

# ***CITY COUNCIL***

## ***Meeting Agenda***

***REGULAR MEETING  
COUNCIL CHAMBERS***

***MONDAY, SEPTEMBER 27, 2010  
7:00P.M.***

### **1. OPENING MATTERS**

**A. CALL TO ORDER**

**B. INVOCATION:** Rev. Carolyn Burdine, Total Christian Family Center

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

### **2. PROCLAMATIONS AND PRESENTATIONS**

- Presentation by Katrina Lerch, MDA and Jason Batz, Co-Chairman of the MDA Committee for Local 1803 IAFF
- Presentation by Michael Reese and William Frymoyer, members of the City of Reading United Way of Berks County Committee

### **3. PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the 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. AGENDA:** Council Meeting of September 27, 2010

#### **5. Consent Agenda Legislation**

**A. Award of Contract** - for Sodium Silicofluoride for the City of Reading, on behalf of the Reading Area Water Authority, to Thatcher Company of New York, P.O. Box 27407, Salt Lake City, Utah 84127-0407, who is the low bidder, at a price of \$0.44/pound for approximately 80,000 pounds, for a total bid price of \$35,200.00 **(Purchasing)**

**B. Award of Contract** - for Zinc Orthophosphate for the City of Reading, on behalf of the Reading Area Water Authority, to Carus Phosphates, Inc., 315 Fifth Street, Peru, IL 61354, who is the low bidder, at a price of \$4.51/gallon for approximately 10,000 gallons, for a total bid of \$41,500 **(Purchasing)**

**C. Award of Contract** - for Aluminum Sulfate for the City of Reading, on behalf of the Reading Area Water Authority, to Delta Chemical Corp., 2601 Cannery Avenue, Baltimore, MD 21226-1595, who is the low bidder, at a price of \$246.10/dry ton for approximately 1,500 dry tons, for a total bid of \$369,150.00 **(Purchasing)**

**D. Award of Contract** - for Cationic Polymer Flocculant for the City of Reading, on behalf of the Reading Area Water Authority, to Atlantic Coast Polymers, Inc., 6207 Bee Caves Road, Suite 180, Austin, Texas, who is the low bidder, at a price of \$1.549/pound for approximately 60,000 pounds, for a total bid of \$92,940.00 **(Purchasing)**

**E. Award of Contract** - for Liquid Chlorine for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority, for approximately 606,000 pounds of liquid chlorine to Univar USA Inc., 532 East Emaus Street, Middletown PA 17057, who is not the low bidder for the 150 pound cylinders but not for the one ton cylinders, for an approximate total bid price of \$153,300.00. The low bid for

the one ton cylinders was rejected due to past poor performance and safety concerns and issues (**Purchasing**)

**F. Award of Contract** - for Sodium Phosphate for the City of Reading, on behalf of the Reading Area Water Authority, to Shannon Chemical Corp., P.O. Box 376, Malvern, PA 19355 who is the low bidder, at a price of \$4.04 gallon for approximately 20,000 gallons, for a total bid of \$80,800.00 (**Purchasing**)

**G. Award of Contract** - for Sodium Hydroxide for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority, for the 25% NaOH diaphragm grade delivered in bulk, the 50% NaOH diaphragm grade delivered in bulk and the emergency 20% NaOH diaphragm grade to Basic Chemical Solutions, who is the low bidder for the 25% NaOH delivered in bulk and the emergency 20% NaOH, at the submitted unit prices of \$0.63/gallon, \$1.31/gallon and \$0.51/gallon respectively. It is also the recommendation to award the 25% NaOH diaphragm grade delivered in totes to Univar USA, who is the low bidder, at the submitted unit price of \$297.00/tote. These awards bring the estimated total bid price to \$213,750 (**Purchasing**)

## **6. ADMINISTRATIVE REPORT**

## **7. REPORT FROM OFFICE OF THE AUDITOR**

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

## **9. ORDINANCES FOR FINAL PASSAGE**

**A. Bill No. 63-2010** - amending the 2010 City of Reading Full Time Position Ordinance by eliminating one (1) Development Inspection Clerk position, creating three (3) Property Maintenance Aides, adding one (1) Deputy Director of Community Development, adding one (1) Community Development Program Manager, and eliminating one (1) Community Development Specialist (**Act 47 Recovery Plan CE 03 and CE 06**) (**Bus Analyst**) *Introduced at the August 23 regular meeting; Tabled at the September 13 regular meeting*

**B. Bill No. 69-2010** - amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council approval (**Council Staff**) *Introduced at the August 23 regular meeting; Tabled at the September 13 regular meeting; Administration to provide information on the impact this change would have*

**C. Bill No. 71-2010** - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 1 Building Code Letter B International Building Code Article 1 International Building/Fire Prevention Code Board of Appeals Rules of Procedure Article 2 Membership by adding 2.6 Removal of Members (**Council Staff**) *Introduced at the September 13 regular meeting*

**D. Bill No. 72-2010** - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 3 International Fire Code Article 1 International Building/Fire Prevention Code Board of Appeals Rules of Procedure Article 2 Membership by adding 2.6 Removal of Members (**Council Staff**) *Introduced at the September 13 regular meeting*

**E. Bill No. 73-2010** - amending the City of Reading Codified Ordinances Chapter 2 Animals Section 2-111 Animal Control Board Powers and Duties by adding #4 Removal of Members (**Council Staff**) *Introduced at the September 13 regular meeting*

**F. Bill No. 74-2010** - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government Part 1 Administrative Code Letter J Code of Ethics Section 1-199.12 Board of Ethics Letter A Composition and Structure of Board by adding # 9 Removal for members of the Board of Ethics (**Council Staff**) *Introduced at the September 13 regular meeting*

**G. Bill No. 75-2010** - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-517 increasing the violation for parking overtime at parking meters as required by the Act 47 Recovery Plan (RE03 & PA02) (**Parking Authority/Mayor**) *Introduced at the September 13 regular meeting; Advertised 9-20-10*

**H. Bill No. 76-2010** - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-416 increasing the violation for various parking regulations as required by the Act 47 Recovery Plan (RE03 & PA02) *Introduced at the September 13 regular meeting; Advertised 9-20-10*

## **10. INTRODUCTION OF NEW ORDINANCES**

**A. Ordinance** - approving the enactment of the Ordinance authorizing (1) the issuance of a series of General Obligation Bonds in the maximum aggregate principal amount of not to exceed \$20,000,000, to finance the funding of certain unfunded debt of the City and to pay the costs of issuance of the Bonds; (2) the execution and delivery of (a) a Bond Purchase Proposal from Wells Fargo Bank, National Association for the purchase of the Bonds on the terms and conditions established in the Ordinance and (b) an Addendum to such Bond Purchase Proposal which will be delivered by Wells Fargo Bank, National Association upon the final pricing of the Bonds and (3) the

execution and delivery of such other agreements, certificates, instruments and documents necessary in connection with the issuance of the Bonds subject to the review and approval of such agreements, certificates, instruments and documents by bond counsel to the City **(Finance)**

### **Pending Legislation**

**Bill No. 30 - 2010** - authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of certain premises situate in Ontelaunee Township, Berks County, PA from the City of Reading to Ontelaunee Township **(Law)** *Introduced at the June 15 regular meeting; Tabled at the July 12 and July 26 regular meetings*

**Bill No. 34-2010** – establishing a four-way stop intersection at N. 13<sup>th</sup> St and Richmond St in the City of Reading, Pennsylvania **(Public Works)** *Introduced at the July 12 regular meeting; Tabled at the July 26 regular meeting; Second Traffic Study Requested*

**Bill No. 55-2010** – authorizing the execution of the memorandum of understanding for the City Fire Training Center *Introduced at the July 26 regular meeting; Tabled at the August 9 regular meeting; Discussed at the August 16 Public Works meeting; Tabled at the August 23 regular meeting*

## **11. RESOLUTIONS**

**A. Resolution** - Authorizing the Zoning Enforcement Officer and all Property Maintenance Inspectors and Supervisors as authorized assistants of the City's Preservation Officer who shall exercise all the powers, including citation, of the Preservation Officer and in place of the Preservation Officer at the time violations are identified in accordance with the enforcement regulations and requirements set forth in the City of Reading Codified Ordinances relative to Historic Districts **(Law)**

**B. Resolution** - authorizing the issuance of a Tax and Revenue Anticipation Note, Series a of 2010 in a principal amount of three million two hundred thousand dollars (\$3,200,000); providing for the dated date, interest rate, maturity date, payment and place of payment in respect of the note; accepting the proposal attached hereto as Exhibit "B" from the financial institution or entity named therein for the purchase of the note; naming a sinking fund depository/paying agent; authorizing the proper officers of the city to execute and deliver the note and certain other documents and certificates in connection therewith; authorizing and directing the preparation, certification and filing of the necessary documents with the department of community and economic development of the commonwealth of Pennsylvania; setting forth a form of the note

**(Finance)**

**12. PUBLIC COMMENT – GENERAL MATTERS**

**13. COUNCIL BUSINESS / COMMENTS**

**14. COUNCIL MEETING SCHEDULE**

**Monday, September 27**

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

**Monday, October 4**

*Special Meeting – Budget Introduction – Council Chambers – 5 pm*

*Administrative Oversight Committee – Council Office – 5:30 pm*

*Public Safety Committee – Council Office – 5:30 pm*

**Monday, October 11**

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

**Tuesday, October 12**

*Termination Hearing – Council Chambers 5 pm*

## **15. BAC AND COMMUNITY GROUP MEETING SCHEDULE**

### **Monday, September 27**

DID Authority – Reading Eagle 3<sup>rd</sup> floor Conference Room – noon

BARTA – BARTA Office – 3 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

### **Tuesday, September 28**

Housing Authority Workshop – WC Building – 4 pm

Housing Authority Meeting – WC Building – 5 pm

Planning Commission – Penn Room – 7 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

Penn's Commons Neighborhood Group – Penn's Commons Meeting Room – 7 pm

### **Monday, October 4**

Centre Park Artifacts Bank – 705 N 5<sup>th</sup> St – noon

Shade Tree Commission – Planning Conference Room – 6 pm

### **Tuesday, October 5**

Environmental Advisory Council – Council Office – 5:30 pm

Charter Board – Penn Room – 7 pm

### **Wednesday, October 6**

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

### **Thursday, October 7**

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Christ Lutheran Church – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

### **Sunday, October 10**

College Heights Community Council – Nativity Lutheran Church – 7 pm

### **Monday, October 11**

Fire Civil Service Board – Penn Room – noon

6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity Fieldhouse – 6:30 pm



# AGENDA MEMO

FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Tammi Reinhart, Purchasing Coordinator  
**PREPARED BY:** Tammi Reinhart, Purchasing Coordinator  
**MEETING DATE:** September 27, 2010  
**AGENDA MEMO DATE:** September 21, 2010  
**RECOMMENDED ACTION:** Awarding of Contract for Sodium Silicofluoride for the City of Reading, on behalf of the Reading Area Water Authority.

