

THE CHARTER BOARD OF THE CITY OF READING

IN RE: Investigation of : Complaint Filed: July 18, 2013
City of Reading City :
City Council and :
Council President Francis Acosta : Investigation No. 39

FINAL OPINION AND ORDER

I. FINDINGS OF FACT

1. On or about July 18, 2013 Ernest H. Schlegel, Jr., a resident of the City of Reading, filed a Charter Board complaint alleging that Reading City Council (“Council”) and Council President Francis Acosta (“Acosta”) violated Section 213 of the City of Reading Home Rule Charter (“Charter”), relating to citizens’ right to be heard.¹ At its essence, Council’s and Acosta’s conduct, as alleged by Mr. Schlegel, involved:

- a. as to Council, the enactment of an ordinance amending Administrative Code § 1-119 entitled “Public Participation” to require anybody desiring to address Council to register with the City Clerk by 5:00 p.m. on the day of the scheduled meeting;
- b. as to Council, adopting Council’s Policy and Operations Manual, and restating certain information on regular Council meeting agendas, which:
 - (i) establishes different time limits for speakers dependent on if they are speaking on agenda or non-agenda matters; and
 - (ii) requiring persons speaking on non-agenda matters to wait to speak until the conclusion of the legislative business portion of the meeting;
- c. as to Council, voting to suspend the requirement that comments on non-agenda matters occur at the conclusion of a Council meeting because the vote occurred prior to the time of the citizen exercising his or her right to be heard;

¹ Mr. Schlegel also filed a request for advisory opinion on January 8, 2014, the day following the Board’s initial review of the Stipulated Administrative Settlement ultimately entered in this matter. *See* Advisory Op. No. 36 (Feb. 7, 2014). The Board stated in its advisory opinion, at page 4, that it intended to address the issues raised by Mr. Schlegel in his advisory opinion request within this Final Opinion and Order. *See* Advisory Op. No. 36 at p. 4 *and* Section II(A), *infra*.

d. as to Acosta, announcing while presiding over the February 27, 2012 and March 12, 2012 regular Council meetings, that:

(i) Council would be hearing comment on agenda matters at the beginning of the meeting and for non-agenda matters at the end of the legislative portion of the meeting; and

(ii) Citizens would be limited to five (5) minutes to speak on agenda matters and three (3) minutes on general matters.

2. Thereafter, the Investigative Officer undertook an investigation of the allegations of the complaint and issued a Findings Report which she served on November 18, 2013.

3. The Findings Report² concluded that:

- a. Council's enactment of Ordinance 43-2012 amending Administrative Code § 1-119, requiring citizens desiring to address Council to register before 5 p.m. on the day of the scheduled Council meeting, violated Charter § 213 as such a restriction does not provide all citizens present at a Council meeting a reasonable opportunity to be heard;
- b. Council's reenactment and affirmance of Administrative Code § 1-119 by Ordinance 6-2012, authorizing the presiding officer of Council to limit the time citizens may speak on agenda matters violates Charter § 213 as that section requires such time limitations to be established by a majority plus one vote of Council;
- c. Council did not violate Charter § 213 in establishing time limitations for citizens to address Council on agenda and non-agenda items because said limitations were established by a unanimous vote of Council;³
- d. Council did not violate Charter § 213 when at Council's regular July 8, 2013 meeting Council waived its own policy of requiring citizens speaking on non-agenda matters to wait to speak after the conclusion of legislative business as there was no vote by Council on the issue;

² A true and correct copy of the Findings Report dated November 18, 2013 is an exhibit to the Stipulation attached hereto as Appendix "1." See footnote 5, *supra*.

³ Council unanimously voted to adopt Resolution 65-2012, establishing Council's Policy and Operations Manual. See Findings Report at pp. 6-7, ¶¶ 7 to 12.

- e. Acosta did not violate Charter § 213 by announcing the direction of Council that citizens addressing Council on non-agenda matters would be required to wait until the end of the legislative session to address council, because Acosta's conduct merely followed the direction and policy of Council and were not Acosta's own acts.

See Findings Report at p. 9.

4. The Investigative Officer did not proceed further regarding Acosta, having found that he did not violate the Charter.

5. Council, through the City Solicitor's Office, requested an evidentiary hearing by letter of November 27, 2013.

6. The Board scheduled a hearing, however, prior to the hearing date, January 7, 2014, the Investigative Officer and Council advised that an administrative settlement had been reached.⁴

7. Thereafter, Council and the Investigative Officer prepared a Stipulated Administrative Settlement ("Stipulation").⁵

8. The January 7, 2014 evidentiary hearing convened for the purpose of the Board reviewing and approving the Stipulation, which it did unanimously, subject to execution by the relevant parties. *See Notes of Testimony.*

9. Thereafter, the Stipulation circulated for execution by Council and the Investigative Officer.

10. The Charter Board approved the fully executed Stipulation on February 4, 2014.

See Appendix "1."

⁴ The Board references *In re: Hottenstein*, Inv. No. 39 (June 18, 2010), for the practice of reaching administrative settlements after an evidentiary hearing has been requested, but before the occurrence of the hearing.

⁵ A true, correct and executed copy of the Stipulation is attached hereto and incorporated herein as Appendix "1."

11. By Ordinance 6-2014, Council fulfilled item (b) of the Stipulation.

12. In accordance with the Stipulation, the Charter Board adopts and incorporates herein the Findings Report served November 18, 2013 by the Investigative Officer.

II. CONCLUSIONS OF LAW

A. Questions Presented

1. Does Council's requirement, that in order to speak at its meetings, citizens and taxpayers must register before 5:00 p.m. on the day of the scheduled meeting, violate Charter § 213 by not providing a reasonable opportunity to address Council?

2. May City Council set different time limitations for citizens speaking at regular Council meetings for agenda and non-agenda items?

3. May City Council require citizens speaking on non-agenda items to speak after the end of the business portion of Council's meeting?

The Charter Board answers all of these questions affirmatively, and adopts the questions and reasoning of the Investigative Officer on any question not presented here by the Board, but presented and answered by the Investigative Officer in the Findings Report.

B. Discussion

1. **Pertinent Charter Provisions.**

Charter § 213 provides:

Section 213. Citizens' Right to be Heard.

The Council must provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. Citizens' right to be heard shall be the first order of business at all public meetings and before a vote on any Council business. The public shall be granted the opportunity to comment at Council meetings without time limitations, except when Council by a majority plus one (1) of the members present imposes a reasonable time limitation deemed necessary.

2. Council must provide interested citizens and taxpayers a reasonable opportunity to address Council.

The Board finds no error with the Investigative Officer's determination that it is unreasonable to require those who desire to address Council to register before 5:00 p.m. Such a limitation is arbitrary, a full two hours before the commencement of Council's regular meetings, and the registration period ends at the typical close of a workday making it unreasonably difficult and burdensome for a citizen to register to speak. The 5:00 p.m. registration deadline violates Charter § 213.

3. Different time limitations for agenda and non-agenda items are permitted.

Section 213 provides that the "public shall be granted the opportunity to comment at Council meetings without time limitations, except when Council by a majority plus one (1) of the members present imposes a reasonable time limitation deemed necessary." The Sunshine Act, 65 Pa.C.S. § 710, vests councils with the power to adopt "rules and regulations necessary for the conduct of its meetings and the maintenance of order." This is an inherent power vested in every body allowing it to control its own meetings. By a vote of a majority plus one (1), Council adopted its Policy and Operations Manual. *See* Findings Report at p. 6, ¶ 10. The Policy and Operations Manual provides two different time limitations for agenda (5 minutes) and non-agenda items (3 minutes).

The rationale is straightforward, reasonable and appropriate. Unlimited comment is impractical, and the time limitation can always be waived upon request. Further, discussion about agenda items, the business of the Council at a given meeting, warrants the additional time provided by the Policy and Operations Manual to Agenda item speakers.

Both the Charter and Pennsylvania law authorize this exercise of discretion by Council.

4. Requiring citizens speaking on non-agenda items to speak after the end of the business portion of Council's meeting is permitted.

The language of the Charter providing for a citizens' right to be heard as the first order of business at all public meetings and before a vote on any Council business does not require that speakers on non-agenda items be heard first. Rather, Charter § 213 provides the right of public comment to be the first order of business in conjunction with "a vote on any Council business." Thus, the only public comment that must be the first order of business is comment on agenda items, that is, items on which Council may take official action at that meeting.

As non-agenda items could never involve matters on which there could be a vote at a given Council meeting, the Charter does not create the requirement that non-agenda speakers be the first item of business. Non-agenda item speakers are not heard in conjunction with "a vote on any Council business." This is in accord with the Sunshine Act, 65 Pa.C.S. § 710.1, which gives councils the option to accept all public comment at the beginning of a meeting. Here, Council elected within its Policy and Operations Manual to have agenda item public comment at the beginning of a meeting and non-agenda public comment after the business portion of Council's meeting concluded.

This too is in accord with the Charter and Pennsylvania law.

C. Conclusions of Law

1. A 5:00 p.m. registration deadline for citizen participation at Council meetings is unreasonable and violates Charter § 213.

2. Providing different time limitations for speakers for agenda and non-agenda items at Council meetings does not violate Charter § 213.

3. Requiring speakers for non-agenda items to speak after the business portion of Council meetings conclude does not violate Charter § 213.

III. DETERMINATION OF THE BOARD⁶

As provided within the Findings Report, the Stipulated Administrative Settlement, and this Final Opinion and Order, the Board determines that City Council did violate Charter § 213.

IV. PENALTIES IMPOSED

A. Admonition. Council and the Investigative Officer stipulated that the penalty of admonition is an appropriate penalty, and the Board concurs. The penalty of admonition is imposed on Council.

B. Considerations of the Board

Although the parties stipulated to the penalty of admonition, *see* Stipulated Administrative Settlement at Appendix “1,” the Board did consider each of the factors set forth in Section V(B)(2)(a)(i) of the Charter Board Ordinance in accepting the parties’ recommendation and agreement regarding the penalty to be imposed. The Charter provisions at issue do not provide significant guidance as to the term “reasonable” relating to the reasonable opportunity a citizen must be afforded to provide public comment at Council meetings. Council’s violation, in the Board’s opinion, were likely not the result of deliberate acts meant to violate the Charter, but rather resulted from the exercise of carelessness in ensuring that the citizens of Reading enjoy the reasonable opportunity to provide public comment under Charter § 213.

Admonition is an appropriate penalty.

⁶ Because the Investigative Officer determined in her Findings Report, at page 9, that Acosta did not violate Charter § 213, and that determination is not part of the Stipulation, the Board renders no adjudication or decision regarding Acosta’s conduct.

V. **ORDER**

The Charter Board enters the Order attached hereto as Exhibit "A."

CITY OF READING CHARTER BOARD

By: *Susan J. Gibson*
Susan Gibson, Chair

Date: March 6, 2014

THE CHARTER BOARD OF THE CITY OF READING

IN RE: Investigation of : Complaint Filed: July 18, 2013
City of Reading City :
City Council and :
Council President Francis Acosta : Investigation No. 39

ORDER

AND NOW, this 6th day of March, 2014, upon the Stipulated Administrative Settlement entered into by City Council and the Investigative Officer, and approved by the Charter Board of the City of Reading on February 4, 2014, and after considering the Findings Report issued by Investigative Officer Elizabeth Magovern, Esquire, served November 18, 2013, the Board finds that City Council did violate Charter § 213 as more fully set forth in the Board's Final Opinion and Order entered in this matter. In accordance with the Final Opinion and Order and the Stipulated Administrative Settlement, the following is **ORDERED**:

- A. City Council shall be admonished in accordance with Section V(B)(2)(ii)(a) of the Charter Board Ordinance; and
- B. Copies of the Charter Board's Final Opinion shall be transmitted to the following:
1. each member of City Council;
 2. the Office of the City Solicitor, c/o Tonya A. Butler, Esquire
 3. Elizabeth Magovern, Esquire, Investigative Officer
 4. Complainant, Ernest H. Schlegel, Jr.

CITY OF READING CHARTER BOARD

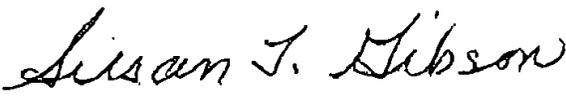
By: 
Susan Gibson, Chair

EXHIBIT "A"

Appendix “1”

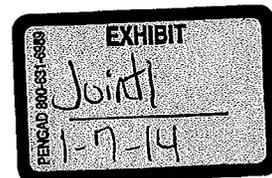
THE CHARTER BOARD OF THE CITY OF READING

IN RE: Investigation of : Complaint Filed: July 18, 2013
City of Reading City Council :
and Council President Francis Acosta :
: Investigation No. 39

STIPULATED ADMINISTRATIVE SETTLEMENT

Upon the stipulation and agreement of Elizabeth A. Magovern, Esquire, Investigative Officer of the Charter Board of the City of Reading ("IO"), and the City of Reading City Council ("Council"), through their counsel, Tonya A. Butler, Esquire, (collectively "the Parties"), the Parties submit the following to the Charter Board of the City of Reading ("Board") and enter into this Stipulated Administrative Settlement ("Stipulation"):

1. The Parties have conferred in preparation of the evidentiary hearing scheduled for January 7, 2014 for the purpose of resolving the outstanding issues.
2. During said conference, the Parties reached agreement on several matters, as follows:
 - (a) The Findings Report submitted by the IO dated November 18th, 2013 is accepted and acknowledged by Council. A true and correct copy of the November 18, 2013 Findings Report submitted by the IO is attached hereto, made a part hereof and marked as Exhibit "A."
 - (b) Council agrees to introduce at its January regular business meetings and subsequently adopt language addressing the findings set forth in the Findings Report by amending the Administrative Code through an amendment of Ordinance 43-2012, the Policy and Procedures of Council and all relevant materials including the agenda for the meetings and the information contained on the City of Reading website to reflect the same. The Ordinance to be introduced by Council amending Ordinance 43-2012 shall be in substantially identical language as attached hereto,

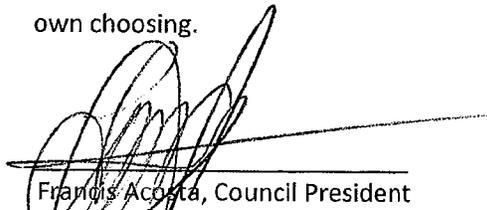


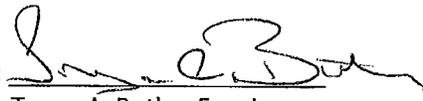
made a part hereof and marked as Exhibit "B." The language amending Council's Policy and Procedures regarding Public Comment at Regular Meetings shall be in substantially identical language as attached hereto, made a part hereof and marked as Exhibit "C."

- (c) Charter Board Ordinance §23-605(B)(2)(a)(2) provides for admonition as an appropriate and accepted penalty for violation of the Charter.
- (d) The Parties recommend a penalty of admonition to the Board.
- (e) City Council hereby agrees to and accepts the imposition by the Charter Board of the penalty of admonition.
- (f) The Charter Board, on the basis of the Findings Report submitted by the IO and accepted and acknowledged by Council, will impose the penalty of admonition in its Final Opinion and Order.
- (g) The Parties agree and do not object to the Charter Board issuing a Final Opinion and Order adopting the Findings Report submitted by the IO, the penalty recommended by the Parties and addressing any applicable conclusions, analysis or interpretation of the Charter or Administrative Code of the City of Reading.
- (h) Council hereby withdraws the request for an evidentiary hearing, which request the IO does not contest, and the Charter Board accepts.
- (i) As a result of the foregoing, the evidentiary hearing scheduled for January 7, 2014 is unnecessary and canceled.
- (j) Council shall override any veto by the Mayor of the Ordinance amendment.
- (k) The Parties agree that the Charter Board shall retain jurisdiction over this matter until such time as Council introduces and adopts Ordinance amending Ordinance 43-2012 and amending its Policy and Procedures as set forth in Exhibits "B" and "C"

and should Council fail to adopt said Ordinance amendment and amendment Policy and Procedures by February 1, 2014, the Charter Board may impose additional penalties as it finds so justified.

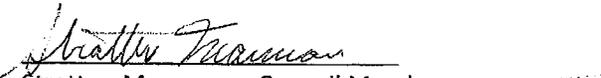
- (l) Council hereby waives any and all appeal rights which may relate to this matter and agrees that they are barred from appealing or otherwise challenging the Charter Board's Final Opinion and Order.
- (m) Council agrees and affirms that they entered into this Stipulation of their own free will, voluntarily, without compulsion or duress, without any representations or promises from the IO or the Charter Board, and with the advice of counsel of their own choosing.


Francis Acosta, Council President

By: 
Tonya A. Butler, Esquire
Counsel for City Council

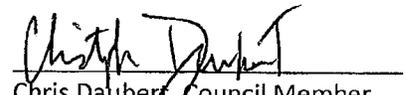

Marsha Goodman-Hinnershitz, Council Member
Mareia HST

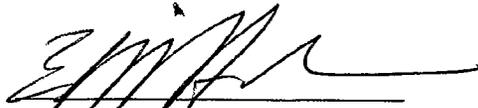

Dennis M. Sterner, Council Member


Stratton Marmarou, Council Member


Jeffrey S. Waltman, Sr., Council Member


Donna Reed, Council Member


Chris Daubert, Council Member



Elizabeth A. Magovern, Esquire
Investigative Officer
City of Reading Charter Board

APPROVED AND ACCEPTED BY THE CHARTER BOARD OF THE CITY OF READING, THIS
4th DAY OF ~~JANUARY~~, 2014

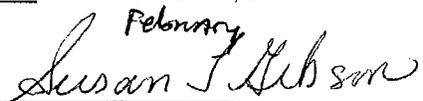
By: ^{February} 
Susan Gibson, Chair

EXHIBIT "A"

<p>Ernest H. Schlegel, Jr., Complainant</p> <p>IN RE: Investigation of City of Reading City Council and Council President Francis Acosta</p>	<p>CITY OF READING CHARTER BOARD</p> <p>INVESTIGATION NO. 39</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------

FINDINGS REPORT OF CITY OF READING CHARTER BOARD INVESTIGATIVE OFFICER ELIZABETH A. MAGOVERN, ESQUIRE

AND NOW, this 18th day of November 2013, comes Elizabeth A. Magovern, Esquire, Investigative Officer for the City of Reading Charter Board, and sets forth the procedural history, pertinent findings of fact, conclusions of law and decision as determined by the said Investigative Officer from her investigation into the instant matter as follows:

I. PROCEDURAL HISTORY.

1. On or about July 18, 2013, a Complaint Form was filed by Ernest H. Schlegel, Jr. (hereinafter, "Complainant").

2. Complainant resides at 934 Pear Street, City of Reading, Berks County, Pennsylvania, and is a taxpayer to the City of Reading.

3. By letters dated July 22, 2013, the Officer informed City of Reading City Council (hereinafter, "City Council") and City Council President Francis Acosta (hereinafter "Council President Acosta") (hereinafter jointly referred to as "Subjects"): (a) that the Complaint Form had been received by the Investigative Officer; (b) of the substance of the allegations against City Council and Council President Acosta contained therein; (c) that it was determined by the Investigative Officer that the City of Reading Charter Board had jurisdiction to investigate the claims alleged in the Complaint Form and, accordingly, a preliminary investigation would be undertaken by the Investigative Officer; (d) outlined their respective rights and responsibilities in the process; and (e) encouraged Subjects to attempt to informally resolve the issues in the Complaint Form.

4. By letter dated July 22, 2013, the Investigative Officer advised Complainant that (a) the Complaint Form had been received; (b) the City of Reading Charter Board had jurisdiction to investigate the claims alleged in the Complaint Form and a preliminary investigation would be undertaken by the Investigative Officer; (c) outlined Complainant's rights in the investigative process and (d) encouraged the Complainant to attempt to informally resolve the issues set forth in the Complaint Form.

5. By letters dated August 19, 2013, the Investigative Officer informed the Complainant and Subjects that the preliminary investigation had concluded and facts existed to warrant a full investigation into the matters raised in the Complaint Form.

6. Having concluded the full investigation, the Investigative Officer concludes that sufficient facts exist to support a finding that City Council violated Section 213 of the Charter of the City of Reading.

7. With completion of the investigation, the Investigative Officer concludes that Council President Acosta did not violate the Charter of the City of Reading in capacity as Council President but violated Section 213 of the Charter as a member of City Council.

II. ALLEGATIONS RAISED BY THE COMPLAINT FORM.

1. The Complaint Form alleges City Council has violated: Charter Section 213 by:
 - a. Enacting an Ordinance amending Section 1-119 of the Administrative Code entitled "Public Participation" as follows:
 1. to require anybody desiring to address Council to register with the City Clerk by 5:00 P.M. on the day of the scheduled meeting;
 - b. Adopting City of Reading City Council Policy and Operations and restating them on Regular Meeting Agendas that:
 1. establishes different time limits for speakers dependent on if they are speaking on agenda or non-agenda matters; and
 2. requiring persons speaking on non-agenda matters to wait to speak until the conclusion of the legislative business to speak.
 - c. Voting to suspend the rule requirement that that comments on non-agenda matters occur at the conclusion of the Council meeting because the vote occurred prior to Citizens' right to be heard.
2. It is further alleged in the Complaint Form that Council President Acosta violated Charter Section 213 by:
 - a. Announcing while presiding over City Council regular meetings on February 27, 2012 and March 12, 2012 that:
 1. Council would be hearing comment on agenda matters at the beginning of the meeting and non-agenda matters at the end of the legislative process and
 2. Citizens would be limited to five (5) minutes to speak on agenda matters and three (3) minutes on general matters.

III. FINDINGS OF FACT

1. Section 213 of the City of Reading Charter states:

The Council must provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. Citizens' right to be heard shall be the first order of business at all public meetings and before a vote on any Council business. The public shall be granted the opportunity to comment at Council meetings without time limitations, except when Council by a majority plus one (1) of the members present imposes a reasonable time limitation deemed necessary.

2. On January 23, 2012, Council enacted Ordinance 6-2012 reenacting and affirming the Public Participation regulations at City Council meetings in Section 1-119 of the Administrative Code.¹ A true and correct copy of Ordinance 6-2012 is attached hereto, made a part hereof and marked as Exhibit "A."

3. On April 9, 2012, City Council enacted Ordinance 43-2012. A true and correct copy of Ordinance 43-2012 is attached hereto, made apart hereof and marked as Exhibit "B."

4. Ordinance 43-2012 amends Section 1-119 of the Administrative Code in relevant part to require citizens desiring to address Council at its regular meeting to provide notice verbally or in writing to the City Clerk any time before 5:00 P.M. on the day of the scheduled Council meeting.²

5. Subsection C of Section 1-119 of the Administrative Code as set forth in Ordinances 6-2012 and 43-2012 provides that "A citizen shall be provided the opportunity to address the Council on any agenda item without written notice (See Charter §213[5]). The presiding officer or by action of Council shall limit the time each person shall speak giving equal time to all. Such discussion shall occur prior to the vote on the agenda item. See Exhibits "A" and "B."

6. On May 14, 2012, by a unanimous vote, City Council adopted Resolution 65-2012. This Resolution established the City of Reading City Council Policy and Operations.³ It is attached hereto along with relevant portions of the Policy made a part hereof and marked as Exhibit "C. A true and correct copy of the minutes of the City Council regular meeting on May 14, 2012 is attached hereto, made a part hereof and marked as Exhibit "D."

¹ By Ordinance 36-2013 enacted August 27, 2013, City Council recodified the Ordinances of the City of Reading. As a result of the recodification, Section 1-119 of the Administrative Code is now Section 5-209 thereof. As the factual basis for the allegations in the Complaint occurred and the Complaint was filed prior to the recodification, the Investigative Officer will refer to the relevant Section of the Administrative Code as 1-119 throughout the Findings Report.

² Prior to enactment of Ordinance 43-2012, Section 1-119 of the Administrative Code required Citizens to register prior to City Hall closing, 4:00 P.M., on the date of the scheduled meeting.

³ The cover page of Council's Policy and Operations indicates it was updated March 2012. During the course of the investigation it was ascertained this was a typographical error.

7. Council deemed it was necessary to adopt Policy and Operations Manual to provide for efficient undertaking of Council business.

8. The Policy and Operations for City Council states in relevant part on Pages 15 and 16:

Citizens' Right to Be Heard §213 of the Charter.

Public comment is permitted at the regular meetings of Council which occur on the second and fourth Mondays of each month and shall be the first order of business. Public comment is not permitted at City Council committee of the whole, work sessions or committee meetings.⁴

Note: Public Comment is divided into two components – comments on agenda matters and comments on non-agenda matters. Comment on agenda matters is limited to 5 minutes per person at the beginning of the meeting and comment on non-agenda matters is limited to 3 minutes per person at the end of the meeting. Council may suspend the public speaking rules to allow all public comment at the beginning of the meeting.

Citizens desiring to address the Council at its regular meetings may do so by providing notice verbally or in writing their name, address and the subject matter to be discussed to the City Clerk any time before 5 pm on the day of the meeting.

Note: Citizens may register to speak by contacting the City Clerk's office via email, phone or by completing a form on the City's website – www.ReadingPA.gov.

9. The agenda for the July 8, 2013 City Council regular meeting Agenda under the heading Public Comment states in relevant part:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting. . . .

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. . . .

⁴ Complainant alleges in the Complaint that this language references Section 213 of the Charter but sets forth language from Section 1-119 of the Administrative Code. As occurs throughout the Policy and Operations, the reference to Section 213 of the Charter is to the provision providing for Citizens' Right to be Heard not that the language set forth thereafter is from Section 213.

A true and correct copy of the City Council regular meeting Agenda for July 8, 2013 is attached hereto, made a part hereof and marked as Exhibit "E."

10. At City Council's regular meeting on July 8, 2013, Council President inquired of the members of Council if there were any objections to suspending the requirement for citizens speaking on non-agenda matters to wait until the conclusion of the legislative business thereby permitting them to address Council at the commencement of the meeting. A true and correct copy of the minutes of the July 8, 2013 City Council regular meeting is attached hereto, made a part hereof and marked as Exhibit "F."

11. There were no objections to suspension of the Council requirement for citizens commenting on non-agenda matters to wait until the conclusion of the legislative session. There was not a vote by Council to suspend said requirements. See Exhibit "F."

12. On February 27, 2012, at the Committee of the Whole, Council discussed following past practice of permitting citizens addressing Council on agenda matters to speak at the beginning of the meeting and those addressing non-agenda matters to wait until the conclusion of the legislative business. This discussion took place due to the number of registered speakers. A true and correct copy of the minutes of the February 27, 2012 Committee of the Whole meeting is attached hereto, made a part hereof and marked as Exhibit "G."

13. On February 7, 2012, Council President Acosta while presiding over City Council regular meeting stated at the beginning of the Public Comment that due to the number of residents registered to address Council, Council would hear comment on non-agenda matters after the legislative business. A true and correct copy of the minutes of the February 27, 2012 City Council regular meeting is attached hereto, made a part hereof and marked as Exhibit "H."

14. On March 12, 2012, during the Committee of the Whole, City Council discussed that due to the length of the agenda citizens speaking on non-agenda matters should speak at the conclusion of legislative business. A true and correct copy of the minutes of the March 12, 2012 City Council Committee of the Whole meeting is attached hereto, made a part hereof and marked as Exhibit "I."

15. On March 12, 2012, during the City Council regular meeting, Council President Acosta announced that citizens registered to speak on non-agenda matters would speak at the conclusion of the legislative business of Council. A true and correct copy of the minutes of the March 12, 2012 City Council regular meeting is attached hereto, made a part hereof and marked as Exhibit "J."

IV. CONCLUSIONS OF LAW.

1. The City of Reading City Charter provides the Investigative Officer and the City Charter Board with the authority and jurisdiction to investigate and adjudicate alleged violations of the City Charter and Administrative Code. Charter Amendment I Enforcement of Charter Section 2 and City of Reading Charter Board Ordinance Sections III Powers and Duties of Charter Board and V Enforcement.

2. City Council and Council President Acosta are bound by all aspects of the City of Reading's Charter and Administrative Code as duly elected members of City Council for the City of Reading. Charter Sections 208 General Powers and Duties and 209 Prohibitions.

3. Section 213 of the City of Reading Charter states:

The Council must provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. Citizens' right to be heard shall be the first order of business at all public meetings and before a vote on any Council business. The public shall be granted the opportunity to comment at Council meetings without time limitations, except when Council by a majority plus one (1) of the members present imposes a reasonable time limitation deemed necessary.

4. City Council enacted Ordinance 43-2012 amending Section 1-119 of the Administrative Code to require citizens to register with the City Clerk to address Council at a regular meeting prior to 5 pm on the day of the meeting.

5. Subsection C of Section 1-119 as stated simply provides that persons speaking on agenda matters not be required to register in writing by 5:00 PM.

6. The Investigative Officer finds that the evidence presented exhibits that Council violated Section 213 of the Charter by enacting Ordinance 43-2012 amending Section 1-119 of the Administrative Code requiring citizens to register prior to 5:00 PM on the day of a regular Council meeting as this requirement fails to provide all citizens addressing Council a reasonable opportunity to address Council on matters of general or special concern.

7. Section 213 of the Charter authorizes Council to establish time limits for the public to speak when the limitation is established by a vote of majority plus one of Council present if deemed necessary.

8. Through adoption of Resolution 65-2012 Council established a Policy and Operations Manual for City Council.

9. The City Council Policy and Operations manual in part sets forth procedures for conduction of Council Meetings including time limitations for and when citizens can speak on agenda and non-agenda matters during regular Council meetings.

10. Resolution 65-2012 was adopted by a unanimous vote of City Council present at its regular meeting on May 14, 2012.

11. Council deemed the adoption of Resolution 65-2012 and the establishment of a Policy and Operations Manual for City Council necessary to provide for the efficient operation of City Council business.

12. The Investigative Officer finds that City Council did not violate Section 213 of the Charter in establishing time limits for and when citizens can address Council.⁵

13. The Investigative Officer further finds that the time limitations do not restrict the opportunity of an interested citizen to be heard by Council.

14. It is further found that the requirement that persons speaking on non-agenda matters speak after the conclusion of legislative business does not violate the intent of the requirement of the Charter.⁶

15. The Investigative Officer finds that the intent of the language in Charter Section 213 regarding persons to be heard before any vote on Council business is to allow citizens to be heard on agenda matters before Council takes any official action on agenda matters.

16. Council can only vote on matters listed on the agenda.

17. Citizens addressing Council on agenda matters are permitted to do so at the commencement of the meeting, prior to any vote on Council. Only Citizens speaking on non-agenda matters are required to wait until the conclusion of legislative business.

18. As comments on non-agenda matters would have no effect on Council's votes on agenda matters, the Investigative Officer finds that requiring Citizens speaking on such matters to wait until after completion of legislative business does not violate the intent of Section 213 of the Charter provided they are afforded the reasonable opportunity to be heard.

19. The Investigative Officer finds that Council's adoption of Section 1-119.C of the Administrative Code on January 23, 2012 in enacting Ordinances 6-2012 authorizing the presiding Council officer to establish time limits for Citizens addressing Council violates Section 213 of the Charter which specifically requires any time limitations to be established by a majority plus one vote of Council.

20. Section 1-119.C of the Administrative Code as set forth in Ordinances 6-2012 provides the presiding officer the authority to limit the time a citizen speaking on an agenda item may speak.

21. Section 213 of the Charter requires time limitations for citizens addressing Council to be established by a majority plus one vote of members of Council present.

⁵ Section 710 of the Pennsylvania Sunshine Act, 65 Pa.C.S. §710, authorizes municipalities to enact rules and regulations for the conduct of its meetings and maintenance of order. Pennsylvania Home Rule Statute provides that no provision of a Home Rule Charter shall violate a state law. Thus, City Council is granted the under the Sunshine Act to enact rules and regulations for the orderly conduct of its meetings notwithstanding the City of Reading Charter.

⁶ The Sunshine Act provides in Section 710.1, 65 Pa.C.S. §710.1 that prior to taking official action, a municipality's governing body shall hear public comment on such matters. City Council's election to hear comment on non-agenda matters, items on which it will not be taking official action, is in accord with Section 710.1 of the Sunshine Act.

22. On July 8, 2013 Council President Acosta inquired of members of City Council if there were any objections to suspension of the Policy that citizens addressing Council on non-agenda matters be heard at the conclusion of the legislative business. No members of Council objected to Council President Acosta's inquiry.

23. On July 8, 2013 Council President did not ask for a vote on suspension of the speaking policy and there was no roll call vote.

24. The Investigative Officer finds that Council did not violate Section 213 of the Charter in acquiescence through silence in suspending the Policy at its July 8, 2013 for citizens addressing Council on non-agenda matters to wait until the conclusion of the legislative business.

25. The Investigative Officer finds that Council President Acosta did not violate Charter Section 213 in announcing Council's intention to comply with Policy at its February 27, 2012 and March 12, 2012 regular meetings.

26. The minutes reflect that Council President Acosta announced at the February 27, 2012 and March 12, 2012 regular Council Meetings that Council would accept comments on from citizens on non-agenda matters after completion of the legislative business pursuant to its Policy.

27. The minutes of the Committee of the Whole meetings on February 27, 2012 and March 12, 2012 exhibit that Council discussed requiring citizens speaking on non-agenda matters to wait until the conclusion of legislative business due to the number of registered speakers and length of the agenda.

28. Council President Acosta was simply following the direction of City Council in making the announcement at said regular meetings and was not acting on his own or separate and apart from Council.

V. **DECISION**

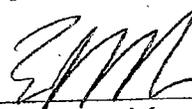
Pursuant to the Findings of Fact and Conclusions of Law above, the Investigative Officer for the City of Reading finds that City of Reading City Council's enactment of Ordinance 43-2012 amending Section 1-119 of the Administrative Code on April 9, 2012 by requiring citizens desiring to address Council to register before 5:00 PM on the day of the scheduled meeting violates Section 213 of the City of Reading City Charter as the requirement does not provide all citizens present at a regular scheduled Council meeting a reasonable opportunity to be heard. The Investigative Officer finds that on January 23, 2012 Council further violated Section 213 of the City of Reading Charter in reenacting and affirming Section 1-119 of the Administrative Code by Ordinance 6-2012 by authorizing the presiding officer of Council to limit the time citizens may speak on agenda matters as Section 213 requires time limitations to be established by a majority plus one vote of Council.

The Investigative Officer further finds that City Council did not violate Section 213 of the City of Reading Charter in establishing time limitations for citizens addressing Council on agenda and non-agenda matters because said limitations were established by a unanimous vote of Council. The intent of Section 213 of the Charter that requires citizens to be heard prior to a vote on Council was not violated by Council's policy establishing that persons speaking on non-agenda matters wait to speak at the conclusion of the legislative business.

The requirement of Section 213 of the Charter that requires Citizens to have an opportunity to address Council before any vote is taken is found not to have been violated by City Council when at its July 8, 2013 regular meeting it waived its own Policy of requiring citizens speaking on non-agenda matters to wait to speak after the conclusion of legislative business as there was no vote by Council on the issue.

Lastly, the Investigator Officer finds that Council President Acosta did not violate Section 213 of the Charter at the February 27, 2012 and March 12, 2012 regular Council meetings when he announced the direction of Council as discussed in the Committee of the Whole on said dates that citizens addressing Council on non-agenda matters would be required to wait until the end of the legislative session. Council President Acosta was following the direction and policy of Council and not acting on his own.

Respectfully submitted,



Elizabeth A. Magovern
City of Reading Charter Board
Investigative Officer

Ernest H. Schlegel, Jr., Complainant

CITY OF READING CHARTER BOARD

**IN RE: Investigation of City of Reading City
Council and Council President Francis
Acosta**

INVESTIGATION NO. 34

CERTIFICATION OF SERVICE

I, Elizabeth A. Magovern, Esquire, hereby certify that a true and correct copy of the foregoing Findings Report of the City of Reading Charter Board Investigative Officer Elizabeth A. Magovern, Esquire, was served upon all counsel and/or unrepresented parties by regular, first class U.S. mail, postage pre-paid on November 18, 2013.

Respectfully submitted,

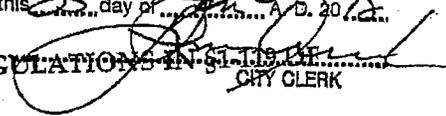


Elizabeth A. Magovern
City of Reading Charter Board
Investigative Officer

EXHIBIT "A"

BILL No. 6-2012
AN ORDINANCE

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 23 day of Jan A. D. 20 12. Witness my hand and seal of the said City this 23 day of Jan A. D. 20 12.


CITY CLERK

REENACTING AND AFFIRMING THE PUBLIC PARTICIPATION REGULATIONS IN §1-119 OF THE ADMINISTRATIVE CODE.

Whereas the Council of the City of Reading hereby ordains as follows:

Section 1. Reenacting and affirming the Public Participation regulations as follows:

§1-119. Public Participation.

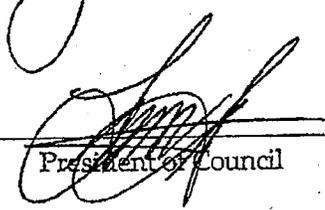
These rules are intended to promote an orderly system of public comment, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his right of free speech. Public comment is permitted at the regular meetings of Council which occur on the second and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

- A. Citizens desiring to address the Council at its regular meetings may do so by providing notice verbally or in writing their name, address and the subject matter to be discussed to the City Clerk any time before City Hall closes on the day of the scheduled Council meeting before the meeting is called to order by the President of Council or the presiding officer.
- B. Citizens desiring to address the Council at its special meeting may do so by providing notice verbally or in writing the subject matter to be discussed to the City Clerk ½ hour before the special meeting before the meeting is called to order by the President of Council or the presiding officer.
- C. A citizen shall be provided the opportunity to address the Council on any agenda item without written notice (see Charter, §2135). The presiding officer or by action of Council shall limit the time each person shall speak giving equal time to all. Such discussion shall occur prior to the vote of the agenda item.
- D. 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.
- E. 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.

