



CITY COUNCIL

Committee of the Whole

Monday, April 4, 2022

5:00 pm

Hybrid Meeting

Agenda

The City Council Committee of the Whole meetings are filmed and can be viewed LIVE while the meeting is taking place via the attached Zoom link and dial-in phone number, on Facebook and on BCTV MAC Channel 99 or at your convenience at <https://www.readingpa.gov/content/city-council-video>.

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<https://readingpa.zoom.us/j/81047830612?pwd=TU9nNUUwN3psZExaekJXTGdmMzJGZz09>

Passcode: 039631

Description: I. Retaining PFM after Act 47

II. 5th & Penn Properties – RFQ Update

III. Appointments to BACs – 2018 Matrix and 2020 Law Redo Matrix Attached

Or One tap mobile:

+16465588656,,81047830612#,,,,*039631# US (New York)

+13017158592,,81047830612#,,,,*039631# US (Washington DC)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 810 4783 0612

Passcode: 039631

I. Retaining PFM after Act 47

II. 5th & Penn Properties – RFQ Update

III. Appointments to BACs – 2018 Matrix and 2020 Law Redo Matrix Attached

IV. Public Safety Reports (Police & Fire)

- Project Updates

- Police & Fire Accomplishments*

V. Administrative Reports

1. Finance Monthly Reports – Executive Summary - deferred until the May 2nd Meeting

- Balance Sheet & Income Statement
- Cash levels in the General Fund & Enterprise Funds
- Review Expenditure Reports by Department & Division
- Progress Reports on Grants & CDBG HUD Funding – amount received amount spent and grant deadline
- Non-recurring revenue or interfund transfers - include land or asset sales, use of fund balance, transfers from other funds that exceed ongoing and sustainable levels, and transfers from other funds that exceed legal limits. Nonrecurring revenues also include any revenue that is anticipated to be received for only one year.

2. HR Monthly Reports

- Budget-to-filled position report to show where there is a concentration of unfilled positions by Division/Office showing the employment category of each position
- Report each month on how HR is adhering to and/or implementing each part of Personnel Code Section 703 a through l

CITY COUNCIL OF THE CITY OF READING,
BERKS COUNTY, PENNSYLVANIA

DATE: March 20, 2022
TO: City Council
FROM: City Council Solicitor
RE: Reading Redevelopment Authority

In light of the vacancy on the RRA Board created by Nate Rivera's recent resignation, it is noteworthy that a recent change in law has provided Council (no longer the Mayor) with the authority to appoint members to this Authority Board.

To elaborate, prior to July 14, 2020, the Urban Redevelopment Law of 1945 provided that the Mayor had authority to appoint board members.

However, in 2020, the law was changed to give the Council with the appointment powers. For your reference, the text of the legislation is below:

Section 5. Appointment and Qualifications of Members of Authority.--Upon certification of a resolution declaring the need for an Authority to operate in a [city] municipality or county, [~~the mayor or board of county commissioners thereof, respectively,~~] the governing body shall appoint, as members of the Authority, five citizens who, except in the case of cities of the third class, shall be residents of the [city] municipality or county in which the Authority is to operate. In the case of a city of the third class, a majority of the members of the Authority shall be residents of the city, and the remainder may be nonresidents who own and operate businesses in the city in which the Authority is to operate.

[2020 Act 58 - PA General Assembly \(state.pa.us\)](https://www.pa.gov/documents/000001/2020-Act-58-PA-General-Assembly/state.pa.us)

The statute defines governing body of a city as "the city council or legislative body thereof."

So, Council is now in the position to fill this vacancy.

/dh

TO: City Council

FROM: Nominations & Appointments Committee

DATE: September 18, 2018

SUBJECT: BAC Appointments

See below for the appointment authority for the City's Boards, Authorities and Commissions

Board, Authority, Commission	Appointed by	Citation
Electrician's Examining Board	Mayoral recommendation with Council approval	Chapter 180 Construction Codes, Part 7 International Electrical Code, Section 1101.1
Plumbing Examining Board	Mayoral recommendation with Council confirmation	Chapter 180 Construction Codes, Part 9 International Plumbing Code, Section 109.2A
HVAC Board	Mayoral recommendation with Council approval	Chapter 180 Construction Codes, Part 6 International Mechanical Code, Section 103.5
Zoning Hearing Board	Council	Chapter 600 Zoning, Part 4 Zoning Hearing Board, Section 600-402
Police Civil Service Board	Council	3 rd Class City Code, Article 44 Civil Service, Section 4402
Fire Civil Service Board	Council	3 rd Class City Code, Article 44 Civil Service, Section 4402
Historical Architectural Review Board	Council	Chapter 295 Historical and Conservation Districts, Section 295-111