## RECOMMENDATION

The recommendation is to award the contract to Thatcher Company of New York, P.O. Box 27407, Salt Lake City, Utah 84127-0407, who is the low bidder, at a price of \$0.44/pound for approximately 80,000 pounds, for a total bid price of \$35,200.00.

## BACKGROUND

Bids for approximately 80,000 pounds of sodium silicofluoride for use by the Reading Area Water Authority were received September 8, 2010.

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

## BUDGETARY IMPACT

The Water Authority has confirmed there are sufficient funds in budget account code 50-15-84-4513.

## PREVIOUS ACTION

None.

## SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the September 27, 2010 meeting.

## RECOMMENDED BY

Mayor, Interim Managing Director, Reading Area Water Authority Executive Director, Director of Administrative Services, and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation to award the contract to Thatcher Company of New York for the purchase of Sodium Silicofluoride.

cc: File

September 9, 2010

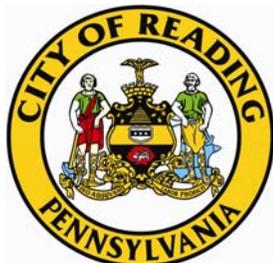
To the Mayor  
City Hall  
Reading, PA

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

**BID NO. 9006-10 FOR APPROX. 80,000 POUNDS OF SODIUM SILICOFLUORIDE FOR THE CITY OF READING, PENNSYLVANIA, ON BEHALF OF THE READING AREA WATER AUTHORITY**

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>TOTAL BID PRICE</u></b>
Thatcher Company of New York P.O. Box 27407 Salt Lake City, UT 84127-0407	\$0.44/lb	\$35,200.00
Main Pool & Chemicals Co. Inc. 110 Commerce Road Dupont, PA 18641	\$0.519/lb	\$41,520.00
Univar USA Inc. 532 East Emaus Street Middletown, PA 17057	\$0.519/lb	\$41,520.00

TAMMI REINHART  
Purchasing Coordinator



# AGENDA MEMO

FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Tammi Reinhart, Purchasing Coordinator  
**PREPARED BY:** Tammi Reinhart, Purchasing Coordinator  
**MEETING DATE:** September 27, 2010  
**AGENDA MEMO DATE:** September 21, 2010  
**RECOMMENDED ACTION:** Awarding of Contract for Zinc Orthophosphate for the City of Reading, on behalf of the Reading Area Water Authority.

## RECOMMENDATION

The recommendation is to award the contract to Carus Phosphates, Inc., 315 Fifth Street, Peru, IL 61354, who is the low bidder, at a price of \$4.51/gallon for approximately 10,000 gallons, for a total bid of \$41,500.

## BACKGROUND

Bids for approximately 10,000 gallons of Zinc Orthophosphate for use by the Reading Area Water Authority were received September 8, 2010.

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

## BUDGETARY IMPACT

The Water Authority has confirmed there are sufficient funds in budget account code 50-15-84-4513 for this contract.

## PREVIOUS ACTION

None.

## SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the September 27, 2010 meeting.

## RECOMMENDED BY

Mayor, Interim Managing Director, Reading Area Water Authority Executive Director, Director of Administrative Services, and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation to award the contract to Carus Phosphates, Inc. for the purchase of Zinc Orthophosphate.

cc: File

September 9, 2010

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. 9007-10 FOR APPROX. 10,000 GALLONS OF ZINC ORTHOPHOSPHATE,  
FOR THE CITY OF READING, PENNSYLVANIA, ON BEHALF OF THE READING  
AREA WATER AUTHORITY**

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>EXTENDED PRICE</u></b>
Carus Phosphates, Inc. 315 Fifth Street Peru, IL 61354	\$4.51/gal	\$45,100.00
Shannon Chemical Corporation P.O. Box 376 Malvern, PA 19355	\$5.14/gal	\$51,400.00
George S. Coyne Chemical 3015 State Road Croydon, PA 19021	\$5.176/gal	\$51,760.00

TAMMI REINHART  
Purchasing Coordinator



# AGENDA MEMO

FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Tammi Reinhart, Purchasing Coordinator  
**PREPARED BY:** Tammi Reinhart, Purchasing Coordinator  
**MEETING DATE:** September 27, 2010  
**AGENDA MEMO DATE:** September 21, 2010  
**RECOMMENDED ACTION:** Awarding of Contract for Aluminum Sulfate for the City of Reading, on behalf of the Reading Area Water Authority.

## RECOMMENDATION

The recommendation is to award the contract to Delta Chemical Corp., 2601 Cannery Avenue, Baltimore, MD 21226-1595, who is the low bidder, at a price of \$246.10/dry ton for approximately 1,500 dry tons, for a total bid of \$369,150.00.

## BACKGROUND

Bids for approximately 1,500 dry tons of Aluminum Sulfate for use by the Reading Area Water Authority were received September 8, 2010.

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

## BUDGETARY IMPACT

The Water Authority has confirmed there are sufficient funds in budget account code 50-15-84-4513.

## PREVIOUS ACTION

None.

## SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the September 27, 2010 meeting.

## RECOMMENDED BY

Mayor, Interim Managing Director, Reading Area Water Authority Executive Director, Director of Administrative Services, and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation to award the contract to Delta Chemical Corp. for the purchase of Aluminum Sulfate.

cc: File

September 9, 2010

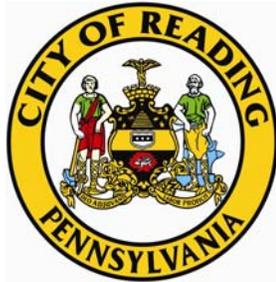
To the Mayor  
City Hall  
Reading, PA

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

**BID NO. 9001-10 FOR APPROX. 1,500 DRY TONS OF ALUMINUM SULFATE FOR THE CITY OF READING, PENNSYLVANIA, ON BEHALF OF THE READING AREA WATER AUTHORITY**

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>TOTAL BID PRICE</u></b>
Delta Chemical Corp. 2601 Cannery Ave. Baltimore, MD 21226-1595	\$246.10/dry ton	\$369,150.00
General Chemical Performance Products 90 East Halsey Road Parsippany, NJ 07054	\$385.00/dry ton	\$577,500.00
Holland Company, Inc. 153 Howland Avenue Adams, MA 01220	\$428.24/dry ton	\$642,360.00
Brenntag Northeast, Inc. P.O. Box 13788 Reading, PA 19612	\$429.00/dry ton	\$643,500.00

TAMMI REINHART  
Purchasing Coordinator



# AGENDA MEMO

FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Tammi Reinhart, Purchasing Coordinator  
**PREPARED BY:** Tammi Reinhart, Purchasing Coordinator  
**MEETING DATE:** September 27, 2010  
**AGENDA MEMO DATE:** September 21, 2010  
**RECOMMENDED ACTION:** Awarding of Contract for Cationic Polymer Flocculant for the City of Reading, on behalf of the Reading Area Water Authority.

## RECOMMENDATION

The recommendation is to award the contract to Atlantic Coast Polymers, Inc., 6207 Bee Caves Road, Suite 180, Austin, Texas, who is the low bidder, at a price of \$1.549/pound for approximately 60,000 pounds, for a total bid of \$92,940.00.

## BACKGROUND

Bids for approximately 60,000 pounds of cationic polymer flocculant for use by the Reading Area Water Authority were received on September 8, 2010.

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

## BUDGETARY IMPACT

The Water Authority has confirmed there are sufficient funds in budget account code 50-15-84-4513 for this contract.

## PREVIOUS ACTION

None.

## SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the September 27, 2010 meeting.

## RECOMMENDED BY

Mayor, Interim Managing Director, Reading Area Water Authority Executive Director, Director of Administrative Services, and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation to award the contract to Atlantic Coast Polymers. for the purchase of cationic polymer flocculant.

cc: File

September 9, 2010

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. 9002-10 FOR APPROX. 60,000 POUNDS OF CATIONIC POLYMER FLOCCULANT C3230 OR APPROVED EQUAL FOR THE CITY OF READING, PENNSYLVANIA, ON BEHALF OF THE READING AREA WATER AUTHORITY.**

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>TOTAL BID PRICE</u></b>
Atlantic Coast Polymers, Inc. 6207 Bee Caves Road Suite 180 Austin, TX	\$1.549	\$92,940
Polydyne, Inc. One Chemical Plant Road Riceboro, GA 31323	\$1.63/lb	\$97,800.00
George S. Coyne Chemical 3015 State Road Croydon, PA 19021-6997	\$1.844/lb	\$110,640.00

TAMMI REINHART  
Purchasing Coordinator



# AGENDA MEMO

FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Tammi Reinhart, Purchasing Coordinator  
**PREPARED BY:** Tammi Reinhart, Purchasing Coordinator  
**MEETING DATE:** September 27, 2010  
**AGENDA MEMO DATE:** September 21, 2010  
**RECOMMENDED ACTION:** Awarding of Contract for Liquid Chlorine for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority.