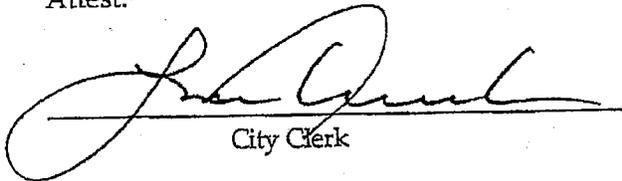
Section 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: Jan 23, 2012



President of Council

Attest:

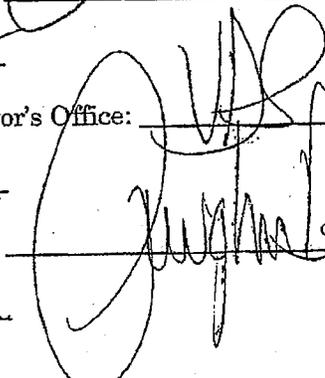


City Clerk

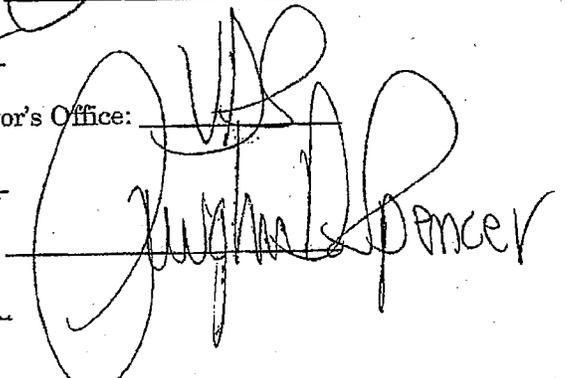
(Council Staff)

Submitted to Mayor: 

Date: 1-26-12

Received by the Mayor's Office: 

Date: 1/24/12

Approved by Mayor: 

Date: 1/24/12

EXHIBIT "B"

BILL No. 43-2012
AN ORDINANCE

AMENDING §1-119 OF THE ADMINISTRATIVE CODE, PUBLIC PARTICIPATION

Whereas the Council of the City of Reading hereby ordains as follows:

Section 1. Amending §1-119 of the Administrative Code, Public Participation as follows:

§1-119. Public Participation.

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. Citizens desiring to address the Council at its regular meetings may do so by providing notice verbally or in writing their name, address and the subject matter to be discussed to the City Clerk any time before 5 pm on the day of the scheduled meeting. ~~City Hall closes on the day of the scheduled Council meeting before the meeting is called to order by the President of Council or the presiding officer.~~

B. Citizens desiring to address the Council at its special meeting may do so by providing notice verbally or in writing the subject matter to be discussed to the City Clerk *any time before 5 pm on the day of the scheduled meeting.* ~~½ hour before the special meeting before the meeting is called to order by the President of Council or the presiding officer.~~

C. A citizen shall be provided the opportunity to address the Council on any agenda item without written notice (see Charter, §2135). The presiding officer or by action of Council shall limit the time each person shall speak giving equal time to all. Such discussion shall occur prior to the vote of the agenda item.

D. 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.

E. 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.

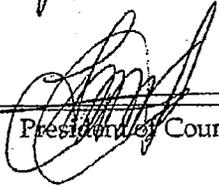
F. All comments by the public shall be made from the speaker's podium. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. ~~The time limits placed on the public's ability to address Council by this subsection shall terminate on February 23, 2008. [Ord. 6-2006]~~

G. 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.

H. **Public Hearings.** 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 3 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 1 minute.

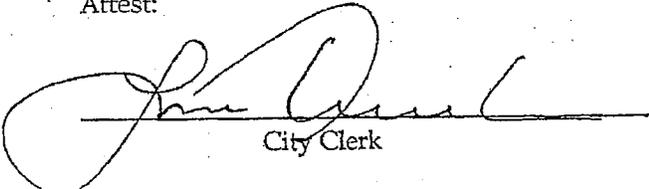
Section 2. This ordinance, Advertised in the Reading Eagle on Monday, April 2, 2012, shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: April 9, 2012



President of Council

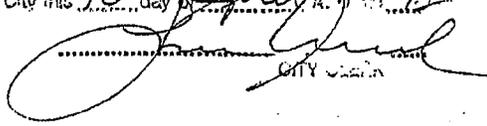
Attest:



City Clerk

(Council Staff)

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 9 day of April A. D. 2012. Witness my hand and seal of the said City this 10 day of April A. D. 2012.



CITY CLERK

Submitted to Mayor: 

Date: 4/10/12

Received by the Mayor's Office: 

Date: 4/10/12

Approved by Mayor:

Date:

4/10/12

Kingma D. Spruce

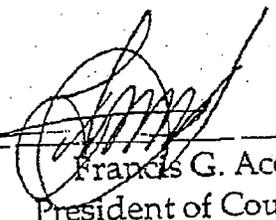
EXHIBIT "C"

RESOLUTION NO. 1115-2012

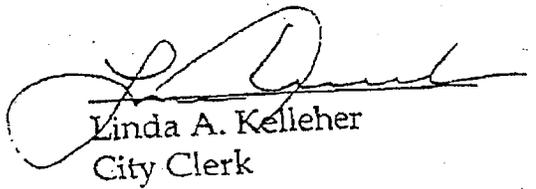
THE COUNCIL OF THE CITY OF READING HEREBY
RESOLVES AS FOLLOWS:

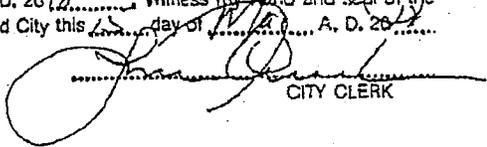
That Council adopts its Policy Handbook as attached.

Adopted by Council May 14 2012


Francis G. Acosta
President of Council

Attest:


Linda A. Kelleher
City Clerk

I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
Resolution passed by the Council of the City of
Reading, on the 14 day of May
A. D. 2012. Witness my hand and seal of the
said City this 15 day of May A. D. 2012.

CITY CLERK

City of Reading

City Council



Policy & Operations

Updated March 2012

Table of Contents

INTRODUCTION

Tab 1

- Introduction
- Purpose
- Council's Structural Evolution

POWERS

Tab 2

COUNCIL THE LEGISLATIVE BRANCH

Tab 3

- Inauguration Policy
- Policy on Filling Council Seat Vacancies

COUNCIL BUSINESS

Tab 4

- Meeting and Agenda Setting Policy
- Conduct of Business
- Policy on Town and District Meetings
- HARB Appeal Hearing Procedure
- Conditional Use Hearing Procedure
- Amendment of the Charter and Codified Ordinances
- Property Tax Exoneration
- Proclamations & Commendations
- Citizen Issue and Complaint Policy
- BCTV Programming Procedure
- Adoption & Amendment of Plans
 - Comprehensive Plan
 - Recreation Plan
 - Redistricting

CITY ADMINISTRATION & DEPARTMENTS

Tab 5

- Policy on Appointment of Directors

PURCHASING POLICIES AND PROCEDURES	Tab 6
• Bidding Process	
• Professional Services	
REVENUE SOURCES	Tab 7
FINANCE & BUDGET (Gen Fund, Capital, CDBG)	Tab 8
• CDBG Budget - Review and Adoption Policy	
• General Fund Budget - Review and Adoption Policy	
• Capital Budget - Review and Adoption Policy	
• Tax Rate	
• Policy on Bond and Debt Financing	
CITIZENS RIGHTS AND PARTICIPATION	Tab 9
• Initiative and Referendum	
BOARDS, AUTHORITIES, COMMISSIONS	Tab 10
• Appointment Policy	
APPENDIX	Tab 11
• Permits (Building, Zoning, Special Event, Shade Tree, HARB, Business)	

INTRODUCTION

This document will serve as a handbook for the responsibilities undertaken by the City Council, the Governing Body of the City of Reading. The information in this document will serve merely as an overview. Further research and preparation is needed for a fuller understanding and knowledge of Council duties. Understanding the purpose of city government allows for clarity and understanding by all members of Council and citizens alike.

PURPOSE

A major goal of the City Council is to enact responsible legislation for the prudent and ethical operation of the City Government, to assist in the planning of the City's revitalization and future, and to maintain free and open discussions with the City Administration and City residents to ensure democracy and good government for the City of Reading, Pennsylvania.

The City Council establishes City policy to provide for the exercise of all duties and obligations imposed upon the City by the Home Rule Charter and applicable State and Federal laws and to secure the general health, safety and welfare of the City and its citizens. The Council adopts resolutions and enacts ordinances as necessary to execute any of the City's powers.

The City Clerk acts as the director of the legislative branch. The City Clerk, along with the Deputy Clerk and other support staff, performs general oversight and coordination of the legislative action of City Council and makes recommendations to City Council on policy, regulations, practices and issues concerning the City of Reading.

The City Council approves the Mayor's appointments of the Managing Director, Department Directors and Zoning Administrator. Council also makes appointments to the City's Boards, Authorities and Commissions, as specified by the Home Rule Charter and the Third Class City Code. Council is also responsible for the enactment of the City's annual operating budget and capital program.

Council's Structural Evolution

In January 1996, the City of Reading made the transition from the Commission Form of Government to a Strong Mayor/Council form of the Home Rule Charter. The new form of Government was approved by voter referendum on November 7, 1993.

employment, terms and conditions of employment, evaluation of performance, promotion, or disciplinary action. Executive sessions cannot occur during the appointment or selection of any person to fill a vacancy in a publicly elected office.

- 2. To discuss matters related to collective bargaining agreements, labor relations and arbitrations.*
- 3. To consider the purchase or lease of property.*
- 4. To consult with an attorney or other advisor regarding ongoing litigation or with issues on which litigation is expected to be filed.*
- 5. To review or discuss business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information related to: investigations, litigation or violations of the law.*

Citizens Rights to Call a Special Meeting of City Council. §112 of the Charter.

The qualified voters of the City of Reading, upon filing a signed petition with the City Clerk, may require the City Council to hold a special meeting.

The petition filed with the City Clerk must contain the signatures and addresses of 200 duly qualified voters of the City and the purpose for which the meeting is being called. Upon receipt of such petition and a 2 day review/certification period of the petition by the City Clerk, the President of City Council must convene the special meeting on an evening within 14 days of the certification.

The public notification process will adhere to the special meetings provisions of this Charter.

Citizens' Right to be Heard. §213 of the Charter.

Public comment is permitted at the regular meetings of Council which occur on the second and fourth Mondays of each month and shall be the first order of business. Public comment is not permitted at the City Council committee of the whole, work sessions or committee meetings.

Note: Public Comment is divided into two components - comment on agenda matters and comment on non-agenda matters. Comment on agenda matters is limited to 5 minutes per person at the beginning of the meeting and comment on non-agenda matters is limited to 3 minutes per person at the end of the meeting. Council may suspend the public speaking rules to allow all public comment at the beginning of the meeting.

Citizens desiring to address the Council at its regular meetings may do so by providing notice verbally or in writing their name, address and the subject matter to be discussed to the City Clerk any time before 5 pm on the day of the meeting. Citizens desiring to

address the Council at its special meeting may do so by registering with the City before 5 pm on the day of the meeting.

Note: Citizens may register to speak by contacting the City Clerk's office via email, phone or by completing a form on the City's website - www.ReadingPA.gov.

All remarks must be made from the speaker's podium and 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 either removed from the meeting or may be barred from speaking before Council, unless permission to continue speaking is granted by a majority vote of Council. There will be no demonstration at the conclusion of anyone's presentation.

Citizens may not ask questions of Council members or other elected or public official in attendance. Council members, elected or public officials may respond to comments made by citizens at the conclusion of the public comment period or during the Council comment period.

In 2012 Council enacted Bill No. 43, which places regulations on the use of electronic recording devices at all meetings within City Hall.

Agenda. §1-116 of the Codified Ordinances.

The proposed agenda for a regular or special meeting of the Council shall be prepared by the City Clerk in consultation with the President or committee of Council created for that purpose.

The proposed agenda for an emergency meeting of the Council shall be prepared by the City Clerk in consultation with the President of Council.

The proposed agenda for any regular meetings shall be forwarded to all members of the Council at least two (2) days prior to the stated meeting and shall be posted on the City's web site two (2) days prior to the meeting. Sufficient copies of the agenda must be available prior to the beginning of the meeting. The title of any ordinance or resolution to be considered shall be published as part of the agenda. The published agenda may be amended at the meeting by a super-majority of members present (a supermajority is equal to 5 members). No matters other than those on the agenda as amended shall be acted upon by the Council. (Ord. 1-2007, 1/22/2007)

COUNCIL POLICY - MEETING & AGENDA PROCEDURE

The body of Council meets in some form every Monday evening starting at 5 p.m. using

EXHIBIT "D"

City of Reading City Council
Regular Business Meeting
Monday, May 14, 2012

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Rev. Alcia Julia-Stanley, New Journey/Nueva Jornada UMC.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Mayor V. Spencer
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following:

- Council Commendation recognizing the 85th anniversary of National Cleaners and Yorgey's Fine Cleaning, accepted by Michael Roeberg and Richard Roeberg
- Council Commendation recognizing National Police Week, accepted by Police Chief William Heim
- Council Commendation recognizing Reading City Church for their work on the Welcome to Reading sign at Second & Penn Streets
- Council Commendation recognizing Julio Ortiz
- Council Commendation recognizing Law Day, accepted by City Solicitor Younger

PUBLIC COMMENT

Council President Acosta announced that there are seven (7) citizens was registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment at the end of the meeting was suspended. Council President Acosta reminded the citizens registered to speak about the remaining public speaking rules

Vada Doctor, of Wyomissing, was not present.

Miguel Castillo, of North 8th Street, was not present.

Brigitte Eberly, of Salt Lake City, UT, stated that she registered to address problems with the Quality of Ticketing program. She noted the refusal of Codes personnel to provide her with copies of the photographs that support the Quality of Life Violations, which will support her appeal to the Berks County Court of Common Pleas. She stated that she now photographs her entire property weekly and noted the cost to do so. She also noted the delay with scheduling Quality of Life ticket appeals. She stated that she lives in dual locations; Reading and Salt Lake City, UT and she is often forced back to Reading to attend appeal hearings. She expressed the belief that the appeal scheduling is unfair.

Council President Acosta announced that Ms. Eberly's time to comment had expired. He inquired if any other member of Council objected to extending Ms. Eberly's time for an additional two (2) minutes. As no one objected, Ms. Eberly was permitted to speak for two (2) minutes longer. Ms. Eberly noted discrepancies with the information provided by Codes personnel about the Quality of Life ticketing program and appeals process. She expressed the belief that the appeals process should be more lenient towards the taxpayer.

David Toby, of Sinking Spring, was not present.

Tracey Salomone, of Reading, described the work schedule of the crossing guards and noted the lack of the pay increase for the past five (5) years. She noted that the crossing guards have threatened to strike which would present public safety issues for school children.

John Shelley, of Spring Valley Road, Muhlenberg, thanked the City for rehabilitating Bernhart's Park. He stated that since the rehabilitation the park is heavily used. He noted that the trash cans are currently located on the parking lot on the northeast corner of the park. He requested that the City place cans near the dam breast on Spring Valley Road as fisherman sometimes leave trash behind as trash receptacles are not available. He also expressed the belief that the paths in the park should be wider.

Kevin Miller, of Green Street, was not present.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting and the minutes for the April 23rd Regular Meeting of Council. He noted the need to add two (2) new ordinances for introduction; one addressing Fire protection fees and the second addressing the Health and Safety inspection fee.

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to approve the minutes from the April 23rd Regular Meeting of Council and the agenda as amended, including the legislation under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

None.

ADMINISTRATIVE REPORT

Mayor Spencer read the report distributed to Council earlier in the day. He highlighted as follows:

- The start of the City Recycling Collection program
- Update on Graffiti Abatement
- Ribbon Cutting Ceremony at Angelica Park Exploration Center, which is a partnership between the Berks Conservancy, Alvernia University and the City
- Update on the PILOT program

Mayor Spencer invited Scott Hoh who chairs the Internal Compliance Committee (ICC) to provide an update. Mr. Hoh explained the ICC process, which is modeled after former Philadelphia Mayor Rendell's program. He described the five (5) core areas and the initiatives which are progressing.

Councilor Goodman-Hinnershitz suggested that Mr. Hoh coordinate ICC initiatives with the Council Committee agendas, which will provide good coordination between the body's.

Councilor Waltman stated that he reviews the weekly ICC meeting reports and suggested that the ICC work to assist PFM to amend the Act 47 Recovery Plan. He stated that recalibrations of the EIT, Sewer revenue, etc. are required. He noted the importance of amending the plan to support the City in the coming years.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2012 Cable Franchise Collection
- 2012 Unemployment Compensation
- 2011 Parking Authority Audit

ORDINANCES FOR FINAL PASSAGE

Bill No. 45-2012 - repealing Ordinance 45-2008 and amending the Codified Ordinances Chapter 1 Administration and Government Part 5 Boards, Commissions, Committees and

Councils by deleting A. Park and Recreation Citizen's Advisory Committee Sections 1-501 through and including 1-506 accordingly **(Council Staff/Law)** *Introduced at the April 23 regular meeting*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 45-2012.

Bill No. 45-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President – 7
Nays: None- 0**

Bill No. 46-2012 - amending the City of Reading Codified Ordinances Chapter 3 Bicycles Part 1 Bicycle Regulations Section 3-106 Operation and Parking by adding the Reading Parking Authority (Council Staff/Law) *Introduced at the April 23 regular meeting*

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 46-2012.

Council President Acosta stated that the enactment of this ordinance and Bill No. 47-2012 will permit the Parking Authority to ride their enforcement bicycles on the sidewalks. He stated that permission to ride bicycles on the sidewalks was also extended to the Reading Police Department and DID.

Bill No. 46-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President – 7
Nays: None- 0**

Bill No. 47-2012 - amending the Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 10 Regulation of Pedalcycles and Non-Motorized Vehicles Section 15-1001 Riding and Parking of Pedalcycles on Sidewalks along Certain Streets Prohibited by adding the Reading Parking Authority (Council Staff/Law) *Introduced at the April 23 regular meeting*

Councilor Corcoran moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 45-2012.

Bill No. 47-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Bill No. 48-2012 - amending the Codified Ordinances Chapter 16 Parks and Recreation by adding a new Part 4 as attached relating to Public Private Partnerships for City Parks and Playgrounds (Council Staff/Law) *Introduced at the April 23 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 48-2012.

Councilor Goodman-Hinnershitz stated that she is pleased with the work to create this agreement, which will provide some standardization for agreements for public/private partnerships within Reading.

Mr. Corcoran noted his support of the City's Parks and Playgrounds as they provide a good recreation outlet for families and all citizens.

Bill No. 48-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Bill No. 49-2012 - amending the Codified Ordinances §1-199.03 Boards and Commissions/Councils Establishing the City of Reading Audit Committee as prescribed by the Act 47 Recovery Plan CA 02 as a new Part 22 (Council Staff/PFM) *Introduced at the April 23 regular meeting*

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 49-2012.

Councilor Waltman suggested adding additional citizen representatives. Council President Acosta noted that the ordinance can be amended to add additional citizen representation as we move forward.

Bill No. 49-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7

Nays: None- 0

Bill No. 50-2012 – amending the Codified Ordinances Council Committees §1-120 #2A Power and Duties by including Membership and Participation on the City of Reading Audit Committee (Council Staff/PFM) *Introduced at the April 23 regular meeting*
Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 50-2012.

Bill No. 50-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President – 7
Nays: None- 0

Bill No. 51-2012 – amending the Codified Ordinances City Clerk §1-161 Power and Duties by adding a role on the City of Reading Audit Committee (Council Staff/PFM) *Introduced at the April 23 regular meeting*

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 51-2012.

Bill No. 51-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President – 7
Nays: None- 0

Bill No. 52-2012 - amending the Codified Ordinances City Auditor §1-151. Power and Duties by adding the role of Chair for the City of Reading Audit Committee (Council Staff/PFM) *Introduced at the April 23 regular meeting*

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 52-2012.

Bill No. 52-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President – 7
Nays: None- 0

Bill No. 53-2012 – amending the Codified Ordinances, Part 20, Solid Waste, Part 2, Dumpster Placement, Section 203, Conditions of Use, Subsection 2.E, Temporary and Permanent Dumpsters (Law) *Introduced at the April 23 regular meeting*

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 53-2012.

Councilor Goodman-Hinnershitz noted her concern with dumpster placement when it disrupts vehicular and pedestrian traffic. She stated that some dumpsters become public safety hazards.

Council President Acosta noted the need to educate users about the new dumpster requirements.

Bill No. 53-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Bill No. 54-2012 – amending the Codified Ordinances Chapter 24 by creating a new Part 11 Tax Amnesty Program (Council Staff/Law/Bus Analyst) *Introduced at the April 23 regular meeting*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 54-2012.

Council President Acosta stated that this ordinance places the Tax Amnesty program into the Special Taxation chapter of the Codified Ordinance book. He stated that with the enactment of this ordinance, this and future Administration's will be able to create amnesty programs.

Bill No. 54-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Bill No. 55-2012 – setting the salary of the Fire Chief at \$72,000 annually (Mayor) *Introduced at the April 23 regular meeting*

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 55-2012.

Bill No. 55-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,

President - 7

Nays: None- 0

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

Ordinance – amending Codified Ordinance Chapter 27 Zoning Part 16 Floodplain Districts (Public Works) *To be distributed Monday*

Ordinance – amending Bill No 30-2012 the 2012 City of Reading Position Ordinance by adding three (3) temporary employees to the Citizens Service Center for the Tax Amnesty Program (Bus Anal/Council Staff)

Ordinance - implementing a Business Tax Amnesty Program between June 17 and August 18, 2012 which forgives Taxpayers who pay certain past due Per Capita Taxes and Business Privilege Taxes from liability for remaining past due Business Taxes, Interest, and Civil and Criminal Penalties (Council Staff/Law)

Ordinance - amending Codified Ordinances, Chapter 1 Administration and Government §§ 1-1001, 1-1004, 1-1005, 1-1006, and 1-1007 of the City of Reading Policy for Access to Public Records in accordance with the Pennsylvania Right-To-Know Law (Law)

Ordinance - setting forth the salary of the Managing Director of the City of Reading at \$110,000 annually (Mayor)

Ordinance - amending Chapter 7 Fire Prevention and Fire Protection (Law) *To be distributed Monday*

Ordinance - amending the City of Reading Codified Ordinances Chapter 10 Health and Safety by repealing Section 18 Health and Safety Inspection and recreating the Health and Safety Inspection with other provisions as a new Part 4 named "Certificate of Transfer" in Chapter 4 Buildings (Law) *To be distributed Monday*

RESOLUTIONS

Resolution 55-2012 – appointing David Hollinger as the Director of the Department of Fire and Rescue Services (Mayor)

Councilor Marmarou moved, seconded by Corcoran, to adopt Resolutions 19-2012

Council President Acosta stated that Council was impressed with the experience and credentials of Mr. Hollinger. He expressed the belief that Mr. Hollinger is well qualified applicant.

Resolution 55-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Resolution 65-2012 adopting the Council Policy Handbook as attached (Council Staff)

Councilor Reed moved, seconded by Goodman-Hinnershitz, to adopt Resolution 65-2012

Resolution 65-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Resolution 66-2012 -- removing Joseph Webb from the Board of Health (Council Staff)

Councilor Corcoran moved, seconded by Reed, to adopt Resolutions 66-2012

Councilor Reed noted Mr. Webb's attendance problems at the Board of Health meetings. He thanked Mr. Webb for his many years of service to the Board of Health. She noted Council's understanding that life's twists sometimes prevents Board members from attending meetings and completing their terms.

Resolution 66-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Resolution 67-2012— appointing Peter Hart to the Historical Architectural Review Board (Nom & Appts)

Councilor Marmarou moved, seconded by Goodman-Hinnershitz, to adopt Resolution 67-2012

Councilor Marmarou and Councilor Reed expressed their belief in the construction product experience Mr. Hart will provide to HARB. They also noted that Mr. Hart will bring a new point of view to the Board. They noted the need for Mr. Hart to understand that the HARB regulations are set by the Federal Secretary of Interior.

Resolution 67-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7

Nays: None- 0

COUNCIL COMMENT

Councilor Marmarou described the May 5th Night in the Heights event, which was very successful. He also described the problems with recycling theft City-wide.

Councilor Goodman-Hinnershitz thanked tonight's speakers. She agreed with the need to review the Quality of Life regulations as they pertain to rear yards and landscaping. She also thanked the volunteers and participants at the Duryea Downhill Race that occurred over the past weekend.

Councilor Reed described the volunteer effort to beautify and landscape the median planters and flower baskets on the street lights standards on Penn Street.

Councilor Reed expressed sympathy to the Escobar family and thanked the Mayor for the attention he gave to the family.

Councilor Corcoran reminded all District 1 residents to become a friend on his District 1 Facebook page. He noted that this is a new way to interact and share issues that affect residents.

Councilor Corcoran noted two (2) District 1 town meetings. The first is on May 17th at the Salvation Army at 6:00 pm. The second is on May 23rd at 6:30 pm at the Fire Training Center regarding Angelica Park.

Councilor Sterner thanked tonight's speakers and those honored with commendations. He noted his special appreciation for the members of the Reading Police Department.

Council Sterner announced the Outlet Community Group meeting scheduled for Wednesday, May 16th at 6:30 pm at St. Marks Church at Windsor and 10th Street.

Councilor Sterner congratulated the Hillside Playground Association for another successful

carnival.

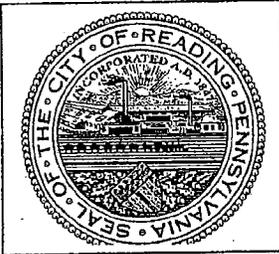
Mayor Spencer thanked Council for approving the Fire Chief applicant. He also complimented the City's Fire and Police Departments for their handling of recent issues.

Council President Acosta noted that tonight's commendations celebrate the diversity of the City.

Councilor Reed moved, seconded by Councilor Marmarou to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

EXHIBIT "E"



CITY COUNCIL

Meeting Agenda

REGULAR MEETING
2013
COUNCIL CHAMBERS

MONDAY, JULY 8,
7:00 P.M.

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agenda. All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012.

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Mel Sensenig of the Christ Presbyterian Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation celebrating Recreation Month, accepted by the Reading Recreation Commission
- Mayoral Proclamation for East Reading Boxing Club accepted by Andres Acuna

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming 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 the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials

to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. 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 remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Regular Meeting of June 24, 2013 (PAGE 5)

B. AGENDA: Regular Meeting of July 8, 2013

5. Consent Agenda Legislation

A. Award of Contract - for the renovation of the Pump Tender Room Roof to Purcell Construction, 560 North 5th Street, P.O. Box 188, Denver, PA 17517 who is the low bidder with total bid price of \$35,600.00 (**Purchasing**) – PAGE 11

B. Resolution 55-2013 – authorizing the disposition of contracts in the City Clerk's office as listed. (**Council Staff**) PAGE 13

C. Resolution – authorizing the Administration to take certain actions in compliance with the recent Civil Service Board decision (Managing Director) *To be distributed Monday*

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

Environmental Advisory Council, David Bean, Chair

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 30-2013 - authorizing the amendment of the Park and Recreation Fees as recommended by the Rec Commission (**Bus Analyst**) (PAGE 79) *Introduced at the 6-24 regular meeting – Advertised July 1, 2013 PAGE 14*

B. Bill No. 31-2013 - authorizing the transfer of \$20,000 from the General Fund Contingency account to a Charter Review Commission line item for support of the Charter Review Commission (**Auditor**) (PAGE 83) **Introduced at the 6-24 regular meeting PAGE 18**

C. Bill No. 32-2013 - amending Chapter 1, Part 7 Fire Escrow Proceeds, of the Codified Ordinances by adding requirements regarding the rehabilitation or demolition of fire damaged properties and renumbering as required (**Fire Escrow Work Group/Council Staff**) (PAGE 86) **Introduced at the 6-24 regular meeting; Advertized July 1, 2013 PAGE 21**

10. INTRODUCTION OF NEW ORDINANCES

PENDING

Bill No. -2013 - vacating a portion of Moss Street, as described in Exhibit A and removing this portion of Moss St from the City's topographical map (**Law**) (PAGE 84) **Introduced at the 6-24 regular meeting**

11. RESOLUTIONS

A. Resolution - appointing Thomas Anewalt to the Charter Board (**Nom & Appts**) **PAGE 26**

B. Resolution - appointing Thomas Anewalt to the Charter Review Commission (**Council Pres**) **PAGE 27**

12. PUBLIC COMMENT - GENERAL MATTERS

Please see public speaking rules on first page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, July 8th

Committee of the Whole - Council Office - 5 pm

Regular Meeting - Council Chambers - 7 pm

Monday, July 15th

Finance & Budget Meeting - Council Office - 5 pm

Strategic Planning - Council Office - at the conclusion of the 5 pm meeting

Saturday, July 20th

Budget Summit – 9 am - noon

Monday, July 22nd

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, July 29th

Emergency Management – Penn Room - 5 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, July 8

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, July 9

Water Authority Workshop – Water Authority Office – 4 pm

Citizens Advisory Board – Penn Room – 7 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, July 10

Zoning Hearing Board – Council Chambers – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, July 11

Police Pension Board – Penn Room – 10 am

Outlet Area Neighborhood Assn – St Mark's Lutheran Church

Sunday, July 14

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, July 15

Library Board – 113 S 4th St – 4 pm

Tuesday, July 16

Charter Board – Penn Room – 7 pm

HARB – Planning Conference Room – 7 pm

Wednesday, July 17

Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

Thursday, July 18

Blighted Property Review Committee – Council Chambers – 6 pm

Monday, July 22

DID Authority – 645 Penn St 5th floor - noon

**City of Reading City Council
Regular Business Meeting
Monday, June 24, 2013**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Pastor Dewayne Messenger of All Soul's Church.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Mayor V. Spencer

PROCLAMATIONS AND PRESENTATIONS

Council Recognition Certificates were issued to City of Reading students who won scholarships from the Reading Musical Foundation:

- Alexandra Vargas
- Isabelle Bender
- Giovanni Nieves
- Soleil Torres

PUBLIC COMMENT

Council President Acosta announced that four (4) citizens were registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment at the end of the meeting was suspended. Council President Acosta reminded the citizens registered to speak about the remaining public speaking rules.

Christopher Duong, of Muhlenberg, was not present.

Jaquinna Jones, of Philadelphia, was not present.

Mary Jane Smith, of Perkiomen Ave, expressed the belief that combining the trash and recycling billing with the water/sewer bill creates a budgeting problem for the majority of Reading residents who live on a tight budget. She suggested making the due date for this bill the 15th of the month, rather than the last day of the month.

James Fegley, of North 17th Street, thanked Council and the Reading Police for their attention to the speeding problem on Hampden Blvd last Friday.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes for the June 10th Regular Meeting of Council. He noted the need to add a resolution to appoint Councilor Reed to the Rec Commission. He stated that Ms. Reed will be replacing him on the Rec Commission. He stated that he needs to resign due to the workload expected of the President of Council.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the June 10th Regular Meeting of Council and the agenda, as amended, including the legislation under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 49-2013 - promoting David Ciabattoni from the rank of Paramedic/Firefighter to Lieutenant in the Fire Department, effective immediately (Fire/Council Staff) (PAGE 13)

B. Resolution 50-2013 - Authorizing an amendment to the CDBG Action Plan in the amount of \$55,000 for the purchase of protective fire equipment (CD & Fire) (PAGE 14)

C. Resolution 51-2013 - authorizing an amendment to the CDBG Action Plan to expand the Community Policing area to the downtown Census Tract - Block Groups 1-5, 3-1, 3-2, 7-1, 7-2, 7-3, 8-1, 11-2, 11-3, 13-1, 13-2, 15-2, 16-2, 18-1, 19-1, 25-1, 25-3 to the program's service area (Police) (PAGE 17)

D. Resolution 52-2013 - ratifying the FOP Lodge #9 Collective Bargaining Agreement, effective Jan 1, 2012 - Dec 31, 2016 (HR) (PAGE 19)

ADMINISTRATIVE REPORT

Mayor Spencer read the report distributed to Council at the meeting covering in summary:

- Meeting in Washington DC regarding HUD funding
- Meeting with local State legislators to discuss the state of the City
- Meeting with the DCED regarding the Main Street application and Main Street Grants
- His availability every Tuesday from 1-2 pm for meetings with citizens

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2013 Admissions Fee collection
- 2013 Real Estate Transfer Tax collection
- Liquid Fuels fund revenue

Councilor Waltman reminded Council of the need to meet with DCED officials regarding Act 47. Council President Acosta stated that the City Clerk is making those arrangements.

Councilor Waltman suggested that State legislators discuss the ramifications various acts will have on Third Class-sized cities before the acts are passed.

Councilor Goodman-Hinnershitz expressed the belief that the solutions offered in the Act 47 Plan are merely band aids. She stated that larger issues such as the pension system are crippling cities across the Commonwealth.

Councilor Goodman-Hinnershitz inquired about the sale of the former firehouse property located in the 200 block of Penn Street. City Clerk Kelleher stated that the transaction was listed in the Sunday real estate transactions and the property was sold to Supportive Concepts. Concern that this property would become tax exempt was expressed.

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS
None.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 30-2013 - Authorizing the execution of a Lease Agreement between the City of Reading and WFMZ for the Lease of a Portion of the "WEEU Building" for the

installation of a transmitter on the existing Tower (**Law**) *Note: Ineligible for enactment until the June 24th meeting due to the Charter required 14 day lay over period* (PAGE 73)

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 30-2013.

Bill No. 30-2013 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,
Acosta, President - 7
Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance - authorizing the amendment of the Park and Recreation Fees as recommended by the Rec Commission (Bus Analyst) (PAGE 79)

B. Ordinance - authorizing the transfer of \$20,000 from the General Fund Contingency account to a Charter Review Commission line item for support of the Charter Review Commission (Auditor) (PAGE 83)

C. Ordinance - vacating a portion of Moss Street, as described in Exhibit A and removing this portion of Moss St from the City's topographical map (Law) (PAGE 84)

D Ordinance - amending Chapter 1, Part 7 Fire Escrow Proceeds, of the Codified Ordinances by adding requirements regarding the rehabilitation or demolition of fire damaged properties and renumbering as required (Fire Escrow Work Group/Council Staff) (PAGE 86)

RESOLUTIONS

A. Resolution 53-2013 - appointing Donna Reed to the Rec Commission, replacing Francis Acosta. (Council Staff)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Corcoran, to adopt Resolution 53-2013.

Resolution No. 53-2013 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,
Acosta, President - 7

Nays: None - 0

COUNCIL COMMENT

Councilor Marmarou stated that 50 violations in four hours were issued during a speed enforcement detail last Friday evening on Hampden Blvd, in response to complaints from residents.

Councilor Corcoran expressed the belief that citizens can generate change in their neighborhoods by bringing neighborhood issues to Council's attention. He asked Mr. Lloyd to take Ms. Smith's suggestion to the RAWA Board.

Councilor Corcoran described the positive experience he had on his ride along with the Police Department on Saturday evening. He thanked Chief Heim and Officer Dinger for making these arrangements.

Councilor Goodman-Hinnershitz thanked tonight's speakers for bringing issues to Council's attention. She also thanked Public Works for addressing the high grass in an East Reading playground. She suggested avoiding this problem in the future by searching for alternatives with the Rec Commission.

Councilor Goodman-Hinnershitz reminded citizens of the dangers and hazards associated with setting off fireworks over the July 4th Holiday, in neighborhoods and on Skyline Drive.

Councilor Reed commended Centre Park for a successful garden tour. She also noted the free 4th of July concert at First Energy Stadium.

Councilor Waltman congratulated Centre Park for hosting another successful garden tour. He also thanked property owners who participated. He agreed with Ms. Smith, that the average resident is maxed out due to the increase in water/sewer fees and the change from quarterly to monthly billing.

Council President Acosta noted the grand opening at the former Woodward Cafe and the success of the African American parade. He also stated that RAWA is working with residents by eliminating late fees until August 31, 2013, which will allow people with approximately three months to pay off the large bill that started the combination of

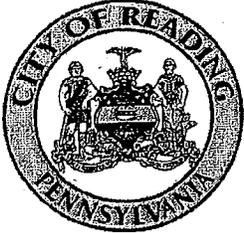
trash and recycling billing with water/sewer billing. He stated that RAWA board meetings are open to the public.

Council President Acosta introduced his son Alex, who attended the meeting.

Councilor Marmarou moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City

Clerk



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: July 8, 2013
AGENDA MEMO DATE: June 24, 2013
RECOMMENDED ACTION: Awarding of Contract for the Pump Tender Room Roof for the Wastewater Treatment Plant

RECOMMENDATION

The recommendation is to award the contract for the renovations of the Pump Tender Room Roof to Purcell Construction, 560 North 5th Street, P.O. Box 188, Denver, PA 17517 who is the low bidder with total bid price of \$35,600.00.

BACKGROUND

Bids for the Pump Tender Room Roof for the Wastewater Treatment Plant were received on June 11, 2013.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Wastewater Treatment Plant/Department of Public Works has confirmed there are sufficient funds in budget account code 54-07-44-4216 to cover the renovations.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the July 8, 2013 meeting.

RECOMMENDED BY

Mayor, Managing Director, Director of Administrative Services, Director of Public Works,
Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the Pump Tender Room Roof in order that
contract may be awarded to Purcell Construction.

cc: File.

June 11, 2013

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

**BID NO. 2013-10 FOR THE PUMP TENDER ROOM ROOF FOR THE DEPARTMENT OF
PUBLIC WORKS, CITY OF READING, PENNSYLVANIA.**

<u>BIDDER</u>	<u>BID PRICE</u>
Purcell Construction 560 N. 5 th Street Denver, PA 17517	\$35,600.00
Rainbow Roofing 7 Morgan Drive Sinking Spring, PA 19608	\$37,000.00

TAMMI REINHART

RESOLUTION NO. _____ 2013

WHEREAS, by virtue of Resolution 120-2006, adopted December 11, 2006, the City of Reading declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993, and;

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

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

In accordance with City of Reading Records Retention Policy and Document Retention Schedule, hereby authorizes the disposition of the following public records:

City Clerk's Office

Star Fireworks	1973 thru 1976
Edward & Stephania Stanley	1960
Joseph Stajkowski	1979
Jacob K. Stauffer	1954 thru 1960
Herbert E. Stauffer	1955
Albert Spurio/Spurio Tire Service	1962 and 1963
Walter E. Spotts & Associates	1953
SSM/Laboratories	1994
Farmer Kirkpatrick Spillman	1974 thru 1980
Sperry Univac --	1976 thru 1986
Spotts, Stevens & McCoy, Inc.	1979 thru 1996

Adopted by Council _____, 2013

President of Council

Attest:

City Clerk

TO: City Council
FROM: Shelly Katzenmoyer, Deputy City Clerk
PREPARED BY: Shelly Katzenmoyer, Deputy City Clerk
MEETING DATE: June 24, 2013
AGENDA MEMO DATE: June 5, 2013
RECOMMENDED ACTION: Amending Park and Recreation Rental Fees

RECOMMENDATION

The Recreation Commission recommends amending the park and recreation rental fees.

