



# *CITY COUNCIL*

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## *Committee of the Whole*

**Monday, March 14, 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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Passcode: 792999

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+13126266799,,85790918967#,,,,\*792999# US (Chicago)

Or join by phone:

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

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

Webinar ID: 857 9091 8967

Passcode: 792999

- I. Government Study Commission**
- II. Containing Charter Board Costs**
- III. Agenda Review**

## Starting the Government Study Commission

### PA Title 53 SUBCHAPTER B PROCEDURE FOR ADOPTION OF HOME RULE CHARTER OR OPTIONAL PLAN OF GOVERNMENT

#### 2911. Submission of question for election of government study commission.

1. Ordinance of the governing body or petition by citizens to place a question on the ballot:
  - a. Shall a government study commission of (seven, nine or eleven) members be elected to consider the advisability of the adoption of an optional plan form of government
  - b. Shall a government study commission of (seven, nine or eleven) members be elected to consider the advisability of the adoption of a home rule charter
  - c. Shall a government study commission of (seven, nine or eleven) members be elected to consider the advisability of the adoption of an optional form of government or a home rule charter

#### 2912. Election of members of commission.

**(a) General rule.**--A governmental study commission of seven, nine or eleven members, as designated in the question, shall be elected by the qualified voters at the same election the question is submitted to the electors.

**(b) Nomination of candidates.**--Each candidate for the office of member of the commission shall be nominated and placed upon the ballot containing the question without any political designation. No nomination paper shall be signed or circulated prior to the 13th Tuesday before the election nor later than the tenth Tuesday before the election.

**(c) Instructions to electors.**--Each elector shall be instructed to vote on the question and to vote for the designated number of members of a government study commission who shall serve if the question is or has been determined in the affirmative.

**(d) Insufficient number of candidates or members.**--If an insufficient number of nominating papers is filed to fill all of the designated positions on the study commission, the question of establishing a commission shall be placed on the ballot, and, unless a sufficient number of study commission members are elected by receiving at least as many votes as signatures are required to file a nominating position, then the question of creating a study commission shall be deemed to have been rejected.

### PA DCED Publication re Home Rule Government

#### II. Beginning Government Study Commission Process

The decision of whether or not to study a municipal government and consider the advisability of change is made by the voters. At the same time this decision is made, the voters elect a group of citizens to conduct the study and report their recommendations back to the electorate for final decision. The entire process can be begun either by the governing body of the municipality, or by a group of citizens through the initiative process.

## Placing the Government Study Commission Question on the Ballot

The Home Rule Law provides two alternate methods for placing the question of having a government study commission on the ballot. The question may be initiated either by (1) an ordinance of the municipal governing body or (2) a petition of the registered voters of the municipality. The ordinance or petition must designate one of the three questions permitted by the Home Rule Law.

**Government Study Commission Questions.** The Home Rule Law contains three questions — one must be selected to be placed on the ballot in drawing up the ordinance or petition. The choice of the question will restrict the government study commission to a consideration of an optional plan, a home rule charter, or allow it to choose either an optional plan or a home rule charter. The text of the questions as set forth in the Home Rule Law follows.

- (1) “Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality; to consider the advisability of the adoption of an optional form of government and to recommend whether or not an optional plan of government should be adopted?”
- (2) “Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality, to consider the advisability of the adoption of a home rule charter; and if advisable, to draft and to recommend a home rule charter?”
- (3) “Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality; to consider the advisability of the adoption of an optional form of government or a home rule charter; to recommend the adoption of an optional form of government, or to draft and recommend a home rule charter?”

In addition to choosing one of the three questions, the petition or ordinance must designate whether the proposed government study commission is to have seven, nine or eleven members.

**Initiation by Ordinance.** An ordinance to place a government study commission on the ballot must be adopted by the governing body of the municipality, that is, the county commissioners, city council, borough council, or township commissioners or supervisors. There is no required form for the ordinance. However, it must specify one of the three questions to be placed on the ballot and designate the number of members to be elected to the government study commission.

Within five days after the final enactment of an ordinance, the municipal clerk or secretary must file a certified copy of the ordinance with the county board of elections, together with a copy of the question to be submitted to the voters. The county board of elections will submit the question to the voters at the next primary, municipal or general election occurring not less than the thirteenth Tuesday after the ordinance is filed. The deadline for filing an ordinance to appear on the next election is thirteen weeks before the date of the election.

## Electing Members of the Government Study Commission

At the same election where the question of having a government study commission is on the ballot, voters are also asked to elect the designated number of members for the commission. Even voters opposing having a government study commission are to vote for members of the commission.

