Charter Review Commission
Friday, October 4, 2019
Penn Room

Members Attending: W. Cinfici, E. Schlegel, R. Baker, M. Yoder, D. Nazario, P. Hoh, C. Riley, E. Morrison, A. Torres, S. Perez

Others attending: L. Kelleher

Ms. Kelleher called the meeting to order at 5:33 pm.

Ms. Kelleher inquired if there are any changes to the September 25th meeting minutes.

Ms. Perez took issue that individual votes were not included. However, it was noted that votes were taken either by acclimation or by a showing of hands. Ms. Kelleher inquired if the board, moving forward, wanted the minutes to show the names of those who voted for or against a proposal. The board decided to include that detail moving forward.

Mr. Schlegel requested that the word "facilitator" be entered in the first sentence under the heading Facilitator and Minutes: Mr. Schlegel expressed the belief that using an outside *facilitator* is unnecessary.

Ms. Perez next took issue that her exact statement was not recorded on Page 5. She expressed the belief that her exact words should be recorded.

Ms. Kelleher noted that these are meeting minutes, not a transcript. Mr. Cinfici agreed, noting that in legal terms meeting minutes do not require much more than the date of the meeting, location of the meeting, the members attending and a listing of the issues discussed. He stated that it is helpful to have a summary of the discussion included; however, that is not legally required. Mr. Hoh agreed.

Ms. Perez suggested using an audio recorder to capture the business transacted, then board members can listen to that recording. She took issue with the meeting minutes prepared by the City Clerk. Mr. Schlegel noted that Ms. Kelleher is not here as the City Clerk.

After a lengthy discussion, the group agreed that transcripts are not required. The group also requested that page numbers be added to the meeting minutes.

Ms. Perez stated that she did not receive the September 25th meeting minutes.

Mr. Torres asked when the minutes were emailed. Ms. Kelleher stated that she emailed the minutes the afternoon of September 27th. Mr. Nazario stated that he did not receive the minutes either.

Mr. Baker checked his email via his cellphone and confirmed that Ms. Perez and Mr. Nazario were included on the email of those who received the meeting minutes.

Ms. Perez stated that she no longer uses that email address. She stated that she now uses perezshelia2019 as her email address, Mr. Nazario stated that he uses nazariod@yahoo.com and Ms. Riley stated that she uses rileycarol08@gmail.com.

Ms. Perez stated that she received a copy of the minutes in PDF format. She noted that she is unable to translate PDF versions into Spanish. Mr. Schlegel explained how Ms. Perez can translate PDF documents.

Mr. Cinfici stated that he emailed Ms. Kelleher a few changes to the minutes, such as including additional information or citations via footnotes. Mr. Baker agreed.

Mr. Schlegel moved, seconded by Mr. Cinfici, to approve the minutes as corrected. The motion was approved by acclamation, with no objections.

Public Comment
Annmarie Wolfe, of Franklin St., spoke about those with disabilities.

Ms. Riley inquired if election ballots are prepared in Braille for those who have visual impairments.

Mr. Baker and Mr. Schlegel noted that that is a matter addressed by the Berks Elections Services office, not the City or this board.

Election of Officers
The group decided to defer until Mr. Reese arrives at the end of his work shift.

Recording Secretary
Ms. Perez stated that she performed quite a bit of outreach and will bring a list of interested parties to the next meeting.

Ms. Morrison noted the importance of having a recording secretary who is fluent in both English and Spanish.

Mr. Nazario suggested that the board only consider hiring City residents.

After a lengthy discussion, Ms. Kelleher suggested that the board make the decision on residency after they assess the qualifications of those who apply.

Ms. Kelleher was asked to inquire with the Law Office about the need to advertise prior to hiring a recording secretary.

There was another lengthy discussion on the need to have a bilingual recording secretary.

There were several motions made but none of those motions moved forward for a vote.

Mr. Baker expressed the belief that limiting the pool to only City residents may be a violation of the 14^{th} Amendment of the Constitution. [1]

Ms. Kelleher was asked to inquire about this matter with the Solicitor.

Note: On Monday October 7, Mr. Baker provided the following correction via email: "I was incorrect about the 14th Amendment. If it is a violation it would be under Article I, Section 8, Clause 3 of the Interstate Commerce Clause. Which is applied to the States by the 14th Amendment." The City Law Office is researching this issue.

In response to a question about who the last Charter Review Commission (CRC) selected to serve as recording secretary, Mr. Schlegel recalled that Mr. Janssen, the facilitator, retained the services of a municipal secretary whom he was acquainted with.

