



**2013-2014**

**CHARTER REVIEW COMMISSION**

**REPORT AND RECOMMENDATIONS**

**JANUARY 24, 2014**

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# City of Reading 2013-2014 Charter Review Commission Report

## PREAMBLE

We, the people of Reading, Berks County, in order to secure the fullest measure of city home rule and responsive, effective, and economical local self-government under the Constitution and laws of the Commonwealth of Pennsylvania, do hereby adopt this Charter as our instrument of government.

### **Section 1203. Review of Charter.**

At least every ten (10) years, except for the initial charter review which shall take place under this provision no sooner than five (5) years but no later than ten (10) years after the effective date of this Charter, City Council and the Mayor shall appoint a Charter Review Commission composed of eleven (11) members, the majority of whom shall not be City officials or employees. Seven (7) members of this Commission shall be appointed by City Council<sup>67</sup> and four (4) 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.

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## The 2013-2104 City of Reading Charter Review Commission Documentation

All meetings of the Charter Review Commission were publicly advertised and open to the public with two citizen input periods at each meeting. During each meeting there were two opportunities for citizen comments. All minutes of the City of Reading Charter Review Commission (CRC) are incorporated as part of this report (Appendix L) and contain all of the deliberations of the CRC in the creation of the recommendations and this report. The meetings were held as follows:

<u>Date</u>	<u>Location</u>
7/24/2013	Penn Room, Reading City Hall
8/07/2013	Penn Room, Reading City Hall
9/21/2013	Penn Room, Reading City Hall
9/04/2013	Penn Room, Reading City Hall
9/18/2013	Penn Room, Reading City Hall
10/02/2013	Alvernia University, Upland Center, 540 Upland Avenue, Reading
10/09/2013	St. Paul's Church, 1559 Perkiomen Ave. Reading
10/16/2013	Penn Room, Reading City Hall
10/23/2013	Center Park Artifacts Bank, 705 5 <sup>th</sup> Street, Reading
10/30/2013	Nativity Lutheran Church, 1501 N. 13 <sup>th</sup> Street, Reading
11/06/2013	Christ Lutheran Church, 1301 Luzerne Street, Reading
11/13/2013	Penn Room, Reading City Hall
11/20/2013	Penn Room, Reading City Hall
12/11/2013	Third Floor Training Room, Reading City Hall
12/16/2013	Penn Room, Reading City Hall
1/08/2014	Penn Room, Reading City Hall
1/15/2014	Penn Room, Reading City Hall
1/22/2014	Penn Room, Reading City Hall
1/24/2014	Penn Room, Reading City Hall

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## **The Process**

The City of Reading citizens adopted the current Home Rule Charter by referendum November 2, 1993. The referendum called for an effective operational date for the new Charter of January 1, 1996. In accordance with Section 1203 of the Home Rule Charter the first Charter Review Commission issued its report on May, 20, 2002. The Commission formally recommended two Charter revisions: 1) The creation of a Charter Board, and 2) the transition from the Mayor Council form of government to the Council/Manager form of government. It is significant to note that the City Council chose not to enact an ordinance in accordance with Section 1203 and Section 1204(d) of the Home Rule Charter. Of further significance, citizens chose to bring both recommendations to referendum via citizen petition initiatives. The Charter Board referendum passed and was enacted as an amendment to the charter, the second, the Council/Manager did not pass via the referendum.

Early in 2013, City Council and the Mayor began the process of organizing the current Charter Review Commission as follows: The Charter Review Commission (CRC) shall be composed of eleven (11) members, the majority of whom shall not be City officials or employees and seven (7) members of this Commission shall be appointed by City Council and four (4) members shall be appointed by the Mayor. All appointees shall be current residents and registered voters of the City. The appointment process was completed on July 22, 2013 with the first formal meeting of the CRC held on July 24, 2013. The CRC members were as follows:

<u>Name</u>	<u>Appointed By</u>	<u>Citizen or City Official or Employee</u>
Rosemary Frank-Vitale	Mayor	Citizen
Ann Sheehan	Mayor	Citizen
Frank Denbowski	Council	Employee
Carl Geffkin	Council	Citizen
David Cituk	Mayor	Official
Thomas Anewalt	Council	Citizen
John Slifko	Council	Citizen
Mike Reese	Council	Citizen
Vaughn Spencer	Mayor	Official
Marcia Goodman-Hinnershitz	Council	Official
Randy Corcoran	Council	Official

With these appointments the CRC was properly composed with the final requirement to complete their work within six months or by January 24, 2014. The CRC work is to be embodied in a report to the Mayor, City Council, and the Citizens of the City of Reading. It should be noted that Randy Corcoran resigned from the Commission following the October 30, 2013 meeting and was replaced by Donna Reed, who was appointed by City Council.

This report constitutes the completion of those responsibilities.

