



CITY COUNCIL

Orientation Session

Monday, January 17, 2022

5:00 pm

Virtual Meeting

Agenda

This session is recorded 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>.

Due to COVID-19, the public is prohibited from physically attending the meeting. In person attendance to view the meeting is permitted in the Penn Room in City Hall – use the 8th Street doors. To attend the meeting via our virtual app, please log-in using the link or the dial-in phone number below.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://readingpa.zoom.us/j/84809007155?pwd=dWgyYW1QeHRQNm9EMlZiM2RtaldxZz09>

Passcode: 459445

Or One tap mobile:

+13126266799,,84809007155#,,, *459445# US (Chicago)

+16465588656,,84809007155#,,, *459445# US (New York)

Or join by phone:

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

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

Webinar ID: 848 0900 7155

Passcode: 459445

I. Government Structure – Executive, Legislative, Elected Auditor - Jeff

1. Roles
2. Chain of Command
3. Contacting members of the administration

II. Council Staff - Linda (Job descriptions Pgs 3-14)

1. Roles & Responsibilities

III. Council Solicitor and City Solicitor - Mike

Meeting Procedures -

1. Agenda Setting - Jeff
2. Sunshine Act – **Mike Pgs 15-20**
Executive Sessions and confidentiality
3. Public Comment – at regular meetings and hearings, not at COWs, work sessions or committee meeting – **Jeff Pgs 21-22**
4. Rules of Procedure re Parliamentary Procedure – **Mike Pgs 23-24**
5. Rules of Debate – **Mike Pgs 24-25**
6. Committee of the Whole vs Committee Structure - Jeff
 - a. Finance, Budget and Audit, to include community development funds, capital improvements, audits and budget.
 - b. Public Property/Public Works to include parks, buildings, vehicles, streets and sewage.
 - c. Public Safety to include fire, police, codes, health and traffic.
 - d. Nominations and Appointments to interview and place applicants to the City's boards, authorities and commissions.

V. Home Rule Charter and Administrative Code - Mike

VI. Boards, Authorities & Commissions – Jeff Pgs 26-29

1. Appointment of Council members as liaisons or voting members

VII. BCTV – Donna Pgs 30-35

1. Agreement
2. In Your District

VIII. Policy & Operations Handbook – Linda/Mike

IX. Act 47 – Jeff Pgs 36-39

X. COW Topic List Review – Council Pg 40

POSITION DESCRIPTION CITY CLERK

Definition

The City Clerk serves as the director of the Council Office and chief administrative officer of City Council. This position performs highly responsible work involving the general oversight and coordination of Council's legislative action, policy, program and project management, procedure and operations. This employee is responsible for making recommendations to Council relating to policy, regulations, practices, and issues concerning the City of Reading.

This employee is responsible for carrying out a wide variety of assignments. This individual serves as a liaison between City Council, the Administration and other officials, and at times represents Council at meetings and conferences.

Job responsibilities include considerable public contact in dealing with City organizations and groups and explaining Council policies and issues to the media and individual citizens. Considerable discretion for the exercise of independent judgment is necessary in this position. This individual must also possess the ability to secure cooperation of others in difficult work situations. General supervision is provided by the Council President, who reviews performance relative to results obtained; along with other members of Council.

Function

1. Chief Administrative Officer of Legislative Branch.
2. Serves all members of City Council and the City Administration as the custodian of all records, legislation, agreements, contracts, deeds and other official documents for the City of Reading, and as secretary at City Council meetings, taking minutes and preparing meeting agendas.
3. Has power of a Notary Public responsible for administering oaths and is responsible for validating all official City documents.
4. Acts as a liaison between City Council and the City Administration and acts as a representative of Council with the Administration, other governmental entities, Boards, Authorities and Commissions and members of the public.

Responsibilities

1. Act as the day-to-day advocate and representative for the part-time members of City Council interacting with the executive branch of the City of Reading government.

2. Act as liaison between City Council and the Administrative Branch of the government of the City of Reading, other governmental agencies and officials., media and citizens.
3. Explain City Council procedures to and answer questions on City Council business from public, press, and administration.
4. Perform varied public relations activities for Council and the City to promote the City
5. Edit and prepare revisions of the Codified Ordinances and Journal of Council of the City of Reading ~~for publication each year.~~
6. Administer oaths to all public officials, fire fighters, police officers and employees, as may be required by law.
7. Assemble and prepare the annual budget for the City Clerk's office and City Council and also prepare ~~and oversee the advertising budget for the City Administration on an annual basis.~~
- 8. Develop budget review schedule in consultation with City Council and the administration.**
9. Act as notary for the City, notarize City documents when requested. Attest to the signature of the Mayor or the President of City Council with regard to official City documents
10. Attend meetings and events and act as the representative of City Council when so directed by the President of City Council.
11. Appear in Court upon receipt of subpoena, to produce City records and swear they are the official records of the City.
12. Draft ordinances, resolutions, memoranda, letters, reports, abstracts, and other correspondence, and conduct research for Council members.
- 13. Administer the records retention and electronic records programs.**
- 14. Develop procedures for the management of various Council proceedings such as conditional use hearings, liquor license transfer hearings, tax exoneration hearings, personnel hearings,**
15. Advise the press and public on City Council meetings and related

City matters

16. Prepare advertisements for all Council sessions along with meeting notices for other Boards and Commissions and prepare advertisements that educate the public on City laws and issues.

17. Make inquiries and requests for information on behalf of any member of City Council.

18. Serve as Secretary to Council for public meetings and hearings.

19. Direct the Legislative Aide and Deputy City Clerk and other office staff

20. Act as Chief Liaison to the Blighted Property Review Committee

21. Act as Chief Liaison and Director of the Local Redevelopment Authority

22. Serve on the City's Audit Committee

23. Serve on the Mount Penn Preserve Partnership

24. Serve on the Memorial Review Committee and the Public Art Review Committee

25. Assist with organizing Code and License Appeals Board hearings and Building and Fire Appeals hearings.

26. Coordinate properties receiving Repository Bids with Reading Parking Authority, NHS, Habitat for Humanity and the Berks County Conservation District and prepare te required resolutions.

27. Work with IT Division to choose applications for records management/retention, archiving, and live-streaming of Council meetings and other sessions.

Relationships

Reports to Pres of Council & City Council.

Frequent contact with other departmental personnel within the City.

Frequent contact with other City Clerks, elected officials, governmental officials, agencies, bureaus, citizens of Reading.

Supervision

1 Deputy City Clerk
1 Legislative Aide

Skills Required

Communicate effectively, orally and in writing.

Experience with Microsoft Office Access, Excel, Publisher, etc.

Ability to deal tactfully with people and resolve conflicts.

Establish and maintain effective working relationships with City officials, governmental agencies, City employees at all levels, and the general public.

Work independently and perform tasks involving numerous details.

Use discretion and judgment in dealing with confidential, sensitive and controversial issues.

Research and resolve citizen problems and complaints

Knowledge

City government operations, organizational structure, city officials and their functions. The basic principles and practices of public administration. Basic research and analysis techniques, methods, and procedures. Understanding of and ability to draft ordinances, codes and policies governing city operations.

Experience

A minimum of three (3) years experience in (or combined in) public or business administration. Requirements included in this specification may be subject to modification in order to reasonable accommodate individuals with disabilities who are otherwise qualified to perform the essential duties of the job.

Bachelor's Degree in Public Administration, Political Science or a related field, and a minimum of three (3) years of municipal government experience or any equivalent combination of training and experience that provides the required knowledge, skills, and abilities.

POSITION DESCRIPTION

DEPUTY CITY CLERK

DEFINITION

This employee is responsible for carrying out a wide variety of assignments, research projects, and special projects to support the City Clerk in the execution of official functions and activities associated with serving City Council and the Legislative Branch of government. This position performs work involved in the development, coordination and execution of the legislative and administrative operational activities of the City Council Office; and performs other related work as required.

Job responsibilities include public contact in dealing with City organizations and groups. Maintain high level of confidentiality when handling sensitive information. Requires considerable discretion for the exercise of independent judgment when handling sensitive information relating to labor contract issues, contract, litigation and personnel issues discussed in executive session, and other City related information. Possess the ability to secure cooperation of others in difficult work situations.

General supervision is provided by the City Clerk and Council President, who reviews performance relative to results obtained; along with other members of Council. Provide high-level administrative support by conducting research, preparing reports, handling information requests, and performing clerical **administrative** functions.