Work Plan

Mr. Hoh suggested using the first month to gather input from City employees/officials and members of the public. The board can then decide which items should move forward for the 2020 primary ballot and which require more consideration and should wait until the General Election ballot.

Mr. Schlegel agreed. He inquired about the ruling Ms. Morrison mentioned at the last meeting regarding the Term Limit referendum.

Ms. Morrison stated that the Term Limits referendum seeks an amendment to Charter Section 104 regarding the power of the people. When asked how the specific referendum question

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[1] The Fourteenth Amendment to the United States Constitution was adopted on July 9, 1868, as one of the Reconstruction Amendments. Arguably one of the most consequential amendments to this day, the amendment addresses citizenship rights and equal protection of the laws and was proposed in response to issues related to former slaves following the American Civil War. The amendment was bitterly contested, particularly by the states of the defeated Confederacy, which were forced to ratify it in order

would amend Charter Section 104, Ms. Morrison did not respond, other than to say she would email the order to the members.[2]

However, Ms. Morrison noted that Judge Rowley's order notes the conflict between the City's Charter and State Title 53 in regard to the Charter amendment process and Judge Rowley's order requires that the conflict be fixed within a year.

After a lengthy discussion, Mr. Hoh intervened, noting that the conversation has drifted. He suggested requiring all Charter amendment input in writing so the board can clearly consider the issue and the solution, as was provided in the document from the Solicitor's Office and the City Clerk's Office.

Mr. Yoder noted that the document Mr. Hoh refers to offers a solution to simplify the Charter's Initiative and Referendum process and suggests that the Charter language match that already used in the 3rd Class City Code, as that process has been well defined.

Ms. Morrison noted the need for a more unbiased and balanced solution.

Mr. Yoder suggested looking to other City Charters for solutions.

Ms. Kelleher stated that Reading's Charter was modeled after a sample Charter used by the Department of Community Affairs (DCA), the predecessor to the Department of Community and Economic Development (DCED). She expressed the belief that many cities with Home Rule (vs Optional Plan) Charters are similar but have modifications based on the needs of the individual community. For example, the Allentown Charter does not require a Managing Director or Manager, those terms are located in the Allentown Administrative Code.

Mr. Yoder agreed noting that Easton's mayor is a member of Council. Ms. Kelleher that that would be considered a change in form of government which this panel cannot propose.

Ms. Morrison suggested having people prepare SWOT statements and have those collected at the public hearing. Ms. Perez agreed adding that a survey should also be prepared with a list of recipients, noting that the survey can be posted on the website and emailed out.

The group agreed to work on the survey questions at the next meeting.

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[2] **§ 104. Preservation of powers of the people.**
Powers reserved to the people by the Constitution of the United States and the Commonwealth of Pennsylvania shall be inviolate.

After a lengthy discussion on the selection of a public hearing date, the group agreed to consider holding day and evening public hearings the week of November 11th in Council Chambers. Ms. Kelleher will check on the room availability.

Mr. Reese arrived at this time and introductions occurred.

Meeting Schedule
After a discussion, Mr. Hoh suggested meeting weekly until the end of November at a location to be determined. All agreed.

Ms. Kelleher was asked to check with the Solicitor about the Sunshine Act requirements for the CRC.

There was a lengthy discussion on the perception of some that various board members have conflicts that prevent their participation. Ms. Kelleher repeatedly explained that the acting solicitor opined that as the CRC is a temporary commission that exists for only 6 months that those serving on boards, authorities and commissions could also be members of this temporary panel. Mr. Baker and Mr. Hoh attempted to explain how attorneys form legal opinions to interpret legislation and terms where clear definition is not included.

The group agreed to hold meetings on the following Thursdays – Oct. 10th, Oct 17th, Oct. 24th, Nov. 7th, Nov. 21st at 6 pm. Ms. Kelleher was asked to check room availability.

Election of Officers
Ms. Perez moved, seconded by Mr. Nazario, to nominate Ms. Morrison as chair.

Mr. Yoder moved, seconded by Mr. Schlegel, to nominate Mr. Cinfici as chair.

Mr. Nazario asked those who made the motions to explain their rationale.

Mr. Yoder stated that he has been impressed with the way Mr. Cinfici focuses on meeting process and parliamentary procedure which will help the meetings progress. Mr. Schlegel agreed, adding that Mr. Cinfici has served as Planning Commission chair in the past.

Mr. Cinfici accepted the nomination and expressed his desire to help the CRC find consensus on issues and propose responsible Charter amendments.

Ms. Perez stated that she nominated Ms. Morrison due to Ms. Morrison's knowledge of Title 53 and the Charter language along with her belief that Ms. Morrison is the best person for this role.