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## **Organization and Operation of the CRC**

The CRC met on July 24, 2013 and selected Rosemary Frank- Vitale, Chairperson, Ann Sheehan, Vice-Chairperson, and David Cituk, Secretary. In addition the CRC established a budget of \$20,000, which was confirmed by the Reading City Council. The CRC adopted a \$20,000 budget to cover clerical, secretary, advertising and legal if necessary. In addition, the CRC appointed Carol Lewis as the Recording Secretary, with compensation set at \$100.00 per two hour meeting, including compellation of draft minutes, meeting over two hours will be compensated at a rate of \$40.00 per hour of additional meeting time.

It was determined that the CRC would meet bi-weekly on Wednesday, starting on July 24, and continuing August 7, August 21, September 4, September 18, October 2, October 16, October 30, November 13 and December 11, 2013 from 6 p.m. to 8 p.m. in the Penn Room of City Hall. Additional meetings would be determined in the future as needed.

The CRC members committed to receiving input of important issues to consider from the Mayor/Administration, City Council, and the Reading Charter Board in its initial meetings. Copies of the Administration and City Council reports are incorporated into this report. In addition, because of active cases pending with the Charter Board, the members on advice of their Counsel submitted their 2012 Annual Report as insight as to issues which the CRC might chose to address. Finally, at the August 7, 2013 meeting , Paul Janssen, Director of the Center for Excellence in Local Government was appointed the Facilitator for the CRC.

## **Public Outreach and Participation**

In addition the CRC discussed avenues to reach the general public for input into issues which should be considered as part of the process. As a way of reaching citizens and important individuals the CRC decided to design a survey to be sent to specific individuals. The CRC also directed that Mr. Janssen and Mr. Lloyd review and determine if the CRC could hold meetings in each council district of the City to receive citizen input (meetings detailed in the Minutes).

In fact the Commission held one meeting in each council district of the City in an effort to receive citizen input. The CRC paid for two block ads to promote three of the council district meetings. Finally the CRC requested that the Administration (Appendix A), City Council (Appendix B), and Charter Board (Appendix C) be requested to submit issues of concern with the existing Charter. The survey and the individuals who received it are listed in Appendix D. The list of citizens who attended and added comments are listed in the Minutes of each meeting and summarized in Appendix K. On October 8, 2014, Ms. Frank-Vitale and Messrs. Reese, Slifko, and Janssen appeared on the BCTV program Local Government in Berks County, to discuss the CRC and its function and purpose. In addition, Commission member John Slifko prepared the Frequently Asked Questions regarding the CRC process and is included in Appendix E. In addition the Commission spent time reviewing the 2002 CRC report for issues detailed therein. The 2002 Report is included in Appendix F.

**The process utilized to focus the Charter Review Commissions identification of prioritized issues**

Following 12 public meetings, most of which lasting the full two hours anticipated, the Commission members felt it was time to begin the process of focusing on the issues which required prioritized discussion. Appendix G details the complete list of issues submitted in Appendix A-C as well as issues actually raised by the CRC members and are separated into four categories:

- Administrative or Administrative Procedural Issues
- Structural
- Charter Clarifications
- Procedural Issues

In addition a review of the issues indicated that a number of the issues could be resolved by City Council simply by adopting a modifying ordinance. It was clear, however, that CRC members understood that issues identified for City Council attention through ordinance adoption were simply recommendations, with no guarantee that the City Council would even address the recommendation. In addition, the CRC discussed the possibility of leaving recommendations for City Council consideration in the future. Again, there is no guarantee that City Council would consider or discuss the recommendations.

Appendix H is the actual ballot used by CRC Members to reduce the issues raised to the final list in Appendix I. In preparation for the November 20, 2013 meeting, each member of the Charter Review Commission was permitted to cast no more than seven ballots for any of the issues listed in Appendix H. It is important to note that while the issues raised to this point were presented by multiple sources, no votes on the issues had been taken. The balloting process revealed two aspects of the support for the issues: the breadth of support for an issue(detailed by multiple members voting for an alternative), and the depth of support(detailed by members casting multiple votes for a particular issue). As an example – The Council Manager form of government received 21 votes – from 4 members and the Mechanism for ongoing Charter reviews received 8 votes from 6 members. From a pragmatic view, with 11 members any Charter Amendment recommendation would require at least 6 votes. The actual balloting; while not binding, allowed the Commission to continue to focus on the issues which had the support to ultimately be included in this report as a final recommendation. There were multiple subsequent ballots taken (again – nonbinding) during the meeting and following multiple rounds of voting the commission settled on the list of amendments it would consider for formal voting. It was determined that the CRC would take a three week break over Thanksgiving and reassemble on December 11, 2013.the following issues were chosen for formal consideration along with members of the Commission making presentations both for and against where noted:

	<u>Pro</u>	<u>Con</u>
Amend the Administrative Code to Clarify role of Mayor/ Council	Spencer	Goodman-Hinnershitz
Powers of the Mayor	Spencer	Goodman-Hinnershitz
City Auditor	Cituk	None