FUNCTION

1. Deputy to the City Clerk

RESPONSIBILITIES

1. Assist the City Clerk in the day-to-day advocacy and representation of the part-time members of City Council with the administrative branch of the City of Reading government. In the absence of the City Clerk, perform the City Clerk's duties, such as attend meetings, write agenda reports, take and prepare minutes.
2. Provide a high level of administrative support to the City Clerk, City Council, the general public, and other officials.
3. Attend Council meetings and community meetings; take and prepare meeting minutes and reports, as assigned by the City Clerk and/or President of Council. Perform follow-up activities resulting from Council meetings, including transcribing and distributing minutes, ensuring that resolutions and ordinances are in proper format, tracking and maintaining a database on Council, and committee and preparing letters of acceptance, rejection, etc.

Commented [MS1]: I've added new ones and adjusted others. I've also reordered some based on how often I do them.

Commented [MS2]: Should community meetings be separated out? They have their own different list for preparation.

4. **Manage the City's Board, Authority, and Commission (BAC) memberships including term expirations, background checks, and application processing.**

5. **Prepare the Nominations & Appointments Committee agenda to interview all applicants for appointment / reappointment to all City BAC's. Keep the pending applications memo, the list of openings, and membership of all BACs current, including the information on the website.**

6. **Serve as secretary administrative support and staff liaison to the Environmental Advisory Council, Animal Control Board, Board of Health, ~~Youth Commission~~ (note the Youth Commission needs to elect officers including a secretary that can take on this function), and Board of Ethics (including the distribution and processing of the annual Statement of Financial Interest and gift receipts), and processing of invoices for the Charter Board.**

7. **Attend bid / RFP openings and provide results to City Council. Monitor contracts that need to be attested by the City Clerk to ensure that all contracts / purchases approved by City Council are filed with the City Clerk's Office. Log all new and extended contracts into the Clerk's Office database. For contracts for services over several years, log into the City's contract database to ensure that contracts are re-examined and re-bid when contracts are expiring.**

8. ~~Prepare agendas and supporting documentation for all Council meetings and~~
Prepare a bimonthly Council Staff and City Council Activity Report.

9. Draft ordinances, resolutions, and commendations for members of City Council, upon request.

10. **Ensure that BAC membership, agendas and meeting summaries, ~~and vacancies are updated on the website.~~**

11. **Perform records management.**

12. **Log complaints made to the City Clerk's Office or City Council to ensure follow up by City staff. Follow up as necessary.**

13. Assist the City Clerk with the preparation of City Council meeting agendas **including coordination of the presentations made by BACs and City Departments.**

14. **Track outstanding City Clerk / City Council legal issues.**

15. Research public records and provide information to the public, administration and staff members concerning City Council actions, laws, ordinances, codes, procedures and projects; independently compose responses to requests for

information.

~~21. Prepare and publish legal and public notices in coordination with City Departments and Council actions, as directed.~~

~~16. Assist in the development and preparation of the annual budget and monitor expenditures throughout the year.~~

16. Make inquiries and requests for information on behalf of any member of City Council and the public.

17. Coordinate meetings between or among members of City Council and other public officials or citizens.

~~18. Assist the City Clerk~~ **Legislative Aide** in the preparation ~~and revision of the Codified Ordinances and of~~ the Journal of Council of the City of Reading for publication each year.

19. Assist in the performance of public relations activities for Council and the City.

20. Assist in the development and implementation of the Department's goals, objectives, policies, procedures, and work standards.

~~21. Recommend and coordinate the~~ Assist with the development and maintenance of computerized applications and systems that will support and maintain a centralized records management system, archives system, and records retention system in a way that provides ease of use to Council, the administration and public.

~~22. Perform other duties, as assigned by the City Clerk, Council President, or member of City Council including but not limited to perform all duties related to acting as the Secretary to the Board of Ethics, PARC Board of Health, Animal Control Board, Youth Commission and Environmental Advisory Council.~~

RELATIONSHIPS

Reports to City Clerk

Reports to Council President and the members of City Council.

Frequent contact with other departmental personnel within the City.

Frequent contact with other City Clerks, governmental officials, agencies, bureaus, citizens of Reading.

SKILLS REQUIRED

Communicate effectively, orally and in writing.

Experience with Microsoft Office, Access, Excel, Publisher, etc.

Ability to deal tactfully with people and resolve conflicts.

Establish and maintain effective working relationships with City officials, governmental agencies, City employees at all levels, and the general public.

Work independently and perform tasks involving numerous details.

Use discretion and judgment in dealing with confidential, sensitive and controversial issues.

Research and resolve citizen problems and complaints

KNOWLEDGE

City government operations, organizational structure, city officials and their functions. The basic principles and practices of public administration. Basic research and analysis techniques, methods, and procedures. Understanding of and ability to draft ordinances, codes and policies governing city operations.

EXPERIENCE

A minimum of three (3) years experience in (or combined in) public or business administration. Requirements included in this specification may be subject to modification in order to reasonably accommodate individuals with disabilities who are otherwise qualified to perform the essential duties of the job.

Bachelor's Degree in Public Administration, Political Science or a related field, and a minimum of three (3) years of municipal government experience or any equivalent combination of training and experience that provides the required knowledge, skills, and abilities.

SUPERVISION

Assist with the supervision of the ~~Administrative Assistant~~ Legislative Aide and any other staff or interns.

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DATE 7-18-12

TITLE

GRADE

~~Administrative Assistant~~ Legislative Aide – to City Clerk & City Council

DEPARTMENT/DIVISION

City Clerk-City Council

FUNCTION

This employee is responsible for carrying out a wide variety of assignments to support the City Clerk, City Council and the Legislative Branch of Government

Provide high-level administrative support by conducting research, preparing reports, handling information requests, and performing clerical functions such as preparing correspondence, receiving visitors, arranging conference calls, and scheduling meetings. Maintain high level of confidentiality when handling sensitive information relating to Council issues and personnel, contractual, and legal issues. May also train and supervise lower-level clerical staff or interns.

Considerable contact with elected officials, Administrative Staff and the public. Considerable discretion for the exercise of independent judgment is necessary in this position. General supervision is provided by the President of Council and the City Clerk, who reviews performance relative to results obtained.

RESPONSIBILITIES

1. Customer Service; input of citizen complaints and service requests with copies to specific departments and related follow up to City Council, Deputy Clerk and City Clerk.
2. Attend and prepare meeting reports for the Council Committee meetings on the first and third Monday's of the month. Assist in the preparation of the agendas for these meetings and provide research and support as required.
3. Record management; including organization and maintenance of the City's records using computerized applications and systems that provide ease of access to the Council, public and administration, along with working with the IT Division to update the website as required.
- 4. Attend bid/RFP openings and provide results to City Council.**

5. Work with the City's code publisher by providing new legislation for the code and the Ordinance and Resolutions section. Update the City's code books with the supplements and provide the code book supplements to the Reading Public Library and Berks County Law Library.

4. Copy, collate and distribute agendas for weekly Council meetings, hearings for Council and the Administration. Copy, collate and distribute correspondence and other materials to City Council and the administration.

5. Maintain Council Calendar to include the meetings dates and times for Council meetings and activities, all Board, Authority and Commission meetings and Community Group Meetings.

6. Prepare the quarterly Council Newsletter and prepare and manage social media pages for City Council

7. Obtain agendas and supporting documentation for Boards, Authority and Commission Meetings for distribution to Council and the City Clerk. Maintain calendar of Board, Authority and Commission Meetings

8. Coordinate appearance of clergy to offer invocations at all regular meetings of Council.

9. Make inquiries and requests for information on behalf of any member of City Council, as directed by City Clerk

10. Furnish the Administration, media and the public with copies of Council, meeting agendas, ordinances and resolutions as requested by the City Clerk, charging and collecting the cost of making such copies when appropriate.

11. Assemble a copy of the minutes of each Council meeting, ordinances, resolutions, communications and petitions at the end of each year and prepare for binding.

~~12. Place all advertisements in local newspapers or otherwise as may be required for sealed bids, notices of intention to introduce penalty ordinances, notices of vacating and opening of streets, special meetings of Council, and requests for various positions, as directed by City Clerk.~~

13. Prepare and submit bills for payment and monitor and prepare budget reports on quarterly basis, or as directed.

~~14. Type dictation and~~ Prepare letters and commendations as requested.

15. Attend Town Meetings and other events and providing meeting reports as requested.

16. Prepare necessary forms for the purchase of office supplies and other products as directed.

17. Perform other projects and tasks as assigned by the City Clerk.

RELATIONSHIPS

Reports to City Clerk

Reports to Council President and the members of City Council.

Frequent contact with other departmental personnel within the City.

Frequent contact with other City Clerks, governmental officials, agencies, bureaus, citizens of Reading.

