Charter Review Commission
Wednesday, September 25, 2018
5:30 pm
Council Chambers

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

Others Attending: L. Kelleher

Ms. Kelleher called the meeting to order. She administered the oath of office to the 10 members present and had them sign the oath book.

Ms. Kelleher distributed a document entitled "Suggested Charter Amendments" which is a list of proposed amendments identified by the Law Office and the City Clerk's Office.

Ms. Morrison inquired if everyone was provided with a copy of the Charter. Ms. Kelleher stated that she mailed all members the current Charter, the 2013 annotated Charter, the Ethics Code, the DCED Home Rule Handbook and the Home Rule Charter and Optional Plans Law, PA Title 53, Chapter 29, Subchapter C Amendment of Existing Charter or Optional Plan.

Ms. Kelleher asked all members to introduce themselves. During the introductions, Mr. Yoder disclosed that he is employed as a partner at the Bingaman Hess law firm and that he has handled some legal projects for the Reading Area Water Authority. He stated that his firm handles some legal issues for the Charter Board and the Ethics Board. He stated that another partner, Mahlon Boyer, is the solicitor to the Reading Parking Authority.

Later in the meeting, Mr. Baker disclosed that he is employed as an Assistant District Attorney for County District Attorney John Adams.

Election of Officers
Ms. Kelleher stated that she was asked to assist the Commission through the election of officers. She opened the floor for nominations to Chair.

Ms. Perez moved to nominate Ms. Morrison as Chair.

Ms. Morrison stated that while she accepts the nomination, she believes that the election should be delayed for a few meetings which will allow the members to become acquainted with each other.

Ms. Morrison expressed the belief that the Commission needs to work quickly, as they were appointed three (3) months late.

Mr. Schlegel questioned that belief, as City Council could have made the appointments on December 31, 2019 without being in violation of the Charter. He noted that as per Charter, the Commission has six months to make a report to Council and the mayor.

Mr. Schlegel pointed out that the Commission can choose to make one report to Council and define the recommended Charter amendment referendum questions for the November 2020 General election ballot or make two reports – one for the April 2020 Primary and a second for the November 2020 General Election. He stressed that the Charter provides the Commission with six months to do their work.

Ms. Morrison noted the importance of selecting the right person as Chair, as this position carries important responsibilities such as choosing those who will serve on the Transition Committee, as per the Charter.

In response to a request to provide clarification, Ms. Kelleher expressed the belief that a Transition Committee would be required only if there was a change in forms of government, which is something that this Commission cannot propose. She was asked to confirm with the City attorneys. [1]

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[1] **§ 1301. Purpose of article.**

The purposes of this article are to establish an orderly procedure for the transition to the new form of government provided by this Charter. The provisions of this article address the transition from the existing form of government to the form of government established by this Charter. Where inconsistent with the preceding articles of this Charter, the provisions of this article shall constitute temporary exceptions.

§ 1313. Transition Committee.

(a) Establishment and powers. On or before January 1, 1995, there shall be a Transition Committee established consisting of 11 persons to facilitate the transition from the existing form of government to the form of government established by this Charter. The Transition Committee may draft necessary ordinances, rules, and regulations, including the Administrative, Fiscal and Personnel Codes in order that they may be adopted on or after the effective date of this Charter.

(b) Membership. The Transition Committee shall include:

(i) The current Mayor;

(ii) One member of current City Council;

(iii) Three members of the Reading City Government Study Commission, said members to be selected by the Chairperson of the Commission; and

(iv) Three staff employees of the City of Reading, including one from personnel and one from finance, such employees to be selected by the Mayor.

(v) Three qualified voters of the City, said individuals to be appointed by current City Council.

(c) Vacancies. Any vacancy on the Transition Committee shall be filled by a majority of the remaining members of the Transition Committee.

(d) Compensation. The Transition Committee shall serve without compensation but shall be reimbursed for legitimate expenses.

Mr. Cinfici moved, seconded by Mr. Baker, to appoint Ms. Kelleher Chair Pro Tempore until a chair is elected.

No other nominations were made.

Ms. Morrison moved, seconded by Mr. Yoder, to close nominations. The motion was approved by consent, as there were no objections.

The motion to appoint Ms. Kelleher Chair Pro Tempore until a chair is elected was approved by consent, as there were no objections. Ms. Kelleher agreed to serve for a limited period of time, not to go beyond two meetings.

Mr. Schlegel suggested not delaying elections to provide the Commission with a strong start. He expressed the belief that this additional responsibility should not be placed on Ms. Kelleher.

Ms. Perez and Ms. Morrison expressed the belief that the election of officers should be delayed.

Ms. Morrison inquired about how many members read the Charter and know the title of Section 104. As not all on the Commission have read the Charter, she suggested delaying the vote to provide time for members to review the materials provided.