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	<u>Pro</u>	<u>Con</u>
Serving on more than one Board or Commission	Denbowski	None
Council Manager form of government	Slifko	Spencer
Position Ordinance and Budget	Janssen	None
Informal Charter Board Resolution (Ordinance Resolution)	Janssen	None
More Frequent Charter Review Commissions	Janssen	None

The presentations were made on December 11, 2013 are attached in Appendix I. At the December 11, 2013 meeting the CRC decided to convene on December 16, 2013 to determine which issues would, in concept, be the proposed amendments in the actual report. The proceedings are documented in Appendix M of the report. It is important to note that while the December 16, 2013 votes were not the final votes (issues not receiving a majority vote could have been reconsidered under Robert Rules of Orders), only the issues receiving affirmative votes were actually considered in the final recommendation.

At the conclusion of the December 16, 2013 meeting, the CRC recessed for the Holiday Season, meeting again on January 8, 2014. John Slifko and Tom Anewalt agreed to meet and take the formal presentations from December 11, 2013, along with the decisions made on December 16, 2013 and create the formal language to be considered for actual amendments to the City of Reading Charter through the final Charter Review Commission Report. It is important to note that the Charter Board Advisory Opinion #34 attached in Appendix J, indicates that any Charter Amendment included in the Charter Review Commission report must be processed by City Council and the Mayor for actual referendum ballot placement before the next municipal election. This factor weighed heavily in the deliberations of the CRC from December 11 through the completion of their work.

Prior to the January 8, 2014 meeting, the Slifko/Anewalt report was issued. In addition to the language developed on each formal amendment they developed special rules to govern debate and how additional amendments could be introduced. Their report is listed here:

### **Procedure for Voting on Proposed Charter Amendments - January 8, 2014**

#### I. Procedure for Voting on Proposed Charter Amendments

1. Each proposed Charter Amendment, as drafted in this agenda, shall be presented for a vote on Wednesday, January 8. Roberts Rules of Order will be followed, and the vote will be strictly “yes” or “no” on that individual proposed Amendment. There will be no “bundling” of alternative Amendments, and no voting for alternative #1, alternative #2, or neither alternative, as was done in some cases at the December 16 meeting.

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2. If there are any amendments to the proposed Charter Amendment, such modification amendments shall be presented with specific legal language in writing to all CRC members no later than 5:00 P.M. on Tuesday, January 7. No modification amendments to a proposed Charter Amendment will be entertained after that time.
  3. As each Charter Amendment is presented for a vote on January 8, any modification amendments will first be entertained:
    - The modification amendment will be moved and seconded
    - There will be discussion, if any
    - There will be a “yes” or “no” vote on the modification amendment
  4. After any modification amendments have been entertained and voted upon, the vote on the proposed Charter Amendment will take place:
    - The proposed Charter Amendment, together with any modification amendments thereto, will be moved and seconded
    - There will be brief discussion, if any
    - There will be a “yes” or “no” vote on the proposed Charter Amendment, as modified
  5. The above procedure will then be followed for each of the remaining proposed Charter Amendments.
- II. Proposed Charter Amendments (to be voted on January 8, following the Procedure outlined above)

### Overview

The following proposed Charter Amendments are based on two criteria:

- (1) Only proposed Amendments which, in concept, received 6 affirmative votes on December 16 are included, and
- (2) The language of each proposed Amendment reflects as accurately as possible the language that was proposed and voted on December 16.

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## Specific Proposed Charter Amendments

### A. City Auditor, Section 502

Shall Section 502, City Auditor Eligibility be amended to delete the requirement that he or she be a CPA with a minimum of five (5) years' experience in business administration, accounting, management or municipal government?

### B. Boards and Commissions, Section 1002

Shall Section 1002(c) Qualifications be amended by deleting the language "No person may concurrently serve on more than one authority, board or commission", and replacing it with: "No person may concurrently serve on more than two boards or commissions. A person may serve on two boards or commissions only if there is no conflict of interest in doing so." ?

### C. Budget, Section 904

Shall Section 904(d) Budget be amended to read: "The budget shall detail the number, salary, and benefits of proposed employees in every job classification. This detail shall be delivered to City Council in a form acceptable to be included in the Annual Position Ordinance adopted in unison with the Budget Ordinance. It is expressly understood that this Position Ordinance must be amended from time to time during the year if actual hiring and employment of City personnel changes from the original Annual Position Ordinance."

### D. Charter Review Commission, Section 1203

Shall the first sentence of Section 1203, Charter Review Commission, be amended to read: "At least every 5 years, but no sooner than every 3 years, City Council and the Mayor shall appoint a Charter Review Commission composed of 11 members. Neither the Mayor, nor any member of City Council, nor any member of their immediate staffs shall serve on the Charter Review Commission. Nothing herein shall preclude such officials from attending or participating in the actions of the Commission as a citizen.";and

Shall the 5<sup>th</sup> sentence of Section 1203, Charter Review Commission be amended to read: "City Council and the Mayor, by ordinance, shall place all proposed amendments on the ballot no later than the next municipal election." ?