Ms. Morrison stated that she is an experienced facilitator who understands civil rights. She also stated that she should be given the post as she is not another white male who already serves in other capacities. She expressed the belief that there are too many white men filling the City's boards and that dynamic needs to change. She stated that she has been committed to the people for 40 years and she noted her desire to bring a balanced and inclusive voice.

Ms. Perez agreed with Ms. Morrison's statement about those filling board, authority and commission seats, noting that Council's Administrative Oversight process is used to primarily prevent low income residents from serving and allowing them to appoint non-City residents.

After a lengthy discussion, Mr. Hoh expressed the belief that this debate has gone too far.

Mr. Hoh moved, seconded by Mr. Schlegel, to end the debate and move to a vote on the nomination. Ms. Kelleher stated that a 2/3 majority vote is required.

The motion was not approved by the following vote:
Yes: Cinfici, Schlegel, Reese, Baker, Yoder and Hoh – 6
No: Nazario, Perez, Morrison, Riley and Torres – 5

As a 2/3 majority was not reached the discussion continued. Again Mr. Hoh stated that the discussion is going nowhere and that the group is unnecessarily delaying the vote on the issue. The group agree to vote.

Nominations were closed by acclamation, without any objection.

Motion to appoint Ms. Morrison as chair – Nazario, Perez, Morrison, Riley, and Torres – 5

Motion to appoint Mr. Cinfici as chair – Cinfici, Schlegel, Reese, Baker, Yoder and Hoh – 6

Ms. Kelleher congratulated Mr. Cinfici and asked him to conduct the remainder of the meeting.

After a discussion, the group agreed to appoint a vice chair, secretary and treasurer.

Nominations for vice chair were opened.

Mr. Torres moved, seconded by Ms. Perez, to nominate Ms. Morrison as vice chair.

Mr. Schlegel moved, seconded by Mr. Reese, to nominate Mr. Baker as vice chair.

Ms. Perez inquired if all members are city residents. All present stated that they reside in

Reading.

Nominations were closed by acclamation with no objections

Motion to appoint Ms. Morrison as vice chair – Nazario, Perez, Morrison, Riley and Torres – 5

Motion to appoint Mr. Baker as vice chair – Cinfici, Schlegel, Reese, Baker, Yoder and Hoh – 6

Nominations for secretary were opened.

Mr. Baker moved, seconded by Mr. Schlegel, to nominate Ms. Perez as secretary.

As no further nominations were made, the nominations were closed by acclamation without any objection.

The motion to appoint Ms. Perez as secretary – Cinfici, Schlegel, Reese, Baker, Yoder, Nazario, Perez, Hoh, Morrison, Riley, Torres – 11

Nominations for treasurer were opened.

Mr. Nazario and Mr. Reese were nominated but both immediately declined the nomination.

Mr. Baker moved, seconded by Mr. Schlegel, to nominate Ms. Morrison as treasurer.

As no other nominations were made, the nominations were closed by acclamation without any objections.

The motion to appoint Ms. Morrison as treasurer – Cinfici, Schlegel, Reese, Baker, Yoder, Nazario, Perez, Hoh, Morrison, Riley, Torres – 11

Ms. Morrison inquired if the board should appoint a parliamentarian. Mr. Cinfici suggested taking that matter up at a later time.

Mr. Cinfici stated that the group can seek legal assistance from the City Law Office as needed.

Ms. Morrison strongly objected due to her belief that the current City attorneys are conflicted out due to their participation in the recent Term Limit Referendum litigation. Instead she suggested that the group select a "people's solicitor" who does not have ties with the City. She expressed the belief that having one attorney representing Council and the mayor does not work.

Mr. Schlegel noted the Charter Board Advisory opinion requiring boards to obtain professional services via RFP. Ms. Kelleher stated that the Law Office and City Council recently did separate RFPs for independent legal counsel. She offered to check to see if one of those who applied through those RFPs could be retained to assist the CRC.

Mr. Schlegel distributed his Charter amendment proposals that would separate support staff for the Auditor and City Clerk from the administration. He explained that currently that support staff is controlled by the administration and that does not work.

Public Comment
None

Ms. Kelleher reminded the group of the agreed to meeting schedule.

Mr. Cinfici asked Ms. Kelleher if she would consider attending the CRC meetings until a recording secretary was retained. Ms. Kelleher declined due to her schedule and the start of the budget review process.

Ms. Perez volunteered to take the minutes at the next meeting.

Mr. Schlegel moved, seconded by Mr. Baker, to adjourn the meeting at 7:53 pm.

Respectfully submitted by Linda A. Kelleher