SUPERVISION

Assist in supervision of interns and part-time employees

PROGRESSION

SKILLS REQUIRED

Operate a personal computer, standard office equipment and telephone and voice mail systems; organize work, set priorities, meet critical deadlines and follow up on work assignments with a minimum of supervision; proofread materials for conformance with City policies and procedures and for correct English usage; analyze and interpret administrative procedures, regulations, legal documents and contracts; assist in the development and implementation of policies, procedures, work standards and internal controls; exercise sound independent judgment within established guidelines; meet critical deadlines while maintaining sufficient flexibility to meet other office needs; prepare clear, concise and complete meeting documentation and other written correspondence and reports; establish and maintain effective working relationships with City staff, elected officials, other public and private organizations, the media and the public; exercise tact and diplomacy in interpersonal dealings which are difficult, highly sensitive and confidential.

KNOWLEDGE REQUIRED

City government operations, organizational structure, city officials and their functions. The basic principles and practices of public administration. Basic research and analysis

techniques, methods, and procedures. Understanding of and ability to draft ordinances, codes and policies governing city operations.

EXPERIENCE

A minimum of three (3) years experience in (or combined in) and administrative support position in public or business administration. Requirements included in this specification may be subject to modification in order to reasonable accommodate individuals with disabilities who are otherwise qualified to perform the essential duties of the job.

PENNSYLVANIA'S SUNSHINE ACT (OPEN MEETINGS LAW)

The [Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716](#), requires agencies to deliberate and take official action on agency business in an open and public meeting. It requires that meetings have prior notice, and that the public can attend, participate, and comment before an agency takes that official action.

The Office of Open Records (OOR) does not enforce the Sunshine Act, but it does provide training on the law. Following are answers to the most frequently asked questions the OOR receives regarding the Sunshine Act.

Which agencies are subject to the Sunshine Act?

Any state or local government body and all sub-units appointed by that body that perform an essential government function and exercises authority to take official action or render advice. It can include boards, councils, authorities, commissions, and committees.

The Sunshine Act defines an "agency" as the "body and all committees thereof that are authorized to render advice or take official action" on behalf of the governing body.

What's considered a meeting?

The law defines a meeting as "any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action."

Note that the Sunshine Act applies any time a quorum deliberates agency business or takes official action, no matter the physical location of those deliberations or actions. The use of the term "prearranged" does not allow agencies to thwart the intent of the Sunshine Act simply by holding an unscheduled discussion about agency business.

What's considered official action?

The definition of "official action" includes four categories:

1. Recommendations made by an agency pursuant to statute, ordinance or executive order.
2. The establishment of policy by an agency.
3. The decisions on agency business made by an agency.
4. The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.

What's considered agency business?

The law defines agency business as "the framing, preparation, making or enactment of laws, policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights, duties and responsibilities." Agency business specifically does *not* include administrative action (i.e., the execution or carrying out of previously approved official action or policies).

What's considered deliberation?

Deliberation is defined as the "discussion of agency business held for the purpose of making a decision."

What notice must an agency provide prior to public meetings?

For regular public meetings, agencies (including committees) must provide at least three days advance notice prior to the first regularly scheduled meeting of the calendar or fiscal year, along with all further scheduled meetings for the remainder of the calendar or fiscal year. The notice – which must include the date, time, and location of the meetings – must be printed in a paid newspaper of general circulation. A notice must also be posted at the location(s) where the meetings are to take place.

For a special or rescheduled public meeting, agencies must provide at least 24 hours advance notice, with the notice being printed in a paid newspaper of general circulation and posted at the location where the meeting is to take place.

Although not required by the Sunshine Act, including the purpose of a meeting, particularly a special meeting, is a good practice followed by many agencies. Some local government statutes, such as the Borough Code, require the subject to be included in special meeting notices. (See 8 Pa.C.S. §1006.)

Can the public comment during public meetings?

Yes. The Sunshine Act gives the public the right to comment on issues "that are or may be before the board." Agencies must provide a reasonable opportunity for residents and/or taxpayers to comment on an issue before a decision takes place.

Agencies are permitted to establish rules to oversee public comment by, for example, limiting the time for each commenter. The OOR encourages agencies to take care when imposing time limits on public comment. Three minutes is a common limit and may be more than enough at most public meetings. However, it may not be adequate at certain meetings, such as when a complex draft budget is being discussed. It can be a good practice to allow for flexibility in any policy imposing time limits on public comment, taking care to ensure that the agency does not show partiality to some commenters over others.

Agencies are also permitted to limit comment to residents and taxpayers of the area served by the agency.

Can the public ask questions during the comment period?

Yes. Although members of the agency are not *required* to provide an answer, it is a good practice to do so whenever possible. Answering questions can demonstrate a commitment to helping constituents and, in many cases, answering questions informally at a public meeting can reduce future requests under the Right-to-Know Law, which saves time and money for both the agency and the commenter / requester.

Can public meetings be recorded?

Yes. The Sunshine Act allows meetings to be recorded with an audio recorder or a video recorder. It also allows agencies to issue reasonable rules concerning the use of recording devices in order to avoid any disruptions. However, such rules cannot be an attempt to prevent a member of the public from recording a meeting.

The law does not require the recording of a public meeting to be announced in advance; however, it may be helpful for the chairperson in the opening statements to alert the public that the meeting might be recorded.

Must agencies keep minutes of their public meetings?

Yes. Agencies are required to record the time, date, and place of their meetings; the names of the members present, the substance of all official action taken during the meetings, and a record of how each individual voted. The minutes must also include the names of all citizens who appeared officially and the subject of their testimony.

What if a quorum is not present at the public meeting?

An agency cannot legally take official action if a quorum is not present. A quorum is the minimum number or majority of voting members of an agency that must be present in order for the agency to conduct business. The number of members needed to form a quorum varies by the type of agency involved.

Can agency members participate in a meeting via telephone or video conference?

Yes. Agency members may participate in meetings by telephone or video conference. In addition, members participating in this manner count for purposes of determining whether a quorum is present. See *Babac v. Penn. Milk Marketing Bd.*, 613 A.2d 551 (Pa. 1992). ("[A] quorum of members can consist of members not physically present at the meeting but who nonetheless participate in the meeting and ... such quorum can take official action, provided that, the absent members are able to hear the comments of and speak to all those present at the meeting and all those present at the meeting are able to hear the comments of and speak to such absent members contemporaneously[.]")

The above does not apply to boroughs and First Class Townships. Per the codes governing those municipalities, a quorum of the council/commission must be physically present to conduct official business. Once the quorum is met, however, any additional members may participate remotely.

Relevant Codes:

First Class Township Code: 53 P.S. §§ 55702(b)-(b.1).

Borough Code: 8 Pa. C.S. §§ 1001(b)-(c).

Can an agency have a closed meeting?

An agency may discuss certain matters in Executive Session, which is not held in public. Section 708 of the Sunshine Act enumerates seven reasons an agency may hold an Executive Session:

1. Discussing personnel matters;
2. Holding an information, strategy and negotiation session related to the negotiation of a collective bargaining agreement;
3. Considering the purchase or lease of real property;
4. Consulting with an attorney about active or pending litigation;
5. Discussing agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law;
6. Discussing certain academic matters (this reason is specifically limited to certain institutions of higher education); and
7. Discussing certain public safety issues if disclosure of the information discussed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection.

The specific reason for an Executive Session must be announced in the public meeting either before or directly after the Executive Session. See *Reading Eagle Co. v. Council of City of Reading*, 627 A.2d 305 (Pa. Cmwlth. 1993), ("[T]he reasons stated by the public agency must be specific, indicating a real, discrete matter").

Closed gatherings may also be held "solely for the purpose of collecting information or educating agency members about an issue." See *Smith v. Township of Richmond*, 623 Pa. 209, 223 (Pa. 2013) ("[T]he Supervisors' four closed-door gatherings did not violate the [Sunshine] Act because they were held for informational purposes only and did not involve deliberations").

Can official action be taken at a closed meeting?

No. Official action cannot be taken during Executive Session or a closed gathering. All official actions must be taken during the public portion of a meeting.

Can agency members discuss agency business via email and/or social media?

It's important to draw a distinction between an individual agency member discussing agency business with members of the public and multiple agency members discussing agency business among themselves.

An agency member is permitted to discuss agency business with members of the public, whether by email or social media (or in person, on the telephone, via postal mail, etc.). In many cases, such communications are public records available under the Right-to-Know Law.

However, voting members of an agency are not permitted to deliberate except at a public meeting. In other words, agency members exchanging opinions about an upcoming vote or encouraging other agency members to vote a particular way in an email discussion or a discussion held via social media would violate the Sunshine Act.

What legal remedies are available for violations of the Sunshine Act?

Section 710.1(c) of the Sunshine Act permits anyone attending a public meeting to object to a perceived violation at any time during the meeting. Additionally, for state agencies, a member of the public can file a complaint with the Commonwealth Court. For local agencies, a member of the public can file a complaint with the local Court of Common Pleas.