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### E. Powers and Duties of the Mayor, Section 308; Powers and Duties of the Managing Director, Section 406

Shall Section 308(g) which states that the Mayor shall “Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by the Charter or by law”, and Section 406(2) which states that the Managing Director shall “Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law” be deleted entirely, and

Shall such language be replaced by “Section 308(g) [The Mayor shall] Direct the administration of all departments, offices, and agencies of the City as supervised by the Managing Director, except as otherwise provided by this Charter or by law”, and “Section 406(2) [The Managing Director shall] Supervise the administration of all departments, offices, and agencies of the City, as directed by the Mayor, except as otherwise provided by this Charter or by law.” ?

[Note: Neither of the following proposed Charter Amendments – Amendment F and Amendment G - received 6 affirmative votes on December 16. However, since these Amendments were presented as alternatives with a third alternative to vote for neither, the process on December 16 was clearly a violation of Roberts Rules of Order.

Therefore, proposed Amendment F and proposed Amendment G are now being re-introduced as stand-alone Amendments to be voted on individually, with a “yes” or “no” vote, according to the same procedure for all other proposed Amendments.]

### F. Administrative Code and Procedures, Sections 601,602

Shall Section 601(2),(3) Administrative Code, which states that the Administrative Code shall include: “(2) the internal procedures for the operation of the departments, offices, and agencies, and (3) any other rules, regulations, and procedures reasonably appropriate for efficient administration” be deleted entirely, and

Shall this language be replaced by “(2) any general policy or regulations applied to all areas of City Administration reasonably appropriate for efficient administration”, and

Shall Section 602, Common Administrative Procedures, which states “City Council shall have the power by resolution to adopt uniform administrative procedures, regulations, and forms to be followed by all elected officials, departments, offices,

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and agencies” include the additional sentence: “Nothing herein shall be construed to allow City Council to provide specific direction to departmental operations.” ?

- G. Administrative Code and Procedures, Sections 601, 602; Ordinances, Section 215; [Budget] Amendments After Adoption, Section 908

Shall the Charter be amended as follows:

- (1) Repeal Section 601(2),(3) Administrative Code, which provides that the Administrative Code enacted by City Council shall include: “(2) the internal procedures for the operation of the departments, offices, and agencies; and (3) any other rules, regulations, and procedures reasonably appropriate for efficient administration.”; and

- (2) Repeal Section 602 Common Administrative Procedures, which provides that: “City Council shall have the power by resolution to adopt uniform administrative procedures, regulations, and forms to be followed by all elected officials, departments, offices, and agencies.”, and insert in its place a new Section 602 Administrative Manual, which states:

“The Mayor shall enact and from time to time amend an Administrative Manual which shall set forth in detail the administrative policies and procedures of the City, including:

- (a) General administrative policies, as directed by the Mayor and implemented by the Managing Director, for the efficient and effective operation of government; and
- (b) The internal procedures for the operation of the departments, offices, and agencies, as directed by the Managing Director and heads of departments; and
- (c) Any other rules, regulations, and procedures reasonably appropriate for efficient and effective administration.”; and

- (3) Section 215 Ordinances in General, shall include the additional language:

“Acts of Council shall be by Ordinance which:

- (i) Adopt or amend the codes or establish, alter, or abolish any unit of the City,
- (ii) Provide for a fine or other penalty or establish a rule or regulation for which a fine or other penalty is imposed,

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- (iii) Levy taxes and provide for service charges, permit fees and assessments,
- (iv) Grant, renew or extend a franchise,
- (v) Adopt or amend the annual budget and capital program budget,
- (vi) Repeal or amend any ordinance,
- (vii) Adopt procedures for purchasing of products, goods, or services, for making contracts and for the sale or lease of personal or real property of the City,
- (viii) Adopt other actions which are legislative in nature,
- (ix) Authorize the borrowing of money,
- (x) Purchase, convey, or lease lands or buildings,
- (xi) Adopt zoning, subdivision or other land use controls.”; and

(4) Section 908 (c) [Budget] Amendment After Adoption, shall be amended to read:

“Transfer of appropriations shall be made in accordance with the provisions of Section 215.” ?

H. Charter Board Ordinance, V. Enforcement [Note: This is a recommendation to City Council and The Mayor to amend an ordinance. It is not a proposed Charter Amendment which must go before the voters for approval or disapproval.]

Shall Charter Board Ordinance, V. Enforcement, A. Procedure, 3(b) Determination of Jurisdiction, be amended to delete the sentence: “Informal resolution shall consist solely of written notice to the complainant and the subject of the complaint encouraging them to resolve the issue outside the formal investigative and adjudicative process of the Board”, and to insert the language:

“The Investigative Officer or a Mediator appointed by the Charter Board at their discretion shall convene a meeting of the two parties to detail the issues which will be reviewed by the Charter Board, and to share any previous advisory opinions or decisions of the Board on these issues. It is expressly understood that this is an informal but required step to mediate a solution prior to further Charter Board action.” ?