## RECOMMENDATION

The recommendation is to award the contract for approximately 606,000 pounds of liquid chlorine to Univar USA Inc., 532 East Emaus Street, Middletown PA 17057, who is not the low bidder for the 150 pound cylinders but not for the one ton cylinders, for an approximate total bid price of \$153,300.00. The low bid for the one ton cylinders was rejected due to past poor performance and safety concerns and issues.

## BACKGROUND

Bids for approximately 594,000 lbs. of liquid chlorine in one (1) ton cylinders and approximately 12,000 lbs. in 150 lb. cylinders for use by the Reading Area Water Authority and the Utilities Division of Public Works were received on September 8, 2010. The approximately 594,000 lbs. of liquid chlorine in one ton cylinders will be used by both the Reading Area Water Authority and the Department of Public Works. The approximately 12,000 lbs. of liquid chlorine in 150 lb. cylinders will be used exclusively by the Reading Area Water Authority.

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

## BUDGETARY IMPACT

The Water Authority and Department of Public Works have confirmed there are sufficient funds budgeted in 2009 in account codes 50-15-84-4513 and 54-07-44-4513.

## PREVIOUS ACTION

None

**SUBSEQUENT ACTION**

Formal action by Council is needed to award the contract at the September 27, 2010 meeting.

**RECOMMENDED BY**

Mayor, Interim Managing Director, Reading Area Water Authority Executive Director, Director of Public Works, Director of Administrative Services and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation to award the contract to Univar USA, Inc. for the purchase of liquid chlorine.

pc: File

September 9, 2010

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. 9003-10 FOR APPROX. 606,000 POUNDS OF LIQUID CHLORINE FOR THE WASTEWATER TREATMENT PLANT, DEPARTMENT OF PUBLIC WORKS AND THE CITY OF READING, PENNSYLVANIA, ON BEHALF OF THE READING AREA WATER AUTHORITY**

**APPROX. 594,000 POUNDS OF LIQUID CHLORINE IN ONE TON CYLINDERS**

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>EXTENDED PRICE</u></b>
JCI Jones Chemicals, Inc. 103 River Street Warwick, NY 10990	\$0.21975/lb	\$130,531.50
Univar USA Inc. 532 East Emaus Street Middletown, PA 17057	\$0.246/lb	\$146,124.00
Kuehne Chemical Co., Inc. 86 North Hackensack Avenue South Kearney, NJ 07032	\$0.33/lb	\$196,020.00
Main Pool & Chemical Co. Inc. 110 Commerce Road Dupont, PA 18641		NO BID

**APPROX. 12,000 POUNDS OF LIQUID CHLORINE IN 150 POUND CYLINDERS**

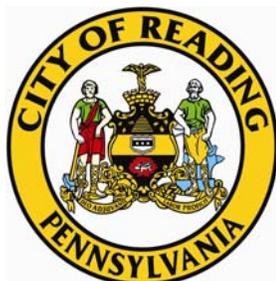
JCI Jones Chemicals, Inc.	\$0.5333/lb	\$6,399.60 (a)
Univar USA, Inc.	\$0.598/lb	\$7,176.00 (b)
Main Pool and Chemical, Inc.	\$0.60/lb	\$7,200.00

Kuehne Chemical Co., Inc.

NO BID

- (a) Cylinder deposit = \$0.00
- (b) Cylinder deposit = \$0.00

TAMMI REINHART  
Purchasing Coordinator



# AGENDA MEMO

FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Tammi Reinhart, Purchasing Coordinator  
**PREPARED BY:** Tammi Reinhart, Purchasing Coordinator  
**MEETING DATE:** September 27, 2010  
**AGENDA MEMO DATE:** September 21, 2010  
**RECOMMENDED ACTION:** Awarding of Contract for Sodium Phosphate for the City of Reading, on behalf of the Reading Area Water Authority.

## RECOMMENDATION

The recommendation is to award the contract to Shannon Chemical Corp., P.O. Box 376, Malvern, PA 19355 who is the low bidder, at a price of \$4.04 gallon for approximately 20,000 gallons, for a total bid of \$80,800.00.

## BACKGROUND

Bids for approximately 20,000 gallons of Sodium Phosphate for use by the Reading Area Water Authority were received September 8, 2010.

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

## BUDGETARY IMPACT

The Water Authority has confirmed there are sufficient funds in budget account code 50-15-84-4513 for this contract.

## PREVIOUS ACTION

None.

## SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the September 27, 2010 meeting.

## RECOMMENDED BY

Mayor, Interim Managing Director, Reading Area Water Authority Executive Director, Director of Administrative Services, and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation to award the contract to Shannon Chemical Corp. for the purchase of Sodium Phosphate.

cc: File

September 9, 2010

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. 9005-10 FOR APPROX. 20,000 GALLONS OF SODIUM PHOSPHATE FOR THE CITY OF READING, PENNSYLVANIA, ON BEHALF OF THE READING AREA WATER AUTHORITY**

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>TOTAL BID PRICE</u></b>
Shannon Chemical Corp. P.O. Box 376 Malvern, PA 19355	\$4.04/gal	\$80,800.00
George S. Coyne Chemical Co, Inc. 3015 State Hill Road Croydon, PA 19021-6997	\$4.147	\$82,940.00
Carus Phosphates, Inc.. 181 Woodlawn Avenue Belmont, NC 28012	\$4.48/gal	\$89,600.00
Exeter Supply Co., Inc. 117 Prospect Street Reading, PA 19606	\$14.75	\$139,977.50

TAMMI REINHART  
Purchasing Coordinator



# AGENDA MEMO

FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Tammi Reinhart, Purchasing Coordinator  
**PREPARED BY:** Tammi Reinhart, Purchasing Coordinator  
**MEETING DATE:** September 27, 2010  
**AGENDA MEMO DATE:** September 21, 2010  
**RECOMMENDED ACTION:** Awarding of Contract for Sodium Hydroxide for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority.

## RECOMMENDATION

The recommendation is to award the contract for the 25% NaOH diaphragm grade delivered in bulk, the 50% NaOH diaphragm grade delivered in bulk and the emergency 20% NaOH diaphragm grade to Basic Chemical Solutions, who is the low bidder for the 25% NaOH delivered in bulk and the emergency 20% NaOH, at the submitted unit prices of \$0.63/gallon, \$1.31/gallon and \$0.51/gallon respectively. It is also the recommendation to award the 25% NaOH diaphragm grade delivered in totes to Univar USA, who is the low bidder, at the submitted unit price of \$297.00/tote. These awards bring the estimated total bid price to \$213,750.

## BACKGROUND

Bids for sodium hydroxide for use by the Reading Area Water Authority Authority and the Environmental Division of Public Works were received on September 8, 2010.

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

## BUDGETARY IMPACT

The Department of Public Works has confirmed there are sufficient funds in account code 54-07-44-4513 and the Reading Area Water Authority has confirmed there are sufficient funds in account code 50-15-84-4513 to cover this contract.

## PREVIOUS ACTION

None

**SUBSEQUENT ACTION**

Formal action by Council is needed to award the contract at the September 27, 2010 meeting.

**RECOMMENDED BY**

Mayor, Interim Managing Director, Director of Public Works, Executive Director of RAWA, Director of Administrative Services and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation to award the contract to Basic Chemical Solutions and Univar USA, Inc. for the purchase of sodium hydroxide.

pc: File

September 9, 2010

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. 9004-10 FOR SODIUM HYDROXIDE FOR THE WASTEWATER TREATMENT PLANT, DEPARTMENT OF PUBLIC WORKS AND THE CITY OF READING, PENNSYLVANIA, ON BEHALF OF THE READING AREA WATER AUTHORITY.**

*BULK –*

**30,000 GALLONS - 25% NaOH DIAPHRAGM GRADE**

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>EXTENDED PRICE</u></b>
Basic Chemical Solutions, LLC 5 Steel Road East Morrisville, PA 19067	\$.63/gal	\$18,900.00
JCI Jones Chemicals Inc. 40 Railroad Avenue Merrimack, NH 03054	\$.79/gal	\$23,700.00
North Industrial Chemicals, Inc. 609 East King Street York, PA 17405-1904	\$.7975/gal	\$23,925.00
Univar USA, Inc. 532 East Emaus Street Middletown, PA 17057	\$0.888/gal	\$26,640.00
Kuehne Chemical Co., Inc. 86 North Hackensack Avenue South Kearny, NJ 07032	\$1.20/gal	\$36,000.00
Main Pool & Chemical Co. Inc. 110 Commerce Road Dupont, PA 18641		NO BID

***135,000 GALLONS – 50% NaOH DIAPHRAGM GRADE***

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>EXTENDED PRICE</u></b>
Basic Chemical Solutions, LLC.	\$1.31/gal	\$176,850.00
JCI Jones Chemicals, Inc.	\$1.41/gal	\$190,350.00
Univar USA Inc.	\$1.54/gal	\$205,740.00
North Industrial Chemicals	\$1.60/gal	\$216,000.00
Kuehne Chemical Co., Inc.	\$2.2364/gal	\$301,914.00
Main Pool & Chemical Co., Inc.		NO BID

***TOTES –***

***60 TOTES - 25% DIAPHRAGM GRADE IN RETURNABLE CONTAINERS***

Univar USA Inc.	\$297.00/tote	\$17,820.00
Main Pool & Chemical	\$367.00/tote	\$22,020.00
Kuehne Chemical Co., Inc.		NO BID
Basic Chemical Solutions, LLC		NO BID
JCI Jones Chemicals Inc.		NO BID
North Industrial Chemicals		NO BID

***EMERGENCY –***

***EMERGENCY ONLY – 20% NaOH DIAPHRAGM GRADE***

Basic Chemical Solutions, LLC	\$0.51/gal
Kuehne Chemical Co., Inc.	\$0.918/gal
JCI Jones Chemicals Inc.	NO BID
Univar USA Inc.	NO BID
Main Pool & Chemical	NO BID
North Industrial Chemicals	NO BID

TAMMI REINHART  
Purchasing Coordinator

AN ORDINANCE

**AN ORDINANCE AMENDING THE 2010 CITY OF READING FULL TIME POSITION ORDINANCE BY ELIMINATING ONE (1) DEVELOPMENT INSPECTION CLERK POSITION, CREATING THREE (3) PROPERTY MAINTENANCE AIDES, ADDING ONE (1) DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT, ADDING ONE (1) COMMUNITY DEVELOPMENT PROGRAM MANAGER, AND ELIMINATING ONE (1) COMMUNITY DEVELOPMENT SPECIALIST.**

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

**Section 1.** Amending the City of Reading 2010 Full-time Position Ordinance as follows:

- 1) Eliminating one (1) Development Inspection Clerk position from the Property Maintenance & Inspection Division, under the Police Department; and
- 2) Adding three (3) Property Maintenance Aide positions in the Property Maintenance & Inspection Division, under the Police Department; and
- 3) Adding one (1) Deputy Director of Community Development professional position under the Community Development Department;
- 4) Eliminating one (1) Community Development Specialist in the Community Development Department; and
- 5) Adding one (1) Community Development Program Manager professional in the Community Development Department.