BACKGROUND

The Business Analyst is currently reviewing the Special Event permit procedure. During this review it was discovered that the Recreation Commission has begun using an updated rental fee schedule. This amendment would make the City's fee schedule consistent with those fees recommended by the Recreation Commission.

The rental fees for the bandshell and pagoda are not affected by this amendment as they are not overseen by the Recreation Commission.

The Commission recommends adding fees for basketball tournaments at 3rd & Spruce and 11th & Pike. There is also a separate rental fee for the pavilion at 3rd & Spruce and fees to rent the tennis courts at Hampden Park.

You will also notice delineation in rental fees for residents, non-profits, schools, non-residents, and for-profit businesses and organizations.

BUDGETARY IMPACT

None -- rental fees for these facilities are now budgeted to the Recreation Commission to further the programming offered by the Commission.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Formal action by Council is needed to amend the fee schedule.

RECOMMENDATION

The recommendation is that City Council approves the recommendation of the Recreation Commission regarding these fee increases.

RECOMMENDED BY

Recreation Commission

RECOMMENDED MOTION

To approve the Recreation Commission's recommendation that the fee schedule of the City of Reading be amended to reflect current fees.

BILL NO.

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, ADMINISTRATIVE FEES, PUBLIC WORKS DEPARTMENT, PARKS AND RECREATION FEES.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Public Works Department, Parks and Recreation Fees shall be and is hereby amended and shall hereafter be set forth as attached hereto and made a part here.

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(Recreation Commission/Business Analyst)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Item	Old City Fee	CITY			City For-profit Non-resident	Deposit	N
		RESIDENT	NON-PROFIT	SCHOOLS			
Pendora Fieldhouse (6 hours)	\$180.00	\$175.00	\$175.00	\$175.00	\$225.00	equal to rental fee	
additional hours over 6	n/a	25.00 P/H	25.00 P/H	25.00 P/H	\$25.00 per hour	equal to rental fee	
Schlegel Fieldhouse (6 hours)	\$180.00	\$125.00	\$125.00	\$125.00	\$175.00	equal to rental fee	
additional hours over 6	n/a	25.00 P/H	25.00 P/H	25.00 P/H	\$25.00 per hour	equal to rental fee	
3rd and Spruce Gym (minimum 2 hour rentals only)	200.00 (2-3 hrs)	35.00P/H	35.00P/H	20.00P/H	75.00P/H	equal to rental fee	during normal v
	n/a	50.00P/H	50.00P/H	50.00P/H	90.00P/H	equal to rental fee	outside normal
Tournaments (3rd and Spruce)	n/a	50.00P/H	50.00P/H	50.00P/H	90.00P/H	equal to rental fee	
(minimum 6 hours up to 12 per day)							
11th and Pike Gym (minimum 2 hour rentals only)	150.00 (2-3 hrs)	25.00P/H	25.00P/H	15.00P/H	65.00P/H	equal to rental fee	during normal v
	n/a	40.00P/H	40.00P/H	40.00P/H	80.00P/H	equal to rental fee	outside normal
Tournaments (Pike)	n/a	40.00P/H	40.00P/H	40.00P/H	80.00P/H	equal to rental fee	
(minimum 6 hours up to 12							

per day)

Large Pavilions	\$100 (6 hours)	150.00*	150.00*	150.00*	200.00*	equal to rental fee	*includes \$50.0
Small pavilions	\$50 (6 hours)	\$50.00	\$50.00	\$50.00	\$100.00	equal to rental fee	
3rd and Spruce Pavilion	\$50.00	\$100.00	\$100.00	\$100.00	150.00*	equal to rental fee	*includes \$50.0
Ball field Rentals	(2) hours before 8PM \$20.00	10	10	10**	20		**Community lieu of fees at 1 hour or 1/2 of 1 donation Scholar
(minimum 2 hours)	(2) hours after 8PM \$30.00	25*	25*	25*	35		*includes electr
Tennis Courts	n/a	5P/H	5P/H	5P/H	10P/H		
Basketball courts with lights	n/a	10.00P/H	10.00P/H	10.00P/H	20.00P/H	equal to rental fee	
		25	25	25	35.00P/H		exception City I

BILL NO. _____ - 2013

AN ORDINANCE

AN ORDINANCE REQUESTING FUNDING IN THE AMOUNT OF \$20,000 FOR THE CHARTER REVIEW COMMISSION.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the budgetary transfer of \$20,000 from the General Fund Contingency account (#01-14-91-4739) to a Charter Review Commission line item for support of the Charter Review Commission.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted _____, 2013

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

BILL NO. _____-2013
AN ORDINANCE

VACATING AND REMOVING FROM THE TOPOGRAPHICAL SURVEY OF THE CITY OF
READING, A PORTION OF MOSS STREET AS DESCRIBED IN ATTACHED EXHIBIT "A".

WHEREAS, The City of Reading deems it expedient for the public good to vacate and remove from the topographical survey of the City of Reading a portion of Moss Street, Reading, Berks County, Pennsylvania,

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

SECTION 1. As described in attached Exhibit "A" and containing in area twenty-three thousand four hundred three square feet (23,403 sq.ft.) of land, the same hereby is vacated and removed from the topographical survey of the City of Reading.

SECTION 2. The Director of the Department of Public Works, the City Engineer be and he is hereby authorized and directed to enter and record the above-described change in the topographical book of streets in the Department of Public Works.

SECTION 3. The City Solicitor is authorized and directed to take such further steps in court or elsewhere as may be necessary to carry out the provisions of this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as they are inconsistent with this Ordinance.

SECTION 5. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(LAW DEPT.)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

EXHIBIT "A"

ALL THAT CERTAIN tract or strip of ground being known as Moss Street, being 60 ft. wide, from the northern building line of Bern Street to the northern property line of lands of Reading Area Water Authority, situate in the City of Reading, Berks County, Pennsylvania, and being more fully bounded and described as follows, To Wit:

BEGINNING at a point on the northern building line of Bern Street (60 ft. wide) and the western building line of Moss Street;

Thence leaving Bern Street and along the western building line of Moss Street and along lands of Reading Area Water Authority, North 04 degrees 05 minutes 12 seconds East, 390.04 feet to a point, a corner of lands of Angela Carmello;

Thence crossing Moss Street, South 85 degrees 56 minutes 33 seconds East, 60.00 feet to a point on the eastern building line of Moss Street and in line of lands of the City of Reading;

Thence along the eastern building line of Moss Street and along lands of the City of Reading, South 04 degrees 05 minutes 12 seconds West, 390.07 feet to a point on the northern building line of Bern Street;

Thence along the northern building line of Bern Street, North 85 degrees 54 minutes 48 seconds West, 60.00 feet to the Place of Beginning.

CONTAINING: 23,403 Square Feet

BILL NO. _____ - 2013
AN ORDINANCE

AMENDING CHAPTER 1, PART 7 FIRE ESCROW PROCEEDS, OF THE CODIFIED ORDINANCES OF THE CITY OF READING BY ADDING REQUIREMENTS REGARDING THE REHABILITATION OR DEMOLITION OF FIRE DAMAGED PROPERTIES AND RENUMBERING AS REQUIRED.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending Chapter 1, Part 7 Fire Escrow Proceeds, of the Codified Ordinances of the City of Reading by adding requirements regarding the rehabilitation or demolition of fire damaged properties and renumbering as required is hereby amended as attached in Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days after passage.

Enacted _____, 2013

Council President

Attest:

City Clerk

(Council Staff & Fire Escrow Work Group)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

CHAPTER 1 - Administration

PART 7 FIRE INSURANCE PROCEEDS

A. Fire Insurance Proceeds Escrow Procedures.

§1-701. Municipal Officer; Definitions.

1. The Director of the Department of ~~Finance~~ *Administration* or his designee (hereafter, the "Municipal Officer") is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City stated herein. [Ord. 8-1996]

2. A fire loss or claim for fire damage is defined as any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including any endorsements or riders to the policy.

3. The Fire Insurance Escrow Act (herein "the Act") refers to the Insurance Company Law of 1921 as amended by Act 98 of 1992 and Act 93 of 1994⁸³, and adopted by the City of Reading Pursuant to Ord. 7-1995.

(Ord. 6-1995, 2/1/1995, Art. 1; as amended by Ord. 8-1996, 2/26/1996, §2)

§1-702. Payment of Claims.

1. No insurance company, association or exchange (hereinafter the "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City of Reading (hereinafter the "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Municipal Officer with a municipal certificate pursuant to §508(b) of the Act and unless there is compliance with §§508(c) and (d) and the provisions of Ord. 7-1995 [Part 7B], ~~enacted contemporaneously herewith~~ dealing with payment of delinquent taxes.

⁸³ 40 P.S. § 638.

2. After full compliance with the requirements of §508(b)(1)(I) of the Act and Ord. 7-1995 [Part 7B], the insurer shall pay the claim of the named insured, provided however, that if the loss is agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building structure, the following procedures shall be followed:

A. The insurer shall transfer from the insurance proceeds to the Municipal Officer the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim, provided subsection (1) that this Section is to be applied such that if the claim is \$15,000 or less, the amount transferred to the City shall be \$2,000; and (2) that, if at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the City from the insurance proceeds the amount based upon the estimate.

B. The transfer of proceeds shall be on *pro rata* basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.

3. After the transfer, the named insured may submit a *licensed* contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the City in excess of the estimate to the named insured, if the City has not commenced to remove, repair or secure the building or other structure.

4. Upon receipt of proceeds under this Section, the City shall do the following:

A. The Municipal Officer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the City, ~~Such costs shall include, without limitation~~ including, but not limited to, any engineering, legal or administrative costs incurred by the City in connection with such removal, repair or securing of the building or any inspections or proceedings related thereto.

B. It is the obligation of the insurer when transferring the proceeds to provide the City with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the Municipal Officer shall contact the named insured, certify that the proceeds have been received by the City and notify the named insured that the procedures under this subsection shall be followed. *If the insured transfers title to the property or assigns the escrow to a new*

owner, the original insured shall notify the City about the title transfer or assignment within 30 days of the transfer or assignment.

C. The named insured shall have two (2) years from the date the City provides the notice required under Section 4(B) to complete the rehabilitation of the property, with a one (1) year extension available after receiving written approval from the City's Fire Marshal and Chief Building Inspector. If the insured chooses demolition rather than rehabilitation, he shall have six (6) months to complete the demolition, which includes clearing all debris.

E. D. When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the City and the required proof of such completion received by the Municipal Officer, and if the City has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the City has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and, if excess funds remain, the City shall transfer the remaining funds to the named insured.

E. To the extent that interest is earned on proceeds held by the City pursuant to this Section, and retained by it, such interest shall belong to the City. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

F. Prior to the release of any funds under Section D, the property must be inspected by a City of Reading Building Code inspector and an inspector from the Office of the Fire Marshal who shall certify that all the required work has been done to repair, remove and/or secure the property. No property shall be considered repaired, removed or secured unless both the exterior and interior of the property meet the minimum standards for safety under and all City, State and Federal laws and regulations, including but not limited to, the Pennsylvania Uniform Construction Code as adopted and amended by the City of Reading, the City of Reading Property Maintenance Code, and the Fire Prevention Code of the City of Reading.

5. Nothing in this Section shall be construed to limit the ability of the City to recover any deficiency. Furthermore, nothing in this Part shall be construed to prohibit the City and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

6. ~~Shall provide~~ The City of Reading may adopt procedures and regulations to implement the provisions of this Part and may by ordinance fix reasonable fees to be charged for municipal

activities and services provided pursuant to this Part; including but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts. (Ord. 6-1995, 2/1/1995, Art. 2; as amended by Ord. 14-2001, 5/29/2001)

§1-703. Adoption of Procedures and Regulations.

The City of Reading may by ordinance adopt procedures and regulations to implement §508 and this Part and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to §508 and this Part; including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts. (Ord. 6-1995, 2/1/1995, Art. 3; as amended by Ord. 14-2001, 5/29/2001)

§1-704. Penalties.

Any owner of property, any named insured or any insurer who violates this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. (Ord. 6-1995, 2/1/1995, Art. 4; as amended by Ord. 14-2001, 5/29/2001)

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Thomas Anewalt is appointed to the Charter Board with a term ending
April 26, 2018

Adopted by Council _____, 2013

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____ 2013

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

Appointing Thomas Anewalt to the Charter Review Commission.

Adopted by Council _____, 2013

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

EXHIBIT "F"

**City of Reading City Council
Regular Business Meeting
Monday, July 8, 2013**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Pastor Dewayne Messenger of All Soul's Church.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
Managing Director C. Snyder
City Clerk L. Kelleher
Mayor V. Spencer

PROCLAMATIONS AND PRESENTATIONS

- Council Commendation celebrating Recreation Month, accepted by the Reading Recreation Commission
- Mayoral Proclamation for East Reading Boxing Club, accepted by Andres Acuna
- Mayoral Proclamation for King's Gym, accepted by Marshall Kauffman

PUBLIC COMMENT

Council President Acosta announced that three (3) citizens were registered to address Council on non-agenda matters and one (1) citizen was registered to address Council on agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment at the end of the meeting was suspended. Council President Acosta reminded the citizens registered to speak about the remaining public speaking rules.

Mayor Vaughn Spencer, of Douglass St, declined when called to the podium.

Ed Ott, of Muhlenberg St, stated that he attended a Council meeting about a year ago to

complain about 1422 Muhlenberg Street. He stated that this property is currently a fire damaged shell. He stated that the property was placed on the Blighted Property list and it is in foreclosure. He stated that the condition of the property is driving property values in the neighborhood down. He also stated that parts of the roofing material are falling off of the house and causing safety issues in the neighborhood.

Charles Buckingham, of Washington St, was not present.

Gary Fitzsimmons, of Wyomissing, stated that he is originally from Melbourne Australia, which has neighborhoods similar to Reading. He stated that he has experience buying, rehabbing and flipping properties and he purchased two properties at tax sale to rehab. He described his ongoing problem with property maintenance violations. He stated that some quality of life tickets were successfully appealed. He stated that other violations that he never received have gone to collections. He questioned getting sent to collections when he did not receive the violation.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes for the June 24th Regular Meeting of Council. He noted the need withdraw the Consent Agenda Resolution relating to the Civil Service Board and to add the following legislation to the agenda:

- Consent Agenda Resolution – approving the update to the Hazard Mitigation Plan
- Introduction of New Ordinances – authorizing the Mayor to take steps to acquire properties on Penn Street

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the June 24th Regular Meeting of Council and the agenda, as amended, including the legislation under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Award of Contract - for the renovation of the Pump Tender Room Roof to Purcell Construction, 560 North 5th Street, P.O. Box 188, Denver, PA 17517 who is the low bidder with total bid price of \$35,600.00 (Purchasing) – PAGE 11

B. Resolution 55-2013 – authorizing the disposition of contracts in the City Clerk's office as listed. (Council Staff) PAGE 13

C. WITHDRAWN Resolution 56- 2013– authorizing the Administration to take certain actions in compliance with the recent Civil Service Board decision (Managing Director) *To be distributed Monday*

C. Resolution 59-2013 – approving the update to the Hazard Mitigation Plan (EMA Dep Chief)

ADMINISTRATIVE REPORT

Mayor Spencer read the report distributed to Council at the meeting covering in summary:

- His attendance at the PA Municipal League's conference in State College the week of June 25th
- His availability every Tuesday from 1-2 pm for meetings with citizens; appointments can be set through the Mayor's Office staff
- His assistance with citizen issues in the Croyden Terrace area
- Start of a walk-ability audit in middle school and elementary school areas

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2013 Recycling Grant used to purchase a baler
- Pension Review

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

David Beane, Chair of the Environmental Advisory Council (EAC), stated that as required he is providing an annual report to the members of EAC. He described the mission and activities of the EAC regarding sustainability and environmental issues and legislation. He also described the EAC's work to educate citizens through community workshops and a program on BCTV. He asked City Council to assist in identifying three (3) additional members to serve on the EAC.

Mr. Beane thanked Deputy City Clerk Shelly Katzenmoyer and Utilities Division Manager Deb Hoag for their help and assistance.

Councilor Goodman-Hinnershitz thanked Mr. Beane and the EAC for their report and their continuous work on environmental issues for the City. She also agreed to assist in identifying additional EAC members.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 30A-2013 - authorizing the amendment of the Park and Recreation Fees as recommended by the Rec Commission (**Bus Analyst**) (PAGE 79) *Introduced at the 6-24 regular meeting – Advertised July 1, 2013 PAGE 14*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No.

30A-2013.

Bill No. 30A-2013 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None - 0

B. Bill No. 31-2013 - authorizing the transfer of \$20,000 from the General Fund Contingency account to a Charter Review Commission line item for support of the Charter Review Commission (Auditor) (PAGE 83) *Introduced at the 6-24 regular meeting PAGE 18*

Councilor Marmarou moved, seconded by Councilor Corcoran, to enact Bill No. 30A-2013.

Councilor Goodman-Hinnershitz stated that this Bill was discussed in the Committee of the Whole session that precedes the regular meeting and that a reduction in the amount of the allocation was discussed. She expressed the belief that those appointed to the Charter Review Commission, such as herself, Mr. Corcoran and Mr. Cituk, recognize the need to be frugal with the City's money and will take care with the allocation of funds necessary to the Commission's needs and will report back to Council.

Councilor Corcoran stated that originally he supported the reduction; however he agreed that those appointed to the Commission will not spend the money unwisely.

Councilor Reed expressed the belief that the amount of the allocation could be safely reduced to \$15,000 due to the improved use of electronic communications and transmissions. She agreed that those appointed to the Commission will be responsible.

Bill No. 30A-2013 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Acosta,
President - 6
Nays: Reed - 1

C. Bill No. 32-2013 - amending Chapter 1, Part 7 Fire Escrow Proceeds, of the Codified Ordinances by adding requirements regarding the rehabilitation or demolition of fire damaged properties and renumbering as required (Fire Escrow Work Group/Council Staff) (PAGE 86) *Introduced at the 6-24 regular meeting; Advertized July 1, 2013 PAGE 21*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 32-2013.

Managing Director Snyder explained that this amendment places requirements around fire damaged properties that have fire insurance. She stated that the amendment requires demolition to occur within six months of the fire and rehabilitation within two years of the fire.

Councilor Corcoran stated that the City needs stronger legislation, local and or state, to more effectively deal with all properties damaged by fire, not only properties with fire insurance. Councilor Goodman-Hinnershitz agreed.

Bill No. 32-2013 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

PENDING

Bill No. -2013 – vacating a portion of Moss Street, as described in Exhibit A and removing this portion of Moss St from the City's topographical map (Law) (PAGE 84) *Introduced at the 6-24 regular meeting*

Council President Acosta read the following ordinance into the record:

A. Ordinance - authorizing the Mayor to negotiate terms and to execute any and all documents, agreements and papers to convey certain Penn Street properties to the City of Reading. (Law)

RESOLUTIONS

A. Resolution 57-2013 – appointing Thomas Anewalt to the Charter Board (Nom & Appts)
PAGE 26

B. Resolution 58-2013 – appointing Thomas Anewalt to the Charter Review Commission
(Council Pres) PAGE 27

Councilor Reed moved, seconded by Councilor Marmarou, to adopt Resolutions 57 and 58-2013.

Councilor Marmarou described the skills and experience Mr. Anewalt brings to these positions.

Councilors Corcoran, Reed and Goodman-Hinnershitz stated that Mr. Anewalt brings a

wealth of experience, legal and municipal, to these positions.

Resolution No. 57 and 58-2013 were adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,

President - 7

Nays: None - 0

COUNCIL COMMENT

Councilor Corcoran stated that properties sold at tax sales often carry delinquent payments from utilities and other fees. He stated that the buyer needs to perform due diligence before purchasing a property at a tax sale.

Councilor Marmarou noted the importance of bringing neighborhood issues to light during Council meetings. He described the successful handling of a speeding problem on Hampden Blvd.

Councilor Goodman-Hinnershitz agreed; however, she noted that some issues are too complex to be handled in an expedient fashion, such as the need for the repaving of Cotton Street.

Councilor Reed noted the partial mowing around the Welcome to Reading sign on the West Shore Bypass. She noted the need to have this entire area mowed.

Councilor Reed asked the Auditor to make monthly reports to the Finance Committee on the money spent by the Charter Review Commission and she noted the need for the Charter Review Commission to use the proper procurement methods. She also suggested that the Administration consider having a citizen Ride-a-long program with Property Maintenance Inspectors. She stated that this will provide citizens with a better understanding of how the violation and quality of life processes work.

Councilor Waltman noted the need for the entrances and exits of the bypass to be mowed. He suggested utilizing RBI to accomplish this task.

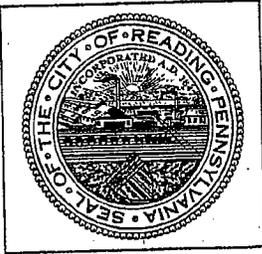
Councilor Sterner thanked tonight's speakers and those honored with commendations and proclamations. He announced the meeting of the Outlet Neighborhood Group on Thursday, July 11th at 6:30 pm at St Marks Lutheran Church, located at North 10th and Windsor Streets.

Council President Acosta announced that there are two meetings regarding the rehabilitation of the Penn Street Bridge. He announced the upcoming meeting schedule for City Boards.

Councilor Marmarou moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

EXHIBIT "G"



COMMITTEE of the *WHOLE*

CITY COUNCIL

MINUTES
February 27, 2012
5:00 P.M.

COUNCIL MEMBERS PRESENT:

M. Goodman-Hinnershitz, D. Sterner, D. Reed, F. Acosta, R. Corcoran, S. Marmarou

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Younger, C. Geffken, T. Butler, R. Natale, D. Kersley, M. Vind,
P. Edelman, D. Cituk, M. Reinhart

Mr. Acosta called the Committee of the Whole meeting to order at 5:00 p.m.

I. Financial Legislation

Mr. Vind stated that the refinancing of the general obligation bond before Council for final passage this evening will yield \$250,000 - \$300,000 in savings for 2012. He stated that the refinancing of the bond item being introduced this evening will change to a fixed interest rate of 2% and yield \$100,000 savings in 2012.

II. Property Maintenance Code

Mr. Spencer arrived at this time.

Mr. Natale stated that he will be making a brief presentation this evening on the highlights of the changes to the Property Maintenance Code.

Ms. Reinhart stated that the ICC Code has been amended to meet Reading's needs.

Mr. Waltman arrived at this time.

Mr. Natale highlighted the following:

- A Neighborhood Mitigation Fee has been added which will allow the MDJs to add a fee of \$50 to all guilty verdicts which will come to the City in its entirety.
- The City can charge a fee for the extension of deadlines given for improvements.
- Stop Work Orders are covered by the UCC codes and are handled by Trades officials. He stated that Trades is working to better enforce the UCC.
- The Act 90 Blight regulations have been added and he will be encouraging the MDJs to enforce them.
- Tree, bush, and shrub maintenance has been added.
- Regulations which do not allow sleeping in kitchens have been added.
- Working smoke detectors and fire extinguishers are required in rental units.

Mr. Murin arrived at this time.

Ms. Goodman-Hinnershitz questioned the procedure for the unauthorized removal of placards. Mr. Natale stated that it is difficult to prove who removed the placard but that the properties are re-posted if Codes is informed that it has been removed.

Ms. Goodman-Hinnershitz questioned sleeping in living rooms and dining rooms. Mr. Natale stated that this is allowed but that he has been working with the Law Department to institute a maximum limit on residents based on square feet of living space.

Mr. Natale requested that Council pass this Code update. He stated that the Code will be uploaded to the handheld computers used by Codes personnel that will be used during inspections. He stated that violation reports will now be computerized. He noted his hope that this amendment will assist in the work of the Blighted Property Review Committee and with cases before MDJs.

Mr. Sterner questioned if the pre-settlement inspections would assist in finding those who conceal problems when properties are sold. Mr. Natale stated that it would find many but that this provision was added to the Code to assist with those properties sold privately in which disclosure may not take place.

Mr. Corcoran explained that there is also a seller disclosure statement signed regarding this issue when a realtor is used. He stated that if this disclosure is signed and problems are discovered, the buyer can sue the seller.

Mr. Marmarou stated that tenant issues can be problematic when the landlord threatens to retaliate. Mr. Natale stated that these cases are referred to the City's Fair Housing Office.

III. Merchant Parking Permit

Ms. Goodman-Hinnershitz stated that this issue was discussed at the Public Safety, Public Works, and Neighborhood Services Committee. She stated that it was recommended for discussion at a Committee of the Whole.

Mr. Spencer stated that members of the public were just told that this issue would not be discussed this evening and have left the meeting.

Mr. Sterner stated that this issue is in his Council district. He stated that only 14 of 50 merchants participate in the program.

Mr. Acosta suggested that this issue be discussed at the next Committee of the Whole meeting.

Mr. Marmarou requested that Mr. Lee and Chief Heim be present for discussions.

Ms. Goodman-Hinnershitz also noted the need for clarification of utilization of the Encore parking lot at 9th & Court Sts.

IV. Agenda Review

Mr. Acosta stated that there are 20+ speakers registered to address Council this evening and that since the registration time has past, no additional speakers will be registered to address Council this evening.

Mr. Sterner suggested that those registered to speak on non-agenda items address Council at the conclusion of Council business as per the meeting agenda.

Ms. Kelleher stated that there are twelve people registered to speak on agenda items and ten on non-agenda items.

Ms. Kelleher distributed a memo explaining amendments to the agenda requested by the Administration. The resolution included in the consent agenda regarding Alvernia University should be withdrawn until a later date. An emergency ordinance (which will be read and voted on this evening) regarding part time employees in the Police Department will be added in addition to an ordinance for introduction adding all part time, seasonal and temporary positions to the Position Ordinance.

Mr. Acosta explained that this legislation is necessary since the recent Charter Board opinion that all positions needed to be included in the annual position ordinance.

Mr. Geffken explained that an emergency ordinance can be read and acted on at the same meeting. He stated that emergency legislation must address a public safety issue and has a life

span of 90 days in order for the municipality to take permanent corrective action within that timeframe. He stated that the other ordinance for introduction makes those corrections and can be acted on at the March 12 meeting which is well within the 90 day time period.

Ms. Goodman-Hinnershitz questioned if this was proper protocol. Mr. Younger stated that it was.

Council reviewed this evening's agenda including the following:

- Resolution amending the CDBG-R Action Plan by reprogramming \$200,000 from the 500 block of Franklin St project to fund the repaving of the 500 – 700 blocks of Court St

Mr. Geffken stated that the sidewalk of the bridge is not included in this project. He stated that including the sidewalk will delay the project due to the need for an additional engineering study. He stated that the County will be closing the garage beneath the Services Center at the same time.

Mr. Marmarou questioned utilities in the bridge. Mr. Geffken stated that there is potential for one utility to be located there. He stated that there has been communication with all utilities and stated that there may be delay due to the falcon mating season.

- Resolution regarding a project at Alvernia University

Ms. Katzenmoyer explained that this is the resolution that has been requested to be withdrawn for action at a later date.

- Resolution regarding a contract for electricity supply

Mr. Geffken stated that this contract would be for a period three years at a price of six (6) cents per kilowatt hour

- Ordinance transferring funds in the Property Maintenance Division for the purchase of vehicles

Mr. Geffken stated that this is an additional step to update the City's fleet to increase efficiency of workers and vehicles.

Mr. Kersley stated that a Crown Victoria currently being used gets twelve (12) mpg where the new vehicle will get 38 mpg.

- Ordinance reducing the amount of expenditures from \$50,000 to \$25,000 requiring Council approval

Ms. Goodman-Hinnershitz questioned the process for these ordinances. Mr. Acosta stated that they were discussed at a Finance, Audit and Budget Committee.

- Ordinance setting the salary of the CD Director at \$75,000 annually

Mr. Waltman questioned if the Administration had discussed the change in salary with the candidate. Mr. Spencer stated that the candidate was informed of the change and did not ask for his name to be withdrawn from consideration.

Ms. Goodman-Hinnershitz questioned the salary range for the CD Director. Ms. Kelleher stated that the range is \$55,000 - \$85,000.

- Ordinance to issue a series of General Obligation bonds not to exceed \$5,000,000

Mr. Acosta stated that this is one of the items described by Mr. Vind earlier this evening.

Mr. Geffken reminded Council that it is practice to approve an amount greater than what is needed just in case.

- Ordinance amending the budget to fund certain positions in the Mayor's Office

Mr. Kersley distributed an amendment which would move the Special Assistant for Communications into the Managing Director's office to bring this issue into compliance with the recent opinion of the Charter Board. He requested that Council allow the Mayor to establish his staff and that this is a compromise position. He stated that the funding has been reallocated from vacant positions.

Ms. Goodman-Hinnershitz stated that the unexpended funds are only good for 2012 and are not sustainable. She noted her concern that these funds will not be available in 2013. Mr. Kersley stated that this issue will be addressed during the 2013 budget process. Mr. Spencer agreed and stated that the Administration must prove the continued need for these positions during the 2013 budget process. He stated that they will be able to show Council the cost savings incurred by the City due to these positions during that time.

Ms. Goodman-Hinnershitz questioned if the positions would be exempt. Mr. Geffken stated that all positions would be exempt.

Ms. Goodman-Hinnershitz questioned their current status. Mr. Geffken stated that they are exempt on a part time basis.

Mr. Waltman stated that this issue has gone on for too long. He stated that the Mayor should be allowed to build his team and that Council needs to be able to address issues more quickly. He noted his understanding of the checks and balances system but that Council cannot

legislate every Mayoral decision. He noted the need to approve the positions now and hold the Mayor accountable for them during the 2013 budget process. He noted that there are also other issues which need to be addressed by Council.

Mr. Sterner expressed the belief that there is no need for a Special Assistant for Communications. He stated that most Council staff have more responsibilities than this position and earn less than \$45,000. He stated that he agrees with the other positions.

Mr. Spencer explained that, in the past, news about the City was not positive. He noted the need to put a positive image forward. He stated that these positions are not political and that the City needs to highlight the positive work it performs. He stated that Council makes the final decision on the positions. He stated that he decided on the need for this position during his campaign when residents questioned what they get for their tax dollars.

Ms. Goodman-Hinnershitz noted her understanding of the need for positive media coverage but also noted the financial constraints of the City. She stated that this work could be performed by another staff member as needed but that there was not a need for this position to be full time. She noted that Reading is in financial recovery and that this is not a priority at this time.

Mr. Spencer stated that he needed to campaign on his ideas and answer to the residents. He noted his understanding that he will be held accountable for what happens to the City.

Mr. Waltman stated that the Mayor should be granted this position for 2012. He stated that during 2013 budget discussions this position may prove to be very valuable. He noted the need to give the Mayor the tools he needs to move the City forward and that Council gets too caught up in the details. He stated that this is not a major amount of money and that Council and the Administration need to work together.

Ms. Reed described the process of the evaluation of core services. She stated that clean and safe were the top priorities for officials, staff and the general public and questioned how these positions will dovetail into these core services. She stated that these positions are not essential. She stated that residents will see the addition of these positions as a statement that the City does not need additional officers since the City is now safe and does not need additional public works employees as the City is now clean. She stated that this will make a poor public impression.

Mr. Marmarou noted his pride in Mr. Spencer's election and that he was looking forward to working together. He stated that residents are questioning him why these positions are being added when police officers have been reduced.

Ms. Reed questioned if the employees would receive unemployment if the positions are not approved. Mr. Cituk deferred to legal staff.

Mr. Acosta noted that many on Council do not support the Special Assistant for Communications. He noted the need to find compromise and move on.

Ms. Goodman-Hinnershitz suggested not approving the amended ordinance. She stated that instead of viewing the rejection of the ordinance in a negative way it should be used as a tool to move forward. She stated that the employees in the two authorized positions should have transitioned into the new Administration and no staff changes should have occurred before the funding was secured.

Mr. Waltman noted the perception that many have that the City is a bad place. He stated that the Special Assistant for Communications would deliver a positive image of the City. He stated that Reading has allowed the media to define it and now must counter all the negatives. He noted the need for Councilors to get more serious at budget time to solve the City's larger problems.

Ms. Goodman-Hinnershitz noted the need for Councilors to be hard on the issues and soft on the people. She stated that all Councilors do work hard during budget season and that this is a learning process for all. She stated that Act 47 does not mean adding positions. She noted the need for the City to only do what it can afford. She stated that adding these positions could give the perception that the financial crisis is over.

Mr. Waltman stated that the City does not have seven mayors but one. He noted that Council needs to let Mr. Spencer lead and that Council should get out of his way.

Mr. Corcoran stated that he has no history with Council or the Mayor. He stated that he wants the City to succeed but noted that there are many residents in his District who are experiencing nuisance crimes and cannot get a police response. He stated that he cannot approve these positions in good conscience.

Mr. Acosta again noted the need to compromise.

Mr. Spencer stated that he has made alternate plans if the positions are not approved.

Mr. Sterner questioned amending the ordinance at the table.

Ms. Goodman-Hinnershitz noted that amending legislation at the 11th hour has proven to be problematic. She recommended voting on the legislation as is and reworking it.

Ms. Reed noted her agreement with Ms. Goodman-Hinnershitz not to amend the legislation at the table.

Mr. Sterner noted the need to move on but again noted his belief that another position could assume the responsibilities of the Special Assistant for Communications.

Mr. Acosta voiced his agreement with Mr. Sterner.

Ms. Goodman-Hinnershitz stated that she was saddened that the reality of the financial situation of the City is not fully understood by all. She stated that she wants the City to do great work and that she supports Mr. Spencer but that there is a need for creative solutions.

Ms. Reed stated that the public does not support these positions and that it is Council's responsibility to be the City's fiduciary watchdog.

Mr. Corcoran stated that the Special Assistant for Communication can tell people the positives but that the residents will live the reality. He stated that \$200,000 may not be much to the City's budget but to residents trying to do more with less, this is a large amount of money.

Ms. Goodman-Hinnershitz suggested the body give alternatives and a creative plan.

Mr. Kersley stated that there is no cost to these positions for 2012 as the funding is being reallocated from unspent 2012 funds. He noted the need to address the perception of the media. He stated that Mr. Spencer was elected as the City's mayor and that Council needs to support his vision.

- Ordinance amending the Property Maintenance Code

Mr. Acosta noted that Mr. Natale did an excellent job highlighting the changes contained in this amendment.

- Reimbursement Resolution

Mr. Acosta stated that Council had a presentation about this resolution by Mr. Vind.

Mr. Geffken explained that this resolution allows the City to begin expending funds for the projects at the waste water treatment plant and then be reimbursed for the work after the debt financing has been received.

- Resolution appointing Councilor Corcoran to the Blighted Property Review Committee

Ms. Reed stated that Mr. Corcoran will be a perfect fit for the BPRC with his real estate background.

- Resolution appointing Lenin Agudo as the CD Director

Mr. Sterner questioned if Mr. Agudo accepted the change in the starting salary. Mr. Marmarou stated that Mr. Spencer stated that he spoke with Mr. Agudo who did not withdraw his name from consideration.

V. Other Discussion

Ms. Goodman-Hinnershitz questioned the protocol for the number of speakers registered to speak this evening. Mr. Acosta stated that Council will follow its policy of allowing those registered to speak on non-agenda items to address Council for three minutes and those registered to speak on agenda items to address Council for five minutes.

Council agreed to have those registered to speak on non-agenda items to speak after the legislation has been addressed as per the public speaking rules.

Mr. Acosta stated that if a speaker does not address Council in English he will call a point of order to ensure that all in attendance can understand the comments and participate in the meeting.

Ms. Reed noted the need to explain that speakers need to register by 5 pm. Mr. Acosta requested that the agenda be changed to reflect this in the future.

Mr. Waltman stated that a call for the question should be respectful of the person who has the floor. He stated that he has done research on calling the question and that a call for the question needs to be in the form of a motion and needs a second and a 2/3 affirmative vote to move forward.

Mr. Acosta requested that Mr. Younger research this issue.

Ms. Goodman-Hinnershitz also noted the importance of raising one's hand to be recognized by the Council President before making comment. Mr. Marmarou stated that the computer screen shields some Councilors from the President's view.

Mr. Spencer stated that he can reduce the number of people speaking as he will be making his comments during the Administrative Report. He questioned if items would be taken out of agenda order this evening. Mr. Acosta stated that nothing will be taken out of order this evening.

The meeting adjourned at 6:40 pm.

Respectfully Submitted
Linda A. Kelleher, CMC, City Clerk

EXHIBIT "H"

**City of Reading City Council
Regular Business Meeting
Monday, February 27, 2012**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Reverend Robert Brookins of Holy Trinity Church.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Mayor Spencer
Managing Director C. Geffken
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Sergeant At Arms, Captain S. Powell

PROCLAMATIONS AND PRESENTATIONS

The City Council issued the following:

- Council Commendation recognizing the 100th Anniversary of Reading Foundry and Supply Co, accepted by Ryck Spengler

LIBRARY BOARD REPORT

Ernie Schlegel, President of the Library Board, and Library Board members presented a recognition certificate to Councilor Marmarou for his generous monetary donation that assisted with Library operations.

PUBLIC COMMENT

Council President Acosta announced that due to the total number of residents signed up to address Council this evening, Council will be hearing comment on agenda matters now and comment on general matters after the legislative business is concluded. He reminded those registered to speak of the public speaking rules.

Mark Burford, of West Oley Street, expressed the belief that the Quality of Life ticketing program is flawed. He stated that he received two (2) tickets for trash container set out; one container is used to store rock salt on his front porch and one container is for litter collection. He expressed the belief that cars parking in alleys, large trucks parking near intersections and other issues are much more pressing. He also expressed the belief that the program is nebulous and unfair. He asked Council to review the program.

Paul Skvarla, of South 3rd Street, asked Council to reject the amendment to the Property Maintenance Code due to the economy. He expressed the belief that the general public doesn't have the wherewithal to pay fines or make extensive property repairs. He made suggestions for amendments to various sections. He expressed the belief that this is a bad code in bad economic times.

Ed Terrell, of Lackawanna Street, stated that he spoke two (2) weeks ago on the city's hiring practices. He expressed the belief that City Council needs to hear the voice of the people as legislation is considered. He stated that tonight's audience provides strong community support. He expressed the opinion that the decision made at the last meeting concerning the appointment of the Administrative Services Director was not associated with racism but with bigotry. He noted the need for Council to understand the Reading community.

Gary Joseph, of North 13th Street, stated that his family moved to Reading from New York. He expressed the belief that the Mayor has a good heart and plan for Reading. He noted the need for the Mayor to have the team to get the job done. He asked that Council support the Mayor's proposed positions.