The Home Rule Charter and Optional Plans Law establishes a detailed procedure for simultaneously presenting to the electors two related questions – the first, whether a home rule study should be undertaken and secondly, the election of members to a study commission if the vote is favorable to such a study.

**Eligibility.** The only eligibility requirement for candidates for the office of study commissioner is that they be registered voters of the municipality.<sup>2</sup> Current officeholders, including local, school, county and state

officials are eligible to serve as members of government study commissions. As the office is nonpartisan, persons covered by local or state civil service regulations are also eligible to serve.

**Nomination Papers.** Candidates are nominated by filing nomination papers. The nomination papers must include the name and address of the candidate, identify the person as a candidate for the office of government study commissioner, and state the signers are legally qualified to vote for the candidate. The nomination papers may not carry any political party designation or slogan.

Nomination papers may be circulated and signed within a time period between the thirteenth and the tenth Tuesday before the election. Candidates must obtain signatures of registered voters equal to at least two percent of the number of votes cast for governor in the last gubernatorial general election within the municipality, or two hundred registered voters whichever is less. Each voter signing a nominating paper must list their residence, including street number and post office address. Each voter may sign nominating papers for as many candidates as the number of members proposed for the government study commission. Each nomination paper must be accompanied by an affidavit of one or more of the signers, affirming the paper was signed by each signer in their proper handwriting, that to the best of the signer's knowledge all signers are registered voters of the municipality, and that the purpose of the paper is to endorse the candidate named for the office of government study commissioner.

**Filing Nomination Papers.** Nomination papers must be filed no later than the tenth Tuesday prior to the date of the election. Each nomination paper must have attached an affidavit signed by the candidate, consenting to stand as a candidate at the election, and promising to take office and serve, if elected.<sup>9</sup> Candidates filing nomination papers for government study commissioner do not have to pay a filing fee since they serve without compensation.

**Ethics Law Disclosure Statement.** The State Ethics Commission has ruled candidates for government study commission must file ethics law disclosure statements. Forms are available from the county board of elections.

**Campaign Finance Reports.** Candidates for government study commissioner are subject to campaign finance reporting requirements. Most candidates for government study commission will have minimal, if any, campaign receipts or expenditures. Candidates spending less than \$250 are required only to file a notarized statement attesting that fact with the county board of elections. When candidates file their nomination papers, they will be given the appropriate form by the board of elections.

Drafted by \_\_\_\_\_ City Clerk  
Sponsored by/Referred by City Council  
Introduced on \_\_\_\_\_  
Advertised on \_\_\_\_\_

**BILL NO. \_\_\_\_\_ 2022**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
READING, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING A REFERENDUM ON THE  
QUESTION OF ESTABLISHING A GOVERNMENT STUDY COMMISSION TO CONSIDER  
THE ADOPTION OF AN OPTIONAL FORM OF GOVERNMENT OR A HOME RULE  
CHARTER FOR THE CITY OF READING.**

WHEREAS, the City Council of the City of Reading ("Council") is a governing body under the Home Rule Charter and Optional Plans Law (P.L. 1158, No. 177, Act of December 19, 1996 (53 Pa.C.S.A. §2901, et seq.)) authorized through ordinance to place before the electors of the City of Reading (the "City") the question of whether a government study commission should be established to study the form of government of the City and to compare it with other available forms under the laws of the Commonwealth; and

WHEREAS, Council believes it is in the best interest of the citizens of the City for a government study commission to be elected for purposes of determining whether or not the government of the City would be strengthened or made more clearly responsible or accountable to the people or the government more economical or efficient under a changed form of government.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the City Council of the City of Reading, Berks County, Pennsylvania, as follows:

1. The Preamble set forth above is incorporated herein as a statement of the legislative intent and purpose of this Ordinance.
2. An election shall be held on the following question, which question shall be provided to the electors at the next municipal or primary election to be held on November 12, 2019:  
"Shall a government study commission of (*seven, nine or eleven*) members be elected to study the existing form of government of the municipality; to consider the advisability of the adoption of an optional form of government or a home rule charter; to recommend the adoption of an optional form of government, or to draft and recommend a home rule charter?"
3. Within five (5) days of final enactment of this Ordinance, the City Clerk of the City of Reading shall file a certified copy of this Ordinance with the Berks County Board of Elections, together with a copy of the question to be submitted to the electors.

ENACTED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

By: \_\_\_\_\_  
Linda A. Kelleher CMC, City Clerk

By: \_\_\_\_\_  
Jeffrey S. Waltman, Sr., Council President

Sent to Mayor \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor \_\_\_\_\_  
Date: \_\_\_\_\_  
Vetoed by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_  
Over-ridden by Council:  
Date: \_\_\_\_\_