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

Enacted \_\_\_\_\_, 2010

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk  
(Business Analyst)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_ 2010  
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, SECTION 1-186 FINANCIAL PROVISIONS, PART 14 A APPROVAL OF CONTRACTS BY DECREASING THE CONTRACT VALUE REQUIRING COUNCIL APPROVAL.

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

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council Approval.

1. The City may make contracts for carrying into execution the provisions of the Code, ordinance and the laws of the State of Pennsylvania. Council approval shall be required of all contracts ~~in excess of \$50,000~~ *having a value of or in excess of \$25,000*, and all collective bargaining agreements. Any contracts for less than ~~\$50,000~~ *\$25,000* shall be entered into by the executive branch as it shall determine without requirement of approval by Council. All contracts or purchase not in excess of \$10,000 shall be by note or memorandum signed by the managing director.

15. Requiring that 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*]

16. 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 resolution. The resolution 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 framed defined in the Agenda Packet Policy. [*Ord. 54-2009*]

17. All expenditures not approved and listed in the operating or capital budgets for the fiscal year that exceed \$25,000. [*Ord. 16-2001*]

**SECTION 3.** All other provisions of Chapter 1 of the City of Reading Codified Ordinance shall remain effective.

**SECTION 4.** 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 5. REPEALER.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 6.** This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2010

\_\_\_\_\_  
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: \_\_\_\_\_

ORDINANCE \_\_\_\_\_ - 2010

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES  
CHAPTER 5 CODE ENFORCEMENT PART 1 BUILDING CODE LETTER B  
INTERNATIONAL BUILDING CODE ARTICLE 1 INTERNATIONAL BUILDING/FIRE  
PREVENTION CODE BOARD OF APPEALS RULES OF PROCEDURE ARTICLE 2  
MEMBERSHIP BY ADDING 2.6 REMOVAL OF MEMBERS**

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

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 1 Building Code Letter B International Building Code Article 1 International Building/Fire Prevention Code Board of Appeals rules of procedure Article 2 Membership by adding the removal process for members of the International Building/Fire Prevention Code Board of Appeals as follows:

**2.6 Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

**SECTION 2.** All other parts of the Ordinance remain unchanged.

**SECTION 3.** This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted \_\_\_\_\_, 2010

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

ORDINANCE \_\_\_\_\_ - 2010

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES  
CHAPTER 5 CODE ENFORCEMENT PART 3 INTERNATIONAL FIRE CODE  
ARTICLE 1 INTERNATIONAL BUILDING/FIRE PREVENTION CODE BOARD OF  
APPEALS RULES OF PROCEDURE ARTICLE 2 MEMBERSHIP BY ADDING 2.6  
REMOVAL OF MEMBERS**

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

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement Part 3 International Fire Code Article 1 International Building/Fire Prevention Code Board of Appeals rules of procedure Article 2 Membership by adding the removal process for members of the International Building/Fire Prevention Code Board of Appeals as follows:

**2.6 Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

**SECTION 2.** All other parts of the Ordinance remain unchanged.

**SECTION 3.** This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted \_\_\_\_\_, 2010

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

ORDINANCE \_\_\_\_\_ - 2010

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES  
CHAPTER 2 ANIMALS SECTION 2-111 ANIMAL CONTROL BOARD POWERS AND  
DUTIES BY ADDING #4 REMOVAL OF MEMBERS**

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

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 2 Animals Section 2-117 Animal Control Board Powers and Duties by adding the removal process for members of the Animal Control Board as follows:

**4. Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

**SECTION 2.** All other parts of the Ordinance remain unchanged.

**SECTION 3.** This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted \_\_\_\_\_, 2010

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

EXHIBIT A  
CHAPTER 2  
ANIMALS  
PART 1  
ANIMAL CONTROL

- §2-101. Purposes
- §2-102. Definitions
- §2-103. Nuisances
- §2-104. Keeping of Exotic Animals, Domestic Agricultural Animal, or Native Wildlife Animals
- §2-105. Caring for Animals
- §2-106. Sanitation
- §2-107. Restraining and Confinement Generally
- §2-108. Restraint of Guard Dogs
- §2-109. Restraining of Dangerous or Aggressive Dogs
- §2-110. Property Owners May Impound
- §2-111. Return of Animal to Owner
- §2-112. Disposition of Large Animals
- §2-113. Dangerous Dog and/or Aggressive Dog Permits
- §2-114. Impoundment
- §2-115. Notice to Owner and Redemption
- §2-116. Animal Control Board Established
- §2-117. Animal Control Board; Powers and Duties
- §2-118. Sanctions and Remedies
- §2-119. Appeals
- §2-120. Enforcement
- §2-121. Violations and Penalties

PART 2  
PIGEONS

- §2-201. Coop Size and Number of Pigeons
- §2-202. Sanitary Maintenance; Loud Noises Prohibited
- §2-203. Feeding Prohibited
- §2-204. Human Disposition of Pigeons at Large
- §2-205. Penalty

Cruelty to Animals - see 18 Pa.C.S.A. §511.  
Dog Law of 1982 -1- 3 P.S. 45901 *et seq.*

**PART 11**  
**ANIMAL CONTROL**

**§2-101. Purpose.**

The purpose of this Part is 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.

(Ord. 72-2005, 11/15/2005, §1)

**§2-102. Definitions.**

When used in this Part, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

**ANIMAL** -- Construed in a broad sense to include not only mammals, but also birds, reptiles and insects.

**ANIMAL CONTROL OFFICER** – A City employee or agent authorized to enforce the City of Reading Codified Ordinances, an employee of the designated animal control authority or agent of the City, designated by the Mayor to administer and enforce the licensing/permit, inspection and enforcement requirements contained within this Part.

**ANIMAL HOSPITAL** - any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

**ANIMAL NUISANCE** - any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

**ANIMAL SHELTER** - any facility operated by the City or designated animal control authority for the temporary care, confinement and detention of animals and for the humane euthanasia and other disposition of animals. The term shall also include any private facility authorized by the Mayor or his designee to impound, confine, detain, care for or destroy any animal.

**AT LARGE** - an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

**ATTACK** - the deliberate action of a dog whether or not in response to a command by its owner, to bite, to seize with its teeth or to pursue any human, animate or inanimate object, with obvious intent to destroy, kill, wound, injure or otherwise harm the object of its action. All attacks shall be reported to the City of Reading Health Officer within 48 hours (see Chapter 10 Health and Safety Section 10-110).

**CRUELTY** - any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or

protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food is siphoned quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

**DESIGNATED ANIMAL CONTROL AUTHORITY** - agency that has a contract with the City of Reading for animal control.

**DOG, DANGEROUS** - any dog as defined in 3 P.S. 459-502-A(1).

**DOG, AGGRESSIVE** - shall include any or all of the following, except police dogs or guard dogs acting under the supervision of a police officer or certified trained dog handler, or certified service dogs:

Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or a domestic animal without provocation; or

Any dog which, without provocation, approaches in a threatening or terrorizing manner, any person or domestic animal upon the streets, sidewalks or any public grounds or places; or

Any dog which is trained to attack or cause injury or to otherwise endanger the safety of human beings or domestic animals, or any dog which has a history of attacking or propensity to attack people or domestic animals without provocation.

All bites and/or attacks shall be reported to the City's Health Officer within 48 hours (see Chapter 10 Health and Safety Section 10-110).

**DISPOSITION** - adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

**DOMESTIC COMPANION ANIMAL** - any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of human companionship and serving no widely recognized agricultural, farming use or working purposes.

**DOMESTIC AGRICULTURAL ANIMAL** - any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of agricultural use or farming purposes are strictly prohibited.

**EXEMPT EXOTIC ANIMAL** - any non-domestic animal not native to Pennsylvania routinely offered for sale by pet stores within Pennsylvania, non-poisonous reptiles not exceeding a maximum length of 60 inches at maturity, non-poisonous fish, and nonpoisonous amphibians not requiring State, Federal, or City permitting.

**EXOTIC ANIMAL** - any rare or unusual animal pet or an animal kept as a pet which is not commonly thought of as a pet – may also be a species which is not-indigenous to the locale including but not limited to alligators, crocodiles, foxes, tortoises, skunks, raccoons, chinchillas, wild felines, snakes, lizards, scorpions, and non-human primates

**GUARD or ATTACK DOG** - a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

**HEEL** - the animal is directly behind or next to a person and obedient to that person's command.

**IMPOUNDMENT** - the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

**KENNEL** - any premises wherein any person engages in the business of boarding, breeding buying, letting for hire, training for a fee or selling dogs or cats.

**MUZZLE** - a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

**OFFICER** -- Police officer and/or duly appointed Animal Control Officer.

**OWNER** - any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Part. An animal shall be deemed to be harbored if it is fed or sheltered for 3 or more consecutive days.