Robert Jefferson, of Wyomissing, stated that he is currently the President of the NAACP and he spoke in support of the appointment of the Mayor's preferred team. He read the Mayor's responsibilities from the Charter. He noted that Council members sat on the Transition Committees and were aware of the Mayor's plan. He questioned why the proposed team is being opposed. He expressed the belief that the lack of support is causing problems for the Mayor. He asked Council to approve the positions.

Vaughn Spencer, of Douglas Street, stated that he will defer his comment time until the Administrative Report.

Larry Murin, of Exeter, relinquished his time to **Angel Figueroa, of Pine Street.**

Mr. Figueroa stated that he is grateful for the opportunity to address Council. He noted his past participation on City Council, in the community and on the Transition Team. He expressed the belief that civility is no longer working. He reminded Council that other

Mayors put appointments forward which Council accepted unopposed. He questioned Council's micromanagement of these appointments. He noted his understanding of the duties of City Council and encouraged Council to consider the impact of their vote this evening.

Marisol Torres, of South 5th Street, relinquished her time to **Lourdes Torres, of South 5th Street.**

Ms. L. Torres stated that this is the first Mayor to encounter obstacles to appointments. She expressed the belief that enough is enough and asked that Council to move forward.

Eron Lloyd, of South 18th Street, stated that he is proud to serve as the Mayor's Special Assistant and relinquished his time to comment.

Mick Dee, of Whitehall, stated that it is great to see the community support the Mayor's proposed positions. He asked City Council to support the Communications position specifically. He described his accomplishments over the past two (2) months. He relinquished the remainder of his time to **Bill Vitale.**

Mr. Vitale spoke in support of the proposed positions for the Mayor's office. He noted his participation on the Sustainability Committee and expressed the belief that it is imperative that the Committee continue its work. He noted his firm belief in the work of the Committee. He suggested allowing this Mayor to have the opportunity to try something new as old methods no longer work.

William Frymoyer, President of AFSCME #2763, stated that as a City employee he is upset with the various news articles that have been appearing in the Reading Eagle. He expressed the belief that part-time positions should not be approved by Council. He questioned why the Mayor's part-time positions can work more than 28 hours a week, as this is a violation of the Administrative Code.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the minutes for the February 13th regular meeting of Council and the agenda for this meeting, including the legislation listed under the Consent Agenda heading.

Council President Acosta noted the need to make the following agenda amendments:

- Add an emergency ordinance for final passage authorizing the part-time Police positions
- Introduce an ordinance adding part-time, temporary and seasonal employees to the

- position ordinance
- Withdraw the Alvernia resolution from the Consent Agenda

Councilor Marmarou moved, seconded by Councilor Reed, to approve the agenda as amended, including the legislation under the Consent Agenda heading and the minutes from the February 13th, 2012 Regular Meeting of Council. The motion was approved unanimously.

Consent Agenda

Resolution 20-2012 - authorizing the Mayor to execute a FFY2008 (34th CD year - January 1, 2008 to December 31, 2008) CDBG-R Action Plan Amendment to cancel the 500 block of Franklin Street Improvements activity and to re-program \$200,000 in CDBG-R funds for the 500 to 700 blocks of Court Street Improvements activity (**Community Development**)

Resolution 21-2012 - authorizing the City of Reading to be a signatory for entering into a service contract for supply of electricity (**Purchasing**)

ADMINISTRATIVE REPORT

Managing Director Geffken summarized the report distributed to Council with the agenda packet as follows:

- Formation of a work group to meet and discuss a case management system for dangerous buildings
- Decrease of 16.5% in CDBG funding
- Automation of the rental permit process
- Announcing that this is his last report as Managing Director and thanked the City for giving him the opportunity to serve

Council President Acosta thanked Managing Director Geffken for his service. He stated that he admires Mr. Geffken's integrity and work ethic.

Mayor Spencer described his work to get elected and to create a plan to address the City's issues. He noted the need for the positions in the Mayor's office so his plan can be implemented and move the City forward. He stated that currently he is spending too much time on office operations and noted his need to get out in the broader community. He stated that this two (2) month delay has not made sense and asked for Council's support for the proposed positions.

Councilor Goodman-Hinnershitz thanked the Mayor and the Managing Director for their remarks. She noted that it is unfortunate that the Mayor did not make a similar eloquent statement concerning the need for the positions earlier. She thanked the Managing Director

for the skill and leadership he brought to this position.

Councilor Sterner noted the delay in bringing the positions forward first occurred because the Mayor and his staff did not submit the proper documentation to support the budget reopening.

Mayor Spencer noted the incorrect perception that he just brought the positions forward without thought or consideration.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2012 Admission Fee/Tax Collection
- 2012 Real Estate Transfer Tax Collection
- 2012 Battle of the Badges

ORDINANCES FOR FINAL PASSAGE

Bill No. 13-2012 - amending the 2012 budget of the Property Maintenance Division of the Department of Community Development by authorizing the transfer of funds from salaries to purchase vehicles and to create a line item for vehicle purchase (**Bus Analyst**) *Introduced at the February 13 regular meeting*

Councilor moved Marmarou, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 13-2012.

Managing Director Geffken stated that this amendment will allow the purchase of more fuel efficient vehicles. He stated that currently Codes vehicles get 8-12 miles per gallon and the new vehicles will increase efficiency with 38 miles per gallon.

Bill No. 13-2012 was tabled by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0**

Bill No. 14-2012 - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 186 G Fiscal Provisions by reducing the amount of expenditures and allocations requiring council's approval from \$50,000 to \$25,000 (**Council Staff**) *Introduced at the February 13 regular meeting*

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 14-2012.

Bill No. 14-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Bill No. 15-2012 – setting forth the salary of the Director of the Community Development Department at \$75,000 annually (Council) *Introduced at the February 13 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 15-2012.

Councilor Waltman stated that he will not support this salary as it is reduce from that presented.

Bill No. 15-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Acosta, President -
5
Nays: Reed, Waltman - 2

Bill No. 16-2012 - amending the City of Reading Codified Ordinances Chapter 2 Animals Section 2-116 Animal Control Board Established by amending the membership of the Board to seven members and removing alternate members (Council Staff) *Introduced at the February 13 regular meeting*

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 16-2012.

Bill No. 16-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Bill No. 17-2012 - setting forth Council's intent to issue a series of general obligation bonds of the City in the aggregate principal amount not to exceed five million dollars (\$5,000,000) (Man Dir) *Introduced at the February 13 regular meeting*

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No. 17-2012.

Managing Director Geffken stated that the City will be saving approximately \$400K overall through this refinancing.

Bill No. 17-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0**

Bill No. 18-2012 - amending the 2012 general fund budget, reallocating certain salary and benefit expenses and amending the 2012 position ordinance to provide funding for positions in the Office of the Mayor (**Bus Analyst and Council**) *Introduced at the February 13 regular meeting*

Councilor Sterner moved, seconded by Councilor Waltman, to enact Bill No. 18-2012.

Councilor Waltman stated that the City is only as poor as its decision making. He noted the difference between legislation and legislating and strangling the Mayor. He expressed the belief that personalities have interfered with various issues. He asked Council to approve the ordinance.

Councilor Sterner questioned the issue at hand. Council President Acosta stated that Council is not considering the amendment presented by the Managing Director, but that currently on the table.

Councilor Sterner that the Deputy City Clerk does not make \$45K proposed for the Communications Specialist and the Deputy City Clerk position has much more responsibility. He expressed his support for four (4) of the positions proposed but not the Communications position.

Councilor Goodman-Hinnershitz expressed the belief that the process used to bring the positions forward was flawed. She stated that initially the positions were proposed through the budget reopener which failed due to the lack of support documentation, then through the elimination of the Citizen's Service Center and now through unspent salaries from various departments. She questioned if the positions and their salaries are sustainable. She also noted that approving these positions would step away from the need to fund core services. She stated that while she cannot support the positions on the table this evening, she is open to further discussion. She also questioned the need to employ a Communications Specialist.

She expressed the belief that the communications issue can be handled by other staff members.

Councilor Corcoran thanked all for providing comment on this issue. He stated that he is willing to work with the Mayor but questioned the need for the Communications Specialist.

Councilor Waltman moved, seconded by Councilor Sterner, to amend Bill No. 18-2012 by eliminating the Communications Specialist.

Councilor Reed moved, seconded by Goodman-Hinnershitz to table Bill No. 18-2012.

Bill No. 18-2012 was NOT tabled by the following vote:

Yeas: Sterner, Waltman - 2

Nays: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Acosta, President -

5

Council President Acosta stated that the as Bill No. 18-2012 was not tabled, the Bill as presented is on the table.

Councilor Waltman expressed the belief that the approval for the positions cannot be delayed any longer.

Councilor Goodman-Hinnershitz agreed but noted the need to create only sustainable positions.

Council President Acosta noted his frustration with the process. He also noted the compromise resulting from the Committee of the Whole discussion and the Mayor's willingness to remove the Communications Specialist position. He stated that the problem is not people related, but with functionality and sustainability. He noted that every member of Council supported the Mayor in his campaign. He noted the problem with the change of information coming forward.

Managing Director Geffken explained the funding for these positions will hold for 2012.

Council President Acosta stated that he will not support all five (5) positions.

Councilor Waltman inquired if the body will reconsider the amendment which will eliminate the Communications Specialist.

Councilor Goodman-Hinnershitz noted the need for further discussion.

Councilor Reed moved, seconded by Goodman-Hinnershitz to call the question on Bill No. 18-2012.

The motion to call the question was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President -

6

Nays: Waltman - 1

Bill No. 18-2012 was not adopted by the following vote:

Yeas: Sterner, Waltman - 2

Nays: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Acosta, President -

5

Bill No. 19-2012 - amending the 2012 City of Reading listing of positions by eliminating and adding positions in the Mayor's Office (**Bus Analyst and Council**) *Introduced at the February 13 regular meeting*

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 19-2012.

Bill No. 19-2012 was not enacted by the following vote:

Yeas: - Sterner, Waltman - 2

Nays: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Acosta, President - 5

Bill No. 20-2012 - amending Chapter 5, Code Enforcement, Part 6, Property Maintenance, of the Codified Ordinances of the City of Reading, Pennsylvania, by adopting and amending the International Property Maintenance Code of the International Code Council, 2012 Edition, as deleted, modified or amended as set forth to create a revised City of Reading Property Maintenance Code establishing minimum regulations governing the conditions and maintenance of all property, buildings and structures, by providing the standards supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and the condemnation of buildings and structures unfit for human occupancy and the demolition of such structures as attached as Exhibit A (Law)

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 20-2012.

Councilor Goodman-Hinnershitz noted the importance of educating the public about the changes in the Property Maintenance Code.

Bill No. 20-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0**

Emergency Bill No. 21-2012 – authorizing the employment of part-time Police positions.

Councilor Reed moved, seconded by Councilor Sterner, to enact Emergency Bill No. 21-2012.

Managing Director Geffken noted the receipt of the Charter Board Advisory Opinion noting the need for all positions to be approved in the Annual Positions Ordinance. He stated that the Administration was reminded by the City Clerk as well.

Council President Acosta asked Managing Director Geffken to explain this Advisory Opinion to AFSCME and its President.

Bill No. 21-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0**

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance - amending the 2012 solid waste budget, reallocating certain advertising, contracted services and postage funds to the 2012 vehicles budget (**Bus Analyst**)

B. Ordinance - authorizing the Mayor to acquire, by condemnation or otherwise, a fee or easement interest, as deemed necessary or prudent by the mayor, in the parcels of land indentified as property identification numbers 18530651852796 and 18530616947572 (the "properties") located along the west shore of the Schuylkill River between the Sixth and Canal Pump Station and Fritz Island Wastewater Treatment Plant ("WWTP") for the purpose of constructing and maintaining such sanitary sewer facilities required for the efficient

transportation of sewage to the WWTP (Man Dir)

C. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 2, §1-221. Categories of Employment by including compensated interns as temporary employees (Law)

D. Ordinance - establishing a four-way stop intersection at St. Bernardine Street and Greenway Terrace in the City of Reading, Pennsylvania (Law)

E. Ordinance - authorizing the Mayor to acquire the properties from the Berks County Tax Claim Bureau's current repository list as attached as Exhibit "A" (Law)

F. Ordinance - amending Bill No. 7-2012 and Codified Ordinances §1-115 - Meetings to be Public providing additional language relating to the use of electronic recording devices at meetings (Council Staff/Law)

G. Ordinance - refinancing the 2005 Bonds with a General Obligation Note, Series of 2012, in an aggregate principal amount not to exceed two million six hundred fifty five thousand dollars (\$2,655,000) (Financial Solutions)

H. Ordinance - authorizing the Mayor to attempt to acquire ownership of the premises known as 405A South 7th Street, Reading, Berks County, Pennsylvania, from the Berks County Sheriff's Judicial Sale (Law) *To be distributed Monday*

I. Ordinance - amending the Position Ordinance by adding all full-time, temporary and seasonal employees.

RESOLUTIONS

Resolution 22-2012 - allowing the City to reimburse funds expended for the waste water treatment plant project upon receipt of the debt financing (Man Dir)

Councilor Marmarou moved, seconded by Reed, to adopt Resolutions 22-2012.

Resolution 22-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Resolution 23-2012 - Denying the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for the installation of vinyl replacement windows at 317 North 5th Street, Peter Hart, owner (Council Staff/Law)

Councilor Reed moved, seconded by Marmarou, to adopt Resolutions 23-2012.

Resolution 23-2012 was adopted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6
Nays: Goodman-Hinnershitz - 1

Resolution 24-2012 - appointing Councilor Randy Corcoran to the Blighted Property Review Committee (Council Staff)

Councilor Goodman-Hinnershitz moved, seconded by Reed to adopt Resolutions 24-2012.

Councilor Reed noted her commitment to the Blighted Property Review Committee but expressed the belief that Mr. Corcoran, with his housing experience, was a much better fit, therefore she decided to relinquish her position.

Resolution 24-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7
Nays: None- 0

Resolution – appointing Lenin Agudo as Community Development Director (Mayor)

Councilor Waltman moved, seconded by Goodman-Hinnershitz, to adopt Resolutions 25-2012

Councilor Goodman-Hinnershitz noted her belief in the qualifications of Mr. Agudo and noted the need to accomplish residency within a one (1) year period. She also noted the difficulty in finding a good candidate for this position.

Council President Acosta noted that Mr. Agudo was well prepared for the interview. He also expressed his belief in the skill, integrity and ethics of Mr. Agudo.

Resolution 25-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None - 0

PUBLIC COMMENT – GENERAL

Silvia Aviles, of Scott Street, noted her support for the Mayor and his plans to improve Reading. She also noted the need for changes in the City's rules to improve the City.

Harish Talani, of North 9th Street, was not present.

Al Carranza, of North 9th Street, stated that he owns a business on North 9th Street and has had a Merchant Parking Permit since the late 90's. He stated that now the Reading Parking Authority now wants to eliminate the program. He expressed the belief that the program should stay in place due to his difficulty to find time to fund meters and care for his customers.

Anthony Johnson, of North 9th Street, was not present.

John Santana, of North 9th Street, was not present.

Jesus Almonte, of North 9th Street, was not present.

Carmen Lopez, of North 9th Street, was not present.

Johanny Cepeda, of Walnut Street, stated that she is the owner of the Mi Casa, Su Casa restaurant on Penn Street. She expressed the belief that the health fees are too high and need to be reconsidered. She stated that she is embarrassed and frustrated by the Council President's attempts to control the audience and expressed support for the Mayor's ability to make changes to the new positions in his office.

Cresanc Duchaine, of North 9th Street, was not present.

Latasha Peguro, of North 9th Street, was not present.

COUNCIL COMMENT

Councilor Corcoran noted his understanding of the public's frustrations but asked them to consider the need for Council to make well thought out, not spur of the moment decisions.

Councilor Goodman-Hinnershitz described the efforts to build community and destination events around the Pagoda and Mount Penn.

Councilor Reed noted the Downtown 20/20 plans on a large scale and on a more doable, small scale.

Councilor Reed also noted the events planned to assist Deputy Fire Chief Wentzel in handling his illness. She noted her hope for his swift recovery.

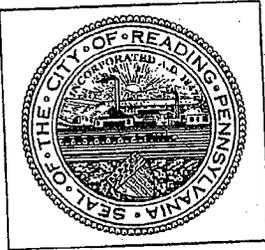
Councilor Sterner noted that to cover the cost of the Health program, Council cannot change without input from the Administration, as the fees are based on the Maximus Cost Study to cover the cost of the program.

Council President Acosta reviewed the Council meeting schedule.

Councilor Marmarou moved, seconded by Councilor Corcoran, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

EXHIBIT "I"



COMMITTEE of the *WHOLE* **CITY COUNCIL**

MINUTES
March 12, 2012
5:00 P.M.

COUNCIL MEMBERS PRESENT:

M. Goodman-Hinnershitz, D. Sterner, D. Reed, F. Acosta, R. Corcoran, S. Marmarou

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Geffken, T. Butler, M. Vind, D. Rauch, V. Spencer, L. Murin, E. Lloyd

Council President Acosta called the Committee of the Whole meeting to order at 5:04 p.m.

I. Financial Legislation

Mr. Vind stated that a bond refinancing is on this evening's agenda for final passage. He stated that the savings will be approximately \$104,000 over the term of the debt cycle.

Mr. Rauch distributed a corrected copy of the ordinances with typographical errors corrected.

Ms. Goodman-Hinnershitz requested a summary of all debts incurred by the City. She noted the need to justify her financial decisions and to use this information as the City's financial condition changes. Mr. Vind stated that he has this information at the office and will be glad to supply it. He stated that he is currently working with PFM on a similar project.

Ms. Reed stated that this information will assist Council in fully understanding the City's financial condition.

II. Reading River Tribe Presentation

Ms. Katzenmoyer stated that she confirmed the attendance of Cory Rhodes but that he has not yet arrived.

Mr. Acosta stated that agenda review would begin at this time and this topic would be revisited upon the arrival of Mr. Rhodes.

III. Agenda Review

Mr. Acosta requested that public comment be split into agenda and non-agenda topics as per the agenda. He stated that there is much business to conduct this evening.

Ms. Goodman-Hinnershitz questioned if Council staff was to continue following the 5 pm registration deadline. Council agreed that it should.

Mr. Marmarou stated that this had been relaxed in the past and citizens will need to adjust to the new requirement.

Mr. Acosta questioned the topics of the non-agenda speakers. Ms. Kelleher stated that they are mostly regarding the Merchant Parking Permit issue.

Mr. Sterner stated that this issue lies within his district. He stated that the issue has been placed squarely in Council's lap. Ms. Kelleher stated that the Parking Authority has discontinued the permit since the program was never created by Council. She suggested holding a separate meeting on this issue. Council agreed.

Ms. Katzenmoyer distributed a memo and attachments of items which need to be added to this evening's agenda including:

- An award of contract for phase 2 of the police video surveillance project
- An ordinance for introduction setting the salary of the Managing Director at \$95,550 annually

In addition, the packet contained the most recent corrected position ordinance and the amendment to the Certificate of Transfer Ordinance which was to be distributed this evening.

Council reviewed this evening's agenda including the following:

- Resolutions regarding Federal Aid Reimbursement Agreements with PennDOT for a lighting project and a crosswalk project

Ms. Goodman-Hinnershitz requested additional information on these items. Ms. Butler stated that Mr. Younger requested the items appear on the agenda. She stated that she has no additional information.

Ms. Reed questioned who was performing the work. Mr. Geffken stated that these resolutions request reimbursement of funds only. He suggested that questions be referred to Mr. Jones upon his arrival.

Mr. Rhodes arrived at this time.

- Resolutions regarding fire promotions

Mr. Geffken stated that these promotions are needed due to the retirement of Chief Kulp and the medical issues of Mr. Wentzel. He stated that there will be two fire fighters promoted to lieutenant at a future meeting.

- Ordinance amending the Categories of Employment

Ms. Goodman-Hinnershitz questioned how the City determines which interns are paid and which are not. Ms. Kelleher stated that generally long-term interns are compensated and at times will also receive credit where short-term interns receive credit only.

- Ordinance to acquire 405 A S 7th St at Sheriff Sale

Ms. Butler stated that the date of the sale is incorrect on the ordinance. She noted the need to have this corrected before the legislation is signed.

Mr. Spencer stated that Trades has determined that this structure is unsafe and should be demolished.

Ms. Butler noted the need for the City to devise a plan for all the properties it is acquiring through the Blighted Property Process. Mr. Geffken stated that this is a work in progress and that he is working with the Redevelopment Authority and Reading Beautification for maintenance services.

- Ordinance amending the Position Ordinance by including all part time, temporary and seasonal employees

Mr. Geffken began review of the corrected positions as distributed this evening. He stated that the part time and seasonal employees are included in this version.

Ms. Goodman-Hinnershitz stated that this will need lengthy review and suggested that the Reading River Tribe presentation be heard at this time.

Reading River Tribe Presentation (cont.)

Mr. Rhodes stated that he is the owner of Reading River Tribe. He stated that his boaters leave the river at the Jefferson Landing. He stated that the area is currently overgrown and noted his hope to clear the area and maintain it. He stated that he hopes to plant gardens. A lease agreement for the land would be necessary.

Mr. Acosta questioned if Mr. Rhodes has spoken with the Mayor. Mr. Rhodes stated that he had spoken to former Mayor McMahon and had appeared before the Council Public Works Committee.

Mr. Marmarou encouraged this project stating that it would occur at no cost to the City.

Mr. Jones arrived at this time.

Mr. Rhodes stated that he has drafted a lease agreement for the City's law office to review and revise. He stated that this location is near the Perma Cultivate farm.

Mr. Geffken explained that a portion of this area may need to be used during the renovation and work at the 6th & Canal Pump Station.

Mr. Acosta suggested legal review of the lease agreement and Council action when the details have been worked out.

Ms. Reed noted her gratitude to Mr. Rhodes for wanting to assist the City and make improvements.

Ms. Goodman-Hinnershitz noted the addition of the beach at another river landing. She stated that this area has seen an increase in litter because of it. She questioned if litter has been problematic farther down river. Mr. Rhodes stated that there is some litter but that he routinely removes it.

Ms. Goodman-Hinnershitz questioned if the Administration was looking at the river front. Mr. Spencer stated that he does plan to address it with Public Works.

Agenda Review (cont.)

Mr. Acosta called Council's attention back to this evening's agenda.

Mr. Acosta requested an update on the PennDOT reimbursement resolutions. Mr. Jones stated that the Penn St lighting project has been bid two times and there were problems both times.

He stated that in the meantime the PennDOT form has changed and the new Mayor needs to sign the forms.

Mr. Jones stated that there is additional funding available from PennDOT on the crosswalk project. He stated that this project has been bid one time and there was one respondent. He stated that PennDOT requires additional information when there is only one bid response.

Ms. Goodman-Hinnershitz noted the condition of the crosswalk in the 600 block of Penn St. She stated that bricks are missing and questioned how this would be repaired. Mr. Jones stated that the crosswalk would be patched with macadam. He added that depending on the results of the work on the other crosswalks, the City may replicate them for all of Penn St.

Mr. Acosta noted the condition of a building in the 900 block of Penn St. Mr. Geffken stated that Mr. Natale addressed this property today.

- Ordinance amending the Position Ordinance by including all part time, temporary and seasonal employees

The discussion of this amendment continued.

Ms. Reed stated that her position is unchanged.

Ms. Kelleher questioned the economic development manager in the Managing Director's office. Mr. Geffken stated that this is Mr. Kromer who will continue work on the City's Economic Development Strategy. He also stated that Mr. Kromer is still paid by the Wyomissing Foundation.

Ms. Goodman-Hinnershitz suggested that Council meet as a body with the Mayor about the additional positions in the Mayor's office. She noted the investment of time spent on this issue. She stated that she will only support the Mayor's positions if there is a complete dialog.

Ms. Kelleher questioned the addition of the Solid Waste Coordinator/Environmentalist. Mr. Geffken explained that Mr. Denbowski will fill this position. He stated that he requested to return to solid waste.

Ms. Reed questioned Mr. Denbowski's involvement in the City since January. Mr. Geffken stated that he has been using accrued vacation time and working on in-sourcing the recycling program and preparing the 14th & Walnut location for the office move.

Mr. Marmarou noted the need to move on. He stated that the public wants the fighting to stop.

Ms. Kelleher questioned the information specialist position. Mr. Geffken stated that this column is empty as there is no one filling the position.

Ms. Goodman-Hinnershitz stated that the community is concerned at the way positions are being filled. She noted the need for the public to understand the process and how decisions are made.

Mr. Acosta stated that there have yet to be formal discussions between Council and the Mayor about these positions. He stated that he supports communication and following process. He noted the need to define the process to move on.

Ms. Reed stated that she felt bullied and pressured about these positions. She suggested that those currently holding these positions not be part of discussions and that discussions be between the Mayor and Council members only. She stated that this is allowable under the Sunshine Act and that part of the problem is that these positions are already filled.

Mr. Acosta questioned if this discussion could occur in executive session.

Ms. Reed noted the need to also discuss the movement of the former Executive Assistant to the Mayor. Mr. Geffken stated that this is considered an exemption in the Sunshine Act as it is personnel related.

Ms. Butler stated that an executive session is in order if people and not only positions are being discussed.

III. Executive Session

Council President Acosta announced that Council was entering executive session. He stated that the topic is personnel and read the following portion of the Sunshine Act:

Section 708 (a) 1 of the Sunshine Act allows executive sessions "to discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee, provided, however, that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency's decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 of the PA Consolidated Statutes (relating to administrative law and procedure.) The provisions of this paragraph shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office."

Council entered executive session at 5:55 pm and exited at 6:47 pm.

Agenda Review (cont.)

- Ordinance amending Bicycles Section 3-106 Operation and Parking

Mr. Geffken stated that this is in response to DID ambassadors using bicycles on sidewalks.

Mr. Marmarou questioned the ability of Albright College to drive golf carts on the sidewalks and in the streets.

Mr. Acosta noted the small bikes with engines and other small, motorized vehicles.

Ms. Goodman-Hinnershitz suggested that these issues be discussed at the Public Works, Public Safety, and Neighborhood Services Committee.

Chief Heim arrived at this time.

- Override of veto of 14-2012

Ms. Kelleher stated that if Council wishes to override the veto a motion needs to be made from the table. She noted the need for 5 yes votes for the override to be successful.

The meeting adjourned at 6:57 pm.

Respectfully Submitted
Linda A. Kelleher, CMC, City Clerk

EXHIBIT "J"

**City of Reading City Council
Regular Business Meeting
Monday, March 12, 2012**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Managing Director Carl Geffken.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Mayor V. Spencer
Managing Director C. Geffken
City Auditor D. Cituk
City Legal Specialist T. Butler, Esquire
City Clerk L. Kelleher
Sgt at Arms Police Chief W. Heim

PROCLAMATIONS AND PRESENTATIONS

The City Council issued the following:

- Council Commendation recognizing the 20th Anniversary of L & H Signs Inc, accepted by Christopher Heinly, President and Chief Executive Officer
- Council Commendation recognizing the 80th Anniversary of WEEU Radio, accepted by Jo Painter, General Manager

PUBLIC COMMENT

Council President Acosta announced that three (3) citizens were registered to address Council on agenda matters. He advised those registered to speak about the public speaking rules. He announced those registered to address Council on non-agenda matters will be asked to comment after the legislative business is concluded.

Heath Crandle, of Meade Street, noted various difficulties with residential life in Reading. He noted the inadequate manning of Police and Fire which makes it difficult for residents to get responses to calls for service. He questioned how knowing this the Mayor could request five (5) additional positions in his office. He suggested that the Mayor do more with less, like

everyone else. He also suggested that if additional funding is available, the Mayor should instead add Police and/or Fire personnel. He stated that although there has been comment from those who support the additional positions in the Mayor's Office, the average taxpayer does not support the proposed positions.

Lourdes Torres, of South 5th Street, suggested Council consider having a change of heart and approve the positions requested in the Mayor's office.

Ernie Schlegel, of Pear Street, stated that he supports the positions proposed; however he voiced concern with the remarks made about Council members being racist and bigots at the last two (2) meetings of Council. He also noted his surprise that those remarks came right after Council presented a commendation to the NAACP in celebration of Black History Month. He expressed the belief that City Council does not make decisions on appointments based on race.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting and the minutes for the February 27th regular meeting of Council.

Councilor Waltman arrived at this time.

Council President Acosta noted the need to make the following agenda amendments:

- Add an Award of Contract to the Consent Agenda for the Police surveillance cameras
- Add an introduction of new ordinance setting the salary of the Managing Director
- Add an introduction of new ordinance amending the Certificate of Transfer ordinance

City Clerk Kelleher administered the Oath of Office to Lt. Michael Lessar Jr. promoting him to 2nd Deputy Chief, promoting 2nd Deputy Chief William Stoudt Jr. to 1st Deputy Chief, 2nd Deputy Chief Stephen Serba to 1st Deputy Chief, and promoting 1st Deputy Chief Jeffrey Squibb to Acting Fire Chief.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the agenda as amended, including the legislation under the Consent Agenda heading and the minutes from the February 27th, 2012 Regular Meeting of Council. The motion was approved unanimously.

Consent Agenda

Resolution 26-2012 authorizing the Public Works Director and Wastewater Treatment Plant Manager to submit of the forms and documents to obtain financial assistance for the

costs associated with Wastewater Treatment Plant Mitigation as required by the Commonwealth of Pennsylvania (Fire)

Resolution 27-2012 authorizing the Public Works Director and Wastewater Treatment Plant Manager to submit of the forms and documents to obtain financial assistance for the costs associated with Force Main Mitigation as required by the Commonwealth of Pennsylvania (Fire)

Resolution 28-2012 authorizing the hearing process that will address the zoning backlog, by authorizing a hearing officer to hear properties with 1-3 units in high density residential zones, authorizing individual District Councilors to hold hearings for properties with 4-6 units in high density residential zones and authorizing the full body of Council to hold hearings for properties with 7 and more units and all properties in R1 and R2 zoning districts (Council Staff)

Resolution 29-2012 authorizing the Mayor to execute the Federal-Aid Reimbursement Agreement for the Penn Street Crosswalk Project, PennDOT MPMS No. 76614 (Law)

Resolution 30-2012 authorizing the Mayor to execute the Federal-Aid Reimbursement Agreement for the Penn Street Lighting Project, PennDOT MPMS No. 81360 (Law)

Resolution 31-2012 promoting Police Officer Brian Rogers to the rank of Sergeant in the Reading Police Department, effective March 16, 2012 (Police)

Resolution 32-2012 authorizing the Mayor to sign and submit an application for a PA DCNR Community Conservation Partnerships Program Grant for a rehabilitation project at the Keffer Park Playground (Man Dir)

Resolution 33-2012 promoting Lieutenant Kent Born to 2nd Deputy Chief (Fire)

Resolution 34-2012 promoting Lieutenant Michael Lessar Jr to 2nd Deputy Chief (Fire)

Resolution 35-2012 promoting 2nd Deputy Chief William Stoudt Jr to 1st Deputy Chief (Fire)

Resolution 36-2012 promoting 2nd Deputy Chief Stephen Serba to 1st Deputy Chief (Fire)

Resolution 37-2012 promoting 1st Deputy Chief Jeffrey Squibb to Acting Fire Chief

Award of Contract – for surveillance cameras to Let's Think Wireless

City Clerk Kelleher administered the oath of office to the following firefighters:

- promoting Lieutenant Michael Lessar Jr to 2nd Deputy Chief
- promoting 2nd Deputy Chief William Stouidt Jr to 1st Deputy Chief
- promoting 2nd Deputy Chief Stephen Serba to 1st Deputy Chief
- promoting 1st Deputy Chief Jeffrey Squibb to Acting Fire Chief

ADMINISTRATIVE REPORT

Mayor Spencer read the report distributed to Council with the agenda highlighting the following:

- His completion of the three (3) day NIMS Training
- Two (2) ribbon cuttings at recent Micro-Loan recipients
- Roll out of the iPads by the Property Maintenance Division
- Congratulations to the promoted firefighters
- Thanks to Managing Director Geffken for his dedicated service to the City
- Asking Council to reconsider overriding his veto of Bill 14-2012

Councilor Waltman inquired about the repair of Walnut Street where the sewer break occurred. He noted the long disruption for area residents. He stated that originally the repairs were projected to be made in two (2) months. He stated the street has been closed for an extended period of time. Public Works Director Jones described the utility work that has been completed and the current work to repair the paving curb and sidewalks. He described the coordination with the utility companies.

Councilor Waltman suggested strong communication with residents regarding the projection.

Councilor Sterner inquired why the reduction from \$50K to \$25K is such a large detriment to the Administration's when other cities require Council approval for spending at either \$25K or \$10K. Mayor Spencer stated that this is detrimental to the Administration's ability to handle day-to-day business.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- Collection of Magisterial District Justice summary offenses

ORDINANCES FOR FINAL PASSAGE

Bill No. 22-2012 - amending the 2012 solid waste budget, reallocating certain advertising,

contracted services and postage funds to the 2012 vehicles budget (Bus Analyst) *Introduced at the February 27 regular meeting*

Councilor moved Marmarou, seconded by Councilor Reed, to enact Bill No. 22-2012.

Bill No. 22-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7

Nays: None- 0

Bill No. 23-2012 - authorizing the Mayor to acquire, by condemnation or otherwise, a fee or easement interest, as deemed necessary or prudent by the mayor, in the parcels of land indentified as property identification numbers 18530651852796 and 18530616947572 (the "properties") located along the west shore of the Schuylkill River between the Sixth and Canal Pump Station and Fritz Island Wastewater Treatment Plant ("WWTP") for the purpose of constructing and maintaining such sanitary sewer facilities required for the efficient transportation of sewage to the WWTP (Man Dir) *Introduced at the February 27 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 23-2012.

Bill No. 23-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7

Nays: None- 0

Bill No. 24-2012 - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 2, §1-221. Categories of Employment by including compensated interns as temporary employees (Law) *Introduced at the February 27 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 24-2012.

Bill No. 24-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Acosta, President -
5

Nays: Reed, Waltman - 2

Bill No. 25-2012 - establishing a four-way stop intersection at St. Bernardine Street and Greenway Terrace in the City of Reading, Pennsylvania (Law) *Introduced at the February 27 regular meeting*

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No. 25-2012.

Council President Acosta and Councilor Corcoran agreed that this stop sign is quite necessary at this intersection.

Bill No. 25-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Bill No. 26-2012 - authorizing the Mayor to acquire the properties from the Berks County Tax Claim Bureau's current repository list as attached as Exhibit "A" (Law) *Introduced at the February 27 regular meeting*

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 26-2012.

Bill No. 26-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Bill No. 27-2012 - amending Bill No. 7-2012 and Codified Ordinances §1-115 - Meetings to be Public providing additional language relating to the use of electronic recording devices at meetings (Council Staff/Law) *Introduced at the February 27 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 27-2012.

Bill No. 27-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta
President - 6
Nays: Waltman- 1

Bill No. 28-2012 – refinancing the 2005 Bonds with a General Obligation Note, Series of 2012, in an aggregate principal amount not to exceed two million six hundred fifty five thousand dollars (\$2,655,000) **(Financial S&Lutions)** *Introduced at the February 27 regular meeting*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 28-2012.

Managing Director Geffken stated that this refinancing will yield the City a net savings of \$104K or 5% over the three (3) to four (4) year term of the bond.

Councilor Goodman-Hinnershitz noted the need for accurate documentation of finance transactions and obligations.

Bill No. 28-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Bill No. 29-2012 - authorizing the Mayor to attempt to acquire ownership of the premises known as 405A South 7th Street, Reading, Berks County, Pennsylvania, from the Berks County Sheriff's Judicial Sale (Law) *Introduced at the February 27 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Corcoran, to enact Bill No. 29-2012.

Bill No. 29-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Bill No. 30-2012 – amending Bill No. 66-2011 the Position Ordinance by adding all Part Time, Temporary, and Seasonal employee positions (Law) *Introduced at the February 27 regular meeting*

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 30-2012.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to amend Bill No. 30-2012 by eliminating the Communications Specialist.

Councilor Goodman-Hinnershitz expressed the belief that the communications function can be handled by other staff members. Councilor Sterner agreed.

Councilor Waltman expressed his belief in the need for the Communications Specialist to sell the City's story properly.

Councilor Corcoran stated that he would support the amendment and the remaining positions due to the Mayor's statement that he would hold these employees accountable.

Mayor's Spencer noted the need for all four (4) positions to support the Mayor's office and his vision. He believed that the old approach of staffing in the Mayor's office is not sufficient to get his transition plan implemented.

Councilor Goodman-Hinnershitz expressed the belief that existing City staff can undertake the required communication tasks.

Councilor Waltman expressed his belief in the need to allow the Mayor to project the City's story to the world. He expressed the belief that this is a good investment.

The amendment to Bill No. 30-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Acosta,

President - 6

Nays: Reed - 1

Council President Acosta stated that Council now needs to consider Bill No. 30-2012, as amended.

Councilor Goodman-Hinnershitz noted the addition of other positions in other areas. She also noted the need for the Mayor's positions to work within their job descriptions and not move into inappropriate areas. She stated that she hesitates in approving these positions as some in the Mayor's office, in the past took on tasks that went beyond the scope of their position.

Councilor Goodman-Hinnershitz inquired who would be performing the duties of the Managing Director after Managing Director Geffken resigns on March 15th. Mayor Spencer stated that he will be taking on the duties of the Managing Director.

Mayor Spencer stated that he takes exception to Councilor Goodman-Hinnershitz's remarks and promise to handle the positions properly. He noted that Council needs to trust him as he makes his own personal decisions.

Councilor Corcoran questioned the status of Controller Chris Zale. Mayor Spencer stated that Mr. Zale is the Acting Administrative Services Director as recommended by Managing Director Geffken.

Councilor Reed stated that she fails to see how supporting these positions will benefit the City's core services. She suggested that the Police, Fire and Public Works Department each request for additional positions. She promised as Finance Chair to increase the size of the Police, Fire and Public Works Department.

Mayor Spencer noted that these specific positions for his office were funded with money realized through unfilled positions. He stated that there is no guarantee that they will continue in 2013.

Councilor Waltman stated that Council should not prevent the Mayor from hiring staff to achieve his goals.

Councilor Goodman-Hinnershitz noted the need to revisit the Transition Plan as many of the suggestions made by the Transition Committees never made it into the plan. She also noted that Council's job is to monitor the Administration.

Council President Acosta noted the need for all to move on with this compromise.

Bill No. 30-2012, as amended, was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Acosta,

President - 6

Nays: Reed - 1

Councilor Reed moved, seconded by Councilor Corcoran, to override the veto of Bill No. 14-2012.

Mayor Spencer expressed the belief that the override of this veto will be disruptive to the day-to-day Administrative Services.