### **The Final Meetings**

Prior to the Tuesday January 7, 2014, 5:00 PM deadline, City Administration submitted an alternative to F & G above, in line with their December 11, 2013 presentation. As the minutes indicate, the presentation was in a word document with correction tracking and was not printable

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in the format. Accordingly the Commission determined that final debate and decisions on alternates F & G would occur at the meeting on January 15, 2014. Recommendations for Charter amendments A, B, C, D, and E along with an ordinance recommendation for H were accepted with language included in the minutes of January 8, 2014 meeting. In preparation for the January 22, 2014 meeting the corrected language from the administration was submitted and included for consideration. This language consolidated the original F & G language into one recommendation. In addition the Commission recommended, as the minutes of January 15, 2014 indicate, the Administration combined language which was selected by the Commission instead of the previously submitted amendments F & G.

In addition, significantly, the Commission voted to submit all six amendments for inclusion in the final report which would require six different referendum votes. At the close of the January 15, 2014 meeting Charles Younger was charged with creating the language for the ballot initiatives. The Commission agreed to meet on January 22, 2014 to discuss and review the language and review the final report.

At the meeting on January 22, 2014 significant discussion occurred regarding dialogue with the Berks County Election Services and the potential difficulty for six (6) ballot questions fitting on the primary ballot. The dialogue is detailed in the minutes, however, in the end all six were recommended for inclusion in the report and immediate 2014 primary ballot consideration. If however, the ballot size allows the placement of only five questions, then the Charter Review Commission amendment will be placed on the November ballot. If the ballot size allows only four questions, then the budget amendment shall be on the November ballot, also. If the ballot size allows only three questions, then the Mayor/Managing Director amendment shall be on the November ballot, also. All six ordinances are listed in full in Appendix N. Finally the Commission agreed to meet one last time on Friday, January 24, 2014 to discuss the final report and hear feedback from Chuck Younger regarding discussions with the Berks County Election Services and their perspective on putting all six (6) ballot questions on the 2014 Primary Ballot.

### **Editorial Comment From the Facilitator**

Along the process of identifying the recommendations to be included in the Final Report, the CRC members identified four major developments as follows:

- CRC recommendations in the final report
- Need to establish amended process for resolution of Charter Board issues
- Unified submission of dual Solicitor support for Administration and City Council
- Consideration of the current form of Mayor/Council form of Government

### **CRC Recommendations in the final report**

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Following the adoption of the current City of Reading Home Rule Charter in 1993, Commonwealth of PA Court Rulings narrowed the avenues for which referendums can be placed on election ballots. The current Commonwealth rulings restrict referendum questions to one of two alternatives, legislative submission (city council ordinance) or citizen initiative (petitions executed by registered voters in accordance with the Charter). Following the submission of the 2002 CRC report, City Council declined to execute an ordinance and accordingly the formal process for the CRC Report referendums ended. However, a review of section 1203 of the charter by the current CRC indicated that City Council is obligated to execute an ordinance and file the report recommendations prior to the next municipal election with the Berks County Board of Elections.

Appendix J details the request for an advisory opinion to the Charter Board on this issue and the actual advisory opinion from the Charter Board. The quick summary of the Advisory Opinion is that the Charter requires the City Council and Mayor to cooperate in executing an ordinance to automatically place the recommended amendments on the ballot no later than the next municipal election. Failure to execute an ordinance would constitute a violation of City Charter.

This is critical in that the recommendations of the 2002 CRC were only placed on the ballot following a citizen initiative on both recommendations. City Council at the time refused to process the recommendations for ballot consideration.

### **Need to establish amended process for resolution of Charter Board Issues**

Another area of unity from the CRC was a need to create an alternative to the current Charter Board hearing process which has become a very contentious and expensive process of resolving disputes with interpretations regarding the Charter. At the issue is that the current process does not include a step for direct resolution of issues (it only encourages resolution) prior to a full Charter Board hearing and process. The CRC has recommended an alternative to the process which can be implemented by a simple ordinance by City Council. It calls for a mandatory meeting between the complainant and the subject of the complaint, where the Charter Board investigator or a separate mediator would discuss the cases and issues found in the investigation and any precedent ruling on the issue already given by the Charter Board. As noted, this is a simple ordinance recommendation, and does not require the filing of an electoral amendment.

### **Unified submission of dual Solicitor support for Administration and City Council**

As the CRC received the requested Charter Amendments from the Administration and the City Council, one significant recommendation appeared in both requests. Amend the Charter to allow City Council to have an appointed Solicitor as well as a City Solicitor. As the CRC discussed the issues and actually invited the Solicitor for the City of Bethlehem, John Spirk, Jr., to attend and discuss the experience of the City of Bethlehem (Bethlehem has a Council Solicitor as well as a City Solicitor). He related that the City of Bethlehem has good experience, however, it isn't because of the two solicitors, it is because they work to resolve issues. Ultimately, both the City

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Council and the Administration requested that this issue be removed from consideration and the CRC concurred.

