

**Report
of the 2019-2020
Reading Charter Review Commission**

The Reading Charter Review Commission (the Commission) issues this report in accordance with §1203 of the City of Reading Home Rule Charter.

The members of the Commission, having been duly appointed by the City Council and Mayor, were sworn into office at Reading City Hall on September 25, 2019, with the exception of its final City Council appointee, who was sworn in on October 4.

The Commission met at City Hall on September 25, October 4, October 10, October 17, October 24, November 7, November 21, December 5, December 12, 2019 and January 9, 2020.

The City Clerk called the first two Commission meetings to order and was elected Chairman pro tempore until the Commission elected officers at the October 4 meeting. The latest version of *Roberts' Rules of Order* was followed for the parliamentary procedure and then approved by motion by the Commission at its first meeting. A quorum of 6 members was established by the passage of a motion. The Commission requested a budget not to exceed \$20,000. The City Council subsequently approved an ordinance allocating \$5,000 for fiscal year 2019 and \$10,000 for fiscal year 2020, which was enacted by the signature of the Mayor. At its October 4 meeting, the Commission elected William Cinfici Chairman, Raymond Baker Vice Chairman, Evelyn Morrison Treasurer and Sheila Perez Secretary. After announcement at its meeting and advertising for the position on social media, the Commission hired a Recorder/Translator to record and produce the minutes of its meetings and translate all documents produced by the Commission into Spanish. Accordingly, all Commission documents were subsequently translated. The Commission approved a motion calling upon the City to translate the Charter and all public documents into Spanish.

All meetings were publicly advertised, in accordance with the Pennsylvania Sunshine Act. Shortly before the beginning and near the end of each meeting, the opportunity for public comment was provided. A few members of the public addressed the Commission at various meetings. By late October, the City of Reading's web page for the Commission at its website had been updated to include the new members and where the minutes were posted at a link for "Minutes." Transcripts of all meetings, except for its last three, were also produced. In addition to its meetings, the Commission held informal public hearings at City Hall, which were legally advertised according to the Sunshine Act, on November 13 during normal business hours and on November 14 during after-business hours. The hearings were also advertised by the Commission through posting on the Commission's web page, announcement at a City Council meeting and a press release. The City e-mailed an invitation to the hearing to elected officials, department heads, and citizen-participation bodies and another one to staff. The City livestreamed the hearings onto the Internet and posted a link to the video on the City's website. Summaries of the public hearings were produced. The Commission adopted a survey to be distributed to all City elected officials, the Managing Director, department heads, members of boards, commissions and authorities and others as the individual Commission members saw fit, such as former City elected officials and City Managers, county or state elected officials representing Reading, civic organizations, etc. and posting it at various places on the Internet. The survey appears in the Appendix to this Report. Provisions were made for the completed surveys to be mailed to City Hall at the attention of the Reading Charter Commission. The Commission devised a plan to tabulate and analyze the surveys.

The Commission proposed, by a vote of 7-0 at its November 21 meeting, amending §225 of the Charter to authorize City Council to hire and manage its own staff and to determine their number and compensation, instead of being hired by the Executive Branch of City government. They would be City employees in all other respects. The amendment would be in accordance with the doctrine of the Separation of Powers by preventing the Executive Branch from exerting excessive control over the staff of the Legislative Branch.

The Commission proposed, by a vote of 5-4 at its November 21 meeting, amending the Charter by adding §226 to authorize City Council to hire a Council Solicitor to advise Council on matters of law, whose compensation would be fixed by Council and who would be a City employee in all other respects. The Council Solicitor would advise and not represent the City. The amendment would be in accordance with the doctrine of the Separation of Powers by allowing the interests of the Legislative Branch to be represented as a check on the Executive Branch by a Solicitor independent of the City Solicitor.

The Commission proposed, by a vote of 8-0 at its November 21 meeting, amending §503 of the Charter to authorize the City Auditor to hire and manage assistants, whose number and compensation would be fixed by Council and would be City employees in all other respects, instead of being hired by the Executive Branch. The amendment would safeguard the independence of the City Auditor from the Legislative or Executive Branches by preventing them from exerting excessive control over the office of the City Auditor.