The override of the veto of Bill No. 14-2012, was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner - 5

Nays: Waltman, Acosta, President - 2

Councilor Corcoran moved, seconded by Councilor Marmarou, to reconsider the vote on Bill No. 18-2012.

The motion to reconsider the vote on Bill No. 18-2012, was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Acosta,
President - 6

Nays: Reed- 1

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to amend Bill No. 18-2012 by removing the allocation for the Communication Specialist and moving the \$45K allocation for that position into the Contingency fund.

The amendment to Bill No. 18-2012, was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7

Nays: None- 0

Councilor Corcoran moved, seconded by Councilor Sterner, to enact Bill No. 18-2012, as amended.

Councilor Goodman-Hinnershitz stated that while this ordinance funds the Mayor's positions, there are other positions that may need budget amendments. Managing Director Geffken stated that the other amendments should be sufficiently funded by Departmental budgets.

City Auditor Cituk noted that two (2) members of Council staff will be receiving increases. He inquired if these increases will be effective as of the next pay period or retroactive to January 1st. Managing Director Geffken stated that the increases will be retroactive to January 1st.

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

Ordinance - amending the 2012 City of Reading general fund budget by authorizing the transfer of funds from the mailroom division to the Citizens Service Center (CSC)
(Controller)

Ordinance - amending the Lease Agreement between the City of Reading and the Reading Area Water Authority (RAWA/Law)

Ordinance - amending the City of Reading Codified Ordinances Chapter 3 Bicycles Part 1 Bicycle Regulations Section 3-106 Operation and Parking (Police/Council Staff)

Ordinance - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 10 Regulation of Pedalcycles and Non-Motorized Vehicles Section 15-1001 Riding and Parking of Pedalcycles on Sidewalks along Certain Streets Prohibited as attached (Police/Council Staff)

Ordinance - amending Chapter 10, Health and Safety, of the Codified Ordinances of the City of Reading by eliminating Dry Cleaning Establishments from the regular inspection of the premises of Commercial and Residential Common Laundries under the Health Code of the City of Reading (Law)

Ordinance - authorizing the Mayor to execute the third addendum to the lease and operating agreement between the City of Reading, Pennsylvania and the Reading Area Water Authority, in the form attached hereto as Exhibit "A", and such other documents necessitated thereby, including, without limitation, (1) a deed conveying to the Reading Area Water Authority an approximately one hundred twenty (120) acre parcel of land located in Ontelaunee Township owned by the City and (2) a deed conveying to the Reading Area Water Authority an approximately two and thirty-nine one hundredths (2.39) acre parcel of land owned by the City and located at 1801 Moss Street in the City of Reading (Man Dir)

Ordinance - amending the 2012 City of Reading general fund budget by authorizing the transfer of debt service savings produced by refinancing 2005 notes and 2008 bonds to spending contingency (Controller)

Ordinance - amending Chapter 5, Code Enforcement of the Codified Ordinances of the City of Reading by adding Alleys and Recycling Storage to existing Quality of Life Violations and amending language in the current Fines and Penalties Section (Law/Codes)

Ordinance - rescinding Ordinance 59-2010 in its entirety (Council Staff/Law)

Ordinance – amending the City of Reading Fee Schedule in relation to Commercial Laundry Fees (Law)

Ordinance – amending Chapter 4 Buildings Part 3 Certificate of Transfer as attached in Exhibit A (Bus Analyst)

Ordinance – setting the salary of the Managing Director at \$95,550

RESOLUTIONS

Resolution 38–2012 - reappointing Chad Spohn to the Plumbing Board (Nom & Appts)

Resolution 39-2012 - appointing Melvyn Jacobson to the Citizens Advisory Board (Nom & Appts)

Resolution 40–2012 – reappointing Jeff George to the HVAC Board (Nom & Appts)

Resolution 41–2012 - reappointing James Wong to the Board of Health (Nom & Appts)

Resolution 42–2012 - appointing Kent Wrobel to the Citizens Advisory Board (Nom & Appts)

Resolution 43–2012 - appointing Timothy Pelter to the Electricians Examining Board (Nom & Appts)

Resolution 44–2012 - reappointing Aaron Booth to the Historical Architectural Review Board (Nom & Appts)

Resolution 45–2012 - appointing David Hollinger to the Building and Fire Code Board of Appeals (Nom & Appts)

Councilor Corcoran moved, seconded by Marmarou, to adopt Resolutions 38-2012 – 45-2012.

Councilor Marmarou noted the quality and qualifications of those applying of those applying and reapplying to fill these Board positions.

Resolution 38-2012 – 45-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,

President - 7
Nays: None- 0

Resolution 46-2012 - authorizing the Mayor to execute a FFY 2012 (38th CD year - January 1, 2012 to December 31, 2012) Action Plan amendment to revise 2010 activities and to allocate unassigned Home Funds totaling \$278,000 to Habitat for Humanity for the conduct of homeowner rehabilitation and/or acquisition and rehabilitation in the City of Reading. These activities will be eligible under Home Program regulations and final rule at 24 cfr 92 (CD)

Councilor Marmarou moved, seconded by Corcoran, to adopt Resolutions 46-2012.

City Clerk Kelleher stated that with these funds Habitat for Humanity will be rehabilitating a minimum of four (4) blighted properties on North 4th Street.

Resolution 46-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

Resolution 47-2012 - authorizing the Bank Accounts for the City of Reading for the 2012 Calendar Year as attached in Exhibit A (Controller)

Councilor Corcoran moved, seconded by Goodman-Hinnershitz to adopt Resolutions 47-2012.

Councilor Waltman suggested that the Finance Committee review the top five (5) bank statements as a good check and balance. Councilor Reed requested the assistance of City Auditor Cituk.

Resolution 47-2012 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None- 0

PUBLIC COMMENT – GENERAL MATTERS

Council President Acosta stated that citizens registered to address Council under General Matters will be given three (3) minutes to comment.

Anthony Johnson, of North 9th Street, expressed his belief that the discontinuation of the

Councilor Goodman-Hinnershitz thanked the volunteers for their activity to clean up Mount Penn over the past weekend.

Councilor Reed thanked Managing Director Geffken for all he brought to the City. She noted his dedication and experience have served the City well.

Councilor Sterner thanked the merchants for expressing their opinions about the Merchant Parking Permit. He stated that this issue will be discussed further by Council.

Councilor Waltman also expressed his thanks to Managing Director Geffken.

Council President Acosta thanked Managing Director Geffken for his leadership and dedication. He also thanked those who commented at the Council meeting tonight.

Council President Acosta reviewed the Council meeting schedule.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

Merchant Parking Permit on North 9th Street is unfair for merchants and their customers. He expressed the belief that the parking meter rates are too high and discourage customers from coming to visit businesses.

Council President Acosta stated that fourteen (14) business owners associated with the Merchant's Association of 9th Street submitted a note that states:

With great respect and consideration to all members of this honorable Council, the Merchant's Associations asks that you honor our request to continue the Parking Permit Program. We thank you in advance for your help and support in helping us renew our Parking permits.

Cresnac Ducheine, of Wyomissing, was not present.

Victor Cabrera, of North 9th Street, was not present.

Victoria Morasco, of Penn Street, was not present.

Carlos Zayas, of South 11th Street, was not present.

Al Dunn, of South 3rd Street, was not present.

Alvin Booth, of North 5th Street, stated that voters put Council members on the team but the voters selected the Mayor as the coach. He expressed the belief that at the next election the players on the team will be replaced.

Gary Joseph, of North 13th Street, was not present.

Al Carranza, of North 9th Street, asked Council to reconsider the Merchant Parking Permit.

Paul Prince, of East High Street, Pottstown, representing John Palumbo, distributed a handout that tells Mr. Palumbo's story regarding his application to become the City's Mechanical Inspector. He noted his three (3) unsuccessful application attempts although he is a qualified candidate. He asked Council to reconsider this situation.

Natasha Peguero, of North 9th Street, requested that Council reconsider the continuation of the Merchant Parking Permits as those who use the permits are willing to pay a larger annual fee.

Latasha Peguro, of North 9th Street, was not present.

COUNCIL COMMENT

EXHIBIT "B"

BILL No. ____-2014
AN ORDINANCE

AMENDING §5-209 OF THE ADMINISTRATIVE CODE, PUBLIC PARTICIPATION

Whereas the Council of the City of Reading hereby ordains as follows:

Section 1. Amending §5-209 of the Administrative Code, Public Participation as follows:

§5-209. Public Participation.

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 pm 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 pm and 7 pm on the day of the scheduled 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 pm 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 pm and 7 pm on the day of the scheduled meeting.**

~~C. A citizen shall be provided the opportunity to address the Council on any agenda item without written notice (see Charter, §2135). The presiding officer or by action of Council shall limit the time each person shall speak giving equal time to all. Such discussion shall occur prior to the vote of the agenda item.~~

~~D~~ 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.

~~E~~ 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~~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.

~~G~~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.

~~H~~ 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 pm 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 3 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 1 minute.

Section 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: _____, 2013

President of Council

Attest:

City Clerk
(Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

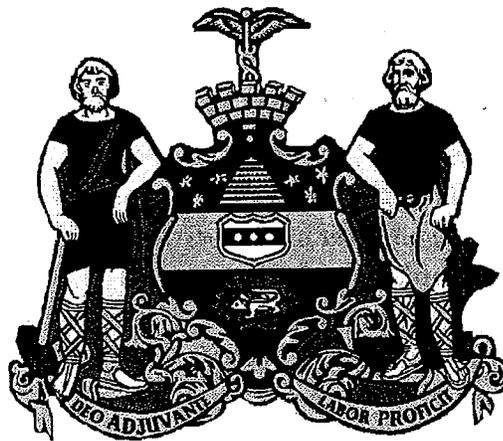
Vetoed by Mayor: _____

Date: _____

EXHIBIT "C"

City of Reading

City Council



Policy & Operations

Updated December 2013

Table of Contents

INTRODUCTION	Tab 1
<ul style="list-style-type: none">• Introduction• Purpose• Council's Structural Evolution	
POWERS	Tab 2
COUNCIL THE LEGISLATIVE BRANCH	Tab 3
<ul style="list-style-type: none">• Inauguration Policy• Policy on Filling Council Seat Vacancies	
<hr/>	
COUNCIL BUSINESS	Tab 4
<ul style="list-style-type: none">• Meeting and Agenda Setting Policy• Conduct of Business• Policy on Town and District Meetings• HARB Appeal Hearing Procedure• Conditional Use Hearing Procedure• Amendment of the Charter and Codified Ordinances• Property Tax Exemption and Exoneration• Proclamations & Commendations• Citizen Issue and Complaint Policy• BCTV Programming Procedure• Adoption & Amendment of Plans<ul style="list-style-type: none">○ Comprehensive Plan○ Park and Recreation Plan○ Redistricting	
CITY ADMINISTRATION & DEPARTMENTS	Tab 5
<ul style="list-style-type: none">• Policy on Appointment of Directors	
PURCHASING POLICIES AND PROCEDURES	Tab 6
<ul style="list-style-type: none">• Bidding Process• Professional Services	
<hr/>	
REVENUE SOURCES	Tab 7

FINANCE & BUDGET (Gen Fund, Capital, CDBG)

Tab 8

- **Community Development Block Grant (CDBG) Budget – Review and Adoption Policy**
- **General Fund Budget - Review and Adoption Policy**
- **Capital Program Budget - Review and Adoption Policy**
- **Tax Rate**
- **Policy on Bond and Debt Financing**

CITIZENS RIGHTS AND PARTICIPATION

Tab 9

- **Initiative and Referendum**

BOARDS, AUTHORITIES, COMMISSIONS (BAC)

Tab 10

- **Appointment Policy**
- **Council Representation on BACs**
- **BAC Descriptions**

APPENDIX

Tab 11

- **Permits**
 - **One Stop Shop**
 - **Building**
 - **Zoning**
 - **Special Event**
 - **Shade Tree**
 - **HARB Certificate of Appropriateness**
 - **Business**
 - **Solicitation**

INTRODUCTION

This document will serve as a handbook for the responsibilities undertaken by the City Council, the Governing Body of the City of Reading. The information in this document will serve merely as an overview. Further research and preparation is needed for a fuller understanding and knowledge of Council duties. Understanding the purpose of city government allows for clarity and understanding by all members of Council and citizens alike.

PURPOSE

A major goal of the City Council is to enact responsible legislation for the prudent and ethical operation of the City Government, to assist in the planning of the City's revitalization and future, and to maintain free and open discussions with the City Administration and City residents to ensure democracy and good government for the City of Reading, Pennsylvania.

The City Council establishes City policy to provide for the exercise of all duties and obligations imposed upon the City by the Home Rule Charter and applicable State and Federal laws and to secure the general health, safety and welfare of the City and its citizens. The Council adopts resolutions and enacts ordinances as necessary to execute any of the City's powers.

The City Clerk acts as the director of the legislative branch. The City Clerk, along with the Deputy Clerk and other support staff, performs general oversight and coordination of the legislative action of City Council and makes recommendations to City Council on policy, regulations, practices and issues concerning the City of Reading.

The City Council approves the Mayor's appointments of the Managing Director, Department Directors, Solicitor, and Zoning Administrator. Council also makes appointments to the City's Boards, Authorities and Commissions, as specified by the Home Rule Charter and the Third Class City Code. Council is also responsible for the enactment of the City's annual operating budget and capital program and the hiring and promotion of police and fire fighters.

Council's Structural Evolution

In January 1996, the City of Reading made the transition from the Commission Form of Government to a Mayor/Council form of the Home Rule Charter. The new form of Government was approved by voter referendum on November 7, 1993.

Under the Home Rule Charter, the City of Reading is divided into six districts, with each district electing one Council member. District-elected Council members are to represent the voice of their constituents and act as a body to make decisions in the best interest of the entire City. The President of Council is elected at-large. The President of Council is the presiding officer of Council and has the same voting powers as the other six Council members. The President interacts with the Mayor and other governmental entities and represents the voice of Council.

When the Home Rule form of government began in 1996, Council received administrative support from the City Clerk's Office. In addition to general administrative support, the City Clerk assists Council with the drafting of legislation, legal research, and public relations. After evaluating the needs of the seven member Council and the staffing of other Council offices, Council moved to add the functions of policy making to the administrative duties of the City Clerk and moved to add 2 additional employees to the staff.

In 1998, City Council elected to use the Committee structure. The Administrative Code provides for six Council Committees. Council currently operates with five committees – Nominations and Appointments, Standards of Living, Finance, Audit and Budget, and Housing and Economic Development. The committee setting allows members to more closely explore City issues and successfully work towards mutual goals. Each Committee meets on a Monday, one time per month. Committees may also meet more frequently when necessary. Three Council members serve on each committee but the meetings are structured to allow all members of Council to attend as they desire. The President of Council is an ad hoc member of all Committees. Committee meetings are advertised and open to the public.

Council established the Charter Review Commission (CRC) in November of 2001, a group of 12, to review the Charter and make recommendations on amendments to the Charter. The City of Reading Home Rule Charter mandates that the CRC report to Council and the Mayor within 6 months of their formation. This group returned a report suggesting two amendments. The first amendment proposed changing the Mayor/Council government structure to a Manager/Council structure. The second amendment proposed the creation of a Transition Committee and a Charter Review Board that would assist the Administration and Council with interpretations on gray areas of the Charter. The amendments went on the General Election Ballot in November 2002. Only the second amendment was approved by the voters.

In 2013, the second CRC was convened. Their report is due to Council in January 2014. In addition, changes may be made to the Charter by the voters through referendum or by Council through enactment of ordinance authorizing referendum placing items on the ballot or through an initiative proceeding by a citizen or the CRC.

POWERS OF THE CITY

Role of the Charter. *§5-201 of the Codified Ordinances.*

The role of the Charter in interpreting this Administrative Code shall be as follows: In the event there is any inconsistency or conflict in the Charter and the provisions of this Administrative Code the provisions of the Charter shall take precedence. (*Ord. 17-1996, 6/24/1996, §2.01*)

Grant of Power. *§102 of the City Charter.*

The City shall have the power to exercise any power or to perform any function not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by act of the General Assembly of Pennsylvania or by this Charter. (*Charter, 11/3/1993, §102*)

Exercise of Powers. *§103 of the City Charter.*

All powers of the City shall be exercised as provided by this Charter, or if the Charter makes no provision, as provided by ordinances or resolutions of the City Council. (*Charter, 11/3/1993, §103*)

General Powers and Duties. *§208 of the City Charter.*

All powers of the City not otherwise provided for in this Charter shall be exercised in a manner to be determined by Council. Council shall provide for the exercise and performance of any such other powers and duties in a manner consistent with the terms of this Charter. (*Charter, 11/3/1993, §208*)

COUNCIL – THE LEGISLATIVE BRANCH

Composition. §201 of the City Charter.

There shall be seven members of Council. Six shall be nominated and elected by district and one, the President of Council, shall be nominated and elected at large by the qualified voters of the City. (*Charter, 11/3/1993, §201*) Qualified voters of the City who have resided continuously in the City one (1) year prior to the date of the primary election for that office shall be eligible to hold office. Residency must be retained during the term of office. (*Charter, 11/3/1993, §202*)

Election and Terms. §203 of the City Charter.

The Council terms shall be 4 years and begin at noon on the first Monday of January next following the municipal election. In the year the Mayor is elected three (3) district Council persons and the City Auditor shall be elected. In the next municipal election the President of Council and three (3) district Council persons shall be elected. (*Charter, 11/3/1993, §203*)

COUNCIL POLICY - INAUGURATION

Members of Council are elected during the General Municipal Election. By Charter the terms of Council begin at noon on the first Monday in January. Following tradition, this first Monday is a day of inaugural celebration. The following procedures guide the event:

1. Immediately following the election, the Councilors-elect will meet with the City Clerk and other Council Staff to review event arrangements.
2. All Current and newly elected members of Council and Councilors-elect shall provide the City Clerk with:
 - a. The names and addresses of guests they wish to invite no later than the fourth week in November. Invitations are mailed out through the City mail by the second week in December.
 - b. Councilors-elect will need to provide the name of the official they would like to have administer the oath of office. Officials eligible to administer the oath are any elected judge, Magisterial District Judge or notary public.
3. All arrangements for the ceremony, including but not limited to:
 - Location
 - Entertainment
 - Refreshments
 - Program Participants

All arrangements will be made by the City Clerk. The City Clerk will consult on arrangements with the Councilors-elect and attempt to accommodate special requests.

Compensation. *204 of the City Charter and §91-101 Codified Ordinances*

From and after the first Monday of January, 2004, the following salaries shall be paid to each of the hereinafter designated elected officials of the City in accordance with the following schedule; provided, however, that such salaries shall apply only to such elected officials assuming office on or after the first Monday of January, 2004. Council may raise, by ordinance, the salary of Council, but such ordinance will not take effect until the date of the commencement of the terms of Council members elected at the next regular municipal election, provided that such election follows the adoption of such ordinance by at least 6 months. (*Charter, 11/3/1993, §204*)

Mayor - the Mayor of the City of Reading shall be compensated at an annual salary of:

- 1 \$68,100.00 for the period beginning the first Monday in January, 2008, and ending the first Sunday in January, 2009.
- 2 \$69,600.00 for the period beginning the first Monday in January, 2009, and ending the first Sunday in January, 2010.
- 3 \$71,100.00 for the period beginning the first Monday in January, 2010, and ending the first Sunday in January, 2011.
- 4 \$72,600.00 for the period beginning the first Monday in January, 2011, and annually for each year thereafter. (*Ord. 29-2007, 4/23/2007*)

President of Council - the City Council President for the City of Reading shall be compensated at an annual salary of \$5,500 per year.

Councilors - the District Councilpersons for the City of Reading shall be compensated at an annual salary of \$5,000 per year.

City Auditor - the City Auditor of the City of Reading shall be compensated at an annual salary of:

- 1 \$53,100.00 for the period beginning the first Monday in January, 2008, and ending the first Sunday in January, 2009.
- 2 \$54,600.00 for the period beginning the first Monday in January, 2009, and ending the first Sunday in January, 2010.
- 3 \$56,100.00 for the period beginning on the first Monday in January, 2010, and ending the first Sunday in January, 2011.
- 4 \$57,600.00 for the period beginning the first Monday in January, 2011 and annually for each year thereafter.

(*Ord. 74-1989, 6/28/1989, §1; as amended by Ord. 14-2001, 5/29/2001; and by Ord. 9-2003, 4/14/2003, ; and by Ord. 29-2007, 4/23/2007*)

Note: *City Council currently does not receive any other compensation (cell phone, automobile, lap tops, permanent office space or individual administrative support) or insurance benefits.*

However when preparing the Council Office Budget Council can budget for lap tops, cell phones, or other equipment Council deems necessary to enhance their delivery of service. Business cards, letterhead and some other office supplies are provided by Council Staff. Before taking office newly elected officials must complete new employee paperwork in the Human Resources Department. Council Staff can assist in making those arrangements.

Vacancies §205 of the City Charter

The office of Council member shall become vacant upon death of the member, resignation, or removal from office in any manner authorized by law or forfeiture of office. (*Charter, 11/3/1993, §205*)

A vacancy in the Council shall be filled by a majority vote of the remaining members of Council. If the Council fails to act within 30 days following the occurrence of the vacancy the Court of Common Pleas of Berks County shall, upon petition of three members of Council or 10 qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City. In the case of a vacated district seat the person appointed to fill that seat either by Council itself or the Court of Common Pleas must be a resident of the district. The individual appointed will remain in office until the first Monday in January following the next municipal election. At such municipal election a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday following, for a new full term. (*Charter, 11/3/1993, §207*)

Forfeiture of Office §206 of the City Charter

A member of Council shall forfeit office if the member:

- 1 Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law.
- 2 Violates any express prohibition of this Charter.
- 3 Fails to attend three consecutive regular meetings of the Council without being excused by Council.
- 4 Is convicted of any crime classified as a misdemeanor of the second class or higher, under the laws of the Commonwealth of Pennsylvania or the United States, or be convicted of any comparable crime under the laws of any other state in the United States. In all cases of forfeiture, the member shall be entitled to notice and a hearing before Council in accordance with administrative procedures to be established by Council. (*Charter, 1/3/1993, §206*)

COUNCIL POLICY - FILLING OF VACANCIES

In the event a Council, Mayor or Auditor seat becomes vacant, notification should be provided to the body (in writing) and to the public and media. Council Staff will prepare an application form, similar to that used for the Boards, Authorities and

Commissions, and prepare an ad to run in the local newspaper and on the City's web site. Council Staff will work with the President of Council, or the Vice President in the event of the Council President's resignation, to determine when the application period will end and set the interview schedule. Applicant interviews will occur in a public session. Each applicant will be interviewed individually. Applicants waiting for their interview shall wait in an area away from the interview area.

Council Staff shall prepare the appointment resolution to be adopted by Council at a Regular Meeting or Special Session before the close of the 30 day period prescribed by the Charter. The oath of office will be administered by the City Clerk after the appointment resolution is adopted.

City Clerk. *§225 of the Charter.*

Within 30 days of taking office, City Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, take the minutes of all City Council meetings, keep the journal of its proceedings, shall have the power of a notary public, shall serve as secretary to the Council and perform such other duties as are assigned by the Administrative Code [Chapter 1, Part 1], the Council or State law. The term of City Clerk shall be 2 years with option to be re-appointed for successive terms. The City Clerk shall serve at the pleasure of Council.

Duties *§5-601 of the Administrative Code.*

The duties of this position will include but are not limited to the following: serves as Director of the legislative branch, performs general oversight and coordination of the legislative action of City Council, makes recommendations to City Council on policy, regulations, practices and issues concerning the City of Reading, serves as liaison between City Council and other officials, acts as representative of Council at meetings and events when so directed by City Council, explains City Council procedures and answers questions on City Council business from the public, press and administration, and performs varied public relations activities for City Council and the City of Reading to promote City issues and initiatives. The City Clerk also hires and oversees all members of Council Staff. (Ord. 17-1996, 6/24/1996, §6.01; as amended by Ord. 28-1998, 10/26/1998, §1)

COUNCIL BUSINESS

Organization Meeting; Presiding Officer of Council. §5-203 of the Codified Ordinances. The organization meeting of the Council shall be the first meeting in each year following a municipal election. At the organization meeting, Council shall elect a Vice President, and members of Council's Standing Committees and other such officers as the Council may deem appropriate to serve a 2 year term. [Ord. 52-2013] [Ord. 7-2001] (Ord. 17-1996, 6/24/1996, §2.03; as amended by Ord. 7-2001, 4/9/2001, §1)

Meetings. §5-204 of the Codified Ordinances.

Public Notice. Provisions governing public notice of meetings shall be provided by Sunshine Act of 1986, P.L. 38, No. 84, as amended.

Note: Council Staff prepares an annual meeting notice covering regular business meetings, work sessions and committee meetings for the new fiscal year. Notices for Special Meetings, Public Hearings, and any other meetings where a majority of the body of Council is present are prepared by Council Staff and advertised on an as needed basis at least 24 hours before such meeting is held, in accordance with the Sunshine Act.

Regular Meeting. Council shall hold a regular meeting at least twice each month in the evening on a day and place as the Council may prescribe by rule.

Note: Councilors who are absent from a regular business meeting may participate by speaker telephone and vote on legislation only if they join the meeting prior to the start of the public comment period.

Special Meetings. Special meetings may be called by the President of the Council or upon the written request of a majority of the members of the Council. Notice shall be delivered to each Council member at least 24 hours before a special meeting is held. Special meetings may also be called by citizens' petition as referenced in the Charter.

Emergency Meetings. The Mayor may call a special meeting of Council for the purpose of taking action on an emergency provided a quorum of Council is present as provided in the Charter. In the event five council members determine that the emergency meeting is unnecessary, the meeting shall not be held and/or shall be adjourned without any action.

Executive Sessions. The Council may hold executive sessions as permitted by law. No official action shall be taken by the Council on any matter in executive session as provided for by the Sunshine Act of 1986, P.L. 388, No. 84, as amended.

Note: *Executive Sessions may only be called for the following reasons:*

1. *To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion, or disciplinary action. Executive sessions cannot occur during the appointment or selection process to fill a vacancy in a publicly elected office.*
2. *To discuss matters related to collective bargaining agreements, labor relations and arbitrations.*
3. *To consider the purchase or lease of property.*
4. *To consult with an attorney or other advisor regarding ongoing litigation or with issues on which litigation is expected to be filed.*
5. *To review or discuss business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information related to: investigations, litigation or violations of the law.*

Citizens Rights to Call a Special Meeting of City Council. §112 of the Charter.

The qualified voters of the City of Reading, upon filing a signed petition with the City Clerk, may require the City Council to hold a special meeting.

The petition filed with the City Clerk must contain the signatures and addresses of 200 duly qualified voters of the City and the purpose for which the meeting is being called. Upon receipt of such petition and a 2 day review/certification period of the petition by the City Clerk, the President of City Council must convene the special meeting on an evening within 14 days of the certification.

The public notification process will adhere to the special meetings provisions of this Charter.

Citizens' Right to be Heard. §213 of the Charter.

Public comment is permitted at the regular meetings of Council which occur on the second and fourth Mondays of each month. ~~and shall be the first order of business.~~ Public comment is not permitted at the City Council work sessions or committee meetings.

Note: *Public Comment is divided into two components - comment on agenda matters and comment on non-agenda matters. Comment on agenda matters is limited to 5 minutes at the beginning of the meeting before any legislative action and comment on non-agenda matters is limited to 3 minutes at the end of the meeting. Council may suspend the public speaking rules to allow all public comment at the beginning of the meeting.*

Citizens desiring to address the Council at its regular meetings may do so by registering with the City Clerk before 5 pm 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 pm and 7 pm on the day of the scheduled meeting. Citizens desiring to

address the Council at its special meeting may do so by ~~registering with the City Clerk ½ hour before the meeting is called to order by the President of Council or the presiding officer~~ 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 pm 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 pm and 7 pm on the day of the scheduled meeting.**

All remarks must be made from the speaker's podium and 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 either removed from the meeting or may be barred from speaking before Council, unless permission to continue speaking is granted by a majority vote of Council. There will be no demonstration at the conclusion of anyone's presentation.

Citizens may not ask questions of Council members or other elected or public official in attendance. Council members, elected or public officials may respond to comments made by citizens at the conclusion of the public comment period or during the Council comment period.

Agenda. §5-206 of the Codified Ordinances.

The proposed agenda for a regular or special meeting of the Council shall be prepared by the City Clerk in consultation with the President or committee of Council created for that purpose.

The proposed agenda for an emergency meeting of the Council shall be prepared by the City Clerk in consultation with the President.

The proposed agenda for any regular meetings shall be forwarded to all members of the Council at least two (2) days prior to the stated meeting and shall be posted on the City's web site two (2) days prior to the meeting. Sufficient copies of the agenda must be available prior to the beginning of the meeting. The title of any ordinance or resolution to be considered shall be published as part of the agenda. The published agenda may be amended at the meeting by a super-majority of members present (a super-majority is equal to 5 members). No matters other than those on the agenda as amended shall be acted upon by the Council. (Ord. 1-2007, 1/22/2007)

COUNCIL POLICY - MEETING & AGENDA PROCEDURE

The body of Council meets in some form every Monday evening starting at 5 p.m. using the following schedule:

First Monday: Nominations & Appointments 4 pm

Standards of Living 5 p.m.
Housing and Economic Development – immediately following

Second Monday: Committee of the Whole 5 p.m.
Regular Business Meeting 7 p.m.

Third Monday: Finance, Audit, Budget 5 p.m.
Strategic Planning immediately following

Fourth Monday: Committee of the Whole 5 p.m.
Regular Business Meeting 7 p.m.
Note: During December, we do not hold the 2nd regular business meeting during the 4th week of December, due to the holiday season. Council Staff will make the necessary arrangements for this 2nd regular business meeting)

Council can elect to take a short recess during the summer months, when legislation is generally light. It is suggested that this recess occur during the last 2 weeks in July.

The meetings on the second and fourth Mondays are televised on the BCTV MAC Channel 99. Business attire is suggested. The meetings on the first and third Monday are more casual than the others as they are not televised by BCTV. For these meetings business-casual attire is suggested. *NOTE: These meetings are replayed many times throughout the month to provide Reading citizens with ample opportunity to be informed and educated on Council's activities.*

On average there are four or five months per year that have 5 Mondays. These extra Mondays can be used to either "catch-up" on issues that need additional attention or schedule special meetings. However at times, Council elects to take the extra Monday off.

Meeting agendas define the work plan for meetings and provide all of the available support documentation. Council staff makes every effort to provide a comprehensive document, which presents the best information available in a meaningful way. Agendas are prepared every week and distributed no later than the Thursday prior to the Monday meeting. Agendas are prepared for committee meetings, work sessions, regular meetings, special meetings and hearings. The procedures are similar for all three, with some crucial differences.

◇ **Committee Agenda Procedure:**

1. Any member of Council may request to have an issue discussed at a committee meeting.

2. In order for an item to be listed on the agenda permission will be needed from the appropriate committee chair no later than the Wednesday before the meeting is to occur.
3. It will be the responsibility of the requesting member to supply a rationale memo and appropriate supporting documents.
4. Upon receipt of written confirmation from the committee chair, the City Clerk will schedule that issue for the appropriate committee agenda.
5. Council staff will make arrangements with the Managing Director to have necessary representatives from the Administration available.
6. A majority vote of the committee will be necessary to place items on the regular meeting agenda.

◇ **Regular Meeting Agenda Procedure:**

1. Issues and legislation not cleared through a committee must be approved by the Council President before they are placed on the regular meeting or work session agenda. The Council President's approval must be obtained no later than the Wednesday before the meeting is scheduled to occur.
2. Final approval is at the discretion of the President of Council.
3. If the President of Council withholds approval, the issue can be forwarded to the appropriate committee for consideration.
4. If the President of Council approves, he or she will instruct the City Clerk to place the item on the committee of the whole, or regular meeting agenda where appropriate. The City Clerk will schedule the issue or legislation as quickly as possible.

◇ **Committee of the Whole Agenda Procedure:**

1. Issues and legislation that require the attention of the body of Council are referred to the Committee of the Whole by the President of Council, City Clerk or Managing Director no later than the Wednesday before the meeting is scheduled to occur.
2. Final approval is at the discretion of the President of Council.
3. If the President of Council withholds approval, the issue can be forwarded to the appropriate committee for consideration.
4. If the President of Council approves, he or she will instruct the City Clerk to place the item on the committee of the whole, regular meeting agenda, or work session agenda where appropriate. The City Clerk will schedule the issue or legislation as quickly as possible.

Consent Agenda

The Consent Agenda is designed to provide efficient approval of non-controversial legislation that does not require discussion/debate with the adoption of the meeting agenda. Consent Agenda legislation will pertain to housekeeping matters such as contract awards (approved by motion) or resolutions that have minimal overall impact.

Ordinances cannot appear on the Consent Agenda as the enactment of ordinances must occur with a "voice vote." The City Clerk will read the list of Consent Agenda legislation aloud at the meeting before action is taken, which allow Council to remove a piece of legislation for separate discussion and save the President of Council from having to read off the list after the Consent Agenda is adopted.

1. Legislation placed on the Consent Agenda will be adopted when the meeting agenda is approved.
2. Any member of Council may request an item be removed from the Consent Agenda for further discussion. If an item is removed, it will be treated as a resolution and acted upon during the appropriate part of the agenda.

CONDUCT OF BUSINESS

Conduct of Business. *§5-206 of the Codified Ordinances.*

At the time appointed for any meeting of the Council, the President shall take the Chair and call the meeting to order. If a quorum – 4 Councilors - is present, the President shall proceed with the order of business prescribed for the meeting. If, upon the call of the roll, a quorum is not present, the President shall order a recess for a reasonable period of time and if a quorum has not developed by that time, the President shall declare the meeting adjourned or recessed. **Note:** *A Council Meeting may not be called to order if the City Solicitor or his representative is not present.*

In the absence of the President, the Vice President shall exercise the duties of the President. In the absence of both the President and the Vice President, the Council shall appoint a President pro-temp who shall have all the powers of the President.

In the event a regular or special meeting needs to be postponed because of a weather emergency or similar circumstances, the Council President may determine the date and time of the postponed meeting. Reasonable efforts to fulfill the notice requirements shall be made but broadcast announcements and communication with members shall be deemed to meet minimum requirements. (*§5-204 of the Admin Code*)

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, bill proposed or pending before the Council shall disclose that fact to Council and shall not vote thereon. 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 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.

1. 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.
2. Legislation referred to or being considered by a Council Committee must be returned to the full body of Council for consideration with either a positive or negative recommendation. If the legislation is not returned in this manner, any three Council members may request that the full body, at a regular business meeting, consider the legislation.

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. He shall determine the appropriate committee to which legislation and other matters shall be referred. 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 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. President of Council may also invite the Mayor and 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 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.

President of Council or presiding officer may, at his 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 orders 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]

In the absence of the President, the Vice President shall serve as the presiding officer. If both the President and Vice President are absent, the meeting shall not be called to order unless the President has designated a member of Council, in writing, to serve as the presiding officer of that session. [Ord. 7-2001]

No legislative or special legislative session in the Reading City Council shall be called to order in the absence of the City Solicitor or a staff attorney from the Council office to provide proper legal advice and avoid possible serious or potentially devastating consequences. [Ord. 7-2001] (Ord. 17-1996, 6/24/1996, §2.17; as amended by Ord. 7-2001, 4/9/2001, §2)

Official Actions of the Council. §5-211 of the Administrative Code

Official actions of the Council shall be taken by ordinance, resolution or motion, as provided in the Charter. An ordinance is defined as law, a rule made by authority or decree, while a resolution is policy or an expression of opinion.

Actions of Council other than Ordinance Adoption. §5-211 of the Administrative Code

Other business of Council may be undertaken by adoption of resolutions, enactment of proclamations, or the approval of motions which shall require a simple majority vote of Council unless otherwise required by law.

Note: Council may adopt resolutions, motions or proclamations by voice vote or by roll call vote, at the discretion of the members.

Public Hearings. 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 3 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 subsequent time shall limit his comments to not more than 1 minute. (Ord. 17-1996, 6/24/1996, §2.09; as amended by Ord. 10-1998, 3/23/1998, §1; by Ord. 29-2002, 6/24/2002, §1; and by Ord. 1-2004, 1/26/2004, §1) Codified Ordinances § 1-119

Committees of the Council. §5-210 of the Codified Ordinances.

The Council may, at any time, provide for standing or ad-hoc committees to assist with the carrying out of its functions. Any such committee shall thereafter report to the Council at the regularly stated meetings of that body. [Ord. 7-2001]

Committees of Council may include:

- 1 Finance, to include community development funds, capital improvements, audits and budget.
- 2 Public Property/Public Works to include parks, buildings, vehicles, streets and sewage.
- 3 Public Safety to include fire, police, codes, health and traffic.
- 4 Administrative Oversight to include legal and personnel.
- 5 Research Committee to research issues requested by Council.
- 6 Rules Committee to establish rules of conduct for Council.

Note: Council currently uses 5 Committees: Nominations and Appointments, Standards of Living, Housing and Economic Development, Finance, Audit and Budget, and Strategic Planning.

Each committee shall consist of a minimum of three members of Council. Each member shall serve as appointed unless excused by a majority of the members of Council. [Ord. 7-2001]

Council members shall submit their committee preferences to the City Clerk in November of a municipal election year. The President of Council will assign Council members to committees and assign committee chairs on a biennial basis. The recommendation of the President will be approved by resolution of Council at the first regular meeting of Council following a municipal election. [Ord. 7-2001]

Ad-hoc committees may be appointed from time to time by motion of Council. The number of committee members and its duties shall be stated in the motion of appointment. [Ord. 7-2001]

All members of Council will be informed of the committee meeting schedule and will be provided with committee agendas and any attachments thereto. All members of Council not of a given committee may attend any committee meeting and are encouraged to participate [in] committee discussions, but may not vote on any matter considered [Ord.7-2001]. (Ord. 17-1996, 6/24/1996, §2.10; as amended by Ord. 7-2001, 4/9/2001, §4)

Action Requiring an Ordinance. In addition to requirements provided by law or the Charter, §215 through 224, acts of the Council shall be by ordinance which:

-
- 1 Adopt or amend the codes or establish, alter, or abolish any unit of the City.
 - 2 Provide for a fine or other penalty or establish a rule or regulation for which a fine or other penalty is imposed.
 - 3 Levy taxes and provide for service charges, permit fees and assessments.
 - 4 Grant, renew or extend a franchise.