Library Board	Council	Chapter 332 Library, Section 332-102 (B)
Board of Health	Mayor recommendation with Council approval	Chapter 23 Boards, Commissions, Committees, Part 8 Board of Health, Section 23-801B
Board of Ethics	Mayoral recommendation with Council confirmation	Home Rule Charter, Section 1201 (c)
Building/Fire Code Board of Appeals	Mayoral recommendation with Council confirmation	Chapter 180 Construction Codes, Part 14 International Fire Code, Section 108.2.2
Animal Control Board	Mayoral recommendation with Council confirmation	Chapter 141 Animals, Part 2 Animal Control, Section 141-217
Charter Board	Mayoral recommendation with Council confirmation	Chapter 23 Boards, Commissions, Committees, Part 6 Charter Board, Section 23-602
Code and License Appeals Board	Mayor appoints 1 member of the business community and 1 alternate; 2 members and 2 alternates appointed by Council	Chapter 23 Boards, Commissions, Committees, Part 14 Code and License Appeals Board, Section 23-1402 (C)

Environmental Advisory Council	Council	Chapter 23 Boards, Commissions, Committees, Part 11 Environmental Advisory Council, Section 23-1102
Diversity Board	Council appoints members of the public; Managing Director and HR Manager are members	Chapter 23 Boards, Commissions, Committees, Part 10 Diversity Board, Section 23-1003
Conversion Therapy Mental Health Services Appeals Board	Mayoral recommendation with Council confirmation	Chapter 185 Conversion Therapy, Section 185-105
Citizens Initiative Commission	Mayor appoints 3 members; Council appoints 6 members (1 from each Council district)	Chapter 23 Boards, Commissions, Committees, Part 3 Citizens Initiative Commission, Section 23-303
Main Street Board	Mayoral recommendation with Council confirmation	Chapter 23 Boards, Commissions, Committees, Part 12 Main Street Program Board, Section 23-1201
Pagoda Foundation	Mayor appoints 2 members; Council appoints 2 members	Resolution 86-2014, MOU #10
Water Authority	Council	Municipalities Authorities Act, Section 5610
Redevelopment Authority	Mayor	Urban Development Law, Section 5
Housing Authority	Mayoral recommendation with Council confirmation	PA Housing Authorities Law, Section 5
Parking Authority	Mayor	PA Title 53, Chapter 55 Parking Authorities, Section 5508

Convention Center Authority	Council	3 rd Class County Convention Center Authority Act, Section 2399.61. Governing Board (1)
DID Authority	DID recommendation, Mayoral approval of DID recommendation, Council confirmation	Neighborhood Improvement Districts Act and Municipalities Authorities Act
City Revitalization and Improvement Zone Authority (CRIZ)	Council	Municipal Authorities Act, Section 5610
Planning Commission	Mayoral recommendation with Council confirmation	Municipalities Planning Code, Section 203 (a) All members of the commission shall be appointed by the appointing authority of the municipality. All such appointments shall be approved by the governing body, except where the governing body is the appointing authority. WHO IS THE APPOINTING AUTHORITY
Shade Tree Commission	Mayoral recommendation with Council confirmation	Chapter 555 Trees, Section 555-104 (F)
Stadium Commission	Mayoral recommendation with Council confirmation	Chapter 23 Boards, Commissions, Committees, Part 4 First Energy Stadium Commission, Section 23-402
Human Relations Commission	Mayor	Chapter 23 Boards, Commissions, Committees, Part 5 Human Relations Commission, Section 23-504

Blighted Property Review Committee	Mayoral recommendation with Council confirmation	Chapter 23 Boards, Commissions, Committees, Part 9 Blighted Property Review Committee, Section 23-903
Recreation Commission	Mayoral recommendation with Council confirmation	Intergovernmental Cooperation Agreement, #4 (E)
Audit Committee	Council	Chapter 23 Boards, Commissions, Committees, Part 13 Audit Committee, Section 23-1302
Youth Commission	Mayor appoints 3 members; Council appoints 12 members (2 from each Council district)	Chapter 23, Boards, Commissions, Committees, Part 15 Youth Commission, Section 23-1502
Downtown Revitalization Public Private Partnership	Mayor appoints Administrative Rep, Small Business Rep, & Resident - alternates permitted; Council appoints a Councilor & Large Business Rep - alternates permitted; GRCA appoints two reps from private businesses - alternates permitted; DID Board Chair - alternates permitted; and the GRCA Downtown Exec Dir	Ordinance 41-2018 - Chapter 23 Boards, Commissions, Committees, Part 12