Any complaint must be filed within 30 days of the public meeting in which the alleged infraction occurred. If the alleged infraction occurred during a closed meeting, the complaint must be filed within 30 days of the discovery of the infraction, as long as it is no longer than one year from when the meeting was held.

The person alleging the infraction bears the burden of proof. See *Smith v. Township of Richmond*, 623 Pa. 209, 223 (Pa. 2013) ("[I]n view of the presumption of regularity and legality that obtains in connection with proceedings of local agencies, the challenger [of an agency meeting] bears the burden to prove a violation") (internal quotation and citation omitted).

In December 2020, Judge Swail of Westmoreland County found that officials in Monessen violated the Sunshine Act and [ordered them to take a training course from the OOR](#).

Are there penalties for violating the Sunshine Act?

Yes. In addition to being assessed attorneys' fees, any member of an agency who is found to have willfully violated the act can face criminal charges and subject to fines of \$100 to \$1,000 for the first offense, and \$500 to \$2,000 for the second offense. Any fine must be paid personally; an agency cannot pay the fine.

A court can also award attorney fees to the prevailing party if the court determines that either (1) an agency willfully or with wanton disregard violated the Sunshine Act or (2) the legal challenge was of a frivolous nature or was brought with no substantial justification.

What are the agenda requirements for the Sunshine Act?

Senate Bill 554 amended the Pennsylvania Sunshine Act to include the requirement that agencies post the agenda for all public meetings at least 24 hours in advance. This change took effect August 29 2021 and applies to all agencies covered by the Act.

The agenda requirement applies to all regular and Special public meetings, but does not include work sessions, conferences and Executive sessions where official action is not permitted.

The agenda should include all issues to be deliberated on and any planned official action, such as votes.

If the agency has a website or other social media platform that is publicly accessible, the agenda must be posted there. Postings are also required at the agency's offices, at the meeting site; and copies of the agenda must be available for the public at the meeting itself.

An agency can change the agenda within the 24-hour threshold provided the changes are de minimus, involve no expenditure of funds, and don't entail entering into a contract.

The agency can also add to the agenda at the meeting itself by majority vote. The reason for the change must be announced prior to any official action, including a vote, the amended agenda must be posted within 24 hours after the meeting, and the meeting minutes must reflect that the change was made.

How specific should agenda items be to conform with the new Sunshine Act Requirements?

Until the courts weigh in further, Senate Bill 554 combined with existing Sunshine Act-related case law provides some initial perspective and guidance. What is often referred to as the "Reading Eagle Case", cited below, addresses the specificity of an agenda used by the agency when announcing the reasons for entering into Executive Sessions. Perhaps the best reference is the words of the Commonwealth Court, which, in its ruling, cited language from a similar decision from the Supreme Court of Mississippi (highlighting added):

"The reason given, of course, must be meaningful. It must be more than some generalized term which in reality tells the public nothing. To simply say "personnel matters" or "litigation" tells nothing. *The reason stated must be of sufficient specificity to inform those present that there is, in reality, a specific, discrete matter or area which the board had determined should be discussed in executive session.* . . . When a board chairman tells a citizen he may not hear the board discuss certain business, he is taking liberties with the rights of that citizen, and the reason given for this interference must be genuine and meaningful, and one the citizen can understand. To permit generalized fluff would frustrate the very purpose of the Act."

Reading Eagle Co. v. Council, 156 Pa. Commw. 412, 416-17 (Pa. Cmmw. Ct. 1993)

It is advisable to use the same standard for agendas, whereby the description of the agenda item must be "of sufficient specificity to inform...that there is, in reality, a specific, discrete matter or area which the board has determined should be discussed (deliberated and/or decided by official action)." In sum, avoid general cryptic terms and provide as many specific concrete details as possible.

Administrative Code § 5-209. Public participation.

[Amended 3-23-1998 by Ord. No. 10-1998; 6-24-2002 by Ord. No. 29-2002; 1-26-2004 by Ord. No. 1-2004; 1-23-2006 by Ord. No. 6-2006; 1-23-2012 by Ord. No. 6-2012; 4-9-2012 by Ord. No. 43-2012; 8-26-2013 by Ord. No. 35-2013; 1-27-2014 by Ord. No. 6-2014; 1-27-2016 by Ord. No. 2-2016; 7-26-2021 by Ord. No. 56-2021]

These rules are intended to promote an orderly system of public comment, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his right of free speech. Public comment is permitted at the regular meetings of Council which occur on the second and fourth Mondays of each month. Public comment is not permitted at the City Council work sessions, committee meetings or Committee of the Whole meetings.

A. Regular meetings. Citizens desiring to address the Council at its regular meetings may do so by providing notice verbally or in writing by providing their name, address and the subject matter to be discussed to the City Clerk any time before 5:00 p.m. on the day of the scheduled meeting or by printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5:00 p.m. and 7:00 p.m. on the day of the scheduled meeting. Citizens may also choose to submit written public comment via letter or email by sending a letter or email clearly marked "public comment" by 4:00 p.m. on the day of the meeting.

B. Special meetings. Citizens desiring to address the Council at its special meeting may do so by providing notice verbally or in writing by providing their name, address and the subject matter to be discussed to the City Clerk any time before 5:00 p.m. on the day of the scheduled meeting or by printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers before the special meeting is called to order. Citizens may also choose to submit written public comment via letter or email by sending a letter or email clearly marked "public comment" by 4:00 p.m. on the day of the meeting.

C. All remarks must be directed to Council as a body and not to any Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by a majority vote of Council.

D. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing the Council may be called to order by the Presiding Officer, and may be barred from speaking before the Council unless permission to continue to speak is granted by a majority vote of the Council.

E. All comments by the public shall be made from the speaker's podium. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation.

F. Citizens may not ask questions of Council member or other elected or public official in attendance. However, Council members, elected or public officials may make a statement in response to comments made by citizens at the conclusion of the public comment period.

G. Public hearings. Citizens desiring to address the Council at its public hearing may do so by providing notice verbally or in writing by providing their name, address and the subject matter to be discussed to the City Clerk any time before 5:00 p.m. on the day of the scheduled hearing. Any person who fails to sign in with the City Clerk shall not be permitted to speak until all those who signed in have done so. Those testifying must limit their comments to three minutes. No person who has previously spoken during the public hearing on a particular item may speak again unless all other persons desiring to give testimony at the public hearing have spoken. A person speaking for a second time shall limit his comments to not more than one minute. Citizens may also choose to submit written public comment via letter or email by sending a letter or email clearly marked "public comment" by 4:00 p.m. on the day of the meeting.

Rules of Procedure. *§5-208 of the Codified Ordinances.*

The standard reference of Council shall be Robert's Rules unless stated differently by Council. Business is conducted by acting on motions. Once a matter has been moved and seconded, no other matter shall be taken up until action has been taken on the main issue.

- **Rule No. 1. Disclosure of Interest.** A member who has personal or private interest in any question, measure, or bill proposed or pending before the Council shall disclose that fact to Council and shall vote thereon on the advice of the Council Solicitor. If such interested person shall vote without disclosing his interest in such question, measure, or bill, Council may avoid the enactment or transaction or not, as it deems best. Please refer to the City's Code of Ethics, Section 6 Prohibitions, Conflict of Interest.

Note: *The conflict shall be submitted in writing to the City Clerk on the prescribed conflict of interest form before the vote explaining the rationale of the abstention.*

- **Rule No. 2. Proposed Amendments to These Rules.** Amendments to these rules must be presented in writing at a non-legislative meeting of the Council held at least 1 week prior to the date when the same are to be finally considered. Amendments shall be adopted by the affirmative vote of the majority of all members of Council.
- **Rule No. 3. Suspension of Rules.** These rules may be suspended by the affirmative vote of the majority of all members of Council present, but the suspension shall not extend beyond the adjournment. No rule of Council, which is also subject of legislative enactment, shall be suspended.
- **Rule No. 4. Legislation.** No rule, matter, bill or resolution shall be considered by Council unless a written memorandum, brief, resolution or bill is delivered to the City Clerk before noon on the Wednesday preceding the meeting where the matter or legislation is to be considered, introduced or enacted/adopted by Council. The City Clerk shall furnish to the Mayor and all members of Council copies of all proposed resolutions and ordinances by posting the agendas on the website.