- 5 Adopt and amend the annual budget and capital program budget (see Charter, §905, §912 and §913).
- 6 Repeal or amend any ordinance.
- 7 Adopt procedures for purchasing of products, goods, or services, for the making of contracts and for the sale or lease of personal or real property of the City. (See Charter, §915).
- 8 Adopt other actions which are legislative in nature.
- 9 Authorize the borrowing of money.
- 10 Purchase, convey or lease lands or buildings.
- 11 Adopt zoning, subdivision or other land use controls.

Ordinance Requiring Prior Public Notice and Hearing. No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon and at least 10 days published notice in a newspaper of general circulation in the City:

- 1 Zoning ordinance and amendments thereto.
- 2 Adoption of the zoning map and amendments thereto.
- 3 Subdivision regulations.
- 4 Land development and land use regulations.
- 5 New taxes, or increases in the rate of existing taxes.
- 6 Adopt and/or amend the annual budget and capital program.

Ordinance Form and Procedure.

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Reading, Pennsylvania ordains" Any ordinance which repeals or amends an existing ordinance shall set out the full ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strike-out type and shall indicate new matter by underscoring or by italics.

An ordinance may be introduced by any member of the Council at any regular or special meeting of the Council without vote. After introduction of any ordinance, a copy shall be distributed to each Council member and to the Mayor, and a reasonable number of copies shall be filed in the office of the City Clerk and in such other public places such as the Council may designate by resolution. (See the Charter, §216 and 217.)

A minimum of 14 days must intervene between introduction and passage of an ordinance unless Council finds and declares a public emergency posing a sudden, clear and present danger to life or property.

Five affirmative votes (Supermajority) shall be required to:

- Override a mayoral veto.
- Approve capital projects.
- Remove the Solicitor

Emergency Ordinance. *§220 of the Charter.*

An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance if the emergency still exists.

An action on any ordinance shall be at a public meeting of Council and shall be by majority vote of the Council as a whole, and attested by the City Clerk who shall affix the municipal seal and insert the dates of the Council actions. [*Ord. 24-1996*]

Submission to Mayor and Veto Power. *§221 of the Charter.*

Before any ordinance takes affect it must first be submitted to the Mayor for approval. The Mayor shall sign the ordinance within 10 days, but if not approved, shall return it to Council stating objections. Council shall at its next meeting, reconsider the ordinance and may override the Mayor's veto by the affirmative vote of five members of City Council. If the Mayor fails within 10 days after any ordinance is submitted to him to sign the ordinance and/or return it to Council, such ordinance shall be considered adopted at the expiration of the 10 day period. The veto power of the Mayor shall not apply to ordinances adopted by initiative or referendum.

Effective Date of Legislation. *§219 of the Charter.*

Every adopted ordinance except emergency legislation shall become effective at the expiration of 30 days after passage by Council and approval by the Mayor, or repassage by Council over the Mayor's veto, or at a date specified therein, but not less than 10 days after adoption.

Actions of Council other than Ordinance Adoption.

Other business of Council may be undertaken by adoption of resolutions, enactment of proclamations, or the approval of motions which shall require a simple majority vote of Council unless otherwise required by law.

(*Ord. 17-1996, 6/24/1996, §2.12; as amended by Ord. 24-1996, 8/26/1996, §1*)

Penalties. *§5-212 of the Codified Ordinances.*

Except where specific penalties are provided elsewhere by ordinance or other applicable law, any person or entity who shall violate any ordinance or any provision of

any code or other regulation adopted by reference in an ordinance shall, upon adjudication and finding of a violation, pay a civil penalty not to exceed \$1000 for each offense, plus costs of prosecution and attorney's fees where authorized; all such penalties shall be collected as provided by law.

Continuing Violations. Each day any violation continues shall constitute a separate offense and the person or entity responsible for such violation shall be punished as provided above for each separate offense.

Abatement of Nuisances. In addition to the penalties and other remedies herein provided, any condition caused or permitted to exist in violation of any ordinance will be deemed a public nuisance and may be abated by the City with the costs of such abatement borne by the person or entity owning the property upon which condition exists. Such costs will be collected for the use of the City as debts by law are collected or by a municipal claim or lien filed as provided by law. Each day that such condition continues shall be regarded as a separate offense.

Action at Law or in Equity. In addition to the enforcement of provisions herein provided, the City may institute an appropriate action or proceeding at law or in equity against a person or entity responsible for violation of any ordinance and request either or both of the following remedies:

- 1 To cease, correct or remove the violation.
- 2 To enforce the penalty provisions of the ordinance or seek other remedies as are just and reasonable.

Cumulative Penalties. Whenever the Administrative Code or any ordinance provides alternative penalties or remedies they shall be cumulative. The imposition of any such penalty or remedy shall not prevent the city from invoking any other penalty or remedy provided therefore.

COUNCIL PROCEDURE - DISTRICT OR TOWN MEETINGS

Councilors should try to hold at least one District meeting each year. These meetings help keep Councilors in touch with the pulse of the community and encourage communication. These meetings can be used to address specific community concerns or to highlight new city programs. District meetings are usually held in a building convenient to the targeted community, such as a church, a school, a field house, etc. Council staff can assist in making the necessary arrangements, advertisements and coordination with the Administration.

PROCEDURE - HARB APPEAL HEARINGS

The Historic Architectural Review Board (HARB) meets on the third Tuesday of the

Month to consider applications for exterior improvements to properties located within the City's 5 historic districts: Centre Park, Callowhill, Prince, Penn's Commons, and The Heights.

HARB has the power and duty to approve or deny the appropriateness of the erection, reconstruction, alteration, restoration, demolition or razing of any building in whole or in part, which can be seen from a public street or way within the historic districts. Alteration of buildings within historic districts is prohibited until a certificate of appropriateness is obtained. The Pennsylvania Historic and Museum Commission mandates the guidelines for preservation. HARB must make decisions based on those guidelines. If the property owner does not agree with the decision of HARB, they may appeal to the body of Council.

The appeal process begins with a letter to the property owner informing him/her of the time and location of the hearing, arranged by the Historic Preservation Specialist and the City Clerk. The property owner must then contact the City Clerk and express his/her desire to move forward with the appeal. After proper advertisement, Council holds an appeal hearing. The Historic Preservation Specialist provides support documentation regarding the decision made by HARB. Testimony is taken from the Historic Preservation Specialist, the property owner and any other parties having interest in the property. Council then is asked to consider the adoption of a resolution that will either uphold, or overturn the decision made by HARB or remand the issue to HARB.

PROCEDURE - CONDITIONAL USE HEARINGS

The City of Reading Zoning Ordinance works to foster improved living conditions and quality of life; it helps maintain and establish the desired character of neighborhoods and provides for the preservation of natural resources and needed recreational open space. Zoning plays many roles in the development of a community which cumulatively results in the protection of the health, safety and general welfare of all residents within the community. Zoning is intended as a regulatory arm of the local government regarding land use, building intensity, and population density. It is not used to regulate the social, economic, or religious composition of the community. Zoning does not enforce private deed restrictions nor restrict or regulate land ownership.

Under the Zoning Ordinance, City Council hears applications for uses falling under the Conditional Use section. Conditional uses are those uses which require individual review of their location, design, and intensity in order to ensure their appropriateness on a particular parcel of land, the compatibility of the use with adjacent uses, and the neighborhood.

Before approving a Conditional Use application Council should consider if the location is appropriate and not in conflict with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values. These conditional uses or temporary zoning instances protect the integrity of the underlying zoning while permitting certain land uses that otherwise would not be allowed. For example: If the underlying zoning of a particular neighborhood is residential, the conditions should be justifiable to protect against the intrusion that a nonresidential use will create. Once the specific conditions of the use are established, their purpose should be to protect the primary use of the neighborhood by limiting the use.

Zoning Ordinance

§600-1201. Criteria and Limitations.

No conditional or special exception use shall be permitted if it:

- A. Substantially increases traffic congestion along a street or creates a traffic safety hazard.
- B. Creates an undue concentration of population.
- C. Impairs an adequate supply of light and air to adjacent property.
- D. Creates a significant threat to the public health and safety.
- E. Is detrimental to the appropriate use of adjacent property through the generation of significant nuisances or hazards.
- F. Does not meet the requirements of this chapter.

The following are Conditional Uses

1. Adult Businesses -book and video stores, movie theaters, cabarets and massage parlors.
2. Boarding, Rooming and Lodging Houses.
3. Bottle Clubs.
4. Conversions of single family dwellings to multi-family use
5. Fire and ambulance stations
6. Bus shelters
7. Junkyards.
8. Public Utilities.
9. Residential Care Facility including group care facilities and group care institutions,
10. Sexually Oriented Businesses
11. Student homes
12. Taverns, Bars, and Pubs.
13. Treatment center

Applications for Conditional Uses are handled by the Zoning Administrator. The \$1,000 application fee covers the cost of the advertisements, stenographer and staff time.

The Zoning Administrator works with the City Clerk to arrange a hearing date. The City Clerk forwards the Conditional Use application to the City Planning Commission for their review and subsequent recommendation. At the hearing, Council takes testimony from the applicant, the Zoning Administrator, the City Planner, and other interested parties. Council will make their ruling by passing a resolution at a regular or special meeting of Council within 45 days of the hearing. This ruling must be based on and contain rationale from the Zoning Ordinance §27-1201. General Criteria and Limitations above.

PROCEDURE – AMENDMENT OF CHARTER & CODIFIED ORDINANCES

The City of Reading Home Rule Charter may be amended by the members of Council via ordinance and/or the electorate of the City through Referendum to have an item placed on the election ballot. The proposed ordinance enacted by City Council or Referendum must contain the question for the ballot and a simple explanation. City Council may amend any part of the City's Codified Ordinances through the enactment of an ordinance. All ordinances must be introduced at a Regular Meeting of Council and layover for a minimum of fourteen (14) days.

COUNCIL POLICY – PROPERTY TAX EXONERATION

Occasionally a property owner applies for exoneration from property taxes. This request is usually made to the Administrative Services Director and Managing Director and then forwarded to the Council Office. The applicant must complete the Tax Exoneration application form and provide a copy of his tax exemption certificate from the County Assessment Office along with exoneration approvals from the School District and County and other documents required by the application and the Administration will provide documentation on the affected parcels, their assessed value, and the tax assessed, along with the total of delinquent taxes. This information will be included with the agenda if a hearing is recommended by Council Staff or the Administration. At the hearing Council will take testimony from the property owner and the Administration. Council will approve or deny the application for exoneration at a subsequent regular business meeting. (*Note: RSD policy is to exonerate taxes for one year only.*)

PROCLAMATIONS AND COMMENDATIONS

Citizens, businesses, and organizations can be honored with a Proclamation or Commendation at Council Meetings or by Councilors at events. Proclamations are formal public statements or announcements and are generally issued by the Mayor. Commendations are official awards given to show high approval or expressing favorable opinion and are generally given by Council. Proclamations can also be issued by Council if they are adopted in the manner used to adopt resolutions. Council staff

keeps a schedule of Commendations and Proclamations that are regularly presented by the Mayor and Council and staff can easily prepare others to help you honor people, businesses, events, etc. Please try to provide us with at least 4-5 days notice and the information listed on the application form posted on the website.

PROCEDURE - CITIZEN ISSUES AND COMPLAINTS

Complaint Procedure

The ultimate purpose of city government is to provide efficient public services to citizens. When service is not provided in a timely manner, or to the level expected, it is the responsibility of citizens to report the problem. The City administration makes every effort to provide efficient public services. Breakdowns in communications between citizens and the administrative offices can occur and citizens often call their elected City Councilors to intervene.

When complaints are received they should be forwarded to Council Staff. The complaint will be recorded in the complaint log, a database accessible to the Council Office and used to track the complaints received. The complaint is then forwarded either to the Citizen Services Center and/or to the appropriate department either by e-mail or memorandum. If resolution isn't obtained in a timely manner reminders are sent. Council Staff provides updates on the complaint as information is received from the applicable department. Once a complaint has been satisfied, the date and time are noted in the database.

PROCEDURE - BCTV PROGRAMMING

BCTV Programming for City Council

Each member of Council participates in programs aired on the BCTV Municipal Access Channel (MAC) Channel 99. In Your District is aired live each Thursday of the month, beginning at 8:00 p.m. Members of Council appear on the program on a rotating schedule, with BCTV staff responsible for the schedule. Each member of Council may determine in advance the length of the program; either a half hour or a full hour.

In Your District is done in an interview format. A member of the community will serve as host, questions will be topical in nature, and home viewers may also call in and ask direct questions. Hosts are scheduled by BCTV; however, requests can be made for specific hosts. BCTV will make every effort to honor the requests.

COUNCIL POLICY - ADOPTION & AMENDMENT OF PLANS

Comprehensive Plan and Recreation Plan Amendment

The Comprehensive Plan and Recreation Plan are strategic documents, drafted to serve

as formal statements of policies regarding the City of Reading's future. They are intended to provide a framework for discussion, both public and private on a wide range of issues, including: resource allocation, neighborhood stability, health and safety, economic development, park use, recreational maintenance and improvement. The intent of both documents, as stated in their respective opening paragraphs, is to serve as a guide to address the changing human and physical environments of the community.

◇ Comprehensive Plan

The current Comp Plan was developed by City Staff, the City Planning Commission, the Comprehensive Plan Advisory Committee and Task Forces. The Advisory Committee was composed of representatives from the City, Planning Commission, Reading School District, local colleges and agencies that provide social services to the at-large Reading community. The Task Forces were organized by members of the Advisory Committee and focused on the eight topics listed below.

The plan is composed of chapters, each providing analysis and recommendations on specific issues. The chapters cover:

1. Objectives concerning future development
2. Land Use
3. A plan to meet the current and future housing needs of residents
4. Transportation
5. Community Services and Facilities
6. Statement that the existing and proposed development is compatible with contiguous municipalities
7. A plan to protect natural and historic resources
8. A plan for the reliable supply of water

The Comp Plan is an extremely important planning document, setting forth land use policies, storm water management plans, energy conservation guidelines, and a host of other policies, which serve to direct the development of the community over the length of the plan. While a municipality is not legally obligated to follow the plan (the plan can be amended or outright disregarded at the whim of decision makers), every effort should be made to adhere to the plan. Failure to do so, inevitably leads to haphazard planning and a lack of needed continuity. The Pennsylvania Municipal Planning Code (MPC) is the governing legislation, by which a Comp Plan is prepared, adopted, and amended.

The MPC requires a review of the Comp Plan at least every ten years. The Comp Plan shall be sent to the governing bodies of contiguous municipalities, as well as the County Planning Commission for review and comment. As the Comp Plan is required to be reviewed every ten years, assessing the Plan and work on amendments should begin by

year eight of the Plan's ten year cycle. Council, as the governing body, is responsible for adopting the Plan.

Council shall adopt and may amend the Comp Plan as a whole or in part. By law, Council will be required to hold one public meeting on the adoption of the Comp Plan. Throughout the review Council should consider the comments made by all relevant parties: Administration, City and Berks County Planning Commissions, School District, and Citizens.

◇ **Park and Recreation Plan**

The City of Reading Park, Recreation and Open Space Plan (PROS) was developed by a consultant, with community input solicited through public meetings, written surveys and interviews with selected members of the community. The PROS plan was developed to:

1. Provide a detailed inventory of City parks, playgrounds, open space areas and facilities.
2. Identify service areas for each of the City's parks and playgrounds based on the proximity of sites to neighborhoods.
3. Identify improvements of existing park areas and recreation facilities and potential locations for acquisition of additional park land.
4. Offer a ten year plan and budget to complete identified improvements.
5. Provide recommendations for development and expansion of recreation programs.
6. Evaluate the staffing and the allocation of funds for the park operation and maintenance functions and provide recommendations for improving operational efficiency.
7. Provide potential trail and greenway opportunities.
8. Identify outside revenue sources to augment recreation programs budgets.
9. Identify partnership opportunities with regional entities.

The PROS plan is an excellent planning and reference tool. It provides a complete inventory of the City's park and recreation facilities. A detailed description of each park or facility is provided, noting: facility name, adjacent properties, landmarks and land uses; types of possible facility uses and facility condition. Each facility is evaluated, with positive as well as negative attributes being noted and then prioritized in terms of need.

As with the Comp Plan the document is not binding, but should be followed in the interest of maintaining continuity. During the formulation of the Capital Budget, the PROS plan should be one of the primary references, as the plan has outlined the physical condition of the City's recreation facilities and has prioritized their need. Like the Comp plan, the PROS plan is a ten year plan, which Council adopts by Resolution.

PROCEDURE FOR PLAN(S) DEVELOPMENT:

Both the Comp plan and PROS plan are decennial documents; however, due to their length, the time involved in their revision is extreme. As such, the review and revision process should start approximately two years prior to the expiration of the plan. It is the responsibility of Council to initiate the review:

1. Two years before the expiration of the plan Council will adopt, by Resolution, the necessary directives to the appropriate commissions, agencies, authorities, departments and staff, to prepare amendments to the Comp and PROS plans.
2. While it will be the responsibility of the respective staffs to develop a plan for review and amendment, this plan shall be submitted to Council for approval.
3. Council can create Advisory Committees to undertake the review processes and assure the needs of the community are satisfied through the review. The Advisory Committee would work with various City staff to facilitate the development of a review and amendment plan. The committee shall consist of six members: three appointed and approved by Council and three appointed by the Mayor.
4. After approval of the plan by Council, progress reports will be provided to Council by the appropriate staff, at a schedule to be determined by Council.
5. Council will approve both final plans by Resolution.

◇ **Redistricting Process.** *§5-214 of the Codified Ordinances.*

After each decennial census Council shall, within 60 days after the receipt of the census information from the Federal Government, appoint a Redistricting Advisory Commission. Each Council member shall appoint one person from his/her respective district. The President of Council shall select one member to represent the at-large community. The Planning Commission will be asked to assign two current members to the Advisory Commission. The Berks County Planning Commission may also be asked to assist.

This Redistricting Advisory Commission shall review and compare the new and old census information with the current Council District configuration. This group shall prepare and present a redistricting proposal(s) to the full body of Council in no less than 120 days after their appointment

~~The district proposals shall give strong consideration to the combination of~~
neighborhoods that are continuous but that share similar quality of life issues. This configuration will support the principle of electing representatives that can easily represent the voice of the community they represent. The Advisory Commission shall also consider the Federal redistricting laws.

Council shall hold a minimum of one public hearing to get public input on the redistricting proposal(s), within 45 days of their receipt of the proposals from the Redistricting Advisory Commission and shall adopt by ordinance a redistricting plan, either new or status quo, at their next regular business meeting.(Ord. 17-1996, 6/24/1996; as added by Ord. 23-2002, 5/28/2002, §2)

ADMINISTRATIVE DEPARTMENTS

The Administrative branch of City government has 6 Departments. The following **departments are mandated by the Charter:** 1) Department of Public Works and 2) Department of Administrative Services. The following **departments are created and authorized by the Administrative Code:** 1) Department of Police, 2) Department of Community and Economic Development, 3) Department of Fire and Emergency Services and 4) Department of Law.

Department Directors. §5-803 of the Codified Ordinances.

All Department Directors shall be appointed by the Mayor with the approval of Council as stipulated in the Charter. They shall be selected solely on the basis of education, training, and experience, professional, executive and administrative abilities pertinent to the function, duties, and operations of their respective departments and as prescribed by law. Department directors, with the exception of the City Solicitor who reports to the Mayor, serve under the Managing Director's direction and supervision and Council.

Note: Council must also confirm the appointment of the Zoning Administrator, approve the hiring and firing of Police Officers and Fire Fighters and approve the promotion of Police officers and Fire Fighters.

Acting Department Directors appointed by the Managing Director may serve no more than 180 days. Council may agree to extend said term for an additional 90 day period by resolution upon request by the Mayor and upon satisfactory proof that the Mayor and/or Managing Director have made a diligent effort to recruit and hire a Department Director.

An Acting Department Director who has been appointed to serve as Department Director but who fails to be confirmed by vote of Council shall continue to serve as Acting Director no longer than a period of 30 days from the date of the negative vote by Council, unless Council agrees to extend for another 90 day period(s) as set forth in the preceding subsection.

No appointed person shall serve as Acting Department Director or Temporary Manager unless employed by the City of Reading prior to such appointment or approved by City Council resolution. Council shall, within 30 days, approve the Acting Director/Manager appointment or the appointment shall be deemed approved.

Whenever the Acting Department Director or Temporary Manager is absent due to vacation, illness or injury, the person filling that position shall designate a qualified employee from the existing department staff to head the department until the Acting Department Director or Temporary Manager returns to duty. (See also §5-803, "Temporary Reassignment.")

Whenever the Department Director position is vacant due to removal, resignation, retirement, permanent disability or death, the Managing Director shall appoint a qualified employee from the department [to] the Acting Director position, as is required in §5-401(F) of this Chapter, until such time as the Mayor nominates a replacement to City Council and City Council approves the nomination. (See also §70-708, "Temporary Reassignment.")

All Department Directors shall have an annual performance review within 45 days of their anniversary date, or 1 year after their previous increase date, completed by the Managing Director and reviewed by the Mayor. No Director will receive more than one pay increase per year in any calendar period. The performance evaluations shall be made available for Council Members to review. Any salary increase for Department Directors shall be based on the performance evaluations and the criteria specified in the salary range policies, where applicable, for each position. The Solicitor shall have an annual performance review completed by the Mayor and Members of Council. Any salary increase for the Solicitor shall be based on the performance review and the criteria specified in the salary range for the Solicitor position. [Ord. 15-2002]

(Ord. 17-1996, 6/24/1996, §8.03; as amended by Ord. 51-1996, 1/13/1997, §1; and by Ord. 24-2000, 11/27/2000, §1; by Ord. 38-2001, 11/13/2001, §1; and by Ord. 15-2002, 4/22/2002, §2)

Compensation of Heads of Departments, Offices and Agencies. §706 of the Charter.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance (*includes salary increases*). Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

Removal. The Mayor shall have the power at any time to remove the head of any department, office or agency immediately under the Managing Director's direction and supervision, but the Mayor shall, within 14 days, notify City Council in writing of the removal and the reason for it.

Note: *Salary ranges for Department Directors and the Managing Director are set by Ordinance; salaries of all Directors are approved by ordinance within the ranges approved in the Salary Range Ordinance. Salaries and annual salary increases for other City employees are defined in the fiscal year budget.*

Powers and Duties – Managing Director. §406 of the Charter.

The Managing Director shall be the chief administrative officer of the City, responsible

to the Mayor for the administration of all City affairs placed in the Managing Director's charge pursuant to this Charter. In addition to other powers and duties prescribed by this Charter, the Managing Director shall:

- 1 Execute and enforce the provisions of this Charter and all ordinances, resolutions, and motions of City Council;
- 2 Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
- 3 Appoint, suspend, or remove any City employee, except as otherwise provided by this Charter or by law;
- 4 Prepare and submit to the Mayor on an annual basis a five-year financial plan and a budget;
- 5 Supervise and direct the negotiation and administration of any collective bargaining agreements with City employees;
- 6 Submit to the Mayor a complete report of the finances and administrative activities of the City within 30 days of the end of each fiscal year;
- 7 Assure that the laws of the Commonwealth relating to the affairs and government of the City are faithfully executed and enforced;
- 8 Present to the Mayor from time to time such information concerning the business and affairs of the City as the Managing Director may deem necessary, or as City Council by motion may request; and recommend such measures for legislative action as are believed to be in the best interests of the City; and
- 9 Perform such other duties as are specified in this Charter or may be required by the Mayor or City Council.

Department of Public Works/City Engineer. *§606 of the Charter & §5-807 of the Administrative Code.*

The Department of Public Works is mandated by this Charter. The Mayor shall appoint and fix the compensation of the head of the Department of Public Works/City Engineer. He shall be a professional civil engineer registered in Pennsylvania. The Department of Public Works shall be responsible for the design, construction, operation and maintenance of those physical structures and facilities that are owned and maintained by the City. Additionally, it will provide such City functions as streets maintenance, sewage, parks, waste disposal, environmental protection, water authority services, recreation services and traffic management. Finally, this department will provide engineering services for its own activities as well as the activities of other departments.

Department of Administrative Services. *§607 of the Charter.*

There shall be a Department of Administrative Services. A Director of Administrative Services shall be appointed by the Mayor with confirmation of 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 (8) 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.

§5-805 of the Administrative Code

The Department of Administrative Services shall be responsible for the administration of City's financial management, human resources, information technology, and purchasing functions. In addition, the Department shall direct the operation of the Citizen's Service Center.

Specific financial management responsibilities assigned to the department Include: budget preparation, insurance management, pension administration, and the receipt, accounting, expenditure, investment, custody, and control of the City's funds except to the extent that such activities are expressly charged by the law, Charter, or ordinance to any other City unit.

Specific human resources responsibilities assigned to the Department include: recruiting, recommending, hiring, assignment, reassignment, bidding, training, performance evaluation, discipline and discharge of all employees. Furthermore, the Department shall be responsible for the administration of all employee benefit programs, risk and safety programs, workers compensation, labor negotiations, insurance analysis, and civil service programs.

Economic Development Manager. *§5-808 of the Administrative Code.*

The Economic Development Manager shall be responsible for the preparation of short and long-range planning, economic and community development programs. The minimum qualifications for this position are a bachelor's degree in a related field, or its equivalent, plus three years experience in community planning/ development. A master's degree in a related field is preferred. The Manager shall also be responsible for the various duties and exercise the powers as prescribed by the "Pennsylvania Municipalities Planning Code," 1968, P.L. 805, No. 247, as amended, 53 P.S. §10101 et seq, preparation, review and maintenance of the Comprehensive Plan of the City including data collection, mapping and analysis development of the annual CDBG Budget (Action Plan), development of the capital improvement program, coordinate community, economic and other development projects within the City.

Department of Police. *§5-809 of the Administrative Code.*

The Department of Police shall be responsible for the protection of persons and property within the City by maintaining law and order. Whenever the Chief of Police (or Acting Chief) is absent due to vacation, illness or injury, the current Chief (or Acting Chief) shall designate one of the Police Department's Captains to head the department and staff until the Chief of Police returns to duty. Whenever the position of Chief of Police (or Acting Chief) is vacant the Managing Director shall appoint one of the Police Department's command staff to the Acting Chief position, as is required in §5-401 of this Chapter, until such time as the Mayor nominates a replacement to City Council and

City Council approves the nomination. [Ord. 39-2001]

Duties of Police Chief. The duties and responsibilities of the Chief shall include personally and through subordinates, but not be limited to the following: protect persons and property by maintaining law and order, enforce all criminal laws and ordinances, maintain records and files of crimes and criminals, develop and conduct community relations and education programs, direct other law enforcement personnel with less than full police powers such as school-crossing guards and park rangers, and coordinate the emergency management services.

Police Powers. Police employed by the City of Reading shall be ex-officio constables of the Commonwealth and shall and may, within the City or upon property owned or controlled by the City or by an authority of the City within the Commonwealth, exercise the powers and prerogatives conferred on police officers by law. Police, when acting as constables, shall have the authority to serve and execute all criminal processes for the violation of municipal ordinances which may be issued, and the fees and costs collected in such capacity shall be paid into the City treasury.

Department of Fire and Rescue Services. *§5-810 of the Administrative Code.*

The Department of Fire and Rescue Services shall be responsible for the protection of persons and property within the City against fire and other hazards. The Department of Fire and Rescue Services shall be headed by a Director termed a Chief who shall be responsible to the Managing Director for the performance of the department and for all other responsibilities and obligations that the Managing Director may from time to time assign consistent with the law, Charter or ordinance. The duties and responsibilities of the Chief personally and through subordinates shall include, but not be limited to the following: provide rescue services as appropriate, identify, remove and control fire hazards and other hazardous conditions, enforce laws, ordinances, rules, and regulations relating to fires and fire hazards, develop and conduct community relations and education programs and operate the Reading-Berks Fire Training Center in cooperation with the County of Berks.

Fire Marshal. *§603 of the Charter*

The Fire Marshal shall be responsible for the fire investigation, record keeping, fire prevention and Fire Code enforcement for the City. The Fire Marshal shall be appointed by the Mayor as per §603 of the Charter. §603 of the Charter provides: the Fire Marshal is a member of the Fire Department and reports to its Chief. However, the Fire Marshal shall provide investigative reports to the Mayor, Managing Director and the Chief. The duties and responsibilities of the Fire Marshal shall include the following but not be limited to the following: initiate and administer a fire prevention program for the City, enforce the Fire Code in conjunction with the Property Maintenance Office. Investigate cause and origin of fire as required by the Commonwealth of Pennsylvania Fire Marshal law, maintain records as required by the fire prevention code and the department. (Ord. 17-1996, 6/24/1996, §§8.64 - 8.71; as amended by Ord. 30-1996,

9/23/1996, §1; and by Ord.14-2001, 5/29/2001)

Department of Law. *§5-811 of the Codified Ordinances.*

The Department of Law shall be responsible for representing the City on all legal questions arising in the conduct of municipal business. The Solicitor, as head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council and all City departments and agencies and shall represent the City in all legal proceedings and shall perform such other duties prescribed by law, by the Charter, by the City Administrative Code or by action of Council. In the event either the Mayor/Administrator or City Council requires legal representation in an area of conflict, each party shall have the ability to select their own legal counsel independent of the City Solicitor.

The Department of Law shall be headed by the City of Reading Solicitor who shall be responsible to the Mayor and City Council for the performance of the Department, and for all other responsibilities and obligations that the Mayor or Council may from time to time assign consistent with the law, Charter or ordinance. The City Solicitor may be removed by super-majority vote (five votes) of Council by resolution. [*Charter §310*]

Qualifications of the Solicitor. Charter §604 speaks to general qualifications. Section 801 of the Charter says that the City Solicitor shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. §604 of the Charter provides: the Solicitor, as head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council, and all City departments and agencies; and shall represent the City in all legal proceedings and shall perform such other duties prescribed by law, by this Charter, by the City Administrative Code or action of Council. It is the intent of this Charter that only one person shall be the legal advisor of the City except as may be otherwise required by law.

The duties and responsibilities of the City Solicitor shall include, but not be limited to, the following: prepare, review, and revise ordinances or resolutions when so requested by the Mayor or Council, attend Council meetings and/or hearings, provide legal opinions upon any legal matter or question, provide legal advice when requested by department heads who are planning and/or preparing documents and/or positions, litigate all legal actions and claims brought by or against the City except in those cases in which other legal counsel is retained, approve for legality all contracts, agreements or other legal documents to be executed by authorized City officials, shall provide a written quarterly report to Mayor and Council on the status of all legal matters on which the Department of Law, directly or through temporary legal counsel, representing the City. Except as otherwise provided by City Council, shall be responsible for the supervision of all temporary legal counsel, excluding independent legal counsel for the Mayor or City Council, including approval of their billings.

The City Solicitor or his legal designee, shall provide legal counsel to all boards, authorities and commissions not having a regular legal advisor. The Solicitor or his designee shall attend any meetings of boards, authorities and commissions when requested. [Ord. 22-1998] (Ord. 17-1996, 6/24/1996, §§8.72 - 8.75; as amended by Ord. 22-1998, 6/22/1998, §§1-3)

The Mayor, with the approval of Council, shall have the power to engage other temporary solicitors to represent the City as the need may be. Such appointments shall be temporary and shall be for the purpose of representing the City in specific individual legal matters. Such representation shall be secured by requests for proposal.

Independent Legal Counsel. §5-213 of the Codified Ordinances.

In the event either the Mayor/Administration or City Council require legal representation in an area of conflict, each party shall have the ability to select their own legal counsel independent of the City. (Ord. 17-1996, 6/24/1996, §2.13; as added by Ord. 22-1998, 7/13/1998, §4)

Fiscal Provisions. §5-806 of the Codified Ordinances & §901 of the Charter.

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

COUNCIL POLICY – APPOINTMENT OF DIRECTORS

Council is responsible for confirming, by resolution, the hiring of the Managing Director, City Solicitor, all Department Directors, and the Zoning Administrator. As such it is the duty of the Mayor and Managing Director to bring forward their candidates for Council consideration. If Council fails to confirm or reject the candidate within sixty (60) days, the candidate will assume the position.

1. Upon the selection of a candidate, the Managing Director (or Mayor for appointment of a Managing Director) notifies the Council Office and provides the office with copies of the candidate's resume, references, letters of recommendation and all other relevant supporting material, a written explanation as to why the candidate was selected, the proposed level of compensation the candidate will receive, as well as include a copy of any contractual agreements offered to the candidate;
2. Council staff will be responsible for scheduling the candidate to appear before all of Council for an interview. Staff will coordinate the interview with the Managing Director;
3. The interview may be conducted in a Committee of the Whole setting, during which time each member of Council will be provided an opportunity to ask questions of the candidate;

4. Council shall not take action on any confirmation until at least the first regular meeting following the interview.

The interview is intended to provide Council the opportunity to discuss a candidate's paper qualifications and gauge his/her effectiveness, interpersonal skills, organizational fit, willingness to adhere to the Home Rule Charter and commitment to the City of Reading. Appointing a new director is a hallowed responsibility; members of Council have an obligation to their constituents to ask insightful, probing questions of a candidate and be willing to reject a candidate if they fail to meet the highest professional and personal standards. Possible questions to ask a candidate during the interview:

- 1 Why are you thinking of leaving your current position?
- 2 What are some of your professional goals?
- 3 How do you plan on achieving these goals?
- 4 How do you evaluate your success?
- 5 What qualities do you feel a successful manager should possess?
- 6 How familiar are you with our community? Its strengths? Its weaknesses?
- 7 If hired will you agree to become a resident of the City of Reading as required by the Home Rule Charter?
- 8 What do you see as Council's role in the governing process?
- 9 Tell us 3 things you have achieved or programs you have started in your current position.

CITY OF READING PURCHASING POLICY AND PROCEDURES

The purpose of this procedure is to outline the steps that must be taken by all City departments to purchase all materials, supplies, equipment and contractual services (herein referred to as "items") under \$10,000 with the exception of:

- 1 Books and subscriptions
- 2 Business meeting expenses
- 3 Charitable contributions
- 4 Dues
- 5 Items Under fifty (\$50) dollars that can legitimately be purchased via petty cash (see Administrative Regulation "Petty Cash Funds").
- 6 Postage
- 7 Tuition
- 8 Travel - meals, lodging, transportation
- 9 Utility services

The purchasing procedure for these excepted items is covered in Administrative Procedure, entitled, "Payment for Items and Services without a Purchase Order" *Chapter 5 Attachment A page 23.*

Dollar Limits Covering Vendor Solicitation. With the exception of professional services, the purchasing manager will follow these guidelines concerning the dollar limits covering vendor solicitation.

- 1 Purchase under \$500 - Price quotes will be sought by the division head.
- 2 Purchases between \$501 and \$10,000 - a verbal or written solicitation which involves an oral or written price statement from a vendor to the purchasing manager for a particular commodity or service. A written record of quotes will be maintained.
- 3 Purchases of \$10,000 and higher - a formal solicitation through advertising which requires vendors to submit sealed bids accompanied by a bid surety (see Administrative Procedure "Bid Solicitation, Evaluation & Award Procedure"). It shall be the option of the Executive Branch to advertise for bids to purchase those items that may be exempted under the City Charter Section 915 and the Administrative Code *Chapter 5 Attachment A page 13.*

Time Requirement. Users should allow sufficient time, normally 7-10 days, for purchase under \$10,000 and 2-1/2 weeks or more for items requiring bids over \$10,000. All divisions should carefully plan their purchases so rush situations are not created.

Note: Emergency Purchasing procedures are detailed in the Administrative Code *Chapter 5 Attachment A page 17.*

BLANKET ORDER PURCHASE:

A blanket order purchase is a special type of purchase order issued by the purchasing manager and designed to reduce the administrative effort and costs of placing recurrent orders for necessary items or services, such as heating fuel or repairs to office equipment. Blanket orders normally call for an undetermined quantity of a product to be delivered or a service to be provided on a continuing basis from a single vendor. In some cases, the quantity may be estimated at an agreed upon unit price. Only one blanket order at a time may be issued to a specific vendor, from a standard account. A single blanket order may however cover one or more types of items or services. A blanket order may be issued any time during a calendar year, unless otherwise determined by the Administrative Services Director. Blanket orders will be invalid after December 31st of the year issued. All blanket order in excess of \$50,000 must be approved by Council unless issued in accordance with a contract previously awarded by Council. *Chapter 5 Attachment A page 19*

Types of Blanket Orders. Two types of blanket orders exist:

Regular Blanket Orders (B) - referred to as merely blanket orders, are established with a vendor for a fixed dollar amount, but do not necessarily indicate the specific items or services to be purchased, their quantity, or unit price. The description is to state generally what is to be purchased, i.e. "various automotive replacement parts such as but not limited to filters, spark plugs, belts." Statements such as "Supplies as may be needed from time to time" are unacceptable.

Blanket Orders with Price Agreements (BA) - Blanket orders with price agreements are regular blanket orders where the unit price of the items or services are agreed upon with the vendor for a stated period of time, i.e. fuel oil for the year. Items and prices should be clearly stated in the description along with date of quote or contract award and period of agreement.

BIDDING PROCESS

Bidding Process. *§915 of the Charter.*

Whenever the estimated cost of any construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City shall exceed \$10,000, it shall be the duty of the City to have such work performed pursuant to a contract, awarded to the lowest responsible bidder (subject to subsection (2)(d) hereof), after advertisement for bids. Every such contract shall contain a provision obligating the contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not the said material, labor, equipment or service enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, co-partnership, association or corporation who, as

subcontractor or otherwise has furnished material supplied or performed labor, rented equipment or services in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any such person, co-partnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment.

Whenever the estimated costs of any purchase of supplies, materials or equipment or the rental of any equipment, whether or not the same is to be used in connection with the construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City, shall exceed \$10,000, it shall be the duty of the City to have such purchase or rental made pursuant to a contract awarded to the lowest responsible bidder (subject to subsection (2)(d) hereof), after advertisement for bids, such advertisement to be inserted in a newspaper of general circulation in Berks County.

The City shall not evade the provisions of subsection (1) or (2) as to advertising for bids by purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under \$10,000 upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than \$10,000. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts, each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below said price, when, in either case, the transactions involved should have been made as one transaction for one price.

Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed \$4,000 but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. **Written price quotations and written records of telephonic price quotations and memoranda shall be retained for a period of 3 years.**

The City shall require as a condition of the award of any contract, pursuant to subsection (1) or (2) of this Section, ~~that the contractor give to the City any bond or letter of credit (including bonds for the performance of the contract, and for the prompt payment by the contractor for material, supplies, labor, services and equipment) which are prescribed by law for contracts awarded by cities of the third class.~~

Notwithstanding anything to the contrary contained in this Section, City Council may,

in those cases where an individual or company with headquarters in the City submits a bid which is within 10% of the lowest bid, award the contract to said individual or company. In acting pursuant to this provision, City Council shall find that such an award will be in the best interests of the citizens of the City. The City Council must show just cause for the awarding of such contracts to locally owned companies who provide local labor, materials or produced goods.

