. Diaz as the point. I know this has been even more difficult with Dianah Neff out, but between yourself and Mr. Pew and others, you've really been able to dialogue, in addition to coming in here and talking, and give and take and accept give and take on our side as well, and I think it's a good model for negotiation and settlement.

MR. DIAZ: Thank you, Chairman.

COUNCILMAN O'NEILL: We have a set of amendments that I think have the sponsor's agreement, the Chairs' of the two Committees agreement and I think everyone would agree, at least from a Council perspective, improve the product, and I don't think the Administrative has any objection to that. And I think if we had a process here where Council were brought in early, these may have been taken care of before the bill got here. It's just not the process that we have.

Everybody take a little chance to read them. If anybody has a question,

they can ask the question of Mr. Diaz or if I can't answer it, someone else I'm sure can.

The Advisory Committee section was presented by the Administration. I had nothing to do with that. If anyone wants to change it, I'm sure as far as the Councilmembers' appointment, you'd be glad to accept a friendly change to that. We did not have any discussions on that section. This is 2.8, Advisory Committee. That's a new section that was offered by the Administration in our discussions, and I think the section in question that some members are looking at is the fifth line down, "the members of which shall be appointed one each by the 17 members of City Council."

Let me just mention, I think the idea here is advisory. Every Councilmember would have the ability to appoint somebody. The Board of Directors of Wireless Philadelphia in a separate amendment that we have before us, which

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originally had nine members, four members appointed by the Mayor, four members appointed by those appointments and the head of MOIS, whoever that may be, as the ninth member, has been expanded to include three Council President appointees and has been expanded to 12. So there will be the original nine appointments and 12. So our regular process of appointing members to the Board of Directors will be what we would normally do to a board.

This is an Advisory Board created by the Administration and offered, and I think it's just to give every Councilmember an appointment to that Advisory Committee if they so choose, as they're doing with a lot of other elected officials, if you look at the language.

But if there's any questions on that, I'm glad -- we did not discuss this in any depth. We were mainly talking from Council's vantage point of having

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Board seats.

I recognize Councilman DiCicco to introduce the amendments.

COUNCILMAN DiCICCO: Thank you, Mr. Chairman. I believe everyone has a copy of the proposed amendments, and I would move that these Committees approve the amendments to Bill No. 060160.

(Duly seconded.)

COUNCILMAN O'NEILL: Excuse me. Now that we circulated them, I should adjourn the public hearing.

The public hearing is adjourned and we're going into the public meeting. Thank you.

Councilman DiCicco.

COUNCILMAN DiCICCO: Thank you again, Mr. Chairman. I move that the amendments that have been circulated to Bill No. 060160 be approved.

(Duly seconded.)

COUNCILMAN O'NEILL: All in favor?

(Aye.)

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COUNCILMAN O'NEILL: Nays?

(No response.)

COUNCILMAN O'NEILL: It's unanimous, and the amendments are adopted.

Motion, Councilman DiCicco.

COUNCILMAN DiCICCO: Thank you, Mr. Chairman. I move that Bill No. 060160 as amended be reported out of this Committee with a favorable recommendation and a further recommendation that the rules of Council be suspended.

(Duly seconded.)

COUNCILMAN O'NEILL: All in favor?

(Aye.)

COUNCILMAN O'NEILL: Nay?

(No response.)

COUNCILMAN O'NEILL: The ayes have it. It's unanimously approved from this Committee. It will be on the Calendar tomorrow for reporting out and first reading.

Thank you all, and the meeting

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is adjourned.

(Joint Committees on Technology and Information Services and Public Property and Public Works adjourned at 4:10 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 on May 3, 2006, and that this is a true and correct transcript of same.

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MICHELE L. MURPHY

RPR-Notary Public

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