Mr. Schlegel again expressed support to elect officers at this meeting. He stressed the need to separate the election of officers, under parliamentary procedure, from the review of the Charter.

Mr. Cinfici agreed, noting the officers can be changed at any point by a majority vote from the Commission.

Mr. Baker agreed and questioned how the Commission can move forward with developing a meeting plan and preparing a budget until it elects officers, along with other primary tasks.

Ms. Kelleher asked those in support of the electing officers at this meeting to raise their hands. Only four members raised their hands in support of electing officers now.

Facilitator & Minutes
Mr. Schlegel expressed the belief that using an outside facilitator is unnecessary.

Ms. Morrison agreed, noting that many of those serving on this board have the skills to facilitate the meetings. She inquired if anyone wished to volunteer to take minutes, avoiding the need to pay someone to do the same. No one volunteered. She suggested that the group begin discussing Charter issues.

Mr. Baker suggested first having all members describe their goals.

Mr. Hoh stated that he is a currently a member of the Library Board of Trustees. He stated that he has no agenda, other than considering changes to improve government operations.

Mr. Nazario stated that he too has no agenda and that he is here to learn about the need for Charter changes.

Ms. Riley stated that she is here to consider options to improve the Charter.

Ms. Perez stated that it is her goal to fix impediments in the Charter, especially those in the Initiative process. She stated that Judge Rowley recently ordered that the conflict between State law for amending the Charter (*Home Rule Charter and Optional Plans Law, PA Title 53, Chapter 29, Subchapter C Amendment of Existing Charter or Optional Plan*) and the City Charter Initiative process be fixed within a years' time.

Ms. Perez noted that she served on the first Charter Review Commission (CRC) in 2001 and that that Commission was required to circulate petitions to place their recommendations on the ballot, as Council at the time refused to adopt the proposals adopted by that CRC. She stated that the next Commission was composed of elected officials, employees and the wife of an elected official and she expressed the belief that that created a conflict, as the members benefited from the amendments.

Ms. Morrison stated that it is her goal to bring the City into compliance with the Federal LEP (Limited English Proficiency) EO 13166. She explained that any entity that receives federal funds must have their documents available in multiple languages. [2]

Ms. Morrison suggested that the members review the referendum questions proposed by the last Commission, due to the perception that there was a conflict and that the members review this documentation before the next meeting. She stated that after settling this issue, the group can then move on to consider updating the Charter.

Mr. Torres stated that he has no agenda, other than to make improvements to the Charter.

Mr. Yoder stated that other than reviewing the materials the group was provided, he has no prior exposure to the Charter. He suggested that the group become educated about the Charter's creation and existence before considering changes. He noted the number of 3rd class cities in Pennsylvania that have approved changing to the Home Rule form of government. He expressed interest in comparing their Charters with our own along with interviewing those officials and former Reading elected officials and managing directors. Those exercises can help this group decide what works and what does not.

Mr. Cinfici agreed with Mr. Yoder's suggestions and he noted the importance of having strong public participation, including the input from City employees and Board, Authority and Commission members. He stated that the City is fortunate to have many who serve in a voluntary capacity. He noted the difficulty of attracting citizens to fill the many open Board, Authority and Commission seats, adding that the proposed

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[2] Note: the entire City website the entire site can be converted to another language by clicking on Tools, Internet Options and Language to define language preferences for the site. Also the City's online Code, which includes the Charter, can be viewed in any language by clicking on ADA Compatible View and Select Language to convert the entire code to the language of your choosing

Charter amendment to allow citizens to serve on two boards was the only question defeated. He added that there are exceptions that allow those who serve on Authorities to serve on another board, as Authorities are created by State or Federal law, and legislation created locally can require representation by a member of an existing board – such as the Planning Commission having a representative on the Blighted Property Review Committee.

Ms. Perez suggested considering term limits for board, authority and commission members to better protect the City's assets. She suggested that there was wrongdoing in the past. She also expressed the belief that the Administrative Oversight policy for Boards, Authorities and Commissions is faulty.

Mr. Baker stated that he has no particular agenda, other than seeing healthy discussion about various issues, followed by sound decisions. He added that he would like to see the Commission elect officers soon and fill any vacancy quickly. Ms. Kelleher stated that the District 2 vacancy will be filled at the September 30th Special Meeting.

Mr. Schlegel stated that as a member of the public he suggested a Charter amendment for term limits for elected officials during the last review process.

Mr. Schlegel suggested that this group also consider separating employees working for City Council and the Auditor from the administration. He explained that currently the administration has to authorize Council and the Auditor to fill these positions and that interferes with the operation of these co-equal branches of government. He also suggested that the group consider adding a provision that will allow City Council to retain their own solicitor, as having one person serving the administration and Council clearly does not work.