**NATIVE WILDLIFE ANIMAL** - all non-domestic animals naturally occurring in the wild within the borders of Pennsylvania.

**PERSON** -- Any individual, partnership, association, corporation, company, firm, institution, trustee, estate, trust, any private entity or public entity as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

**PUBLIC NUISANCE ANIMAL** - any animal that unreasonably annoys humans, endangers the life or health of person or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property.

The term "public nuisance animal" shall include, but not be limited to:

- (1) Any animal that is found running at large.
- (2) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint.

- (3) Any animal that damages any property other than that of its owner.
- (4) Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored shall be governed by the City of Reading Codified Ordinance Chapter 10, Part 2, "Noise Control," §10-204.
- (5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- (6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals.
- (7) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.
- (8) Any animal that chases motor vehicles in a public right-of-way.
- (9) Any animal that attacks domestic animals.
- (10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- (11) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

**SANITARY** - a condition of good order and cleanliness to minimize the possibility of disease transmission.

**UNDER RESTRAINT** - an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

**VICIOUS or DANGEROUS ANIMAL** - any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without provocation or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious or dangerous. All attacks and bites must be reported to the City's Health Officer within 48 hours (see Chapter 10 Health and Safety Section 10-110).

### **§2-103. Nuisances.**

It shall be unlawful for any person to keep any animal on any property located within the incorporated limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

(Ord. 72-2005, 11/14/2005, §1)

**§2-104. Keeping of Exotic Animals, Domestic Agricultural Animal, or Native Wildlife Animal.**

It shall be unlawful for anyone to own, harbor or permit at large any exotic animal, domestic agricultural animal or native wildlife animal within the City without a permit issued by the Animal Control Board. Such permit shall be given only if it is demonstrated to the satisfaction of the Board that the animal will not constitute a threat to public health or safety.

The application for such permit shall be on a form supplied by the City and shall be submitted to the City Clerks Office along with a fee in the amount of \$75.00 for the first calendar year. The fee shall be disbursed \$40.00 to the designated animal control authority and \$35.00 to the City to cover the costs of inspections and administration. For subsequent years the fee shall be \$40 and will be disbursed \$20 to the designated animal control authority and \$20 to the City to cover costs.

The fee is levied per household, not per exotic animal.

**§2-105. Caring for Animals.**

PA Code Animal Regulations - 18 Pa.C.S. §5511.

**§2-106. Sanitation.**

1. All persons shall be responsible for the sanitary maintenance of the premises on which any animals are housed, maintained or kenneled.
2. Animal shelters, or areas in which animals are maintained, shall be permitted only as approved by the Health Officer. Animal shelters shall not be constructed or located in such a manner that it creates a health hazard or nuisance to the adjoining property owners.
3. People owning, harboring or keeping an animal within the City shall NOT permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.
4. Excess animal food shall not be allowed to accumulate in such a manner as to create a food source for bacteria, insects or rodents.
5. No person shall maintain, transport or carry any animal or pet in any eating and drinking establishment, food manufacturing or food service facility, except trained certified service dogs
6. Owners of leashed or unleashed animals shall be responsible for the removal and disposal of fecal matter deposited by his animal anywhere within the City.

**§2-107. Restraining and Confinement Generally.**

1. It shall be unlawful for the owner of any dangerous dog and/or aggressive dog to fail to keep such dangerous dog and/or aggressive dog under restraint or to permit such dangerous dog and/or aggressive dog to run at large upon the streets and public ways of the City.
2. Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured

by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

3. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

4. Every female dog in heat shall be confined to the residence of the owner or keeper in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

#### **§2-108. Restraint of Guard Dogs.**

1. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least 6 feet in height and shall be topped with an anticlimbing device constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them.

2. All anticlimbing devices shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measured from the perpendicular.

3. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences property maintained and escape proof.

4. The provisions of this Section shall not apply to dogs owned or controlled by government law enforcement agencies.

#### **§2-109. Restraining of Dangerous Dogs or Aggressive Dogs.**

Every dangerous dog or aggressive dog shall be confined by its owner or authorized agent of its owner to the residence of the owner or keeper *in accordance with Pennsylvania Title 3 Agriculture Chapter 8 Dog Law § 459-502*. Such residence shall be conspicuously posted with a placard provided by the issuing office. Whenever off the premises of its owner, the dog shall be securely muzzled and restrained with a chain having a minimal tensile strength of 300 pounds and not more than 3 feet in length or caged. Every person harboring a dangerous dog or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

1. Upon licensing a vicious or dangerous dog, the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and legible from the sidewalk and street.

2. If the animal is kept outdoors, the owner shall properly confine the dog in a pen or structure with secure sides and a secure top. The pen shall be no less than six (6) feet high and contain no less than fifty (50) square feet of ground space. All pens shall comply with city zoning guidelines so as not to be offensive to the neighboring residents.

3. Every person harboring a dangerous dog or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

4. No person owning or harboring a dangerous or vicious dog shall permit such dog to go beyond the confined area of such person's premises unless the dog is securely leashed and muzzled. The leash shall not be longer than three (3) feet. Retractable or flexi-leads are not

allowed. The leash shall be controlled by an adult or by a person physically capable of controlling the dog.

5. Once a dog is deemed to be dangerous; it shall be neutered or spayed so as not to propagate vicious characteristics inherent in the progeny of the dangerous dog.

**§2-110. Property Owners May Impound.**

Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Animal Control Officer. The property owner shall provide a description of the animal and the name of the owner if known. The Department shall dispatch an animal control officer to take possession of the animal.

**§2-111. Return of Animal to Owner.**

If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the Animal Control Officer shall make attempts to notify the owner.

**§2-112. Disposition of Large Animals.**

Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the City to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter. The City and Animal Shelter are authorized, under the terms of this Part, to bill the owner of the animal for any charges incurred.

**§2-113. Dangerous Dog and/or Aggressive Dog Permits.**

1. Any person owning a dangerous or aggressive dog must register the dog with the animal control agency contracted by the City of Reading to enforce the provisions of this ordinance and pay a fee of one hundred dollars (\$100.00) for such registration to the designated Animal Control Authority.

The owner must provide proof at the time of registration that:

A. The home-owner's insurance policy for the residence in which the dangerous dog is housed contains a rider or a liability clause for dangerous dogs;

B. The dog's rabies vaccination status is current;

C. The dog is licensed for the current year; and

D, The dog is micro-chipped with a permanent ID.

Every dog for which the owner is required to obtain a permit must wear a valid permit tag at all times when the animal is off the premises of its owner. The permit tag shall be issued the Animal Control Authority and be made of highly visible material with the words "dangerous dog" prominently displayed upon it.

## **APPEAL PROCEDURE**

Within fourteen (14) days of the date of the notice of the police or animal control officer's decision that a dog is dangerous, the owner of the dog may appeal the decision to the Animal Control Board. The owner of the dog shall send notice of his/her intent to appeal by certified mail to the Animal Control Board, with copies to the Chief of Police and Clerk of City. If such an appeal is filed, a hearing shall be commenced within three (3) weeks of its filing. Within five days of the close of the appeal hearing, the Animal Control Board shall determine whether to uphold or reverse the decision of the police or health officer.

The determination of the Animal Control Board shall be final and binding. The dog shall be kept either in a secure enclosure or shall be impounded at an animal shelter during the appeal process. Any and all costs for the impounding of the dog shall be borne by the owner unless otherwise determined by the Animal Control Board.

### **§2-114. Impoundment.**

1. In addition to any other remedies provided in this Part, an Animal Control Officer or a Police Officer may seize, impound and humanely confine any of the following animals in accordance with Pennsylvania Title 3 Agriculture Chapter 8 Dog Law :

- A. Any dog without a valid permit tag or license.
- B. Any animal at large.
- C. Any animal constituting a public nuisance or considered a danger to the public.
- D. Any animal that is in violation of any quarantine or confinement order of a Health Officer.
- E. Any unattended animal that is ill, injured or otherwise in need of care.
- F. Any animal that is reasonably believed to have been abused or neglected.
- G. Any animal that is reasonably suspected of having rabies.
- H. Any animal that is charged with being potentially dangerous, aggressive or displays aggressive behavior where an Animal Control Officer, the Animal Control Board, or the Mayor determines that there is a threat to public health and safety.
- I. Any animal that a court of competent jurisdiction has ordered impounded or destroyed.
- J. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.
- K. Any exotic animal, domestic agricultural animal, or native wildlife animal without a valid permit.

2. An Animal Control Officer or Police Officer may also, or in lieu of impoundment, issue to the owner a citation.

### **§2-115. Notice to Owner and Redemption.**

1. Upon impoundment of an animal, the designated Animal Control Authority shall immediately attempt to notify the owner by telephone or certified mail. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

2. An owner reclaiming an impounded animal shall pay a fee of \$25 for each day the animal has been impounded. The daily rate charged for any subsequent impoundment occurring within 12

months shall be double that which was charged for each day of confinement during the first impoundment.

3. Any animal not reclaimed by its owner within 48 hours shall become the property of the City and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the designated Animal Control Authority.

4. Any dangerous dog or aggressive dog impounded shall not be redeemed by the owner or adopted by any other person until all applicable permit fees imposed by this Part shall be paid and proof thereof shall be presented to the designated Animal Control Authority.

#### **§2-116. Animal Control Board Established.**

1. There is hereby established a City Animal Control Board.

2. The Mayor shall appoint five members plus two alternates subject to confirmation by City Council. The two alternate members shall represent the community at large and shall be empowered to sit on the Board in the absence of a Board member. In the event of the absence of one Board member, the alternate with the greatest length of service in the position will serve. In the absence of two Board members both alternates will serve. In the absence of both alternates, the Mayor may designate a temporary alternate at large.

One of the five regular appointees shall be designated as chairperson by the Mayor, subject to confirmation by Council.