- **Rule No. 5. Duties of the Presiding Officer.** The President of Council shall decide all questions subject to appeal by any two members of Council and have general supervision of the meeting. The President of Council shall be the designated representative of the body and shall communicate the intentions of Council, with respect to professional service, contracts, legislative action and other matters, as needed.
- **Rule No. 6. Reconsideration.** A motion to reconsider a question shall be entertained only at the next legislative meeting following the one at which the vote was taken. No second motion to reconsider the same motion shall be entertained.
- **Rule No. 7. Motions to be Entertained.** All motions must be moved and seconded. When a question (or main motion) is under consideration, no motion shall be entertained except for:
 - 1 Adjournment.
 - 2 Previous question (2/3 vote).
 - 3 Lay on the table.
 - 4 To postpone.
 - 5 To commit.
 - 6 To amend.
 - 7 End debate.
 - 8 Call for the question.
- **Rule No. 8. Rules of Debate.** Prior to debate, a bill or resolution must be placed on the table by a first and second motion of the body. The sponsor of the bill or the referring committee will have the first opportunity to make a statement. After which, each member of Council shall be entitled to make one statement on the proposed legislation. The President of Council may also invite the Mayor and / or Managing Director to comment. All first statements shall be no longer than 3 minutes in length.
- Second statements or comments shall be entertained after each member present has been given the opportunity to speak one time and shall be no longer than 2 minutes in length. In the event no other Council member wishes to address the issue and no one moves to end debate or call for the question, debate will be allowed to continue.
- In general, it is expected that the body will make their remarks concise and focused on the matter or issue proposed. Amendments or statements not relating to the question shall not be made. All such matters not relating to agenda items will be entertained after the Council business portion of the agenda.
- The President of Council or presiding officer may, at his/her discretion, choose to limit

debate time on each agenda item to 10 minutes, as stated in Roberts' Rules of Order.

- Members wishing to speak shall request recognition from the presiding officer, at which time other Council members shall not engage in dialogue or interrupt except for the following:
 - 1 Call for the order of the day (when they are not being conformed to).
 - 2 Raising a question of privilege.
 - 3 Point of order (calling the member who has the floor to order or calling his attention to the fact that he is not observing the rules).
 - 4 Call for a separate vote on one or more subjects that are included in a single motion.
 5. Request or inquiry that requires an immediate response. [*Ord 7-2001*]
- The body may override the presiding officer's decision on any procedural rule through the passage of a motion. [*Ord. 7-2001*]

The President shall deal firmly with enforcing these rules and the rules guiding participation including, but not limited to, commotion, frivolous behavior or delaying debate and motions. The President shall see that Council debate is confined to the merits of the question and that personal comments and/or statements are avoided. [*Ord. 7- 2001*]

**COUNCIL REPRESENTATION ON BOARDS,
AUTHORITIES, AND COMMISSIONS**

Some BACs include members of Council as voting or liaison members. *While the Charter prohibits City elected officials and City employees from being appointed to Boards and Commissions, unless the local legislation requires their membership, the State Authorities Act DOES allow City elected officials and City employees to be appointed to Authorities.*

Appointment to Boards

1. Environmental Advisory Council (EAC) voting member
2. Diversity Board voting member
3. Local Redevelopment Authority voting member
4. Blighted Property Review Committee (BPRC) voting member
5. RATS (Reading Area Transportation Study) voting member
6. Mt. Penn Preserve Partnership (MP3) – voting member
7. Rec Commission – (voting member)
8. Audit Committee – Finance Chair voting member
9. Capital Planning Committee - Finance Chair voting member
10. Revenue Committee – Finance Chair voting member
11. BCAP (Berks Community Action Program) – voting member
12. P3 Member voting member + 2 non-voting liaisons
13. BCCJAB (Berks County Community Judicial Action Board) – non-voting liaison
14. School District Work Group - voting member (no more than 3)
17. Stadium Commission non-voting liaison
18. Shade Tree Commission – non-voting liaison
19. Human Relations Commission – non-voting liaison
20. Planning Commission – non-voting liaison
21. BCTV – non-voting liaison
22. Conversion Therapy Board – voting member
23. OPEB – voting member

The BACs are described below:

Code and License Appeals Board - To serve as the Board of Appeals for decisions made regarding the conduct of renters and/or rental licenses as it relates to revoking a business

license and hearing appeals of refusal of a business license or a cease operations order, appeals to the Property Maintenance Code, the Solid Waste Code, the Housing Ordinance including appeals to disruptive conduct reports, the Vending Machine Ordinance, the seizure and destruction of dirt bikes, minibikes and ATVs, ~~and~~ the revocation of a Business License, The Board meets as needed usually during the business day. The Council member from the district the property is located within is invited to participate. If the District Council member is unable to attend the Council President or the City Clerk are asked to participate instead.

Environmental Advisory Council - has the power to study environmental and sustainability issues at the request of City Council and make recommendations to Council on those issues. The EAC will work with City Council in an advisory capacity in an effort to help Council analyze environmental and sustainability issues, and when appropriate, issue recommendations on courses of action necessary to protect the health, safety and welfare of the residents of Reading and Berks County. Meets the 4th Tuesday of each month at noon in the Public Works building or one of the City's parks. Meetings last approximately 90 minutes.

Diversity Board - to serve in an advisory capacity to the Mayor and City Council by providing input on policy and processes that promote and facilitate active involvement and participation by diverse cultures such as of race, color, religion, ancestry, national origin, age, sex, familial status, and handicap within the Reading community and within City government. Meets quarterly at convenience of the membership.

Local Redevelopment Authority - to advise City Council about the best reuse of the military facility located on Kenhorst Boulevard and monitor the ongoing reuse of the decommissioned site to make sure the use is compliant with the adopted Reuse Plan. The LRA meets as needed to administer the BRAC process and has historically been filled by Council President, District 1, and District 4. The meeting length varies.

Blighted Property Review Committee - To implement provisions of the Urban Redevelopment Law of 1945, as amended by Act 94 of 1978, further amended by Act 113 of 2002, promoting reuse and reinvestment in properties in the City of Reading. The BPRC holds hearings to determine or certify properties as blighted to begin movement through the process to induce owners to make improvements but which may result in the City's taking of the property. Meets the 3rd Thursday of the month at 6 pm four times per year. Hearings last approximately 60 minutes.

Recreation Commission - to provide a mechanism to adequately and efficiently maintain community recreation services and facilities and to organize, manage and supervise recreational and educational programs, with a primary focus and emphasis on programs for youth, within the political boundaries of the City and the School District. Inter-governmental

board between the City and the School District. The Commission employs an Executive Director and staff to oversee programming. The Rec Commission meets the 2nd Tuesday of every other month at 7 pm. Meeting length varies depending on topics for discussion. Two Council members are appointed to the Commission by Council.

Audit Committee - The Act 47 Recovery Plan Initiative CA 02 requires the City to establish a process for coordinating and responding to external audits. This Committee will provide independent review of the municipality's financial reporting processes, internal and external audits, formal responses to audits and oversight of City management's actions to achieve compliance. The Committee will ensure that City management properly develops and adheres to standard operating procedures for its fiscal affairs, upholds the integrity of independent external audits and the objectivity and comprehensiveness of internal audits. The Audit Committee meets quarterly during the business day. Meetings generally last 90 minutes. Council is represented by the Finance Committee chair and the City Clerk.

Reading Area Transportation Study (RATS) Coordinating Committee – Metropolitan planning organization for transportation issues in Berks County. Meets monthly during the business day. Meeting length depends on topics for discussion. Council is represented by a Council member and one alternate.

Berks County Criminal Justice Advisory Board – discusses ongoing issues in the criminal justice field, best practices, grant opportunities, policy issues, etc. It is comprised of members of various law enforcement agencies, the DA's office, mental health, Judges, County detectives, the Warden, Public Defender, Probation officials, COCA, a few State officials, the Courts, etc. The Board meets on the last Thursday of every other month at 8:30 am.

Capital Improvement Program (CIP) Committee – Administration of the Capital Improvement Program – Review and make recommendations for proposed capital improvements and purchases. The Committee meets during the business day as needed to prepare the CIP budget.

Berks Community Action Program - reduce poverty by coordinating local, state, private, and federal resources to assist low-income individuals and families. BCAP meets the 2nd Tuesday of the month at noon at the BCAP office. Meeting length depends on topics for discussion.

Revenue Committee – meets to set the following budget year revenue projections. The Committee meets as needed during the budget process. Council is represented by the Finance Committee Chair.

Downtown Revitalization Public Private Partnership (P3) - The City of Reading (City) and the Greater Reading Chamber Alliance (GRCA) have agreed to partner in administering the

Downtown Reading revitalization efforts, to operate and administer economic development initiatives and the Main Street Program. The PS is composed of government officials, business leaders and organizations that have the vision to reshape the downtown into a vibrant destination for area residents and visitors. The P3 shall administer an economic development strategy and initiatives including but not limited to the Main Street Program that will 1) promote a sense of community and unified purpose, 2) assure the historic continuity of the City's architectural heritage, 3) improve the image and perception of the City to residents and visitors and 4) strengthen economic rejuvenation of property and commerce for the benefit of all. Meetings are held every other month beginning in January on the 3rd Friday of the month at 11:30 am at 606 Court St 3rd floor.