All contracts shall be on file in the office of the City Auditor and shall be available for public inspection during normal business hours.

Administrative Code Exhibit A Purchasing Policy

All purchases over \$10,000 require bid solicitations except those listed below:

- 1 Public utility service under tariffs on file with the Pennsylvania Public Utility Commission.
- 2 Any items purchased through Federal or Commonwealth programs that have different bidding requirements mandated by a grant program.
- 3 Purchases made through intergovernmental cooperation as governed by 1972, P.L. 762, No.180, 53 P.S. 481 as amended and Act 31 of 1971 the Commonwealth's cooperative purchasing program, a Commonwealth law of general application.

Bid solicitations or RFP's are not mandatory for the items listed above however; requests by department directors to bypass the bid solicitation or RFP procedure must have valid justification. All such requests shall receive approval by the Managing Director on a case by case basis.

Administrative Code Chapter 5 Exhibit A Bid Award.

It is the policy of the City to make awards to the vendor who meets the specifications for the items or services to be purchased at the lowest cost. Factors such as delivery time, quality, operating and maintenance costs, service, etc., as well as initial price, should be taken into consideration in determining the lowest cost vendor.

The department director shall review all bids and make a recommendation to the purchasing manager by completing the "Recommendation to Award Contract" form. If the purchasing manager does not agree with the recommendation of the department director, the award will be referred to the purchasing committee for determination.

The Director of Administrative Services shall review the recommendation to ensure an award is compatible with the budget.

The Managing Director shall approve all recommendations.

The Mayor shall have final approval of contracts under \$50,000.

City Council shall award or reject all contracts in the amount of \$50,000 or higher.

A purchase order shall be initiated after the contract award; however, it shall not be issued until the contract documents have been finalized.

The successful vendor after receiving the contract documents has ten (10) working days to sign and return with the necessary bonds.

If the selected vendor fails to deliver a bond or items bid within the time limits specified, the purchasing manager may choose to recommend rescinding the award and re-advertise for bids. In such event, the delinquent bidder shall be responsible for the costs of rebidding and the amount of any increase in the contract price thereby resulting. The purchasing manager shall properly document the action, the reasons for the action and retain the vendor bid surety not as a penalty, but as liquidated damages for inability to comply with the contractual agreement.

Bid Award.

- The Mayor shall have final approval of contracts under \$50,000.
- City Council shall award or reject all contracts in the amount of \$50,000 or higher.

In general Council approves Award of Contracts by motion under the Consent Agenda.

Transfers

As of March 13, 2001, City Council must, by resolution, approve any salary increase that has not been approved in or included in the budget for the fiscal year and falls outside the labor contract for union employees. [Ord. 11-2001]

That during the course of each fiscal year, the transfer of all monies including, but not limited to, transfers between departments and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget, causing a modification of \$10,000, must be approved by Council ordinance. *The ordinance must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred, within the time frame defined in the Agenda Packet Policy.* [Ord. 16-2001]

PURCHASING OF PROFESSIONAL SERVICES

Chapter 5 Attachment A page 37. The purpose of this regulation is to outline the process involved for preparing specifications, letting of Request for Proposals (RFP's), awarding contracts and payment of bills for professional services.

For the purpose of this regulation the term "professional" is defined as those persons or firms marketing services requiring advanced academic or technical training skills. Examples of professional services include work done by the following contractors but is not necessarily limited to these services:

- 1 Accountants
- 2 Architects
- 3 Attorneys
- 4 Bond Underwriters
- 5 Engineers
- 6 Insurance Consultants, Agents, and/or Brokers
- 7 Investment Advisors
- 8 Physicians

Professional service contracts are not to be confused with standard contracts which seek a price or costs for particular work detailed in specifications. Professional contracts seek expertise through an RFP and pricing or cost may not be of "primary" importance.

A professional contract, while it is based upon work performed in response to task specifications and the need for a finished product as outlined by the City and agreed to by a contractor, it is one that by its very nature cannot be awarded solely based upon the selection of the lowest bidder.

Factors other than price alone must be carefully weighed in the review of proposals and the award of such contracts. These factors include the professional qualifications/certifications, special skills, experience, and familiarity of the contractor with the work requested, all of which have an impact on the quality of the product/service to be delivered.

PREPARING REQUESTS FOR PROPOSALS (RFP'S) FOR CONTRACTS GREATER THAN \$10,000.

When to prepare an RFP. Unless otherwise determined by the Managing Director, any purchase of professional service in amounts exceeding \$10,000 must be made by written contract and initiated by an RFP. Competitive proposals increase the ability to fully evaluate both the benefit and costs of the services being sought.

Notwithstanding any other provisions to the contrary if the Managing Director so determines, no RFP shall be required for an employee engaged in providing professional services to the City who terminates employment with the City and shall than be engaged as an independent contractor. In addition, no RFP shall be required for an independent contractor whose engagement terminates, if the Managing Director desires to continue the engagement by the City.

For all contracts expected to exceed \$10,000 including those which are multi-phased

(e.g., feasibility study and design), person(s) designated by the Managing Director shall prepare an RFP specifically for the extent of the work effort that can be defined at that particular time. The RFP should solicit information pertaining to the contractor's qualifications and costs (including appropriate hourly rates, etc.) for as many phases as appropriate. Costs and qualification information should then be utilized to select the contractor. For any subsequent phases of the contract that have not been specifically defined in the initial RFP, a new RFP should be drafted and circulated to secure competitive proposals from interested contractors.

CONTRACTS LESS THAN \$10,000:

The department director or person designated by the Managing Director to handle the assignment, shall request written proposals from at least three (3) firms. Proposals shall include the fee either in the form of a unit cost and/or total maximum cost to be charged. After analysis, a written report and recommendation shall be presented to the purchasing manager, Administrative Services Director and Managing Director for final approval.

If requested, unsuccessful firms shall be given an explanation as to the reasons for the selection.

The department director should take precautions to project the total cost of professional service contracts that are multi-phased. An RFP must be prepared for those multi-phased contracts, the total cost of which could exceed \$10,000.

SELECTION OF PROFESSIONAL SERVICE CONTACTS GREATER THAN \$10,000

The proposals of those firms responding to an RFP are reviewed by a selection committee designated by the Managing Director. The selection committee shall consist of the purchasing manager, the department director and at least one other designated person.

The selection process shall be based on the objective criteria contained in the RFP and not necessarily on the lowest bid. Examples of the evaluation criteria include: size and experience of the firm on similar projects, client references, demonstrable understanding of the requested work, the ability and/or commitment to meet the prescribed completion schedule, and the cost estimates.

The selection committee shall, according to the level of importance, determine a maximum number of points attainable for each criteria. The committee members shall independently evaluate each firm being considered and assign points accordingly.

The recommendation of the selection committee shall be to the firm with highest total points.

The selection committee has the responsibility to negotiate the most favorable cost, terms and conditions to the City of Reading. The negotiating process may involve one or more RFP responses, and may continue until the actual award of the contract.

A meeting with the selection committee will be available for a firm who is dissatisfied after not being recommended for award of the contract. The selection committee shall submit a written report on the process and its recommendation, to be reviewed with the Managing Director and the Administrative Services Director.

Prior to formal acceptance, the RFP and the proposal shall be submitted to the solicitor's staff for review.

The Managing Director and the selection committee will prepare a recommendation for the Mayor to present to City Council for final approval where such approval is required by the Charter or by the Administrative Code.

The Managing Director shall advise the purchasing manager to formally notify the successful firm.

RENEWAL OF PROFESSIONAL SERVICE CONTRACTS:

The City shall have the option to renew a professional services contract for one (1) year beyond the established contract period, based upon a continuation of the current contract price or the re-negotiation of a new price.

REVENUE SOURCES

There are three main streams of revenue to generate the needed funds to operate municipal governments and provide services to citizens (local taxes, intergovernmental revenues and internal operational revenue). Taxes are "enforced contributions" for municipal services which cannot be rationally allocated to individual users. These include services like police and fire protection, parks and general administration. Such services benefit the entire community and are paid for by all local taxpayers in a tax system somewhat scaled to the ability to pay.

An equitable tax or charge applies equally to all persons subject to the tax or charge. Real estate taxes are sometimes inequitable because the assessed valuations (and therefore, taxes) for a house built ten years ago is often lower than the assessed valuation for an equivalent house built today. Although the tax rate may be equal, the base on which the tax rate is applied is not uniform. Unequal enforcement of tax collection also represents a way your revenue program may be inequitable. Following through with all measures allowed by law to collect unpaid taxes is essential to a tax program which treats all citizens of your municipality equally.

Your tax program should be set up to automatically benefit from growth. As your municipality grows or needs change, higher levels of municipal services are usually required. A desirable tax structure results in the new growth paying its own way by bringing in increased revenues as the value of real estate, incomes and population increase.

School districts, counties, and municipalities (cities, boroughs and townships) are not allowed to make up their own taxes; they are only allowed to choose between the taxes authorized for them by the Commonwealth. The number (and usefulness) of the taxes authorized varies across the different jurisdiction types.

Local taxes are authorized for local jurisdictions under several different laws; each jurisdiction has its own legal code that outlines how it operates, how it is governed, and which taxes it can levy. The City of Reading falls under the parameters for Third Class Cities in the Tax Enabling Act, also known as Act 511.

Act 511 authorizes a variety of different taxes for municipalities and school districts. These include the earned income tax, amusement tax, mercantile tax, per capita tax, occupation tax, and local services tax. Many of these Act 511 taxes often are referred to as "nuisance taxes," typically because individually they don't generate much revenue, and yet they are a nuisance to collect (and a nuisance for taxpayers to understand and not confuse).

Most of the Act 511 taxes have to be shared equally between school districts and municipalities if both levy it. For example, the maximum earned income tax rate for school districts and municipalities is 1 percent. If only the local school district levies the earned income tax, the school district can collect the entire 1 percent. If only the municipality levies the earned income tax, the municipality gets to collect the entire 1 percent. But if *both* the school district and municipality levy the earned income tax, they are required to *share* the 1 percent-- they each get 1/2 percent. Under Home Rule, any City increase does not need to be shared with the School District. Home Rule municipalities are also able to increase tax rates beyond Act 511 caps.

It is interesting to note that several local taxes are authorized both under the jurisdictional code, and under Act 511, *with different tax rates*. School districts and municipalities can choose under which law they want to levy the tax, and thus which tax rate cap they are subject to. If a borough, for example, levies the occupation tax under the borough code, the maximum tax rate for the occupation tax is 30 mills. If a borough levies the occupation tax under Act 511, the maximum tax rate is \$10 (if they choose to levy it as a "flat rate"), or *no limit* if they choose to levy it as a milage.

E. THIRD CLASS CITIES

Potential Tax Sources	Legal Limit ⁽⁴⁾
GENERAL PURPOSE TAX LEVIES	
Real Estate	25 mills ⁽⁵⁾
Residence	\$5
License	\$100
Act 511 Taxes	
Per Capita	\$10
Occupation (Flat Rate)	\$10
Occupation (Millage)	no limit
Occupational Privilege	\$10
Earned Income	1 percent
Deed Transfer	1 percent
Mechanical Devices	no limit
Amusement	10 percent
Business Gross Receipts	1 mill wholesale 1 ½ mills retail no limit other businesses
SPECIAL PURPOSE TAXES	
Bonded Debt and Sinking Fund	no limit
Recreation	no limit
Library	no limit
Shade Trees	1/10 mill
Support Bureau of Charity	10 mills

Community Colleges	(6)
Distressed Pension System Recovery Program	no limit
Municipalities Financial Recovery Program	no limit

4. Home rule municipalities may set rates higher than the limits provided in state law for property taxes and for personal taxes levied on residents. They may not create new subjects for taxation. Third class cities adopting home rule charters as of July 1, 1992 include: Carbondate, Chester, Clarion, Coatsville, Farrell, Franklin, Greensburg, Hermitage, Lebanon, McKeesport, Warren and Wilkes-Barre.

5. Five additional mills available with court appeal.

6. Local sponsors may levy any tax permitted by law to support a community college. The tax cannot exceed 5 mills of the market value of real estate, except for first class cities and first class school districts where it cannot exceed one mill of the market value of real estate.

The City also has various fines and fees for licenses, rentals, permits, etc. that contribute to the revenue stream such as trades permits and licenses, rental fees for the field houses and certain equipment, etc. The City also uses Enterprise Funds, which are funds established to account for operations that are financed and operated in a manner similar to private business enterprises, where the intent of the governing body is that the costs of providing goods and services to the general public on a continuing basis be financed or recovered primarily through user charges. The City currently has 3 Enterprise Funds...Sewer, Recycling/Solid Waste, and Water.

FINANCE & BUDGETS

CDBG BUDGET (Community Development Action Plan)

CDBG BUDGET

The Community Development Block Grant (CDBG) program is the primary component of the CDBG Action Plan. The Community Development Action Plan is as important to the City as the General Fund Budget. The plan budgets or allocates the City's portion of federal dollars for the year. The plan is developed by the Community Development Department in consultation with the Administration and through solicitation of public input and internal and external agency funding requests. Funds are allocated according to strict national objectives and Department of Housing and Urban Development (HUD) guidelines. HUD provides separate allocations and caps for CDBG, HOME, ESG, and Administration. The combinations of these program allocations make up the Action Plan that is approved by Council resolution on or before November 15 annually. The following is a brief explanation of the program areas:

1. **CDBG**-Title 1 of the Housing and Community Development Act of 1974 created a system of unified block grants. Under the current system communities of over 50,000 residents are entitled to receive funding directly from HUD. The purpose of CDBG is to encourage broadly conceived community development projects benefiting low to moderate income residents.
2. **ESG**- The Emergency Shelter Grants are designed to provide homeless persons with shelter and basic support services. The grant may be used to assist with the operational costs of the shelter facility, and for the administration of the grant. ESG also provides short-term homeless prevention assistance to persons at imminent risk of losing their own housing due to eviction, foreclosure, or utility shutoffs.
3. **HOME**- Is a flexible block grant program intended to help communities expand the supply of decent, safe, affordable housing for primarily low income families. While not as large an allocation as CDBG, HOME monies play a crucial part in the development of Reading. One requirement of HOME monies is that at least fifteen percent (15%) must be provided to an acceptable CHDO (Community Housing Development Corporation); a private, non-profit development corporation that meets a series of qualifications prescribed in the HOME regulations and has been designated by the City.
4. **ADMINISTRATION**-Approximately four percent (4%) of the total CD allocation may be used to cover the administrative costs of programs. Salary of Community Development Staff and monitoring activities are supported through this allocation.

The CDBG Action Plan must be adopted by Council at the first meeting in November,

as the plan must be submitted to the HUD by November 15. It is important to keep in mind the CDBG Budget provides relief to the overly burdened General Fund by covering costs of City operations and programs where applicable. CDBG dollars can also be used to support fundable social services agencies. Before the change to the Home Rule form of government in 1996, a major part of the City's CDBG allocation was used to fund social service agencies that provide service to low/moderate areas of the City. In 1997 City Council directed the Administration to begin reducing allocations to social service agencies and begin funding eligible City programs and services such as community policing and codes enforcement. Council also directed the Administration to begin drafting the Action Plan in conjunction with the Berks County Office of Community Development. Collaboration between the County and City staff reduces the double dipping effect, whereby a fundable agency is supported by either City or County funds, not both.

COUNCIL POLICY - CDBG BUDGET ADOPTION (ACTION PLAN)

1. The Community Development Director in conjunction with the Managing Director will present the proposed budget in the form of an action plan to Council in August of each year. At the discretion of Council the Action Plan can be amended. Amendments should be discussed with the Community Development Director to determine their fundability.
2. Amendments should be presented by Council and the Administration at the beginning of October. Council staff will be available to provide whatever assistance is required. The Action Plan is adopted by Resolution, rather than by ordinance. The resolution must be adopted no later than the first regular meeting in November to comply with HUD's November 15th deadline.
3. Any part of the Action Plan (CDBG, HOME, ESG) is amendable at any time during the budget year. If an amendment is desired, the Community Development Director should be notified of the proposed amendment. The fundability of the amendment must be verified like any other CDBG program.

GENERAL FUND BUDGET

Submission of Balanced Budget and Capital Program. *Charter Section 902.*

On or before 90 days prior to the ensuing fiscal year the department heads will submit a proposed budget and capital program to the Managing Director. On October 1st of each year the Mayor will submit to the City Council a balanced general fund budget, capital improvement program budget, position ordinance, property tax ordinance and other ordinances that will increase or decrease taxes, fines and fees and an accompanying message. The proposed balanced budget and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

Budget Message. *Charter Section 903.*

The budget shall be accompanied by a message which shall include:

- 1 An explanation of the expenditures and revenues in the proposed budget, indicating and explaining major changes from the current year and the prior year.
- 2 An outline of proposed programs and an explanation of new, expanded, or abolished programs or functions.
- 3 A summary of the City's debt position.
- 4 Such other material that will inform the Council and the public of municipal goals.

Budget Organization and Content. *Charter Section 904.*

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

- 1 It shall begin with a general summary of its contents.
- 2 It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.
- 3 It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.
- 4 It shall show the number of proposed employees in every job classification (full-time, part-time, temporary and seasonal as per Charter section 904).
- 5 It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.
- 6 It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.
- 7 It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual Budget and submit to Council with appropriate supporting information as to the necessity for such programs.
- 8 It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget. The total of proposed expenditures shall not exceed the total of estimated income. The

estimated income shall mean the total of estimated revenue plus the prior fiscal year's fund balance. If a deficit exists, a plan to eliminate that deficit must be included in the budget.

City Council Action on Budget. *Charter Section 905.*

Notice and Hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the budget with a notice stating:

- 1 The times and places where copies of the budget message and budget document are available for inspection by the public.
- 2 The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.
- 3 The proposed budget shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

Amendment Before Adoption. *Charter Section 905.*

After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council. If the amended budget increases, decreases, or readjusts funding requirements by more than 5% or adds or deletes a program, the budget shall be returned to the Mayor immediately for comment and resubmission to the Council within 3 normal City work days. Council shall provide for another public hearing to be held within 5 days after the Mayor has resubmitted the budget.

Adoption. *Charter Section 905.*

Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a budget by December 15 then the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year. Within 30 days after the adoption of a budget ordinance, the Director of Administrative Services shall file a copy of the budget with the appropriate state agency.

Revised Budget. *Charter Section 906.*

Notwithstanding any other provisions of this Article, when the fiscal year of the City is the calendar year, in any year following a municipal election year the Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Council. The procedures for adopting a revised budget shall be in

accordance with §905 and §906, with the time periods adjusted to 45 days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance of the previous Council. It is the intent of this Charter that a new Council, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Council.

Amendments After Adoption. *Charter Section 908.*

Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of §220 of this Charter.

Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the budget.

Transfer of appropriations may be made in accordance with the provision of the Administrative and Fiscal Codes in accordance with the provisions of §908 of the Charter.

CAPITAL PROGRAM

Submission.

Administration of the Budget and Capital Program. *Section 910 of the Charter.*

The Mayor shall be responsible for and with the assistance of the Managing Director shall supervise the administration of the annual and capital budgets.

Submission to City Council. *Section 911 of the Charter.*

The Mayor shall prepare and submit to the City Council a 5 year capital program no later than the final date for submission of the budget.

The Mayor, with the assistance of the Managing Director, Director of Administrative Services and the Economic Development Manager and in accordance with the provision of the Municipalities Planning Code, (PA 209.1 MPC) shall be responsible for developing administering the capital budget. The Mayor shall prepare and submit to the City Council a 5 year capital program no later than the final date for submission of the budget.

Contents of Capital Program. *Section 911 of the Charter.*

The capital program shall include:

- 1 A clear general summary of its contents.
- 2 A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the 5 fiscal years next ensuing, with

- appropriate supporting information as to the necessity for each.
- 3 Cost estimates and recommended time schedules for each improvement of other capital expenditure.
 - 4 Method of financing, upon which each capital expenditure is to be reliant.
 - 5 The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

All capital projects must be included in the capital program budget. The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. Capital project bonds required for financing capital projects shall be secured by competitive bidding.

Capital Improvement Program Committee (CIPC). *§5-806 Codified Ordinances*

The CIPC shall advise the Mayor and Council on the selection and prioritization of capital projects and shall contain the Director of Administrative Services, the Director of Community Development, the Director of Public Works, the Fire Chief, the Police Chief, the City Auditor and one member of Council. The CIPC shall prepare a report to the Mayor. The report will be submitted to City Council for approval.

Capital Projects Approved. *Section 911 of the Charter.*

Proposed capital projects in the capital programs must be considered on their own individual merits by the Director of Administrative Services, the City Auditor, and the proposer of the project. The procedures to approve the individual capital projects are:

Preliminary Feasibility Study. The capital project preliminary feasibility study shall include:

- 1 A clear general summary of its purpose and justification.
- 2 The cost estimates and time schedule for the Capital Project including the cost of the post project completion audit.
- 3 The method of financing and sources upon which this capital project is reliant.
- 4 The annual cost of operating and maintaining the project to be constructed or acquired. The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

Final Proposal and Financing. The final capital project proposal and financing shall include:

- 1 A clear general summary of its purpose and justification.
- 2 The cost estimates and time schedule for the capital project including the cost of the post project completion audit.
- 3 The method of financing and sources upon which this capital project is reliant.
- 4 The annual cost of operating and maintaining the project to be constructed or acquired.

- 5 This final capital project proposal will be published and made available for the public to review (Use Notice and Hearing Notice - §912). Capital project replaces capital program. The final Council approval of capital projects will require five votes to approve.

Capital Project Reporting. *Section 911 of the Charter.*

Current Projects. All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Director of Administrative Services and the Project Manager to the City Council in such a form that it is available to the public.

Extended Projects. If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained the project must go through §911(C) (1) and (2).

Cost Project Completion Audit. Following completion of the capital project a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

City Council Action on Capital Program. *Section 912 of the Charter.*

Notice and Hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the capital program with a notice stating:

- 1 The times and places where copies of the capital program message and capital program document are available for inspection by the public.
- 2 The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the capital program. The public hearing shall not be on the date of a regular Council meeting or on hearing date of the operating budget.
- 3 The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

Adoption. *Section 912 of the Charter*

Council must adopt an annual capital program by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a capital program by December 15 then the Mayor's original capital program shall become the official capital program of the City for the ensuing fiscal year.

COUNCIL POLICY BUDGET REVIEW & ADOPTION

The budget review process is designed to provide an open, inclusive and most importantly an objective process, by which to allocate the resources of the City of Reading. It is important for Council and the Administration to work cooperatively in both preparation and review of the budget; however, to borrow an old expression: Council controls the purse strings. The budget is to be prepared by the Administration, but it is not finalized until approved by Council. Adopting the budget is one of Council's most important responsibilities.

In order for Council to digest the enormous amounts of information presented by the Administration, a separate committee of Council may be created for the purpose of reviewing the budget. The President of Council may create the committee, although any member of Council may propose a resolution establishing the committee. If a resolution is proposed it must be passed by a majority of Council.

The Budget Committee shall be composed of the following:

- Chair, a member of the Council Finance Committee designated by the President of Council
- a minimum of two (2) additional Councilors
- Managing Director
- Director of Administrative Services or his designee
- Council Staff
- Other Administrative personnel deemed necessary by the Director of Administrative Services
- Ex Officio: Council President

Process: The Chair will be responsible for defining the specific process to be followed; however, certain criteria must be met.

1. Following an initial meeting between all of Council and the Administration (the Budget Summit), the committee shall schedule a separate meeting with the Managing Director to agree upon the process to be followed;
2. Any member of Council is invited to attend meetings, but may only participate if they are a member of the committee;
3. A review of the General Fund budget must be completed by the committee and a summary prepared for review by the body of Council;

4. The committee shall prepare an initial list of priorities, amendments and suggestions, to serve as a framework for subsequent discussions with the Administration;
5. The committee will be responsible for articulating the position of the body of Council during all discussions with the Administration related to budget;

6. A majority of Council may elect to override the positions of the committee if it is determined to be necessary;
7. The Chair must provide reports, either verbal or written to the entire body of Council on a regular basis throughout the budget process; the President of Council or a majority of Council may decide to set a schedule for reports;
8. The Chair will serve as a point of contact between the Administration and the body of Council, all requests for information must be relayed to the Chair, who will further relay the request for the information.

Benefits of this Approach: A process will provide for a more orderly review of the budget, the establishment of tangible goals and firm deadlines and better communication and participation in the budget setting and prioritizing process.

As per the Charter, the Administration must submit both proposed budgets to Council no later than October 1. The City Clerk then places an ad in the paper giving the taxpayers a summary of the budgets and notice of the 2 Public Hearings, one on the General Fund Budget and one on the Capital Improvement Plan Budget. These hearings must be held on separate nights and cannot be held on the evening of a regular Council meeting. The Public Hearing must be held no less than 15 days after or more than 30 days after the placement of the ad.

Both budgets, the position ordinance (which authorizes all City employment positions for the ensuing fiscal year), the property tax ordinance and any other tax or fee ordinances that support the revenue increases proposed by the Administration in the budget are introduced at a Special Meeting scheduled on the night the budget is submitted to Council by the Administration. Increases to the Act 511 taxes require special advertisement and layover period and a public hearing. All tax increases also require a public hearing as per Charter §215 - §224.

Proposed amendments to both budgets must be introduced no later than 2 weeks prior to their adoption. To comply with the timelines mandated by the Charter both budgets must be adopted by Council no later than the last Monday in November. This provides time for the Mayor's approval process and any necessary public hearings or special meetings needed to ensure the budget is adopted by Council and approved by the Mayor by December 15.

TAX RATE

Appropriation and Revenue Ordinance. *Section 907 of the Charter.*

For 1996, this Charter shall provide for collection of income from real estate taxes which, in total amount, does not exceed 105% of the real estate tax income actually collected by the City during 1995. For those years following 1996, it shall provide for collection of income from real estate taxes which, in total amount, does not exceed 105%

of the real estate tax income actually collected in the previous year. Any collection of income from the real estate tax by the City in excess of the amounts allowed by this Section shall not be expended but shall be retained for use in the subsequent year and be used in the next year subsequent to reduce the amount of income needed by the City in said subsequent year. With the approval of the Court of Common Pleas, upon good cause shown, or by Referendum or Charter review, the City may increase the amount of income collected, notwithstanding the provisions of this Section. *Note: The 105% has been superseded by court cases in Allegheny and Lackawanna County.*

The Director of Administrative Services in conjunction with the Managing Director shall calculate a suggested real estate tax rate. The Director of Administrative Services and the Managing Director shall present this suggested real estate tax rate to the Mayor for his/her review. The approved real estate tax rate will be presented in the budget for Council approval.

Borrowing. The City of Reading may, by ordinance of City Council, borrow an amount of money in anticipation of current revenues (*TRAN - Tax Revenue Anticipation Note*). The amount borrowed may not exceed the amount of anticipated revenues. The anticipated revenues may be pledged to pay such loan or loans. The City will issue notes or other forms of obligation, executed by the Mayor and attested to by the City Clerk under the seal of the City of Reading to secure such loans. The revenue anticipation borrowing shall mature and be payable during the current fiscal year in which the money is borrowed. No such borrowing shall constitute an increase of indebtedness within the meaning of the State of Pennsylvania Constitution or any application law or the Charter. Such notes may be sold at either public or private sale under appropriate terms and conditions satisfactory to the City of Reading.

COUNCIL POLICY ON BOND & DEBT FINANCING APPROVAL

The purpose of establishing these guidelines is to improve the process for approving bond and debt financing and providing thorough information to City Council.

- At all times possible the Administration will present Council with proposed bond or debt financing sixty (60) to ninety (90) days prior to date of final approval.
 - At that time the Administration will review the proposal and its impact on the City with the full body of Council.
-
- Over the next thirty (30) days Council will have the opportunity to ask any questions as a group or individually on the proposed bond or debt financing. The Administration will answer questions or meet with Council, individually or as a body, as needed.

- Thirty (30) days prior to final approval the Administration and Council will discuss the bond or debt financing at a second meeting.

The Administration will take precautions to avoid beginning the bond or debt financing approval process during October and November, when Council is attending to the adoption of the General Fund, Capital and CDBG Budgets. In the case where debt financing or refinancing will be required during or immediately after the budget cycle, the Administration will begin the approval process no later than September 1 to provide for the necessary adoption vote before November 1. The Administration shall also seek pre-approval from Council, when available. There may be times when budget deficits will be identified by the Administration during the Budget cycle which will cause the need to begin the debt approval process during budget discussions.

(Resolution 57-2007, approved on April 10, 2007)

CITIZEN'S RIGHTS AND PARTICIPATION – Article XI of the Charter

General Provisions. §1101. of the Charter

The Council shall protect and promote the right of the citizens of the City of Reading to participate in a positive and constructive manner in the government of the City. Administrative Code Chapter 1, Part 11 provides regulations for the initiative and referendum process. Any citizen of the City may participate in the government of the City by:

- A. Seeking elective office of the City as prescribed by this Charter and voting for candidates for elective office.
- B. Serving on boards, commissions, authorities or other agencies of the City government when requested by the appropriate officials.
- C. Attending and being heard at public meetings of the Council and other boards, commissions, authorities and agencies of the City government.
- D. Addressing suggestions to the Council and others to provide guidance for their actions.
- E. Exercising the right of initiative, referendum, and recall of elected officials as provided in this Charter or as otherwise may be provided by law. *Note: The PA Court system has found recall to be unconstitutional.*

Initiative and Referendum Charter §1102

Initiative. The qualified voters of the City shall have the power to propose ordinances to the Council. If Council fails to adopt such an ordinance, the initiative process may be commenced giving the qualified voters of the City the opportunity to adopt or reject said ordinance at a City election.

Referendum. The qualified voters of the City shall have the power to require reconsideration by the Council of any adopted ordinance. If the Council fails to repeal an ordinance so reconsidered, the Referendum process may be commenced giving the qualified voters of the City the opportunity to approve or reject said ordinance at a City election.

Initiative and Referendum; Commencement of Proceedings; Petitioners Committee; Affidavit. Charter §1103

Any five qualified voters of the City may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the Committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. In case of referendum, such an affidavit must be filed within 10 days of the adoption of the ordinance. Within five days after the affidavit of the Petitioners' Committee is filed and validated, the City Clerk shall issue the appropriate petition blanks to the petitioners.

Initiative and Referendum; Petitions *Charter §1104*

Petitions must be signed by 2,000 qualified voters of the City and shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature must be in ink or indelible pencil and shall include the address and date. Petitions must have the full text of the ordinance proposed attached.

Each petition shall have a notarized affidavit executed by the circulator attached stating that he/she personally circulated the petition and all signatures were affixed in his/her presence and are valid.

Referendum petitions must be filed within 35 days after the filing of the affidavit. Initiative petitions must be filed within 65 days from the date of filing with the City Clerk.

The full details of initiative and referendum can be found in the Charter Article XI

BOARDS, AUTHORITIES, AND COMMISSIONS

Establishment. – §1001 of the Charter

By Ordinance.

City Council shall encourage the participation of citizens in their government through the establishment of boards and commissions to carry out City business.

Such boards and commissions shall be established by ordinance including a clear statement of whether they shall be advisory in nature or they shall have power and authority under City ordinance or State or Federal code.

City Council may not change the powers or authority of any board or commission except by ordinance.

City Council may by ordinance abolish any board or commission not established by State or Federal mandate or by this Charter.

(Charter, 11/3/1993, §1001)

Membership. §1002 of the Charter

Appointments. City Council shall approve all appointments for each board and commission. Broad citizen participation shall be encouraged in recruiting appointees and making appointments. No appointee of any board or commission shall hold any other elected public office or any compensated position for the City.

Vacancies. Any vacancy caused by death or resignation shall be filled promptly pursuant to the procedure set forth in §309(B). The person so appointed shall serve for the unexpired term of the person vacating such position.

Qualifications. As a general rule, members of boards and commissions shall be residents of the City. At the discretion of Council, persons not residents of the City, but who have a significant property or business interest in the City, may be selected to serve. No person may concurrently serve on more than one board or commission.

Note: *There are several Boards or Commissions that require members to have specific skills, qualifications or knowledge. It is not always possible to find a City resident to serve. Council Staff manages a database to track vacancies and membership terms. This information is posted on the City's website and is updated monthly. When a current member's term expires Council Staff notifies the member with a letter inquiring if the member is interested in seeking reappointment. When a vacancy occurs Council Staff notifies City Council, the Mayor and Managing Director and asks their assistance in finding a qualified replacement. Council Staff also enlists the assistance of the various trades and professional union associations and various organizations to seek out applicants for the Boards, Authorities and Commissions. Council Staff*

also, at times, runs advertisements in the Reading Eagle and Council newsletter to attract applicants.

COUNCIL POLICY – APPOINTMENT PROCESS

Appointments and reappointments to the Boards, Authorities and Commissions are made either by Council or by the Mayor with Council's approval; with one exception. The Municipal Authorities Act (MAA) provides the Mayor with the ability to make appointments and reappointments to the Parking Authority without Council's approval. The MAA also allows employees and elected officials to be appointed to authorities.

Applicants are asked to complete a basic application form and submit it to the City Clerk's Office. When the application is received a basic background check is done to see if the applicant is free of fines, codes violations, delinquent taxes, and utilities. After this step is complete, the application is either forwarded to the Mayor's Office or to the Council Nominations and Appointments Committee. The Nominations and Appointments Committee conducts brief interview meetings with candidates and makes an appointment recommendation to the full body of Council. Appointments are approved by Council resolution at regular business meetings. In the event an applicant does not receive the Committee's endorsement, 3 members of Council can request that the appointment resolution be forwarded for Council action.

After the appointment resolution is adopted, Council Staff contacts the applicant to congratulate them and informs them of the need to make arrangements with the City Clerk to take the Oath of Office. A copy of the appointment resolution, the Charter, Ethics Code and legislation on the appropriate board is also supplied. The database is updated.

COUNCIL REPRESENTATION ON BOARDS, AUTHORITIES, AND COMMISSIONS

Housing Board of Appeals - To serve as the Board of Appeals for decisions made regarding the conduct of renters and/or rental licenses as it relates to DCRs and eviction proceedings

Meets as needed usually during the business day

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 Berks County.

The EAC is currently working on several pieces of legislation regarding environmental issues.

Meets the 4th Tuesday of each month at 5 pm. 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 in City Hall at 3 pm.

Solid Waste and Recycling Appeals Board - to hear appeals as necessary for citizens aggrieved by citation for solid waste related issues

This Board was never functional.

There are two seats on the Board.

Business License Appeals Board - to hear appeals as necessary for the revocation of licenses issued to businesses operating within the City of Reading

Council representation depends on the District in which the business is located and changes based on the appeal.

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

Meets as needed to administer the BRAC process. Meeting length varies.

Has historically been filled by Council President, District 1, and District 4

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. 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.

Meets the 2nd Tuesday of the month at 7 pm. Meeting length varies depending on topics for discussion.

There are two seats on the Commission

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 property 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

Meets quarterly during the business day. Meetings generally last 90 minutes.

Council is represented by the Finance Committee chair

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 the Council President 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.

Meets 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

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

Meets monthly during the business day. Meeting length depends on topics for discussion

Council is represented by the Council President or his designee

READING PARKING AUTHORITY

STATED MISSION - To build, manage, supply and supervise parking facilities within the City of Reading and maintain these facilities as clean, safe, convenient, accessible, and reasonably priced

ESTABLISHED - 1953 as Authority, 1962 as Working Authority, 1971 as Staffed Authority, Municipal Authority Acts of 1935 and 1945

NUMBER OF SEATS - 5

APPOINTMENT BY - Mayor, 53 Pa. C.S. Sec. 309

LENGTH OF TERM - 5 years

MEETING DATES - 4th Wednesday of the month at 5:30 p.m, at 613 Franklin Street

ACCOUNT. TO CITY - Financial accountability due to City guaranteed bonds

REVENUE SOURCE - Parking fines and fees - 100%

CITY RESP. FOR DEBT - City of Reading guarantees all outstanding and future bond issues

NUMBER OF STAFF - 44

STAFF COMPENSATION - Board of Directors

CITY LIAISON - Executive Director of the Parking Authority

READING AREA WATER AUTHORITY

STATED MISSION - To operate and maintain the regional water system of the City of Reading in a manner which assures an adequate and safe drinking water supply to the residential and business customers of the Water System; to maintain through an

ongoing capital improvement program so that rates can remain reasonable and so that no large rate increases are required in the future; and to cooperate with the City of Reading to maximize the benefits of the Water System to the city and its residents and taxpayers

ESTABLISHED - May 1994, pursuant with the Municipal Authority's Act of 1945. The

Reading Water Authority was formed and organized by Ordinance 46-94, passed May 5, 1994, pursuant to the Municipal Authorities Act of May 2, 1945 (P.L. 382) as amended

NUMBER OF SEATS - 5

APPOINTMENT BY - Council, 53 Pa. C.S. Sec. 309

MEETINGS - Last Thursday of the Month at 4:00 p.m. in the Water Authority offices. Workshops are held the second Tuesday of the month at 4:00 p.m. in the Water Authority offices.

LENGTH OF TERM - 5 years

ACCOUNT. TO CITY - To pay an annual system lease of \$6,670,000, or \$555,833.33 per month to City of Reading

REVENUE SOURCE - Water customers and sewer billing along with trash and recycling billing

STAFF COMPENSATION - All expenses paid by RAWA. There are no general funds used.