A. Two members shall be appointed as representatives of the community at large.

B. Two members shall be appointed representatives of animal humane societies and animal shelters.

C. One member shall be appointed as a representative of private veterinarians or veterinary hospitals.

D. Two alternates shall be appointed as representatives of the community at large.

3. The term of each member shall be 3 years, or until a successor takes office.

#### **§2-117. Animal Control Board; Powers and Duties.**

1. The Animal Control Board is authorized to prepare written rules and regulations to govern its operations and the conduct of hearings before it. The rules and regulations shall become effective upon the approval, by resolution, of the City Council. Three copies of the Board's rules and regulations shall be available for inspection by the public in the Office of the City Clerk.

2. The Board shall also have the authority to do the following:

A. Receive requests for permission to own exotic animals, domestic agricultural animals, and native wildlife animals; conduct an investigation it deems proper and hold hearings in conjunction with such investigation. The Board may grant, in writing, special permission for the keeping of exotic animals, domestic agricultural animals, and native wildlife animals and impose any condition on such permission that it deems necessary to protect the animal, owner, and the general public.

B. Make determinations of aggressive dogs as defined under "Definitions," §2-102.

3. The Board shall meet at the call of the Chairperson to take the following actions:

A. Prepare and present the Animal Control Board budget to the Director of Finance.

B. Recommend to the City Council changes in the law regarding the control of animals.

*4. Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.*

**§2-118. Sanctions and Remedies.**

1. Obedience training for the animal(s) in question.
2. Muzzling of an animal while off the property of the owner.
3. Confinement of an animal indoors.
4. Confinement of an animal in a secure enclosure.
5. Reduction of the number of animals kept at any one location.
6. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty.
7. The sterilization of an animal.
8. A ban on maintaining other animals in the City.
9. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.
10. Any fees previously paid nonrefundable.

**§2-119. Appeals.**

Any person aggrieved by any decision of an Animal Control Board may appeal the same to the Berks County Court of Common Pleas.

**§2-120. Enforcement.**

Animal Control Officers or other designees of the Mayor shall be the enforcement officials for this Part. These officials, along with Police Officers, shall have the authority to act on behalf of the City and the Animal Control Board in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this Part. It shall be a violation of this Part to interfere with any Animal Control Officer or other enforcement official in the performance of his duties.

**§2-121. Violations and Penalties.**

1. It shall be violation of the Part to:
  - A. Fail to comply with any provision of this Part.
  - B. Fail to comply with any lawful order of the Animal Control Board, an Animal

Control Officer, or Police Officer unless such order is lawfully stayed or reversed.

2. Any person who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor 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.

3. Notwithstanding any other penalties imposed by this Section of this Part, any person who violates any provision of this Part and said violation involves a dangerous dog or aggressive dog (as defined in §2-102 herein), shall be subject to a minimum fine of \$500 to a maximum of \$1,000 plus costs and other fees and penalties included within the terms of this Part and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. All fines collected shall be forwarded to the designated Animal Control Authority to cover administrative expenses.

(Ord. 72-2005, 11/14/2005, §1)

## **PART 22 PIGEONS**

### **§2-201. Coop Size and Number of Pigeons.**

No person, firm or corporation shall keep, maintain or harbor any pigeons within the City in a suitable house or coop which is more than 800 cubic feet in size and not more than 100 pigeons shall be kept by any one person, firm or corporation at any time. Pigeon houses or coops may also have an attached enclosed runway, but all structures for keeping the pigeons shall be constructed so as to keep the pigeons properly confined and prevent their flying about.

### **§2-202. Sanitary Maintenance; Loud Noises Prohibited.**

Any pigeon houses, coops or runways shall be maintained in such proper sanitary conditions as to avoid offensive odors and no pigeons shall be kept which create any loud and excessive noises.

### **§2-203. Feeding Prohibited.**

No person shall intentionally feed pigeons at large.

### **§2-204. Humane Disposition of Pigeons at Large.**

Pigeons at large and not branded may be captured and destroyed by any humane means by any representative of the Property Improvement Division of the of the Police Department, by the City's animal control authority or by any property owner of the City upon whose property may such pigeon shall be found at large.

### **§2-205. Penalty.**

Any person, firm or corporation who shall violate 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. 31-1965, 7/7/1965, §5; as amended by Ord. 14-2001, 5/29/2001)

ORDINANCE \_\_\_\_\_ - 2010

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1  
ADMINISTRATION AND GOVERNMENT PART 1 ADMINISTRATIVE CODE LETTER J CODE OF ETHICS  
SECTION 1-199.12 BOARD OF ETHICS LETTER A COMPOSITION AND STRUCTURE OF BOARD BY ADDING  
# 9 REMOVAL FOR MEMBERS OF THE BOARD OF ETHICS**

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

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 1 Administration and Government Part 1 Administrative code Letter J Code of Ethics Section 1-199.12 Board of Ethics Letter A Composition and Structure of Board by adding #9 removal for members of the Board of Ethics as follows:

**9. Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

**SECTION 2.** All other parts of the Ordinance remain unchanged.

**SECTION 3.** This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted \_\_\_\_\_, 2010

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## SECTION 1. Declaration of Policy

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

Each official or employee of the City must be constantly on guard against conflicts of interest. No official or employee should be involved in any activity which might be seen as conflicting with his/her responsibilities to the City. The people of Reading have a right to expect that their representatives act with independence and fairness towards all groups and not favor a few individuals or themselves.

The following principles, although not representing substantive rights, are fundamental driving forces for officials and employees of the City of Reading in everything they do<sup>1</sup>:

- A. **Public Office as a Public Trust.** Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.
- B. **Independent Objective Judgment.** Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.
- C. **Accountability.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- D. **Democratic Leadership.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- E. **Respectability and Fitness for Public Office.** Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public official. In recognition of these aforementioned goals and principles, there is hereby established a Code of Ethics to be administered by the Board of Ethics. The purpose of this Code is to establish ethical standards of conduct for all officials and employees of the City of Reading, its agencies and authorities, whether elected or appointed, paid or unpaid, by providing guidelines to clarify actions or inactions which are incompatible with the best interests of the City and by directing disclosure of private, financial or other interests in matters affecting the City. The provisions and purpose of this Code and such rules, regulations, opinions and disciplinary decisions as may be promulgated by the Board pursuant hereto, and under provisions of Article XII of the Charter, are hereby declared to be in the best interest of the City.

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<sup>1</sup>Josephson Institute for the Advancement of Ethics, *Preserving the Public Trust*, 1990.

## SECTION 2. Board of Ethics

Reference is made to Section 1201(c) of the Charter of the City of Reading.

### A. **Composition and Structure of Board.**

1. **Composition.** The Board established under Section 1201 of the City of Reading Home Rule Charter shall be composed of five (5) residents of the City of Reading.
2. **Terms of Service.** Members of the Board shall serve for terms of three (3) years, except that members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with one member serving a term of one year, two members serving for two years, and two members serving for three years.
3. **Vacancy.** An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.
4. **Election of Chairperson and Vice Chairperson.** The Board shall elect a chairperson and a vice chairperson annually at a meeting held in July of each year. The vice chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position.
5. **Quorum.** A majority of the members of the Board shall constitute a quorum and, except as provided in Sections 9.C. and 9.D., the votes of a majority of the members present are required for any action or recommendation of the Board.
6. **Staff.** The Board shall appoint a solicitor, a secretary and such other staff as may be deemed necessary. The solicitor, secretary and such other staff as may be necessarily appointed need not be members of the Board.
7. **Meetings.** The Board shall meet at the call of the Chairperson or at the call of a majority of its members.
8. **Investigative Officer.** The Board shall appoint an investigating officer as set forth herein. The Board shall, from time to time, determine an amount to be paid as reasonable compensation to the investigating officer as payment for such services. The investigative officer shall be a member in good standing of the Berks County Bar and shall have so been for at least five (5) years. The investigative officer need not be a resident of the City of Reading and shall not be a Board member. The investigating officer is authorized to retain the services of investigators and may only delegate non-discretionary functions.
9. **Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance

policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

B. **Powers and duties:** The powers and the duties of the Board of Ethics may be summarized as follows:

1. Give advice as to the application of the ethics provisions of the Charter of the City of Reading and this Code of Ethics.
2. Receive and dispose of complaints of violations of the ethics provisions of the Charter and Code of Ethics, and exercise discretion in declining to pursue an investigation if such a course would be in the best interest of the citizens of the City of Reading or where the activity complained of amounts to no more than a de minimis violation.
3. Appoint an investigating officer to conduct investigations and to issue findings reports where appropriate.
4. 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 those related to adjudications and penalties.
5. Conduct educational programs to promote the ethical conduct of public officials, City employees, and individuals and groups doing business with the City.
6. Adopt rules and regulations to administer, implement, enforce and interpret the Code of Ethics.
7. Annually review the statements of financial interest filed pursuant to Section 4 of the Code.

C. **Prohibitions.** Due to their special position, Board members have a higher duty than other public officials to avoid conflicts of interest. Respect for the Code can be maintained only if members are models of ethical behavior. The prohibitions in this section are in addition to the duties, responsibilities or obligations imposed upon the Board members as public officials under other provisions of the Code.

1. No member may hold or campaign for any other public office.
2. No member may hold office in any political party or political organization or political committee.
3. No member may hold a position of employment or appointment with any municipal government or any board or commission formed by the City of Reading.
4. No member may actively participate in or contribute to any political campaign in the City of Reading for a candidate running for or from the office of the Mayor, President of Council, Council Member, or Auditor. This does not abridge the right of a member to vote or attend a debate, speech or similar event that is held primarily for the purpose of communicating a candidate's platform or position on issues of public concern.

5. No member shall receive compensation but shall be reimbursed by the City for documented expenses actually incurred.

D. **Preservation.** Complaints and proceedings pending before the Board at the time this Code is adopted shall be preserved insofar as they are consistent with recent orders of the Court of Common Pleas of Berks County. The Board shall take any and all steps necessary to adjudicate all pending complaints so as to comply with said orders, including the establishment of a committee of Board members not previously involved in the disposition of said complaints to adjudicate and dispose of the same. Said committee shall consist of at least three (3) Board members and shall act with the authority of the Board in adjudicating said complaints and instituting penalties and restitution where applicable.