### **Consideration of the current form of Mayor/Council form of government**

As the CRC began its deliberation of the issues regarding the current charter it became clear that the issue of the form of government became a concern. The current form of governance is sometimes referred to as a “Hybrid Strong Mayor” form. The current form of government actually embodies a “Strong Mayor” with a mandated chief administrative officer, the managing director (see Appendix E, CRC FAQs). The Administration proposed changes (detailed in their submission) to clarify the “Strong Mayor” nature of the form. Emerging in the CRC discussion, was suggested consideration for a Charter Amendment recommendation to adopt a Council/Mayor/City Manager form of government similar to the 2002 CRC recommendation.

*From an editorial perspective the CRC spent an extended period of time analyzing all aspects of these two alternatives. With a sitting Mayor and two sitting City Council members on the CRC communications and dialogue certainly could have been less than productive.*

*Clearly, however, the CRC maintained a very professional, passionate, and thoughtful discourse on all of the alternatives and implications by all of the members. Additionally, as the minutes reflect these two issues received split votes throughout the process. To the member the CRC was focused on the need to further adjust the way the City Government functioned with support for both the Strong Mayor revision or the Council/Mayor/Manger format*

In the end, the vote for which alternate to pursue was six (6) for the Strong Mayor form and five (5) for the Council/Mayor/Manager format.

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## APPENDIX

- A. City Administration's Recommendations the Charter Review Commission
- B. City Council Recommendations to the Charter Review Commission
- C. Charter Board 2012 Annual Report
- D. CRC Survey and Recipients
- E. CRC Frequently Asked Questions
- F. 2002 Charter Review Commission Report
- G. Summary of Charter Amendment Submissions
- H. Charter Review Commission Ballot
- I. List of formal Charter Amendments considered by CRC for inclusion in the final report along with presentations made on December 11, 2013.
- J. Submission and advisory opinion of Charter Board regarding CRC final report for Ballot consideration
- K. Presentations on the Final Charter Amendment Recommendations
- L. Citizens Appearing Before the Commission
- M. Minutes of the Commission
- N. Formal Ballot Questions and Ordinances for City Council Adoption
- O. List of Citizens Appearing at Charter Review Commission Meetings  
All found in the minutes of each meeting

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## Summary of Documents - Charter Review Commission (CRC) – 2013-2014

Index of Documents submitted for Commission consideration in its review potential issues for amendments to the City of Reading Home Rule Charter of 1993.

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## City of Reading

### 2013 Charter Review Commission

In accordance with the City of Reading Charter, the City Council and Mayor have commissioned the ten-year review of the current City Charter through the 2013 Charter Review Commission. This Commission is constituted with 4 members appointed by the Mayor and 7 members appointed by City Council. The Commission commenced work on July 24, 2013 and must complete its work by January 24, 2014 (six months). The Commission is desirous of receiving maximum citizen input. To that end, this survey has been designed to allow you or your organization to submit comments in accordance with these survey questions. To assist you with the submission you will find the following documents detailing important information regarding the Commissions work:

City of Reading FAQ's

Home Rule Law and the Reading City Charter – Historical Review - 2003

Following a review of the documents the Commission encourages your input through the survey as time permits. The questions are simply designed to elicit responses and should not be construed to be limiting in your response. Please feel free to submit your thoughts as you deem appropriate. Please return the survey in the self addressed and stamped to:

Paul Janssen, Facilitator

City of Reading Charter Review Commission

PO. Box 15234

Reading PA, 19612-5234

# City of Reading 2013-2014 Charter Review Commission Report

## City of Reading Charter Review Commission Survey

1. In your involvement or experience with the City of Reading government, have you had any instance where the current Home Rule Charter posed an issue which you did not understand or that it could not be resolved because of the interpretation of the issue?
2. In your involvement or experience with the City of Reading government, do you have any thoughts or concerns regarding the current operation of any aspect of the government?
3. In your experience with any aspect of City of Reading government are there any area(s) where you **would** like to see the administration or legislative process changed?
4. In your experience with any aspect of City of Reading government are there any area(s) which you **would not** like to see the administration or legislative process changed because you believe they function as you desire?