TO: City Council
FROM: Nominations & Appointments Committee

DATE: May 19, 2020

SUBJECT: BAC Appointments

See below for the appointment authority for the City's Boards, Authorities and Commissions

Board, Authority, Commission	Appointed by	Citation
Electrician's Examining Board	Mayor appoints all "members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation."	City of Reading Home Rule Charter Section 309(b)
Plumbing Examining Board	Mayor appoints all "members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation."	City of Reading Home Rule Charter Section 309(b)
HVAC Board	Mayor appoints all "members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation."	City of Reading Home Rule Charter Section 309(b)
Zoning Hearing Board	Council by resolution	Pennsylvania Municipalities Planning Code Section 903(a) (the MPC defines governing body as the council of the third class city)
Police Civil Service Board	The board shall consist of three citizens who shall be appointed by council for terms of four years or until their successors are appointed and qualified except for the initial appointment of board members as provided for in section 4403.	3 rd Class City Code, Article 44 Civil Service, Section 4402
Fire Civil Service Board	The board shall consist of three citizens who shall be appointed by council for terms of four years or until	3 rd Class City Code, Article 44 Civil Service, Section 4402

	their successors are appointed and qualified except for the initial appointment of board members as provided for in section 4403.	
Historical Architectural Review Board	Council by resolution	Chapter 295 Historical and Conservation Districts, Section 295-111
Library Board	The library shall be managed and controlled by a Board of 16 trustees, to be constituted as follows: The Mayor of the City shall be ex officio, and the 15 others shall be appointed as follows: Three thereof shall be elected by Council; two thereof shall be elected by the Mayor; five shall be elected by the County of Berks; five thereof shall be elected by the Board of Directors of the Reading Library, the donor as aforesaid.	Hybrid: City of Reading Home Rule Charter Section 309(b); with Moran administration deferring appointment power over three trustees to Council Chapter 332 Library, Section 332-102 (B) Funding Agreement between the City of Reading and County of Berks with the Mayor deferring appointment power over five trustees to the County of Berks
Board of Health	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	Chapter 23 Boards, Commissions, Committees, Part 8 Board of Health, Section 23-801B
Board of Ethics	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	Home Rule Charter, Sections 1201 (c) and 309(b)
Building/Fire Code Board of Appeals	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b) and Codified Ordinances Chapter 180 Construction Codes, Part 14 International Fire Code, Section 108.2.2
Animal Control Board	Mayor appoints all “members of boards, authorities and	City of Reading Home Rule Charter Section 309(b) and

	commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	Codified Ordinances Chapter 141 Animals, Part 2 Animal Control, Section 141-217
Charter Board	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b); Chapter 23 Boards, Commissions, Committees, Part 6 Charter Board, Section 23-602
Code and License Appeals Board	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b)
Environmental Advisory Council	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b)
Diversity Board	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b) and Codified Ordinances
Conversion Therapy Mental Health Services Appeals Board	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b) and Codified Ordinances Chapter 185 Conversion Therapy, Section 185-105
Citizens’ Initiative Commission	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b)
Main Street Board	Mayor appoints all “members of boards, authorities and	City of Reading Home Rule Charter Section 309(b) and

	commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	Codified Ordinances Chapter 23 Boards, Commissions, Committees, Part 12 Main Street Program Board, Section 23-1201
Pagoda Foundation	Mayor appoints 2 members; Council appoints 2 members [Need to review further to see whether foundation is actually a board or commission]	Resolution 86-2014, MOU #10
Water Authority	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	Municipalities Authorities Act, Section 5610 City of Reading Home Rule Charter Section 309(b) <i>Reed v. Harrisburg</i> , 995 A.2d 1137 (Pa. 2010)
Redevelopment Authority	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	Urban Development Law, Section 5;
Housing Authority	“...in cities of the third class, the mayor, with the approval of the majority of the members of council, shall appoint five persons to be members of the housing authority of such city, such members shall be citizens residing within the city for which the Authority is created.”	PA Housing Authorities Law, Section 5; City of Reading Home Rule Charter Section 309(b)
Parking Authority	(1) The powers of an authority shall be exercised by a board composed of five members. The majority of the members must be residents of the municipality where the authority is located. Each member must be a resident of the county in which the municipality is located or maintain a business in the	PA Title 53, Chapter 55 Parking Authorities, Section 5508;