### SECTION 3. Definitions

For the purposes of this Code, the following terms shall have the following definitions. All other words and phrases shall have their normal meaning unless further defined herein.

A. **Appearance of Impropriety.** The perception that wrong-doing or misconduct may have occurred. When a reasonable person could reasonably believe that improper actions have taken or are taking place.

B. **Board.** The Board of Ethics of the City of Reading.

C. **Candidate.** Any individual who seeks nomination or election to public office normally decided by vote of the electorate, whether such individual is elected by the electorate or is appointed.

D. **Charter.** City of Reading Home Rule Charter.

E. **Code.** City of Reading Code of Ethics.

F. **Conflict of Interest.** Situation(s) or potential situation(s) in which a public official or employee uses or may use his/her office or employment for the private gain of himself/herself, a member of his/her immediate family or a business of any type with which he/she or a member of his/her immediate family has a material interest.

G. **Elected Official.** An official elected or appointed to fill a position normally filled by election.

H. **Employee.** Any individual receiving salary or wages from the City of Reading.

I. **Immediate Family.** A parent, spouse, living partner, child, brother or sister, natural or adopted.

J. **Material Interest.** Direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any business entity.

K. **Officer.** Investigating Officer appointed by the Board to oversee the investigative procedures on behalf of the Board. The investigating officer need not be a Board member and may be compensated as any other member of the staff.

L. **Official.** Any elected or appointed paid or unpaid member of the government of the City of Reading.

M. **Political Activity.** Any activity which promotes the candidacy of any individual seeking elective office, or the advocacy of any political party or position, including but not limited to the circulation of election petitions and the sale or distribution of fund raising items or tickets.

N. **Private Gain.** Of personal benefit, whether economic, social, or otherwise.

O. **Violation.** A violation is any activity that is restricted by the ethics provisions of the Charter and/or the Code.

#### **SECTION 4. Statement of Financial Interests**

Any official or employee of the City or authorities or boards with decision-making authority shall file with the City Clerk a Statement of Financial Interests for the preceding calendar year by May 1 of each year, as defined by the State Code of Ethics. Any individual appointed to such a position after May 1 has fifteen working days to file the Statement of Financial Interest. All statements must be made available for public inspection and copying at an amount not to exceed actual costs.

#### **SECTION 5. Disclosure of Confidential Information**

City employees and officials often have access to important non-public information regarding the property, operations, policies or affairs of the City. Such information may concern, among other things, employees and officials, real estate transactions, expansion of public facilities, or other City projects. Using or furnishing information that would place employees or recipients in an advantageous position over the general public constitutes a violation of public trust. Anyone who is privy to confidential information may not disclose that information to any private citizen and should disclose it to other public employees only if appropriate and in the normal course of their duties as employees or officials of the City of Reading.

Should an official or employee find himself/herself in any direct or indirect financial interest with any person or other entity proposing to contract with the City that individual must fully disclose said interest and refrain from voting upon or otherwise participating in the transaction or the making of such decision, contract or sale. Violation of this section shall render the contract voidable by the decision-making body or upon review and authority of the Board of Ethics.

#### **SECTION 6. Prohibited Behaviors**

##### **A. Conflicts of Interest**

1. Employees and officials of the City may not bid on or have a material interest in:
  - a. the furnishing of any materials, supplies or services to be used in the work of the City;
  - b. contracts for the construction of any City facility;

c. the sale of any property to the City or the purchase of any property from the city unless said property is offered to the general public at auction or by competitive bid.

2. Employees and officials of the City may not:

a. use or attempt to use their official position to secure special privileges or exemptions for themselves or others;

b. accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the public officer or employee by reason of their official position;

c. disclose to others, or use for personal benefit, any confidential information gained by reason of an official position;

d. accept other employment which might impair the independence or judgment of the public officer or employee in the performance of public duty;

e. receive any compensation for official services to the City from any source other than the City;

f. transact any business in an official capacity with any other business entity of which the public officer or employee is an officer, director, agent, member, or owns a material interest;

g. have personal investments in any enterprise which will create a substantial conflict between any private interest and the public interest.

3. Outside Employment. City officials or employees may accept, have, or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or non-profit), utility or other organization, whether public or private, but only if the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.

4. Officials and employees shall not engage in conduct prohibited under Section 1201(a) of the Charter.

#### **B. Solicitation/Acceptance of Gifts; Rebuttable Presumption**

No official or employee shall accept gifts and other things of value in return for a favorable decision or vote (City Charter, Section 1201 (a)). In all but de minimis cases, gifts received must be publicly recorded and submitted to the City Clerk specifying the date received, the name and address of the donor, and the value of the gift. Under no circumstance shall officials or employees solicit gifts of any kind. A gift having a value in excess of twenty-five dollars (\$25.00) may not be considered de minimis.

The term gift for the purposes of this Code means any gratuity, benefit, or any other thing of value which is accepted by, paid for, or given to a City employee, elected or appointed officials or by another

on their behalf either directly or indirectly without consideration of equal or greater value. The term gift may include, by way of illustration and without limitation to, the following:

1. Preferential rate or terms on a debt, loan, goods, or services which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin;
2. Transportation, lodging, or parking;
3. Food or beverage, other than that consumed at a single sitting or event; and
4. Membership dues.

City employees or officials shall not solicit or accept gifts, either directly or indirectly, from any person or entity doing business with or under regulation by the City or from the agent or lobbyist of such person or entity except on behalf of the City. The solicitation or acceptance of gifts shall create a rebuttable presumption that the employee knew or should have known that such solicitation or acceptance was based on an understanding that his/her official actions or judgments would thereby be influenced.

#### **C. Nepotism**

Hiring a relative is a special type of a conflict of interest that should be avoided. No public official or employee shall appoint, hire, advance or advocate the appointing, hiring or advancing of a member of his/her immediate family or household member to a city position, as provided in the City of Reading Personnel Code.

#### **D. Whistle Blowing**

Employees are expected to expose a violation of the Code of Ethics by any employee or business entity with which the City is doing business if such a violation creates a serious and specific danger to the public's health, safety or welfare.

Employees are expected to expose improper use of public office or any other abuse or neglect on the part of a city employee or public official. An employee with knowledge of actions or activities of ethical concern shall report them to the Board of Ethics. The identity of the employee will be confidential information of the Board of Ethics until a full investigation is initiated.

Retaliation against an employee who reports any violation, abuse or other improper action is strictly prohibited. Any such action will be a violation of the Code of Ethics and subject to the disciplinary and corrective action as ordered by the Board of Ethics.

#### **E. Fraudulent or Other Activity**

City employees or officials are expected to act ethically in the performance of all duties and responsibilities and avoid any involvement with, or any appearance of, behavior constituting fraud, misappropriation or other inappropriate conduct while carrying out the duties and obligations of their employment or office.

City employees or officials may not willfully or deliberately act, attempt to act, conspire to act, or solicit with the intent to act, carry out, or participate in any of the following activities:

- a. Embezzlement of money or resources for private purposes or use, from any City official, City employee, City department, City contractor or subcontractor, or third party agent doing business with the City government;
- b. Misappropriation of City funds, supplies, assets or resources;
- c. Falsification of any City record, including personnel records;
- d. Forgery or alteration of any check, bank draft, bank account, or other financial document;
- e. Forgery or alteration of timecard data and/or information;
- f. Receipt of a bribe or kickback, or willing participation in a scheme of bribery;
- g. Impropriety in the handling or reporting of money or financial transactions;
- h. Using insider knowledge of City activities to earn or generate any gift, profit or pecuniary benefit;
- i. Accepting, requesting, or seeking any material item or pecuniary benefit from contractors, vendors or parties providing services or materials to the City;
- k. Unauthorized destruction, removal or inappropriate use of City property, including data records, furniture, fixtures and equipment;
- l. Making false or intentionally misleading written or oral statements or representations in carrying out any official or employment duty or obligation; or
- m. Participation in any willful or deliberate act carried out with the intention of obtaining an unearned or unauthorized benefit by way of deception or other unethical means.

City employees or officials are to be familiar with the types of fraud and the potential activities and circumstances that may give rise to a fraudulent activity within his or her department, bureau, and area of responsibility.

City employees or officials are charged with the duty to be alert for any indication of fraudulent activity and all City employees or officials have a duty to report immediately any suspected fraudulent activity to the City Board of Ethics.

#### **F. Use of City Property and Personnel**

City employees or officials may not use any personnel, equipment, supplies, facilities, vehicles, or any other property owned and belonging to the City for their private purposes, use, enjoyment, or benefit. City employees or officials who hold a supervisory position may not use the time, effort and resources of any subordinate City employees or official for their private purposes, use, enjoyment, or benefit. The provisions of this Section 6(F) are to be read together and with any related provision of the City of Reading Personnel Code.

#### **G. Political Activities**

Section 605A and 707 of the City Charter and Section 1.08 of the City of Reading Personnel Code are incorporated herein by reference and made a part hereof. City employees or officials are to adhere to

the sections restricting involvement in political activities as set forth in Sections 605A and 707 of the City Charter and Section 1.08 of the City of Reading Personnel Code. In the event that the City or City Council has failed to take appropriate action in enforcing the aforementioned provisions, then the Board of Ethics shall have jurisdiction to adjudicate any violation thereof.