School District Work Group – Council President and Vice President or their designees shall work with School District leadership as necessary on joint projects and issues.

First Energy Stadium Commission (liaison) - promotes the City of Reading and Baseball, is a liaison between the Reading Fightin' Phils and the City of Reading and meets with other organizations who are interested in renting the stadium for charitable or profitable events. The Commission meets on the last Wednesday of January, March, June, July, August and October at 7:30 p.m. at the GPU Stadium RBI Room

Shade Tree Commission (liaison) - regulates, maintains and promotes shade trees in the City of Reading. The Commission meets the 3rd Monday of the month at 6 p.m. in the Public Works Conference Room

BCTV Board (liaison) – BCTV's mission is to enhance the unity and strength of the community by providing a medium for community dialogue and educational opportunities, a source of information of local, national and international origin and a forum for the exchange of ideas on issues and topics of community interest. Meets the first Monday of each month at the BCTV studio at 8:30 am

Mt. Penn Preserve Partnership (MP3) – The MP3 is a Council of Government (COG) created by the enactment of ordinances by the governing bodies of the County, City, Alsace, Lower Alsace townships and the Mt. Penn Borough to foster a cooperative effort to explore and implement initiatives identified within the 2017 Mt. Penn Preserve Master Plan, and to implement and resolve regional initiatives, to determine policies and to formulate concepts and programs to meet the needs of the Preserve region. The MP3 meets the 4th Wednesday of each month at 6 pm at the location selected and advertised by the MP3. The City is represented by a Council member and the City Clerk.

Human Relations Commission (liaison) - Prohibits discrimination in housing, employment, and public accommodation in accordance with the terms of the City's Human Relation

Ordinance. Meets 2nd Wednesday of the month at 6:00 p.m. in the Human Relations Commission office.

Conversion Therapy Mental Health Services Appeals Board - monitors the prohibition, within the geographic boundaries of the City, of the use of conversion therapy with minors. Meets as needed.

Other Post-Employment Benefits (OPEB) Board - The OPEB Board shall enter into a written contract or agreement with each Investment Manager in connection with its appointment and such contract shall be subject to such terms and conditions and shall grant to the Investment Manager such authority and responsibilities as the OPEB Board deems appropriate under the circumstances. The OPEB Board shall not be responsible for any investment decision made by an Investment Manager unless the OPEB Board actually makes that decision. Any investment directions or notifications from an Investment Manager to the OPEB Board may be made orally or in writing, or in such manner as shall be agreed upon between the Investment Manager and the OPEB Board, provided, in the event the Investment Manager gives the OPEB Board oral recommendations, directions or notifications, the Investment Manager shall confirm such directions or notifications in writing immediately thereafter. Meets annually.

Youth Commission (liaison)– The Youth Commission shall serve as an advisory body to the Mayor, City Council, and Managing Director on issues of interest to youth and pertaining to youth in the City of Reading. Youth and young adults are impacted by the decisions of City officials, but seldom have the opportunity to directly participate in the process. Establishment of a Commission will facilitate the participation of youth and young adults in local government, as well as provide City officials an opportunity to hear and address their ideas and concerns.

Drafted by	BCTV
Sponsored by/Referred by	Councilor Reed
Introduced on	Nov 9, 2020
Advertised on	N/A

RESOLUTION NO. _____-2020

UPDATING THE MUNICIPAL ACCESS CHANNEL (MAC) GUIDELINES FOR PROGRAMS PRODUCED ON BCTV MAC CHANNEL 99.

WHEREAS, City of Reading, through the franchise agreement with Comcast, is provided with a Municipal Access Channel (MAC) through Berks Community Television (BCTV) to provide citizens with remote access to public meetings and to provide the public with communication about available programs and public services; and

WHEREAS, Elected officials, City employees and others responsible for producing programs on the MAC Channel have the responsibility of providing information that is not political or campaign related, not a mechanism for building support for a particular policy, program, issue, party or individual. Program producers, City Officials, City employees and others appearing on programs, are expected to conduct themselves in accordance with the MAC Channel Guidelines and the City Code of Ethics; and

WHEREAS, City officials and BCTV worked together to update the MAC Guidelines by including a process to ensure the Guidelines are followed by all who choose to produce programming or appear on the MAC Channel.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

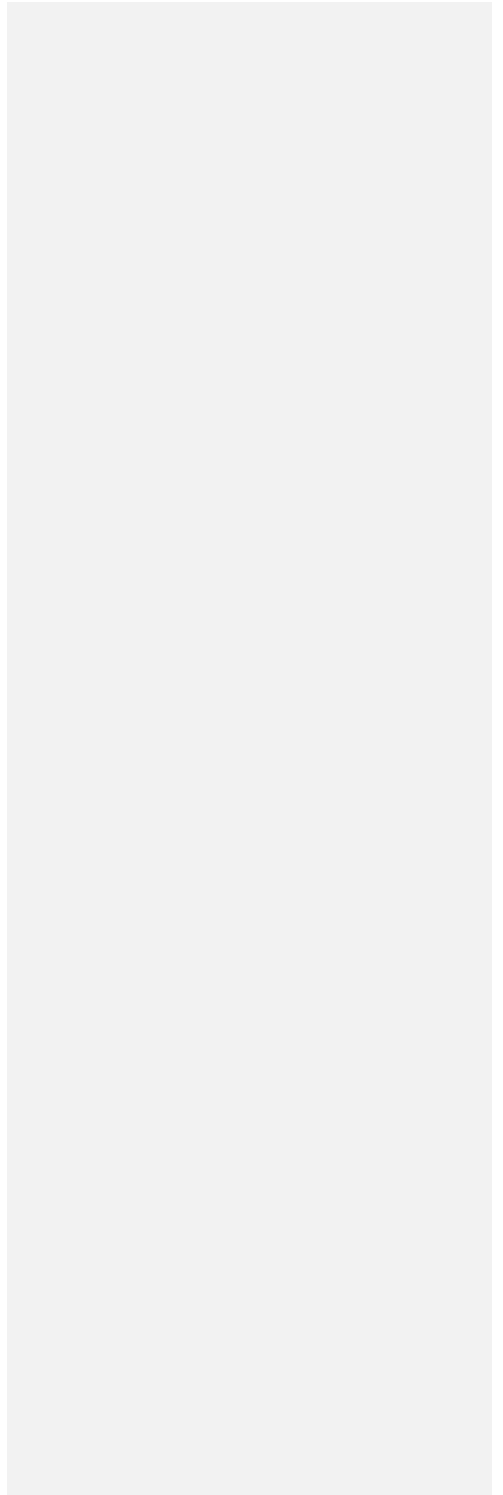
Approving the BCTV MAC Channel Program Guidelines, as amended.

Passed Council _____, 2020

Jeffrey Waltman, President of Council

Attest:

City Clerk



City of Reading Municipal Access Channel Guidelines

A. PURPOSE

The City of Reading Municipal Access channel is located on the basic level of Comcast's (formerly BerksCable) subscriber service. The purpose of this channel is to provide a means of communication between the officials, bureaus, departments and agencies of the city government, and the citizens of Reading. Specific purposes are:

1. To inform city residents about programs and public services provided by city departments and city sponsored agencies.
 2. To help and encourage citizen participation in programs and services to the maximum extent possible by providing specific eligibility, registration and referral information.
 3. To encourage broad community commitment to these city-provided programs and services by demonstrating their value to the community.
 4. To provide an outlet for objective discussion from a municipal viewpoint of issues that bear upon the Reading community; county, state and federal policies; local and regional economic conditions and changing community demographics.
 5. To maintain a dialogue between residents and local government that emphasizes responsiveness on the part of government officials and the obligation for participation on the part of community residents.
 6. To report on actions taken by city council and other boards, commissions and advisory committees.
 7. To provide information on the diversity of emergency conditions including weather, hazardous substances, disruption of municipal services or systems and post-disaster coordination.
1. The Municipal Access Channel and facilities are for the use of the municipal departments and agencies of the city of Reading.
 2. The public interest requires that the use of this channel and these facilities will be reserved solely for informational and educational programming created by city entities in fulfilling the purposes described in section A above.
 3. Other governmental jurisdictions may apply to the MAC Committee for the use of the channel and permission may be granted if the activity or information affects Reading residents and channel time and resources are available.

B. POLICIES

Final responsibility for programming policy lies with the city through its two designated city programming coordinators, one designated by Council, and one designated by the Administration, to the MAC Committee*. Specific policies governing use of the channel are as follows: City of Reading Municipal Access Channel Guidelines

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4. Non-governmental agencies may participate and/or produce original programs on MAC at the invitation of the producing unit of city government and with the recommendation of the MAC Committee.