CITY LIASON - RAWA Exec Director, RAWA Solicitor

READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY

STATED MISSION - For the purpose of making business improvements and providing administrative services

ESTABLISHED - January 11, 1995, Res. Number 134-94, Municipality Authorities Act of 1945, P.L. 382, as amended

NUMBER OF SEATS - 7

APPOINTMENT BY - Mayor with approval by Council, P.L. 105

LENGTH OF TERM - 5 years

MEETING DATES - 4th Monday of every month 12:00 p.m. at 645 Penn Street

BUDGET - \$687,145/year

REVENUE SOURCE - Assessment based on the properties within DID; Percentage of assessed value (per City taxes)

CITY RESP. FOR DEBT - None

NUMBER OF STAFF - 2

STAFF COMPENSATION - Board of Directors

LIASON - DID Executive Director

BERKS COUNTY CONVENTION CENTER AUTHORITY

STATED MISSION- To oversee the operation of the Sovereign Center and Sovereign Performing Arts Center

NUMBER OF SEATS - 7

APPOINTMENT BY - Council and the County Commissioners, 53 Pa. Sec. 13111 (a)(1) - 7 members, 3 from City, 3 from County, seventh member selection is alternated between City & County

LENGTH OF TERM - 4 years

MEETING DATES - 3rd Wednesday of every other month starting January at 7:00 a.m. in the CEI Communications Conference Room in the Sovereign Center

REVENUE SOURCE - Hotel Tax
NUMBER OF STAFF - None
CITY LIAISON - Solicitor to the Convention Center Authority

READING HOUSING AUTHORITY

STATED MISSION - To provide decent, safe, and sanitary housing
ESTABLISHED - 1939 - State of PA authorized
NUMBER OF SEATS - 5
APPOINTMENT BY - Mayor with approval of Council
LENGTH OF TERM - 5 years
MEETING DATES - 4th Tuesday of the month, workshop at 4:00 p.m., meeting at 5:00 p.m. WCA building in winter/June to September at different developments
ACCOUNT. TO CITY - None - independent agency
REVENUE SOURCE - HUD
CITY RESP. FOR DEBT - None
NUMBER OF STAFF - 85
STAFF COMPENSATION - Reading Housing Authority Board from HUD funds
CITY LIASON - Housing Authority Executive Director

READING REDEVELOPMENT AUTHORITY

STATED MISSION- To promote the health, safety and welfare of the inhabitants of the City of Reading and exist and operate for the public purposes of the elimination of blighted areas through economically and socially sound redevelopment
ESTABLISHED - Pre 1960's, Urban Redevelopment law of May 24, 1945, PL. 991
NUMBER OF SEATS - 5
APPOINTMENT BY - Mayor with approval by City Council Act 385, P.L. 991-19455
LENGTH OF TERM - 5 Years
MEETING DATES - The 3rd Wednesday of the month at 5:30 p.m. in the Redevelopment Conference Room
ACCOUNT. TO CITY - Independent of City but City Council must approve land sales before Authority can proceed with contracts
BUDGET - No official budget - Authority reimburses City for administrative costs
REVENUE SOURCE - State & Federal Grants, Sale of Land
CITY RESP. FOR DEBT - City responsible
CITY LIASON - Redevelopment Authority Executive Director

BOARD OF HEALTH

STATED MISSION - To prevent or diminish the introduction or further spread of infectious or contagious diseases and too prevent, abate or remove conditions found to be detrimental to the public health
ESTABLISHED - November 12, 1996
NUMBER OF SEATS - 5, 2 alternates

APPOINTMENT BY - Council

MEETING DATES - 1st Tuesday of the month at 4:00 p.m. in the Penn Room

LENGTH OF TERM - 5 years

BUDGET - as appropriated by Council

CITY LIASON – Health Officer, Deputy City Clerk

CHARTER BOARD

STATED MISSION - To enforce the provisions of the Home Rule Charter of the City of Reading

ESTABLISHED - November 4th, 2002

NUMBER OF SEATS - 5

APPOINTED BY - Mayor with Council approval

LENGTH OF TERM - 5 years

ACCOUNT. TO CITY - Issue binding opinions, conduct investigations, refer cases for prosecution, impose administrative fines, and consult with independent counsel.

MEETING DATES - As needed

BUDGET - As appropriated by Council to enable Board to perform duties assigned

REVENUE SOURCE - General Fund.

CITY LIASON - None

§1-599.23. Powers and Duties of Charter Board

Charter Enforcement Powers - The Board shall have the following powers and duties with respect to Charter enforcement. It shall:

- 1 Hear and decide all complaints alleging violations of the Charter and Administrative Code, except that its jurisdiction shall not extend to cases arising under the Ethics Code or the Personnel Code of the City of Reading.
- 2 Impose penalties and administrative fines and refer matters to law enforcement, regulatory, or other authorities with jurisdiction over these matters.
- 3 Initiate preliminary investigations on its own motion, through the Investigative Officer.
- 4 Appoint an Investigative Officer to conduct investigations and to issue Findings Reports where appropriate.
- 5 Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investigation before the Board, and issue orders, including but not limited to adjudications and penalties.
- 6 Adopt rules and regulations to administer, implement, enforce and interpret the Charter Board Ordinance.
- 7 Have all other powers necessary and appropriate to effectuate the purposes set forth herein and in Amendment I of the Charter.

Charter Advisory Powers - The Board shall have the power to issue advisory opinions

on matters concerning the interpretation of the Charter and Administrative Code. The enumeration of this power shall in no way diminish any of the foregoing enforcement powers of the Board.

Charter Educational Powers - The Board shall have the following powers and duties with respect to Charter education. It shall:

- 1 Direct and administer, with professional assistance, the required orientation of all newly elected City officials at the commencement of their initial full term of office.
- 2 Be responsible, proactively and on an ongoing basis, for educating the public and members of City government as to their rights, duties, and obligations under the Charter and Administrative Code. (*Ord. 46-2005, 7/25/2005, §III*)

ANIMAL CONTROL BOARD

STATED MISSION - To promote the public health, safety, and general welfare of the citizens of the City of Reading and to ensure the humane treatment of animals by regulating the care and control of animals within the City

ESTABLISHED - October 12, 1998 as Bill No. 30-1998

NUMBER OF SEATS - 5 Board Members and 2 alternate members

APPOINTED BY - Mayor with approval by Council

LENGTH OF TERM - 3 years

ACCOUNT. TO CITY - Animal Control Agent of City

MEETING DATES - mid June/July and mid January/February at 7:00 p.m. in City Council Chambers or as needed.

BUDGET - None

REVENUE SOURCE - None

NUMBER OF STAFF - Animal Control Agency Staff

CITY RESP. FOR DEBT - N/A

CITY LIASON - Police Chief or designee

FIRE AND BUILDING CODE BOARD OF APPEALS

STATED MISSION: - To hear and decide appeals as a result of the determination of the Fire Marshal on building codes

ESTABLISHED - January 1, 1996

NUMBER OF SEATS - 5 Board Members and 2 alternate members

APPOINTMENT BY - Mayor appointment with Council approval, 53 Pa. C.S. Sec. 39402

LENGTH OF TERM - 5 Years

ACCOUNT. TO CITY - Appeal mechanism

MEETING DATES - As needed

BUDGET - Undetermined

REVENUE SOURCE - Undetermined

NUMBER OF STAFF - Fire Marshal

CITY RESP. FOR DEBT - N/A
CITY LIASON - Chief Building Inspector

BOARD OF ETHICS

STATED MISSION - To administer and enforce the conflict of interest provision of the Charter (Section 1201) and the various prohibition sections of the Code of Ethics.
ESTABLISHED - 1996 in Bill No. 47-1996, amended in 1997 as Bill No. 16-1997, amended in 2000 as Bill No. 7-2000.
NUMBER OF SEATS - 5
APPOINTED BY - Mayor with Council approval
LENGTH OF TERM - 3 years
ACCOUNT. TO CITY - Issue binding opinions, conduct investigations, refer cases for prosecution, impose administrative fines, and consult with independent counsel
MEETING DATES - As needed
BUDGET - As appropriated by Council to enable Board to perform duties assigned
REVENUE SOURCE - General Fund
CITY LIASON - Deputy City Clerk

HISTORICAL ARCHITECTURAL REVIEW BOARD

STATED MISSION - To exercise the functions, duties, responsibilities, and activities set forth in the City of Reading Historic District Ordinance
ESTABLISHED - 1978 - Pa Act 167
NUMBER OF SEATS - 13
APPOINTMENT BY - Council, Cod. Ord., Chapter 4, Section 111
LENGTH OF TERM - 5 years
MEETING DATE - the third Tuesday of the month at 7:00 p.m. in the Planning Conference Room
ACCOUNT. TO CITY - Accountable to City Council
BUDGET REVENUE SOURCE - CDBG funds
CITY RESP. FOR DEBT - City is responsible to pay for Member's training session
CITY LAISON - Historic Preservation Specialist

BOARD OF TRUSTEES OF THE READING PUBLIC LIBRARY

STATED MISSION - To serve all residents of the City of Reading, and the County of Berks by providing high demand library materials (fiction & non-fiction) in a variety of formats: needed resources for life long learning, the needs of elementary and high school students, current information, and a strong support for culture and local history.
ESTABLISHED - 1889 - PA Library Code of May 23, 1987 (1763 as Library Company)
NUMBER OF SEATS - 15
APPOINTMENT BY - 5 by Council, 5 by Reading Library Company and 5 by County Commissioners.
LENGTH OF TERM - 5 years

ACCOUNT. TO CITY - Annual report to City and County
MEETING DATES - 3rd Monday of the month at 4:00 p.m., at 113 South 4th Street
BUDGET -
REVENUE SOURCE - City, County and State funded
CITY RESP. FOR DEBT - City could be responsible for accounts payable
NUMBER OF STAFF - 14 Full time, 40 part time
CITY LIASON - Executive Director

HVAC BOARD

STATED MISSION - To insure public health, safety and welfare insofar as, they are affected by the installation and maintenance of mechanical systems
ESTABLISHED - Bill No. 38, November 24, 1971, amended Bill No. 80, October 8, 1986, amended Bill No. 10-91, amended Bill No. 31-99, amended Bill No. 25-02, amended April 26, 2004 as Bill No. 22-2004
NUMBER OF SEATS - 9
APPOINTMENT BY - Council
LENGTH OF TERM - 6 years
MEETING DATE - 2nd Tuesday of the month for the months of January, April, July and October, at 4:00 p.m. in the Trades Office
ACCOUNT. TO CITY - Reports to Chief Building Inspector
BUDGET - None
REVENUE SOURCE - Building, new construction, demolition, heating, plumbing and electrical.
CITY RESP. FOR DEBT - Insurance.
CITY LIASON - HVAC Inspector

PLUMBING BOARD

STATED MISSION - To establish reasonable rules and regulations (code) and to examine applicants for competency license
ESTABLISHED - April 9, 1941 as Bill No. 11-1941, amended as Bill No. 15-2001, amended April 26, 2004 as Bill No. 25-2004
NUMBER OF SEATS - 7
APPOINTMENT BY - Council, 53 Pa C.S. Sec. 39402
LENGTH OF TERM - 6 years
MEETING DATE - 2nd Wednesday of the month for the months of January, April, July and October, at 4:00 p.m. in the Trades Office
ACCOUNT. TO CITY - Totally responsible to City for rules and regulations
BUDGET - None

REVENUE SOURCE - Licensing and permit fees go to Building/Trades
CITY RESP. FOR DEBT - No debt incurred
CITY LIASON - Plumbing Inspector

ELECTRICAL BOARD OF EXAMINERS

STATED MISSION - To determine the fitness of applicants for licenses and to investigate and report on all proposed suspensions or revocations of licenses, and to administer test and investigate complaints against license holders

ESTABLISHED - September 15, 1954 - Ordinance Article 1705, Bill No. 35-54, amended July 31, 1999 as Bill No. 10-99, amended April 26, 2004 as Bill No. 21-2004

NUMBER OF SEATS - 7

APPOINTMENT BY: - City Council, 53 Pa. C.S. Sec. 39861.2

LENGTH OF TERM: - 6 years

MEETING DATE - 2nd Monday of the month for the months of January, April, July, and October, at 4:30 p.m. in the Trades Office

ACCOUNT. TO CITY - Reports to Chief Building Inspector

BUDGET - None

REVENUE SOURCE - None

CITY RESP. FOR DEBT - No debts may be incurred

CITY LIASON - Electrical Inspector

FIRE CIVIL SERVICE BOARD

STATED MISSION - To test for and compile initial hiring and promotion lists for the Department of Fire and Rescue Services

ESTABLISHED - No date available - 53PACS, 39861 to 39877

NUMBER OF SEATS - 3

APPOINTMENT BY - Council, 53 Pa. C.S. Sec. 39861.2

LENGTH OF TERM - 4 years

MEETING DATE - 2nd Monday of the Month at 4:00 p.m. in Penn Room

ACCOUNT. TO CITY - Through funding

BUDGET - Included in City Budget

REVENUE SOURCE - City Budget

CITY RESP. FOR DEBT - Yes

NUMBER OF STAFF - 1 part-time secretary

STAFF LIASON - Fire Chief

POLICE CIVIL SERVICE BOARD

STATED MISSION - To test for and compile initial hiring and promotion lists for Police Department

ESTABLISHED - No date available - 53 Pa C.S., 39401 to 39410

NUMBER OF SEATS - 3

APPOINTMENT BY - Council, 53 Pa. C.S. Sec 39402

LENGTH OF TERM - 4 years

MEETING DATE - 1st Thursday of the month at 12:00 p.m. in the Penn Room

ACCOUNT. TO CITY - Through funding

BUDGET - Included in City budget

REVENUE SOURCE - City budget

CITY RESP. FOR DEBT - Yes
NUMBER OF STAFF - 1 part-time Secretary
STAFF LIASON - Police Chief

ZONING HEARING BOARD

STATED MISSION - To establish a precise and detailed plan for the use of land in the City of Reading and is enacted to promote and to protect the public health, safety, morals, comfort, convenience, and general welfare of the people in accordance with the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, and to implement and foster the land development and use policies indicated in the adopted City of Reading Comprehensive Plan.

ESTABLISHED - Established 1957 as Bill No. 007-1957, 53 Pa C.S. Sec. 10901 to 10912.1 (Municipal Planning Code) City of Reading Zoning Ordinance

NUMBER OF SEATS - 5

APPOINTMENT BY - Council, 53 PA. C.S. Sec. 10903

LENGTH OF TERM - 5 years

ACCOUNT. TO CITY - City has standing to appeal decision of Board

MEETING DATES - 2nd Wednesday of every month, at 5:30 p.m. in Penn Room (if necessary)

BUDGET - From Planning budget

REVENUE SOURCE - Goes to City General Fund

CITY RESP. FOR DEBT - Yes

CITY LIASON - Zoning Administrator

MINORITY BUSINESS PROCUREMENT ADVISORY BOARD

STATED MISSION - To advise administration on issues and policies concerning enhance participation, to the maximum extent feasible, in employment practices at all levels, included but not limited to apprenticeship programs, training programs, etc. for MBEs, DBEs, WBEs, and the lower to moderate income residents, etc. within the distressed areas as mandated by city, state and federal governments regulations

ESTABLISHED - September 12, 2005, Ordinance 56-2005

NUMBER OF SEATS - 7

APPOINTMENT BY - Mayor, with approval of Council

LENGTH OF TERM - 2 years

MEETING DATES - First week of each month

ACCOUNT. TO CITY

BUDGET - None

REVENUE SOURCE - None

CITY RESP. FOR DEBT - No

NUMBER OF STAFF - None

STAFF COMPENSATION - No

STAFF LIAISON - None

FIREMEN'S PENSION FUND

To register all members and to administer the collection and distribution of the fund and to make reasonable rules and regulations necessary to effectuate the provisions of the law. The Board is composed of a combination of Administrative representatives and representatives of the IAFF.

OFFICERS AND EMPLOYEES RETIREMENT BOARD

To register all members and to administer the collection and distribution of the fund and to make reasonable rules and regulations necessary to effectuate the provisions of the law. The Board is composed of a combination of Administrative representatives and representatives of the AFSCME Unions.

POLICE PENSION FUND ASSOCIATION BOARD

To register all members and to administer the collection and distribution of the fund and to make reasonable rules and regulations necessary to effectuate the provision of the law. The Board is composed of a combination of Administrative representatives and representatives of the FOP.

CITIZENS ADVISORY BOARD (CAB)

§23-301. Creation and Name. of Administrative Code

Council hereby establishes and creates a Citizens Advisory Board to be known and referred to herein as the CAB.

§23-302. Purpose and Functions.

The purpose of the CAB is to act as a communication vehicle between City government and City residents on City-wide policies and issues related to neighborhood quality of life and economic health programs as well as assisting in an advisory capacity with any other community issues or programs which the Mayor and Council deem citizen participation necessary and beneficial.

The CAB shall formally replace the Mayor's Policy Advisory Board established by Res.79-1974 in conjunction with the Reading Model Cities Program.

§23-303. Membership.

The CAB shall consist of 11 voting members all of whom shall be residents of the City.

The Board shall maintain a broad-based representation reflecting the overall population of the City.

Each City Council member, including Council President, will have one (1) appointment to the CAB and the Mayor shall have four (4) appointments to CAB.

The term of each member shall be for a period of 4 years excepting those staggered

terms hereinafter provided at the inception of the Advisory Board.

Each member shall continue to serve until a successor is duly appointed or until some other formal action is taken by Council.

Members may be reappointed upon expiration of their terms.

A quorum of no less than six (6) members shall be necessary to make any formal recommendations to the Mayor and Council.

Any member absent from three consecutive regularly scheduled meetings shall be recommended to Council for formal dismissal.

POLICE DIVERSITY BOARD

STATED MISSION - to develop and implement municipal policies and procedures that increase the representation of Hispanics and other minority groups within the Reading Police Dept., ensure fair and equitable treatment of Police applicants and potential applicants, and foster better relations between the Police Dept. and Reading's minority community, especially those community members whose primary language is not English

ESTABLISHED - April 10, 2006, Ordinance 27-2006

NUMBER OF SEATS - 7

APPOINTMENT BY - Lawsuit settlement agreement

LENGTH OF TERM - None

MEETING DATES – as needed

ACCOUNT. TO CITY

BUDGET

REVENUE SOURCE

CITY RESP. FOR DEBT

NUMBER OF STAFF

STAFF COMPENSATION

STAFF LIAISON – Police Chief

DISRUPTIVE TENANT APPEALS BOARD

STATED MISSION - To service as the Board of Appeals for decisions made regarding the conduct of renters and/or rental licenses

ESTABLISHED - March 1, 2005, Ordinance 7B-2005

NUMBER OF SEATS - 7, with 3 alternates

APPOINTMENT BY - Mayor appointment, Council approval

LENGTH OF TERM - 3 years

MEETING DATES - As necessary

ACCOUNT. TO CITY

BUDGET

REVENUE SOURCE

CITY RESP. FOR DEBT

NUMBER OF STAFF - None

STAFF COMPENSATION - None

STAFF LIAISON - Managing Director, Property Maintenance Division Manager, Chief of Police

ENVIRONMENTAL ADVISORY COUNCIL

STATED MISSION - The EAC dually organized under these bylaws shall have 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 Berks County.

ESTABLISHED - April 9, 2007, Ordinance 25-2007

NUMBER OF SEATS - 7

APPOINTMENT BY - Council

MEETING DATES - 4th Tuesday of each month at noon in the City Public Works Building conference room

LENGTH OF TERM - 3 years

CITY LIASON - Utilities Division Manager, Deputy City Clerk

HUMAN RELATIONS COMMISSION

79State Human Relations Act - see 43 P.S. §951 *et seq*

Rental Housing Discrimination - see 35 P.S. §1680.402a

Service Uniform Discrimination - see 18 Pa.C.S.A. §7323

STATED MISSION - To prohibit discrimination in housing, employment, and public accommodation in accordance with the terms of the City's Human Relation Ordinance

ESTABLISHED - 1968 - by Ordinance - Bill No. 4, 1968, Human Relations Ordinance as amended (Article 155), amended Bill No. 6-2002, March 13

NUMBER OF SEATS - 9

APPOINTMENT BY - Mayor with approval by City Council Cod. Ord. Sec. 23-504 (b)

LENGTH OF TERM - 4 years

MEETING DATES - 4th Tuesday of the month at 5:00 p.m. in the Penn Room

ACCOUNT. TO CITY - Annual budget to City, reports, numbers and types of complaints received as well as disposition, advertised public hearing bills submitted for approval

BUDGET - \$31,288 in 2001

REVENUE SOURCE - City general fund, CDBG funds, HUD (anticipated, restricted to housing cases)

CITY RESP. FOR DEBT - Unknown - City would probably be held responsible if debt were incurred

NUMBER OF STAFF - 4
STAFF COMPENSATION - HUD
STAFF LIAISON – Executive Director

BLIGHTED PROPERTY REVIEW COMMITTEE

STATED MISSION – 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
ESTABLISHED - October 23, 2006, Ordinance 65-2006
NUMBER OF SEATS – Not less than 4 or more than 7
APPOINTMENT BY – Mayor appointment with Council approval
LENGTH OF TERM – 4 years
MEETING DATES – 3rd Thursday of each month at 6 pm in the City Council office
BUDGET- As appropriated by Council
REVENUE SOURCE - None
CITY RESP. FOR DEBT – None
NUMBER OF STAFF - None
STAFF COMPENSATION - None
STAFF LIAISON – City Clerk

PENN SQUARE COMMISSION

§23-201. Creation and Name.

There is hereby created, pursuant to the provisions of the Third Class City Code, to be known as "The Penn Square Commission of the City of Reading" hereinafter referred to as "Commission." (*Ord. 10-1975, 3/19/1975, §1; as amended by Ord. 17-1975, 4/23/1975, §1; as amended by Ord. 14-2001, 5/29/2001*)17.

Penn Square Commission; Function. To maintain and supervise the use of Penn Square, Market Square, Cedar Street Park, and the Courtyard I and II, which are currently managed by DID.

§23-202. Purpose.

The purpose of the Penn Square Commission is to organize, promote and give direction to the efforts of both private and public organizations interested in fostering the civic, social, cultural and economic development within the City's new public commons in its downtown area; and to renew, preserve and enhance the economic and aesthetic value of the City's central business district.

(*Ord. 10-1975, 3/19/1975, §2; as amended by Ord. 17-1975, 4/23/1975, §1; and by Ord. 14-2001, 5/29/2001*)

§1-23-203. Powers and Duties.

The Penn Square Commission shall administer and supervise the use, operation and maintenance of Penn Square, Market Square and such other public spaces as may be

designated by resolution of Council. The powers and duties of the Commission shall include, without limiting the generality of the foregoing, the establishment of use, operation and maintenance policies; the promotion of activities; solicitation of funds; the procurement and scheduling of all programs and events; the issuance of use permits; the establishment of a schedule of rental rates and charges; and the establishment of rules of conduct and safety. Provided, however, any leases or contracts in excess of one year shall be subject to the approval of Council.

The Commission, within the annual budgetary appropriations established by Council, may employ such persons and make such expenditures as may be necessary for the conduct of all business within its jurisdiction. Any such persons employed by the Commission shall be subject to the wages, hours and conditions of employment as established by Council. The Commission shall submit to Council, not later than October 1 of each year, its recommendations for the budgetary appropriations, the personnel complement, and the wage and salary classifications within its jurisdiction for the succeeding year. The Commission shall make an annual report to Council in December of each year on the operations of the Commission. (*Ord. 10-1975, 3/19/1975, §3; as amended by Ord. 17-1975, 4/23/1975, §1; as amended by Ord. 14-2001, 5/29/2001*)

PLANNING COMMISSION

STATED MISSION - To exercise the functions, duties, responsibilities, and administrative activities and powers as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 208 of 1990 and Act 131 of 1992), 53 P.S. §10101 *et seq*

ESTABLISHED - 1913 by PA Municipalities Planning Code Act 247 of 1968, Amended by Act 170 of 1988, Act 208 of 1990, Act 131 of 1992

NUMBER OF SEATS - 7

APPOINTMENT BY - Mayor with approval of Council, 53 Pa. C.S. Sec. 10203

LENGTH OF TERM - 4 years

MEETING DATES - 2nd Tuesday of the month at 7:00 p.m. in the Penn Room

ACCOUNT. TO CITY - Reports all resolutions and minutes to Council and Mayor through the Planning Division

BUDGET - None

REVENUE SOURCE - None

CITY RESP. FOR DEBT - Cannot incur debt

NUMBER OF STAFF - 1

STAFF COMPENSATION - City

STAFF LIAISON - City Planner

Planning Division of the Department of Community Development

§5-812. Establishment of Division.

There is hereby established in the Department of Community Development of the City

of Reading, the Division of Planning. (*Ord. 25-1961, 10/4/1961, §1; as amended by Ord. 15-1968, 3/13/1968, §1; as amended by Ord. 14-2001, 5/29/2001*)

§5-812. Office of the Planning Division Manager.

There is hereby established the Office of the Planning Division Manager who shall serve as the Planning Coordinator of the City of Reading. (*Ord. 25-1961, 10/4/1961, §2; as amended by Ord. 15-1968, 3/13/1968, §1; and Ord. 7-1966, 2/23/1966, §2; and by Ord. 14-2001, 5/29/2001*)

§5-812. Duties.

The duties and responsibilities of the Planning Division Manager shall be as follows:

- 1 To provide such technical planning services as the City shall require.
- 2 To provide such technical planning services as shall be required by any authority of the City, commission, board or department of the City.
- 3 To report to the Mayor and members of Council the progress and status of projects undertaken by all authorities heretofore or hereafter established by the City shall have their various programs coordinated in relation to the overall planning and development of the City.
- 4 To attend all meetings of the Planning Commission of the City and to advise and inform said Planning Commission of the progress and status of all projects of the City or any of the Authorities with reference to planning and municipal development.
- 5 To be responsible for reviewing and coordinating all State and Federal Applications for technical assistance necessary in carrying out the City's planning and improvement programs. [*Ord. 7-1966*]

To service as Director of any City authority, commission as amended by *Ord. 6-2002, 3/13/2002, §C*) or committee if requested to do so by the Mayor and members of Council. [*Ord. 7-1966*]

At the time of his appointment, he need not be a resident of the City or the Commonwealth of Pennsylvania, but during his tenure of office he may reside outside the City only with the approval of Council. [*Ord. 10-1966*] (*Ord. 25-1961, 10/4/1961, §4; as amended by Ord. 15-1968, 3/13/1968, §1; by Ord. 7-1966, 2/23/1966, §1; by Ord. 10-1966, 3/2/1966, §1; and by Ord. 14-2001, 5/29/2001*)

FIRST ENERGY STADIUM COMMISSION

STATED MISSION - To promote the City of Reading and Baseball, to be a liaison between the Reading Fightin' Phils and the City of Reading and to meet with other organizations who are interested in renting the stadium for charitable or profitable events

ESTABLISHED - August 19, 1953. Bill No. 23-53

NUMBER OF SEATS - 7

APPOINTMENT BY - Mayor and confirmed by Council
LENGTH OF TERM - 5 years
MEETING DATES - Last Wednesday of the month at 7:30 p.m. at the GPU Stadium RBI Room
ACCOUNT. TO CITY - Commission meeting minutes available to City
BUDGET - Capital Maintenance
REVENUE SOURCE - None
CITY RESP. FOR DEBT - No debt incurred
NUMBER OF STAFF - None.
STAFF COMPENSATION - None
STAFF LIAISON - None

SHADE TREE COMMISSION

Created by Bill No. 42, enacted Sept. 12, 1973, amended by Bill No. 8, enacted Feb. 18, 1976, increasing number of members to seven
STATED MISSION: - The regulation, maintenance and promotion of shade trees in the City of Reading
ESTABLISHED - Late, 1960's - Early 1970's - by Article 917, 3rd Class City Code
NUMBER OF SEATS - 7
APPOINTMENT BY - Mayor with approval of Council Cod. Ord. Sec. 917.10
LENGTH OF TERM - 5 years
MEETING DATES - 1st Monday of every other month starting at 6 p.m. in the Planning Conference Room
ACCOUNT. TO CITY - Accountable to Mayor and City Council
BUDGET - \$30,000
REVENUE SOURCE - tax of .0002 mills or 20 cents on the dollar
CITY RESP. FOR DEBT - City is responsible
NUMBER OF STAFF - City Arborist
CITY LIASON - City Arborist

LEGISLATIVE AIDE COMMITTEE

STATED MISSION - To assist Council in addressing the many issues facing Reading with research and review of new and existing legislation
ESTABLISHED - February 25, 2002, Resolution 29-2002
NUMBER OF SEATS - 8 City, 3 County
APPOINTMENT BY - Council
LENGTH OF TERM - 4 years
MEETING DATES - As necessary
ACCOUNT. TO CITY
BUDGET - None
REVENUE SOURCE - None

CITY RESP. FOR DEBT - No
NUMBER OF STAFF - None
STAFF COMPENSATION - None
STAFF LIAISON - City Clerk

PUBLIC SAFETY ADVISORY COMMITTEE

STATED MISSION – Regional approach to anti-gang initiative among seven cities in Eastern, PA
ESTABLISHED – June 2006
NUMBER OF SEATS - varies
APPOINTMENT BY - Mayor
LENGTH OF TERM - undefined
MEETING DATES - monthly
ACCOUNT. TO CITY- Mayor
BUDGET - \$200,000
REVENUE SOURCE – Department of Justice
CITY RESP. FOR DEBT - No
NUMBER OF STAFF - None
STAFF COMPENSATION - None
STAFF LIAISON – Mayor

READING LOCAL REDEVELOPMENT AUTHORITY (LRA)

STATED MISSION – The City of Reading hereby establishes the City of Reading Local Redevelopment Authority to advise the City of Reading City Council about the best reuse of the military facility located on Kenhorst Boulevard and any other decommissioned military facility located within the municipal boundaries of the City.
ESTABLISHED – May 2008
NUMBER OF SEATS – Seven (7) – three (3) members of Council, one (1) member from the Planning Commission, one (1) member from the Reading Redevelopment Authority, and two citizens at large recommended by the Mayor.
APPOINTMENT BY - Council
LENGTH OF TERM – Citizens at large shall serve a five (5) year term and appointees from the Planning Commission and Redevelopment Authority shall serve a four (4) year term.
MEETING DATES – as needed
ACCOUNT. TO CITY-
BUDGET -None
REVENUE SOURCE – Department of Defense, Office of Economic Adjustment

CITY RESP. FOR DEBT - No
NUMBER OF STAFF – one (1)
STAFF COMPENSATION - None
STAFF LIAISON – City Clerk

READING RECREATION COMMISSION

STATED MISSION: 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

ESTABLISHED: 2011 – by Ordinance 33-2011

NUMBER OF SEATS: 11

MEETING DATES: 3rd Tuesday of each month at 7 pm in the School Board meeting room

APPOINTMENT BY: Mayor with approval by City Council

LENGTH OF TERM: 3 years.

ACCOUNT. TO CITY: set budget annually by City; per student fee annually by School District

BUDGET: The City shall contribute \$488,000; the School District shall contribute an amount determined by the following formula: Annual Contribution = \$7.50 x ADM. ADM is the average daily membership of pupils for the preceding fiscal year as reported by the School District to the Pennsylvania Department of Education (2012)

REVENUE SOURCE: City general fund, Reading School District general fund

CITY RESP. FOR DEBT: none

NUMBER OF STAFF: all staff employed directly by Recreation Commission

STAFF COMPENSATION: none

AUDIT COMMITTEE

STATED MISSION – 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 property 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.

ESTABLISHED – May 14, 2012 by Ordinance 49-2012

NUMBER OF SEATS – five

APPOINTMENT BY – City Council

LENGTH OF TERM – 3 years

MEETING DATES – Quarterly

BUDGET- None

REVENUE SOURCE - None

CITY RESP. FOR DEBT – None

NUMBER OF STAFF - None

STAFF COMPENSATION - None

STAFF LIAISON – City Auditor

CAPITAL IMPROVEMENT PROGRAM COMMITTEE

The Capital Improvement Program Committee (CIPC) is a committee composed of employees and officials to select and prioritize capital projects and to ensure that the capital improvement project (CIP) budget is administered properly. The CIPC submits an annual report to the Mayor and Council after its analysis to assist in the (CIP) budget process. §5-806 *Admin Code*

REDISTRICTING ADVISORY COMMISSION

After each decennial census, Council shall, within 60 days after the receipt of the census information from the federal government, appoint a Redistricting Advisory Commission. Each Council member shall appoint one person from his/her respective district. The President of Council shall select one member to represent the at-large community. The Planning Commission will be asked to assign two current members to the Advisory Commission.

This Redistricting Advisory Commission shall review and compare the new and old census information with the current Council District configuration. This group shall prepare and present a redistricting proposal(s) to the full body of Council in no less than 120 days after their appointment.

The district proposals shall give strong consideration to the combination of neighborhoods that are continuous but that share similar quality-of-life issues. This configuration will support the principle of electing representatives that can easily represent the voice of the community they represent. The Advisory Commission shall also consider the federal redistricting laws.

Council shall hold a minimum of one public hearing to get public input on the redistricting proposal(s), within 45 days of their receipt of the proposals from the Redistricting Advisory Commission, and shall adopt by ordinance a redistricting plan, either new or status quo, at their next regular business meeting. §5-214 of *Admin Code*

CHARTER REVIEW COMMISSION

At least every 10 years, except for the initial Charter review which shall take place under this provision no sooner than five years but no later than 10 years after the effective date of this Charter, City Council and the Mayor shall appoint a Charter Review Commission composed of 11 members, the majority of whom shall not be City officials or employees. Seven members of this Commission shall be appointed by City Council and four members shall be appointed by the Mayor. All appointees shall be current residents and registered voters of the City. The Charter Review Commission shall review the current Charter, submit a report to City Council, the Mayor, and the citizens of the City, within six months of its appointment, and recommend any proposed amendments to the Charter. All proposed amendments shall be placed on the ballot no later than the next municipal election. City Council shall provide

appropriations for the reasonable expenses incurred by the Charter Review Commission. *Charter §1203*

APPENDIX

A. PERMIT REQUIREMENTS

One Stop Shop Process

The City of Reading utilizes a one stop shop approach to permitting. All the necessary staff, resources and information necessary to begin work on a construction project in the City is available in one office. The one stop shop brings together Codes, Trades, Fire and Zoning enforcement. Under such a system the applicant benefits from a smooth interaction with the City, while the City benefits from improved communication and sharing of information between powers responsible for the enforcement of important ordinances.

Building Permits

Any person or organization seeking to undertake new construction, or make alterations and additions to existing buildings must first receive a building permit. The applicant for a permit will provide an estimated permit value at the time of application. Permit valuations must include the total value of work, including materials and labor, for which the permit is being issued.

Zoning

Any person or organization seeking to undertake new construction, or make alteration and additions to existing buildings, or operate any business must first consult with the City of Reading Zoning Office. Consultation will avoid unfortunate confusion and project delay by determining if the scope of work conforms to the City of Reading Zoning Ordinance. Consultation will be held with the Zoning Administrator, whose responsibility it is to verify conformity of plans and make suggestion as to what type of relief will be needed if plans fail to meet ordinance standards.

The Zoning Office has up to thirty (30) days to approve or deny a permit after the application is deemed complete. The Zoning Office strives to ensure permits are released as soon as possible, so citizens can complete projects in a timely manner. In the event an application is denied, the applicant may either modify the project proposal to conform to zoning regulations or appeal to the Zoning Hearing Board under the Zoning Ordinance. Various uses are designated as special exceptions or conditional use and are approved or denied by the Zoning Hearing Board or City Council respectively.

Zoning permits are required for:

- New construction and additions
- Fences, porches, sheds, garages, swimming pools, decks
- Driveways, paving and parking areas

- Signs (including temporary signs)
- Changing owner/lessee of a business or creating a new business
- Creating a home occupation
- Temporary uses
- Conversions of uses (owner occupied to rental, owner occupied to business, etc)
- Roommate housing arrangements
- Bottle clubs, taverns and bars
- Group homes and boarding houses
- Day cares
- Student homes

Special Event Permit

In recognition of a diverse and growing community, the City of Reading encourages events and celebrations of all types. To ensure an event is of sufficient merit and in keeping with the standards and morals of the community, Council has passed ordinances establishing regulations, which are as follows:

- Any person wishing to hold a parade or event shall file an application with the Traffic Enforcement Division of the Police Department. Applications can be obtained at the Citizen Service Center and Traffic Enforcement office during normal business hours or on the City's website.
- A fee must be paid to cover the costs associated with processing the application. The fee for certified non-profits is \$300 and for all others is \$500. A security deposit is also required at the time of the application.
- Included with the permit application is a standard hold harmless agreement; the agreement must be signed by the applicant and notarized by a licensed notary.
- Final approval of the application rests with the Chief of Police.
- If the application is approved, City Risk and Safety will contact the applicant and verify the sponsoring organization is indemnified to a minimum of \$1,000,000.00.

City resources such as police officers and fire department personnel can be requested. The cost of these services will be assessed to the event organizer.

Shade Tree Permit

No person shall plant, transplant, cut, trim or remove any shade tree, nor shall they cause to be planted, transplanted, cut, trimmed or removed, any shade tree without first obtaining a permit to do so. Nor shall any person fasten, or cause to be fastened, any sign, wire, rope or other materials, to, around or through any shade tree without first obtaining a permit from the Shade Tree Commission. Nor shall any person deposit, place, store or maintain any stone, brick, sand, concrete or other material which may impede the free passage of water, air or fertilizer to the roots of any shade tree without first obtaining a permit to do so. Nor shall any person break, injure, mutilate, kill or in

any other way harm any shade tree, nor move any building or other object on or over any public street or public right-of way in such a manner as to damage or injure any shade tree without first obtaining a permit to do so.

HARB (Historical Architectural Review Board) Certificate of Appropriateness

Founded in 1748 by the sons of William Penn, Reading's historic heritage holds an important place in Pennsylvania and the nation. This heritage is reflected in the many styles of period architecture located throughout Reading. To protect this heritage five distinct historic districts have been created: Prince, Callowhill, Penn's Commons, Centre Park and The Heights. Construction, alteration or modification of structures in a historic district is not permitted, unless a Certificate of Appropriateness is obtained from HARB. A Certificate of Appropriateness is an approval issued by HARB or by Council on appeal of a HARB decision, which when issued grants permission for the requested structural alterations. The following steps must be followed to obtain a Certificate of Appropriateness:

- All applications for a Certificate of Appropriateness shall be in writing and submitted no later than ten days before the regularly scheduled HARB meeting.
- Applications must be submitted by the legal owner of the property, or his/her authorized designee.
- The Historic Preservation Specialist is available to provide information and other assistance during the application process.

HARB will consider applications and make determinations based on preservation guidelines, regulations and ordinances, promulgated by the: Secretary of Interior, the PHMC and City Council. Should HARB deny a Certificate of Appropriateness, the applicant may appeal the decision to City Council.

Business Permit Application

Persons or businesses wishing to do business in the City of Reading, must first obtain a Business Permit from the Tax Administration Office. The cost of the permit is \$50.00 annually. Before a permit is issued, the Tax Administration Office will verify if the proper zoning, building and health permits have been issued. Failure to obtain the proper permits will result in the denial of a business permit and prompt investigation by Codes. Businesses are also required to file a business privilege tax return and pay the required tax annually.

Solicitation Permit

Anyone who wishes to go door to door in the City of Reading must first register with the Police Chief's office. There is no cost for the permit. Permits are not required for school and youth groups, religious organizations, or candidates for elected office.