The Commission proposed, by a vote of 8-0 at its December 5 meeting, amending §607 of the Charter to split the Department of Administrative Services into a Department of Finance and into a new §707, the Department of Human Resources. The duties of each Department are set forth with the same language as had appeared originally in the Charter as §705 prior to the May 2010 amendment that had consolidated the two Departments. Thus, effectively this amendment would repeal the May 2010 amendment, but renumber the sections accordingly. This amendment would facilitate the hiring of Department heads for each Department who possess the requisite sets of skills, as it is unusual for any one person to possess both skill sets.

The Commission proposed, by a vote of 7-3 at its December 12 meeting, amending §104 of the Charter to include a term-limit provision for all City elected officials by creating subsections a, b c and d, for City Councilman, President of City Council, Mayor and City Auditor, respectively. No City Councilman, President of City Council, Mayor or City Auditor could serve more than two consecutive four-year terms. The amendment does not count service for being appointed to fill a vacancy as a full four-year term and does not preclude additional service for non-consecutive terms. This amendment would make elections for City offices more competitive and encourage better service by elected officials.

By proposing the aforementioned amendments, the Commission approved recommending City Council and the Mayor, in accordance with §1203 of the Charter, place them by ordinance as ballot questions on the 2020 Primary Election ballot. The Commission recommends they be placed on the ballot in the order of the appearances of the Sections of the Charter they amend, which is the order in which they appear in the Appendix to this Report.

The Commission also considered at its December 5 and December 12 meetings a proposed amendment to eliminate or modify the residence requirement for City Manager and Department heads, but unanimously tabled the motion to approve it at each meeting because of a lack of majority support for the particular language proposed.

The Commission adjourned sine die at its January 9 meeting, pending the completion of all final business, namely the payment of all expenses, the approval of minutes of meetings, summaries of public hearings and the translations thereof, and of this Report.

APPENDIX

Survey:

CITY OF READING CHARTER REVIEW COMMISSION 2019-2020

The Home Rule Charter of the City of Reading [the Charter] provides for preservation of powers of the people and states that: **Powers reserved to the people by the Constitution of the United States and the Commonwealth of Pennsylvania shall be inviolate (Charter Article I, Section 104.)** The City is governed by the Charter, available here: <https://www.readingpa.gov/content/reading-city-charter>

The Charter further provides that, at least every five years, a Charter Review Commission shall be established to review the Charter to submit a report to the City Council, the Mayor and to the citizens of Reading **and to recommend any proposed amendments.**

The 2019-2020 Charter Commission needs your help. Please participate in the work of the Charter Review Commission by answering the following questions:

1. In your involvement or experience with the City of Reading, have any issues arisen because of the Home Rule Charter which you did not understand? If so, how could Reading's Charter be made better and more understandable?

2. In your involvement or experience with the City of Reading or its Charter, do you have any thoughts or concerns regarding how the City of Reading operates, or an opinion about any specific aspect of the government of Reading?

3. In your experience with any aspect of the City of Reading or its Charter, are there any ways in which you would like to see the day-to-day operations [administrative] or law-making [legislative] process changed? Are there ways in which the administrative or legislative workings of the City have been helpful and satisfactory?

4. What would need to change for you to become more involved with the City of Reading (such as serving on an Authority or Board, seeking a change in the City's laws, etc.)?

5. Do you believe you have a voice in the City of Reading? If not, what needs to change for you to be a more empowered citizen?

Submitted by: _____
Name (optional) Organization (optional)

Do you live, work or have a business in the City of Reading? Circle One: Yes No.

SWOT – GUIDANCE FOR THE READING CHARTER REVIEW COMMISSION

It is often useful for organizations to identify their Strengths, Weaknesses, Opportunities and Threats (SWOT). Please give some thought to what you believe to be the Strengths of Reading, the Weaknesses of Reading, the Opportunities for Reading and the Threats to Reading.

A SWOT review can help the Commission better understand how people and organizations view the Strengths of the City, how to manage its Weaknesses, how to uncover Opportunities for improvement, and how to reduce or eliminate Threats that could keep the City from being a better place to live and work. Please indicate your views on the City of Reading:

STRENGTHS OF READING

WEAKNESSES OF READING

OPPORTUNITIES FOR READING

THREATS TO READING

To print additional copies of this survey or share the link to it or for more information about the Reading Charter Review Commission, visit its webpage on the City of Reading's website at <https://www.readingpa.gov/content/charter-review-commission>. The Commission may be e-mailed at CharterReviewBoard@readingpa.gov.

Please return this survey by mailing it to the Reading Charter Review Commission at 815 Washington St Reading, PA 19601 or dropping it off at the City Clerk's office at City Hall.