5. City department producers bear sole responsibility for the content and material used in all programs, live or prerecorded.

6. Text information (character generator, alphanumeric) submitted to the Access Channel Manager in other than standard format will be corrected with the consent of the submitting entity. When materials appear to be unsuitable for use on the channel, notification will be made by the Access Channel Manager to the appropriate city programming coordinator, who will make the final determination.

7. Scheduling of material on the Municipal Access Channel shall be the responsibility of the Access Channel Manager, within the parameters set by the MAC Committee.

8. The producing department or agency shall be identified both preceding and following the presentation.

1. EMERGENCY INTERRUPT: to provide citizens with information and instructions in the event of an emergency situation. This category will interrupt programs in progress and will remain under the sole control of the Mayor's office.

2. PUBLIC HEARINGS: live cablecasts of public hearings to provide the opportunity for questions, comment and discussion of public issues. This category will preempt otherwise regularly scheduled programs.

3. TOPICS OF INTEREST: to provide an outlet for objective discussion from a municipal point of view of issues that bear upon the Reading community or upon specific audiences or neighborhoods, including the impact of regional, state and federal policies on the city and its residents.

4. TRAINING: to provide an opportunity for city staff and volunteers to view professional or job-related training materials over the subscriber system on a flexible schedule.

5. FUNCTION AND OPERATION OF CITY SERVICES: to illustrate and describe the functions, operations and services of city government in order to increase citizens' understanding of their government and its services.

6. BULLETIN BOARD: to provide continually updated calendar and informational messages about programs and public services to citizens in a character-generated or alphanumeric format.

C. PROGRAM PRIORITIES

Scheduling the use of the Municipal Access Channel will be the responsibility of the Access Channel Manager, and will be carried out in accordance with the channel use priorities listed below and the availability of equipment and resources. Program types and categories are listed in order of priority: City of Reading Municipal Access Channel Guidelines

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1. Any advertising message including specific messages on behalf of or opposing a political candidate, any measure on a ballot, any measure proposed by a city agency or department or under consideration by the city council, or any negotiations between the city and any other party which are in progress.
2. Any for-profit commercial material concerning products or services presented for the purpose of and solicitation of funds or other things of value.
3. Any information concerning any lottery, gift enterprise or similar promotion offering prizes based in whole or in part upon lot or chance.
4. Any material which constitutes libel, slander, invasion of privacy, violation of trademark or copyright, or which might violate local, state, federal or FCC laws or regulations.
5. An elected official or member of the administration shall not moderate candidates' debates or forums. A third party from a list compiled by the Access Channel Manager will moderate.
6. The MAC channel will adhere to a 60 days blackout period prior to each public election cycle, during which no candidates standing for election may appear on any programs (including individual districts programs) unless in an official capacity for a public meeting.

Exceptions to these priorities may arise in specific instances when such considerations as timeliness of information or other relevant circumstances exist. In such cases permission to pre-empt a program of otherwise higher priority will be requested from the appropriate city program coordinator.

D. PROHIBITIONS

The programming policy is to provide direct, non-editorial information to the citizens of Reading concerning the operation and deliberations of their city government. The channel is not intended as a political or campaign forum, nor as a mechanism for building support for a particular policy, program, issue, party or individual. Program producers, City Officials, and City Employees appearing on programs, are expected to conduct themselves in accordance with the City Code of Ethics. The City of Reading Municipal Access Channel shall not be used for the following:

None of the above prohibitions shall prevent the production of programming on controversial issues if the MAC Program Committee decides that the interests of the citizens of Reading would be served by open discussion of such issues, if all sides have an equal opportunity for representation and have given consent to the production.

E. ENFORCEMENT

If at any time a program on the MAC Channel is called into question for a violation of these guidelines, the Access Channel Manager, as directed by the MAC Committee will immediately remove the program from any further airing, and remove it from any online platforms for review. No links, copies, or other formats of this program are to be distributed after removal, including to the Program Producer.

Members of the MAC Committee will review the program in question and determine if a guideline violation has in fact occurred. If a violation has occurred, as determined by the committee, the program will be permanently removed from all on air and online platforms by the Access Channel Manager. If no violation is determined, the program will be restored to all on air and online platforms. City of Reading Municipal Access Channel Guidelines

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1. COORDINATION: The Council and Administration Committee members are responsible for:

In the event of a violation determination, the Program Producer will be notified in writing by the MAC Committee that a violation has warranted the removal of this individual program. If during the lifetime of the program, the individual Program Producer has THREE programs removed for violations, they will may lose their privilege of a MAC Channel program as may be enforced by City Council upon Council's review of the violations, although they may still appear on the channel in their official capacity, and for public meetings.

F. RESPONSIBILITIES

Specific responsibilities are as follows:

- a. In conjunction with the Access Channel Manager, meeting as needed to develop and implement ideas, offer suggestions to improve current programs, review existing uses of the channel and review proposals for new programs on MAC.
- b. Marketing the uses of MAC to city entities and departments.
- c. Serving as liaisons between city entities and the Access Channel Manager
- d. Implementation of policy changes, additions and clarifications as established by council and the administration.

e. Assisting the Access Channel manager in planning future uses of the Municipal Access Channel. 2.

TRAINING: The Access Channel Manager is responsible for training city staff in:

- a. production skills
- b. program conceptualization and development
- c. recognition of programming needs.

3. PRODUCTION: Responsibility for the actual production of any specific municipal program or use of the channel is shared between the program coordinators, the city department involved and the Access Channel Manager in the following manner:

- a. City Department: the department requesting the program or service is responsible for: i. Notifying the Access Channel Manager of its needs for equipment, personnel and other assistance and the desired cablecast dates in accordance with the procedures established by the Access Channel Manager. ii. Designating a departmental contact person to be the liaison with the Access Channel Manager staff.

iii. Providing production materials (slides, graphics, etc.) in a timely manner as required by the Access Channel Manager.

iv. Providing recordable media to the Access Channel Manager if a copy of a program is required for departmental purposes.

b. Access Channel Manager: The Access Channel Manager is responsible for: i. Scheduling the cablecasting of material on the MAC in accordance with the program priorities listed above. ii. Providing notification guidelines to city departments regarding advanced notice and specific information required for program planning.

iii. Designating a staff person to work with the department which makes the request, to assist in program conceptualization, production planning, production supervision and editing if needed.

iv. Cablecasting Municipal Access Channel programs.

v. Recording program material from satellite and other distribution media for use by city departments when requested.

*The Municipal Access Channel Committee should be composed of the Executive Director of the Access Channel Manager, a representative designated by the Administration, and the City Council liaison to BCTV, and may include other representatives of council and the administration. These guidelines will be reviewed by the Municipal Access Channel Committee periodically and as needed. City of Reading Municipal Access Channel Guidelines

Producer Agreement

Name (please print): _____

Address: _____

Phone: _____ Email: _____

Program Title: _____

In signing below, I state that all material I will submit for telecasting, streaming and archiving on BCTV cable and internet platforms will adhere to the MAC Channel Guidelines, and acknowledge that a copy of these guidelines has been given to me.

In the event that a potential content guideline violation is identified as such by the MAC Committee, the Access Channel Manager reserves the right to cease cablecasting, and/or not re-air programs cited for violations and replace those programs with other content. Ceasing cablecasting will include removal of the offending program from cable and digital channels, including but not limited to public access channel, government access channel, and bctv.org. Programs considered to be in violation of content guidelines will be reviewed by the MAC Committee, and the Committee will determine whether the infraction warrants removal of program from platforms. The producer will receive a written notice concerning the determination within 10 days of the Committee meeting. Additional infractions may result in the suspension of program privileges. The suspension of program privileges may be sustained or modified at the Committee's discretion. If the MAC Committee determines that removal of the program is not warranted, the program will return to regular replay and platform availability.

I have read and understand the guidelines and will comply.