Submitted by: \_\_\_\_\_

Name (optional)

Organization (optional)

# City of Reading 2013-2014 Charter Review Commission Report

## City of Reading Charter Review Commission Survey Recipients

William Thompson, President  
Reading NAACP  
Suite 207  
529 Court Street  
Reading, PA 19601

Mike Toledo, Executive Director  
Centro Hispano Daniel Torres  
501 Washington Street  
P.O. Box 8652  
Reading, PA 19603

Kevin Murphy, President  
Berks County Community Foundation  
237 Court Street  
Reading, PA 19601

Karen Rightmire, President  
Wyomissing Foundation  
960 Old Mill Road  
Wyomissing, PA 19610

Barbara Bender, Co-Chair and Treasurer  
Carol Layton, Co-Chair and Secretary  
The League of Women Voters of Berks County  
P. O. Box 4222  
Reading, PA 19606

Peter Champaign, President  
Reading-Berks Association of REALTORS®  
2201 Ridgewood Road, Suite 350  
Wyomissing, PA 19610

John Scott, President and CEO  
Greater Reading Economic Partnership  
201 Penn Street  
Suite 502  
Reading, PA 19601

Ellen Horan, President and CEO  
Greater Reading Chamber of Commerce and  
Industry  
201 Penn Street  
Reading, PA 19601

Donald F. Smith, Jr. , Executive Director  
Berks County Bar Association  
544 Court Street  
Reading, PA 19603-1058

Dr. Lex McMillan, President  
Albright College  
PO Box 15234  
Reading, PA 19612-5234

Dr. Thomas F. Flynn, President  
Alvernia University  
400 St. Bernadine Street  
Reading, PA 19607

Dr. Anna Weitz, President  
Reading Area Community College  
10 South Second Street  
Reading, PA 19603

Mary Jo Weishampel  
Vice-Chair, 2002 Charter Review Commission  
1701 Olive St.  
Reading, PA 19604

Ermete Raffaelli  
Member, City of Reading Planning Commission  
901 Joan Terrace  
Reading, PA 19611

John Kramer, Hand Delivered  
Director Emeritis  
Center for Excellence in Local Government

Ruth Mathews, Exec. Director  
United Community Services  
601 Hiester's Lane

Reading, PA 19605

Art Grim, Retired Judge

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City of Reading Charter Review Commission Survey Recipients

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Ruth Martelli, President  
Reading Community Players  
11th and Buttonwood Street  
Reading, Pa 19612

Phil Walz, Exec. Dir.  
Goggleworks  
201 Washington Street  
Reading, PA 19601

Melissa Jamula, Retired  
Reading. School District Superintendent

Gust Zogas, Retired  
President, Reading Area Community College

# City of Reading 2013-2014 Charter Review Commission Report

## Charter Review Commission – Ballot

### I. Administrative or Administrative Procedural Issues

- Repeal or significantly restrict legislative use of Administrative Code
  - Charter Amend. – to repeal Administrative Code
  - Ordinance – to modify Administrative Code
  - ***Recommend follow up comprehensive study***
  
- Filling of Vacancies on Council/Mayor/Auditor
  - Charter Amend.
  
- Procedures for introducing ordinances to Council
  - Ordinance
  - Request Charter Board case/Advisory Opinion
  
- City Clerk (clarify role and responsibilities)
  - Ordinance clarifying that Clerk has only ministerial duties
  - Charter Amend. clarifying that Clerk has only ministerial duties
  -
  
- Powers and duties of Mayor (clarify Mayor's discretion in creating staff positions)
  - Being determined by active Charter Board case – wait for result
  - Charter Amend.
  
- City Auditor (clarify qualifications)
  - Present Charter language is clear
  - Charter Amend to change qualifications
  
- Director of Public Works/City Engineer (clarify qualifications)
  - Present Charter language is clear
  - Charter Amend to change qualifications –.
  
- Department of Administrative Services (review appropriateness of job scope)
  - Present Charter language is clear
  - Charter Amend to change job scope.
  
- Allow various offices such as City Clerk, Mayor, City Auditor to hire and manage their staff in accordance with the Position Ordinance and Budget
  - Already permitted- Mayor is already allowed to hire staff that has been created in Positions Ordinance
  - Charter Amend For City Clerk and Auditor to hire their own staff

# City of Reading 2013-2014 Charter Review Commission Report

Link the Positions Ordinance and Budget to provide clarity

- Ordinance requiring Positions Ordinance and Budget to be enacted at the same time
- Enact Positions Ordinance and Budget at same time without a new ordinance requiring Council to do so

## II. Structural

Designate separate Solicitors for Legislative and Executive branches

- Charter Amend.

Deputy Mayor (clarify “Acting Mayor” alternatives when both Mayor and Managing Director are not present)

- Remedy: Charter Amend

Temporary Managing Director (clarify process for naming a Temporary Managing Director)

- Being determined by active Charter Board case – wait for result, or
- Charter Amendment.

Membership on Boards and Commissions (allow citizens to serve on more than 1 board)

- Charter Amend

Correct overlap in duties of Mayor and Managing Director

- Charter Amend.

Provide Council with a role in the termination of Managing Director, Solicitor, and Department Directors

- Charter Amend.

Change to Council Manager form of government to (a) correct overlap in duties of Mayor and Managing Director, and (b) decrease conflict between executive and legislative branches

- Charter Amend.