Mr. Nazario suggested that the start of each CRC meeting be dedicated to a moment or two of meditation so members can begin their deliberations with a clear head.

Ms. Morrison suggested that the group take some time between meetings to perform a SWOT (strengths, weaknesses, opportunities, and threats) analysis to prioritize potential Charter amendments. She distributed SWOT forms to the members.

There was discussion about the day and time of the next meeting and the number of times the group should meet per month. Due to conflicting schedules, the group settled on Friday, October 4th at 5:30 in the Penn Room for the next meeting.

Mr. Nazario excused himself due to a schedule conflict.

Mr. Cinfici moved, seconded by Mr. Baker, to define the number for a quorum as six (6) members. The motion was approved by acclimation with no objections

Mr. Cinfici moved, seconded by Mr. Baker, to use Robert's Rules, absent no other policy or guidance in any law. The motion was approved by acclimation with no objections

The group discussed the need to have a solicitor present and decided that they could consult with legal counsel as needed.

The group discussed the need to have a discussion with the sitting Charter Board about Charter issues they would like to have revised. Ms. Kelleher stated that the group can invite the Charter Board; however, the Charter Board declined the invitation from the last Charter Board due to a conflict. Mr. Baker explained how a conflict could be perceived for the Charter Board.

Ms. Morrison questioned how the Commission should conduct outreach to various individuals and groups. Mr. Baker stated that the members will need to consider outreach methods after the individual and groups they wish to hear from are selected.

Ms. Morrison suggested getting SWOT input from citizens and boards. Mr. Baker suggested using a survey form similar to that used by the last Commission.

Ms. Morrison and Ms. Perez expressed the belief that the survey used by the last Commission was intentionally limited in its reach and only certain individuals were invited to complete the survey.

Ms. Kelleher stated that this Commission can use the former survey as a base, make revisions to the questions and decide how it will be distributed.

Mr. Hoh expressed the belief that the explanation of the conflict for the Charter Board may be too far overreaching. He stated that perception of a conflict can exist in various ways with various bodies and individuals. As an example, he stated that union officials can make Charter amendment suggestions that would be in their members' best interests, which is not necessarily a conflict.

Ms. Morrison agreed that it is best not to be exclusionary.

Mr. Cinfici agreed, noting that the perception of a conflict can be eased through disclosure, as happened tonight with Mr. Yoder and Mr. Baker.

Mr. Schlegel noted that he, personally, may have a conflict with the sitting Charter Board.

Ms. Perez agreed with Mr. Hoh, but opined that the Commission should not meet with City Council due to the appearance of a conflict; however Council members can provide input as individuals.

Mr. Yoder asked Ms. Kelleher to send the Commission copies of the referendum questions approved by the last Commission. He suggested that the group meet with former elected and appointed officials to get their input on where changes are needed. Mr. Schlegel agreed.

The group next discussed defining public comment regulations for meetings and public hearings.

Ms. Morrison again suggested seeking input from individuals using the SWOT form. Mr. Baker expressed the belief that individuals are more likely to complete a survey of questions rather than to take the time to fill out a blank piece of paper.

The use of a survey was again discussed. Mr. Cinfici suggested reviewing the survey used by the last Commission and making revisions.

Ms. Morrison expressed the belief that the survey was prepared with a clear agenda and only certain individuals were asked to complete the survey.

Mr. Schlegel and Mr. Baker stated that all officials, employees and board members should be asked for input within the next 30 days. Mr. Baker suggested using a survey and the SWOT form.

Mr. Hoh recommended gathering input using an open-ended approach and using a SWOT type process to see which amendments rise to the top.

There was a discussion on the number of referendum questions that can go on a ballot. Ms. Kelleher was asked to consult with the Elections Office.

Ms. Perez expressed concern that City voters were not educated on the new voting machines.

Mr. Yoder recommended retaining an external party to take meeting minutes at meetings and hearings. All present agreed and were asked to make recommendations.

Mr. Schlegel moved, seconded by Mr. Baker, to provide all documents created by the Commission in Spanish. The motion was approved by acclimation with no objections.

A discussion on the proposed budget began. The last Commission had a budget of $20,000 but only spent $3,570 – about half of that amount was used for the external secretary.

Mr. Schlegel moved, seconded by Mr. Torres, to ask City Council to allocate an amount not to exceed $20,000 for the work of the Charter Review Commission. The motion was approved by acclimation with no objections.

Ms. Morrison asked the members to avoid holding sidebar conversations during the future meeting so all remarks are heard.

Mr. Cinfici moved, seconded by Mr. Baker, to adjourn the meeting at approximately 7:40 pm.

The next meeting is scheduled for Friday, October 4th at 5:30 pm in the Penn Room.

Respectfully submitted by Linda A. Kelleher