Thank you for your responses!

Proposed Amendments:

#1

§ 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.

(a) No person shall serve as a City Councilman for more than two consecutive four-year terms.

(b) No person shall serve as a City Council President for more than two consecutive four-year terms.

(c) No person shall serve as a Mayor for more than two consecutive four-year terms.

(d) No person shall serve as an Auditor for more than two consecutive four-year terms.

#2

ARTICLE II

Council — The Legislative Branch

§ 225. Council Staff.

City Council shall appoint all assistants and employees of Council office, whose number and compensation shall be fixed as Council, by budgetary provisions, provides, and who, in all other respects, shall be considered employees of the City.

#3

ARTICLE II

§ 226. City Council Solicitor

City Council shall appoint a Council Solicitor who shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Council Solicitor shall serve as legal advisor to City Council. Council's Solicitor shall perform professional legal services for City Council. The primary responsibility of the position of Council Solicitor is to advise City Council on questions of law. City Council's Solicitor shall have his or her own legal secretary to assist in the preparation of all opinions, memorandums, and whatever other correspondence is required in the performance of the Council Solicitor's duties. Compensation shall be fixed as Council, by budgetary provisions, provides, and who, in all other respects, shall be considered employees of the City.

#4

ARTICLE V

City Auditor

§ 503. Responsibilities.

The City Auditor shall:

- (a) Have financial oversight of City finances, independent of the Executive and Legislative branches and shall review all expenditures of the Mayor, City Council, and City boards, commissions and agencies;
 - (b) Review the annual budget before approval by City Council, and make nonbinding recommendations to City Council for consideration;
 - (c) Be present or represented at all Council meetings;
 - (d) Perform specific audits of City finances from time to time as determined by the City Auditor or City Council;
 - (e) Report to Council on the progress of the implementation of any recommendations as found in the annual audit and management letter;
 - (f) Assist in all audits conducted by independent auditors;
 - (g) Assure the accurate and timely completion and submittal of audit reports along with appropriate follow-up recommendations;
 - (h) Furnish to City Council, the Mayor, the Managing Director, and others, as appropriate, periodic reports of audits conducted;
 - (i) Interpret and communicate audit policies and procedures to all City management and staff;
 - (j) Direct internal financial security and loss investigation activities;
 - (k) Prepare an annual budget for the office of City Auditor and operate the office of City Auditor within approved budget limitations; and
 - (l) Issue any subpoenas in order to fulfill the duties and responsibilities of the office of City Auditor.
- [m] appoint all assistants and employees of his or her office, whose number and compensation shall be fixed as Council, by budgetary provisions, provides, and who, in all other respects, shall be considered employees of the City.

#5

~~§ 607. Department of Administrative Services.~~

~~[Amended at the May 2010 Primary Election⁸]~~

~~There shall be a Department of Administrative Services. A Director of Administrative Services shall be appointed by the Mayor and approved by the City Council (as per § 603). As a minimum requirement, the Director of Administrative Services shall have a Bachelor's degree in public administration, finance, economics, political science or other related field and a minimum of eight years' related experience. The Director of Administrative Services shall be responsible for the administration of the City of Reading personnel and finance departments and their functions as set forth in the Administrative Code.~~

§ 607. Department of Finance.

There shall be a Department of Finance which is established for the purpose of creating a unified city accounting system. A Director of Finance shall be appointed by the Mayor with confirmation of Council (as per Section 603). As a minimum requirement, the Director of Finance shall have a degree in business administration or management. The Director of Finance shall be responsible for the administration of activities that include (i) the receipt, expenditure, accounting, investment, custody, and control of municipal funds and assets, including the budget (both operating and capital); (ii) financial accounting, which shall be conducted according to generally accepted accounting principles; (iii) investments and insurance; (iv) payroll; (v) pension administration; (vi) materials management; and (vii) all other financial matters that may arise.

§ 707. Department of Human Resources.

There shall be a Department of Human Resources. A director of the Department of Human Resources shall be appointed by the Mayor. The Director of Human Resources shall be responsible for administering the Department of Human Resources and administering the personnel system on the merit principles described in this Charter and promulgated by City Council as a part of the Personnel Code or otherwise. The Director of Human Resources shall coordinate and oversee the hiring, training, assignment, re-assignment, rotation, performance evaluation, and discharge of all employees.