Mechanism for ongoing Charter review

- ***Charter Amend. If more frequent***
- Ordinance controlled by Council
- 

## III. Clarifications

Reduce Charter ambiguity

- Can only be remedied on a case-by-case basis. Institution of Charter Board already provides a mechanism for resolving ambiguity through Charter complaints and Advisory Opinions.

## City of Reading 2013-2014 Charter Review Commission Report

- General powers and duties (currently power defaults to Council if not specifically delineated)
  - Charter Amend.
- Citizens' right to be heard before Council (present ordinance on public comment is more restrictive than Charter 213 provision)
  - Being determined by active Charter Board case
  - Charter Amendment
- Correct a typo in Section 503(d)
  - Perhaps this is not a typo, but rather the intention of the authors of the Charter – seek Charter Board Advisory Opinion to clarify
  - Charter Amendment would be required to change it if the present language is correct (i.e., not a typo), then a
- Define Council responsibilities along with need for Council to address constituent services
  - Section 103 of Charter already provides this broad definition
- Eliminate Section 1110 Recall, as recall in Pennsylvania is unconstitutional
  - Seek Advisory Opinion from Charter Board, then annotate Opinion of Charter
- Clarify Residency provision– Issue raised by Charter Board because of multiple cases
  - Remedy: Section 105(d) already defines residency

### IV. Procedural Issues

- Allow Budget and Capital Program public hearing to be held on same night
  - Charter Amend.
- Add Authorities to Article X, which governs Boards and Commissions
  - Membership on Authorities is governed by state law; this is not an issue for Charter consideration
- Initiative and referendum (limit substance of this right)
  - Charter Amend.

# APPENDIX

## A

### **City Administration's Recommendations to the Charter Review Commission**

# APPENDIX

## B

### City Council Recommendations to the Charter Review Commission

# APPENDIX

## C

### Charter Board 2012 Annual Report

# APPENDIX

## D

### CRC Survey and Recipients

# APPENDIX

## E

### CRC Frequently Asked Questions

# APPENDIX

## F

### 2002 Charter Review Commission Report

# APPENDIX

## G

### Summary of Charter Amendment Submissions

# APPENDIX

## H

### Charter Review Commission Ballot

# APPENDIX

## I

List of formal Charter Amendments considered by  
CRC for inclusion in the final report

# APPENDIX

## J

Submission

and

Advisory Opinion of Charter Board  
regarding CRC final report for Ballot consideration

# APPENDIX

## K

### Presentations

on

Charter Review Commission Final

Recommendations – December 11, 2013

	<u>Support</u>	<u>Opposed</u>
<b>The Administrative Code</b>	Spencer	Goodman-Hinnershitz
<b>Powers of the Mayor</b>	Spencer	Goodman-Hinnershitz
<b>Council Manager</b>	Slifko	Spencer
<b>City Auditor</b>	Cituk	No Opposition
<b>Boards and Commissions</b>	Denbowski	No Opposition
<b>Position and Budget Ordinance</b>	Janssen	No Opposition
<b>Charter Board Mediation</b>	Janssen	No Opposition
<b>Charter Review Commission – More frequent consideration</b>	Janssen	No Opposition

# APPENDIX

## M

### Minutes of the Commission

<u>Date</u>	<u>Location</u>
7/24/2013	Penn Room, Reading City Hall
8/07/2013	Penn Room, Reading City Hall
9/21/2013	Penn Room, Reading City Hall
9/04/2013	Penn Room, Reading City Hall
9/18/2013	Penn Room, Reading City Hall
10/02/2013	Alvernia University, Upland Center, 540 Upland Avenue, Reading
10/09/2013	St. Paul's Church, 1559 Perkiomen Ave. Reading
10/16/2013	Penn Room, Reading City Hall
10/23/2013	Center Park Artifacts Bank, 705 5 <sup>th</sup> Street, Reading
10/30/2013	Nativity Lutheran Church, 1501 N. 13 <sup>th</sup> Street, Reading
11/06/2013	Christ Lutheran Church, 1301 Luzerne Street, Reading
11/13/2013	Penn Room, Reading City Hall
11/20/2013	Penn Room, Reading City Hall
12/11/2013	Third Floor Training Room, Reading City Hall
12/16/2013	Penn Room, Reading City Hall
1/08/2014	Penn Room, Reading City Hall
1/15/2014	Penn Room, Reading City Hall
1/22/2014	Penn Room, Reading City Hall
1/24/2014	Penn Room, Reading City Hall

# APPENDIX

## N

### Formal Ballot Questions and Ordinances for City Council Adoption

- City Auditor
- Boards and Commissions
- Administrative Regulations and Procedures
- Mayor and Managing Director
- Position and Budget Ordinance
- Charter Review Commission

# APPENDIX

## O

List of Citizens Appearing at Charter Review Commission Meetings  
All found in the minutes of each meeting

1. Ernie Schlegel
2. Chris Wagner
3. Stratton Mamarou
4. Jeffrey Miller
5. Mike Lauter
6. John Hefferon
7. Robert Jenks