Date: _____ Name

(signature): _____

This signature page will remain on file with the Access Channel Manager

**Municipalities Financial Recovery Act Exit Plan
City of Reading Berks County, Pennsylvania
As Revised and Filed with the City Clerk on July 3, 2019**

Executive Summary In November 2009, the Pennsylvania Department of Community and Economic Development (DCED) designated the City of Reading (City) as financially distressed according to the criteria in the Municipalities Financial Recovery Act (Act 47 of 1987). The Commonwealth selected Public Financial Management (PFM) a month later to serve as Reading's Recovery Coordinator. Act 47 required PFM to complete a Financial Condition Report earlier this year to evaluate the City's current fiscal position and recommend that Reading follow one of three paths: terminate distressed status and exit oversight; initiate the fiscal emergency process that potentially results in receivership; or adopt a three-year Exit Plan. PFM evaluated the City's fiscal position according to the four criteria that a municipal government must meet to exit oversight successfully. The first criterion requires the "reasonable probability of future balanced budgets absent participation in this act" and the fourth criterion requires that "reasonably projected revenues of the municipality are sufficient to fund ongoing necessary expenditures." PFM updated the baseline analysis that was presented in the original and Amended Recovery Plans and has been discussed periodically and publicly since 2009. That analysis shows a deficit starting at \$2.3 million in the adopted 2019 budget and growing each year going forward. City government's ability to manage away from those projected deficits while delivering critical municipal services is contingent on the City having strong financial management in place. The City struggled to fill key financial management positions and only filled its vacancies days before the Financial Condition Report was released¹. In light of these vulnerabilities in the City's financial performance and its financial management capacity, PFM recommended that the City adopt a three-year Exit Plan. The input received during the period for public comment on the Financial Condition Report generally endorsed this approach, so PFM finalized the recommendation, submitted it to the Commonwealth and began work on this Exit Plan. The Exit Plan is similar in some ways to the original Recovery Plan that the City adopted in 2010 and the Amended Recovery Plan adopted in 2014. It begins with a baseline projection of City government's financial performance in its primary operating fund, and it carries over some of the same protective and corrective measures from those earlier Plans. But this Exit Plan is not merely the third in a series of multi-year financial plans written during Commonwealth oversight. As Act 47 states, the Exit Plan "shall contain such elements as may be necessary to ensure termination of distressed status after three years." The City only has one chance under the Act to adopt an Exit Plan, implement it and exit oversight successfully. The only options remaining to Reading are exiting oversight or initiating the fiscal emergency process that can result in receivership. As one Council person said earlier this year, the Exit Plan should provide Reading with a strategy to strengthen its team and position City government for success once oversight ends. The socioeconomic challenges that Reading faces as a community, such as a high poverty rate and low per capita income, will undoubtedly continue after oversight ends. But City government now has the opportunity to be a constructive partner in addressing those challenges, and not just focus on its own financial sustainability. That is the goal of this Exit Plan. ¹ The City subsequently learned that one of the critical financial management positions will become vacant in August 2019. City of Reading, Pennsylvania Executive Summary Act 47 Exit Plan Page 1 The key to exiting Act 47 oversight: Strong financial performance, strong financial management Reading's ability to exit Act 47 oversight and remain fiscally stable into the future depends on City government's financial performance (e.g. avoiding deficits,

maintaining an appropriate level of reserves, funding a capital budget) and its financial management (e.g. budget execution and monitoring, revenue collection, adequate internal controls). Quoting the Act’s exit criteria, the City needs to demonstrate the “reasonable probability of future balanced budgets absent participation in this act.” The first financial goal guiding this Plan is that it should close the projected baseline deficit by the end of the Plan period. The City should also build on its progress to date under oversight, and one tangible measure of that progress is the City’s success in building a meaningful level of reserves. These reserves help the City pay its obligations early in the year before tax revenues arrive, without paying interest on borrowed money to fund basic operations. The reserves provide a buffer against unexpected revenue shortfalls or unbudgeted expenditures. They provide a resource for paying down long-term liabilities and making strategic investments. And they help counter the negative factors that drag down Reading’s credit rating and make it more expensive for City government to issue debt. The City adopted an ordinance in 2017 requiring it to retain a minimum fund balance (i.e. financial reserves) of 20 percent of regular General Fund operating expenditures or \$22 million, whichever is higher. Complying with its own policy is a good way for City government to demonstrate its ability to manage its finances once oversight ends. The second financial goal guiding this Plan is that it should keep the fund balance in compliance with the City’s policy. This Plan continues some deficit-closing strategies from the prior Recovery Plans. There are provisions to moderate the growth in City spending on personnel costs for active employees. There are prohibitions on enhancements to employee pension and retiree health insurance benefits that already consume a large part of the budget. There are initiatives related to debt refinancing and, if resources allow, early debt repayment. On the revenue side, the Plan encourages the City to reach a multi-year agreement with the Reading Parking Authority (RPA) that would set the amounts and terms of the RPA’s annual contribution, similar to the one the City has with the Reading Area Water Authority². The Plan recommends a course of action to ensure that the recent slide in non-tax revenues is the result of deliberate policy decisions, not poor financial management³. Like the prior two Recovery Plans, the Exit Plan also anticipates that the City will have to increase its real estate tax rate in the next couple years. The Plan shows a 1-mill tax increase in 2019 and another 1-mill increase in 2024. Executing Plan initiatives could enable the City to reduce those tax increases, as would better-than-projected growth in the City’s resident earned income tax revenues. If resident EIT revenues continue to grow at the pace set through May 2019 for the rest of the year, that growth would cut the 2020 real estate tax increase almost in half. The City will not balance its budget by simply managing toward the status quo, but the real estate tax increases described in this Plan are not a forgone conclusion. The table below summarizes how the Plan initiatives accomplish the two key primary financial goals. ² Please see initiative GP01 in the General Provisions chapter for more information. ³ Please see initiative FM07 in the Financial Management chapter for more information. ⁴ Please see initiative GP06 in the General Provisions chapter for more information.

	2019	2020	2021	2022	Surplus / (Deficit)
Baseline Reserves comply with City policy?	YES	YES	NO	NO	
Plan Surplus / (Deficit)	(\$2,300,000)	(\$2,874,000)	(\$2,925,000)	(\$3,506,000)	(\$403,000)
Scenario Reserves comply with City policy?	YES	YES	YES	YES	\$45,000

As we emphasized in the Financial Condition Report, not all operating surpluses are created equal. If the City has reasonable revenue estimates and then economic growth drives revenues higher than expected, that is a positive contributor to a surplus. It is also positive if the City identifies efficiencies where it can deliver the same quality of service at a lower cost during the year and reduces its expenditures

below budgeted levels. But negative factors can also contribute to an operating surplus. If the City incorporates expenditures in its budget for an important project and then fails to execute it – because of lack of capacity, inefficient work processes or disagreement on how to proceed – that produces savings relative to the budget at the cost of effective government. There is evidence that is occurring. The 2017 audit showed a \$3.5 million surplus at the end of that year. Total General Fund revenues finished almost exactly at the level budgeted. So the surplus was generated by spending less than budgeted. That variance was primarily in active employee health insurance, where the City spent \$1.7 million less than budgeted, and non-personnel expenditures. The City budgeted \$1.0 million for a demolition and roof replacement program that it did not execute. There were also large budget-to-actual variances in Public Works' budget for traffic engineering and public property maintenance. Subsequent discussions with management indicated that the City had difficulty executing some projects incorporated in the 2017 budget. These problems were not a one-time event. The City allocated \$440,000 for sidewalk repairs in 2018, but did not record any expenditures. The City also allocated \$1.1 million for services related to Public Works Administration, Highways (road maintenance), Public Property (facility maintenance), and Traffic Engineering and only spent \$565,000. City government's difficulty executing projects may be related to the problems the City is having at different stages in its procurement process and lack of capacity in the Public Works department, so the Exit Plan has initiatives to address those issues⁵. Making these improvements is not just a matter of better policy and more efficient processes. City government also needs the right people. The Administrative Services Department has been short-handed for years because of problems filling four positions that are critical to financial management⁶. The City finally reached the point where it had four individuals filling four positions in March 2019, only to learn that one of the four individuals will leave City government within weeks of this Plan's release. The City needs capacity and stability in this area to manage toward a successful exit from oversight.

2022 COW Topics

Scheduled

Jan

Council topics for 1-10-22

√ Parking tickets by mail & Snow/Ice Emergency– RPA

√ Dumpster Screening Incentive

√ Parliamentary Procedures

- Council Reorganization
- Council Handbook
- Communication

Abe referred these topics to the 1-18-22 COW (Tuesday due to MLK Day)

- Responsible Contractor Language
- RPD Chaplain Corps Program
- Litigation Update (Fred)

Council topics for 1-24-22

- Update Sidewalk Repair/Replacement Program
- Reorganization

Additional Topics for January

- APRA Update
- Schedule Retreat in the 1st quarter of 2022
- Performance Evaluation Policy & Salary Study Update
- Council Staff Oversight Policy
- Downtown Plus Action Plan

Feb

- Charter & Ethics Training – Charter required
- Charter Board – containing costs
- IMAs – 3 of 12 negotiated
- State Legislators check-in
- Stantac Presentation
- Desman Presentation
- Government Study Commission
- Improved Internal Controls

Mar

- List of City owned properties, land and buildings, identifying those used by other organizations with agreements and the operational costs for each
- County Commissioners re revisit Library agreement and annual contribution
- Open Space & Parks Plan