

B. Supplemental Information Received from Councilor Corcoran

Councilor Corcoran responded to the Board's March 20, 2013 letter by supplying additional information to the Board. Councilor Corcoran's responding letter bears a date of March 11, 2013, but appears written, and was transmitted, on March 21, 2013. The March 21, 2013 letter contains various attachments, including, but not limited to emails respecting the status of the MOU and related matters, Bill No. 36-2012, (approved June 22, 2012), a draft lease addendum as between the City and RAWA, a copy of the MOU signed by Mayor Vaughn D. Spencer, March 4, 2013 minutes of the Committee of the Whole, a memo from the City Solicitor to Mayor Spencer dated August 28, 2012 regarding non-water related service billing by RAWA for the City, and a meeting summary dated February 25, 2013.

C. The Substance of the Facts

From what the Board can glean from the various documents provided by Councilor Corcoran, the concept of a MOU between the City and RAWA relating to trash and recycling billing ("Billing") has existed since at least June of 2012. An MOU is in fact drafted, and signed. The City Solicitor has given advice to the Mayor regarding this issue. As recently as February 25, 2013 a meeting occurred at which it was stated that on April 1, 2013 the Billing would transfer to RAWA.

In Mr. Corcoran's March 21, 2013 letter to the Board he confirms his belief that the transfer of the Billing would occur on April 1, 2013. Mr. Corcoran also relates that City Council was advised that RAWA would not charge the City for the Billing and that two City employees may be eliminated as a result of the transfer of the Billing to RAWA.

II. DISCUSSION

A. Prospective or Retrospective

As the Board regularly cautions, it is constrained to not answer retrospective questions under the guise of an advisory opinion. The Board will answer as advisory opinions only those questions that are prospective in application. Also, actual or perceived violations of the Charter or Administrative Code, grounded in actual events that have occurred, are not the proper subject of an advisory opinion. *See* Adv. Ops. No. 11 (September 24, 2008), No. 12 (January 12, 2009), No. 14 (May 12, 2009), No. 30 (November 14, 2012) *and* No. 31 (April 8, 2013) (comparing retrospective and prospective application).

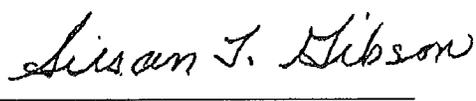
Here the context of this advisory opinion request is very specific, that is, whether or not the MOU to transfer the Billing to RAWA, without Council approval, resulting in a reduction of City staff, violates the Charter or Administrative Code. There is substantial reference to very specific matters that appear to have already come to pass.

Finding that this advisory opinion request addresses specific retrospective matters, that have already substantially occurred, the Board declines to issue an advisory opinion. The remedy for an actual or perceived violation of the Charter or Administrative Code is the filing of a Charter Board complaint, not a request for an advisory opinion.

III. OPINION OF THE BOARD

The Board declines to render an advisory opinion in this matter for the reasons stated in Section II, above.

CITY OF READING CHARTER BOARD

By: 
Susan Gibson, Chair

Date: April 19, 2013