	<p>municipality served by the authority.</p> <p>(2) The mayor of the city, the president of the borough council, the president of the board of township commissioners, as applicable, shall appoint the members of the board.</p>	
<p>Convention Center Authority</p>	<p>Section 2399.61. Governing Board.--(a) The power of the authority shall be exercised by a governing board composed of eleven members appointed as follows:</p> <p>(1) The mayor or, if there is no mayor, the governing body of the municipality in which the convention center facilities are located shall appoint two members. The term of office of these members shall be four years. The terms of the first two members appointed shall be allocated between them for a two-year and four-year term, respectively. In all cases, the beginning of the term shall be deemed January 1 of the year of appointment subject to subsection (b).</p> <p>(2) The county council or, if there is no county council, the governing body of the county in which the convention center facilities are located shall appoint seven members. The term of office of these members shall be four years. The terms of the first seven members appointed shall be allocated among them as follows: one one-year term, two two-year terms, two three-year terms and two four-year terms. In</p>	<p>3rd Class County Convention Center Authority Act, Section 2399.61. Governing Board (1)</p>

	<p>all cases, the beginning of the term shall be deemed January 1 of the year of appointment, subject to subsection (b).</p> <p>(3) Two members shall be appointed by the Governor with the advice and consent of a majority of the members of the Senate.</p>	
DID Authority	<p>Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”</p> <p>* The DID Authority proposes candidates for mayoral appointment.</p>	<p>Municipal Authorities Act, Section 5610 (via the Neighborhood Improvement District Act Section 6(d)); City of Reading Home Rule Charter Section 309(b); <i>Reed v. Harrisburg</i>, 995 A.2d 1137 (Pa. 2010)</p>
City Revitalization and Improvement Zone Authority (CRIZ)	<p>Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”</p>	<p>Municipal Authorities Act, Section 5610</p> <p>City of Reading Home Rule Charter Section 309(b);</p> <p><i>Reed v. Harrisburg</i>, 995 A.2d 1137 (Pa. 2010)</p>
Planning Commission	<p>Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”</p>	<p>Municipalities Planning Code, Section 203</p> <p>(a) All members of the commission shall be appointed by the appointing authority of the municipality. All such appointments shall be approved by the governing body, except where the governing body is the appointing authority.</p> <p>(The Mayor is the appointing authority pursuant to Section 309(b) of the Charter and <i>Reed v. Harrisburg</i>, 995 A.2d 1137 (Pa. 2010))</p>
Shade Tree Commission	<p>Mayor appoints all “members of boards, authorities and</p>	<p>City of Reading Home Rule Charter Section 309(b) and</p>

	commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	Codified Ordinances Chapter 555 Trees, Section 555-104 (F)
Stadium Commission	<p>Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”</p> <p>An ex-officio member representing the Public Works Department will be designated by the Mayor and an ex-officio member representing Council will be appointed via resolution.</p>	City of Reading Home Rule Charter Section 309(b) and Codified Ordinances Chapter 23 Boards, Commissions, Committees, Part 4 First Energy Stadium Commission, Section 23-402
Human Relations Commission	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b) and Codified Ordinances Chapter 23 Boards, Commissions, Committees, Part 5 Human Relations Commission, Section 23-504
Blighted Property Review Committee	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b) and Codified Ordinances Chapter 23 Boards, Commissions, Committees, Part 9 Blighted Property Review Committee, Section 23-903
Recreation Commission	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b) and Intergovernmental Cooperation Agreement, #4 (E)
Audit Committee	Mayor appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”	City of Reading Home Rule Charter Section 309(b)
Youth Commission	Mayoral Appointment with Council approval Mayor	City of Reading Home Rule Charter Section 309(b) and

	<p>appoints all “members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.”</p> <p>* makeup of the board may still require appointment of members from each council district</p>	<p>Codified Ordinances Chapter 23, Boards, Commissions, Committees, Part 15 Youth Commission, Section 23-1502</p>
<p>Downtown Revitalization Public Private Partnership</p>	<p>If Board or Commission then Mayor appoints all position. If partnership is different than a board or commission than it could be that the current appointment process is appropriate. The current process is:</p> <p>Mayor appoints Administrative Rep, Small Business Rep, & Resident - alternates permitted; Council appoints a Councilor & Large Business Rep – alternates permitted; GRCA appoints two reps from private businesses – alternates permitted; DID Board Chair – alternates permitted; and the GRCA Downtown Exec Director</p>	<p>Ordinance 41-2018 – Chapter 23 Boards, Commissions, Committees, Part 12</p>