## **SECTION 7. Penalties; Restitution**

### **A. Penalties.**

Upon any violation of the city provisions, including the undertaking of wrongful acts as described above or in the City of Reading Home Rule Charter, any of the following penalties shall be available to the Ethics Board for imposition:

1. *Admonition.* In compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the City provisions;
2. *Public Censure.* In compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the City provisions took place and that the board strongly disapproves of the actions of the public official or public employee;
3. *Recommendation to the Managing Director of Suspension,* without compensation for a stated period of time not to exceed thirty (30) days, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant. If any such suspension is not imposed by the City, a written explanation of such decision shall be provided within five (5) days to the Board;
4. *Recommendation to the Managing Director of Termination* in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification going to the respondent, the Managing Director, the Mayor, the Director of the Department in which is respondent is employed, if any, and the complainant, if any. If any such termination is not imposed by the City, a written explanation of such decision shall be provided within five (5) days to the Board;
5. *Referral* to the appropriate authorities for criminal prosecution in cases where a violation of this ordinance is also a violation of federal or state law;
6. *Ineligibility* for holding any office or position within the City for a period of up to five years, as set forth in Section 1202 (b) of the Charter of the City of Reading;
7. *Impose a fine,* not to exceed one thousand dollars (\$1,000.00) per violation;
8. *Imposition of an administrative fine* of not more than one thousand dollars (\$1,000.00) to defray the actual cost and expense of investigating any violation; and

9. Any person who realizes financial gain by way of a violation of any provisions of this ordinance, in addition to any other penalty provided by law or this ordinance, shall pay into the Treasury of the City, a sum of money up to the financial gain resulting from the violation. The Board shall determine the amount of financial gain realized; and

10. Any public official, public employee, person, corporation, company or other entity found to have participated in or benefited from a violation of this ordinance, may be barred from participating in business dealings with the City for a period of time not to exceed five (5) years, said period of time to be determined by the Board, in addition to being subject to any other penalty (prescribed by this ordinance) deemed appropriate by the Board.

**B. Restitution; Other penalties and remedies.**

After finding that an individual has violated any provision of the Charter or this Code within the jurisdiction of the Board as provided for in this Code, the Board may take one or more of the following actions, if appropriate, in addition to penalties described in Section 7(a):

1. Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Code or Charter;
2. Order the subject to cease and desist from engaging in a particular activity that is in violation of the Code, Charter, or any order issued by the Board;
3. Order the subject to take specified action to bring him/her into compliance with Board directives;
4. Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction of the matters;
5. Institute appropriate civil or equitable action to enforce the order and decision of the Board; and
6. Recommend to City Council the forfeiture of the office or position held by the subject with the City and recommend that the subject be ineligible to hold any City office or position for a period of up to five (5) years following such decision.

**SECTION 8. Advisory Opinions**

Upon the written request of any public official or city employee, or without such request should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of governmental ethics, shall consider questions as to ethical conduct, conflicts of interest and the application of ethical standards set forth in this ordinance, and shall issue an advisory opinion in writing as to any such question. The Board may in its discretion publish its advisory opinions with any redactions necessary to prevent disclosure of the identity of the person who is the subject of the opinion.

An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion.

## **SECTION 9. Complaint and Investigation Procedure**

### **A. Who May File**

Any person may file a complaint about alleged ethics violations of the Reading Code of Ethics or the City Charter. In addition, the Board may initiate proceedings. A person signing a complaint shall:

1. Reasonably believe in the existence of facts upon which the claim is based; and
2. Reasonably believe that the complaint may be valid under the ethics provisions of the Code of Ethics and the City Charter.

### **B. How to File**

Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities. The Board shall establish a separate P.O. Box through which to receive complaints. This P.O. Box shall be generally accessible by the investigative officer and/or the secretary, provided that the secretary is not a Board member.

### **C. Jurisdiction; Preliminary Investigation**

1. Each complaint filed with the Board shall be immediately directed to and preliminarily reviewed by an investigating officer appointed by the Board (the "Officer") to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determinations shall be made within 30 days of the filing of the complaint. If the Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however, the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.
2. The preliminary investigation shall be initiated and accomplished at the sole direction of the Officer. If the Officer, in his/her sole discretion, finds that the violation(s), as alleged in the complaint, would, if proved, constitute a de minimis infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint, if to do so would be in the best interest of the citizens of the City of Reading.
3. At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same, and the initiation of a preliminary investigation.
4. The preliminary investigation shall be completed within 60 days of the Officer's finding of jurisdiction.

5. If at any time during the preliminary investigation, an extension is necessary and justified, the Officer shall have additional time in 30-day segments. The Officer shall timely notify both the complainant and the subject of the investigation of each such extension.

6. At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal of the complaint. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

#### **D. Full Investigation**

If a preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within three (3) days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every ninety (90) days. Within one hundred eighty (180) days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a findings report to the subject.

#### **E. Findings Report**

The findings report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation. The subject of the investigation may, within 30 days of the report, request an evidentiary hearing, unless an extension is obtained from the Officer. When such a request is received by the Officer, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Board shall upon receipt of such notice engage two attorneys: one to represent the facts in support of the complaint; and one to advise the Board in matters related to the evidentiary hearing. The Board solicitor shall not have any involvement in a particular matter once the findings report has been issued.

#### **F. Evidentiary Hearing**

1. **Timing.** An evidentiary hearing must be held within forty-five (45) days of the filing of a request for the same.

2. **Evidence.** The subject of the investigation shall have reasonable access to any evidence intended to be used at a hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument and shall be entitled to exercise all rights of confrontation and the like afforded him/her by the United States Constitution and the Pennsylvania Constitution.

3. **Closed Hearing.** The hearing shall be closed to the public unless the subject requests an open hearing in writing to the Board at least five (5) days before the hearing.

#### **G. Decision by the Board; Final Order.**

At the conclusion of the evidentiary hearing, the Board will determine by majority vote of those members presiding whether the evidence supports a finding that the subject of the complaint violated provision(s) of either the Charter or the Code.

Upon reaching a determination on the complaint, the Board shall issue a final order. A copy of said final order shall be immediately delivered to both the complainant and the subject of the complaint.

**H. Petition for Reconsideration.**

A subject, having been found to have violated a provision of the Charter or Code, may file a petition for reconsideration of the Board's decision. Such petition shall be filed with the Board within ten (10) days of the day the Board issues its final order.

**I. Protection of Complainant**

No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade or compensation, denied a promotion, or threatened, for a good faith filing of a complaint with the Board, or providing information or testifying in any Board proceeding.

**SECTION 10. Confidentiality of Board Information**

All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board, except as may be required to effect due process. The final order shall become a public record once the subject has exhausted all appeal rights or has failed to timely exercise such rights. All other file material shall remain confidential.

**SECTION 11. Wrongful Use of Board of Ethics**

The purpose of the Board of Ethics is to endeavor to maintain a high standard of ethical behavior by City employees and officials. This will be most effective when City employees, officials and citizens work together to set and maintain high ethical standards. Complaints directed to the Board must be based on fact. Those filing complaints must have the intent to improve the ethical climate of the City. Wrongful use of the Code is prohibited and those individuals engaged in such conduct may be subject to penalties as set forth in Section 7.

Wrongful use of the Code of Ethics is defined as either:

1. Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without a basis in law or fact and was made for a purpose other than reporting a violation of this Code. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim and either reasonably believes that under those facts the complaint is valid under this Code or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.
2. Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, including the identity of persons involved and that a complaint has been filed.

BILL NO. \_\_\_\_\_ 2010

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, SECTION 15-517 INCREASING THE VIOLATION FOR PARKING OVERTIME AT PARKING METERS AS REQUIRED BY THE ACT 47 RECOVERY PLAN (RE03 & PA02)

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

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-517 as follows:

**§15-517. Notice of Violation; Penalty; Waiver.**

1. Any police officer or other duly authorized Parking Authority employee shall place on motor vehicles/conveyance parked in violation of the provisions of this Part a notice of said violation.

2. Each such owner or operator may, within 10 days of the time when such notice was attached to his motor vehicle/conveyance, pay as penalty in full satisfaction of each violation, the sum of ~~\$15~~ \$20 and after 10 days but within 20 days of the violation the sum of ~~\$30~~ \$35 and, in default of payment of fine and costs, be imprisoned not more than 10 days. [*Ord. 71-2008*]

(*Ord. 14-2001, 5/29/2001; as amended by Ord. 16-2003, 5/27/2003, §1; and by Ord. 71-2008, 11/10/2008, §1*)

**SECTION 2. REPEALER.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2010

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(Parking Authority & Mayor)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, SECTION 15-416 INCREASING THE VIOLATION FOR VARIOUS PARKING REGULATOINS AS REQUIRED BY THE ACT 47 RECOVERY PLAN (RE03 & PA02)

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-416 as follows:

§15-416. Notice of Violation; Waiver.

1. Any police officer or duly authorized Parking Authority employee shall place on motor vehicles/conveyances parked in violation of the provisions of this Part, a notice for the owner or operator.
2. Whenever any vehicle is caused, allowed or permitted by any person to be parked in an area in violation of any parking restriction or parking regulation either in this Part or as otherwise provided by law, notification of the violation may be given by the placing of a parking violation notice or copy thereof upon or within such vehicle, indicating: the dollar amount of the penalty charged and that such penalty charge shall be paid to the Reading Parking Authority within 240 hours from the time of the violation; and the place where the penalty charge shall be paid and the manner of payment. All unlawful parking penalties shall be paid no later than 30 days after the date of the violation. If the owner or operator fails to make payment as aforesaid, a citation shall be issued pursuant to Rule of Criminal Procedure 401.
3. Unlawful parking penalty charges for violations of the herein enumerated Sections of this Part prior to issuance of a citation or other legal process are as follows:

<b>Code</b>	<b>Penalty</b>	<b>After 240 Hours</b>
§15-401 Parking in Prohibited Areas	\$25 <del>\$30</del>	\$40 <del>\$45</del>
§15-402 Parking Limited in Designated Areas	\$25 <del>\$30</del>	\$40 <del>\$45</del>
§15-403 Parking Prohibited in Specific Areas	\$25 <del>\$30</del>	\$40 <del>\$45</del>
Stop, stand or park a vehicle: On the roadway side of any vehicle or parked (double parked)	\$75 <del>\$80</del>	\$85- <del>\$90</del>

<b>Code</b>	<b>Penalty</b>	<b>After 240 Hours</b>
On a sidewalk	\$50 <del>\$55</del>	\$70- <del>\$75</del>
Within an intersection	\$25 <del>\$30</del>	\$40 <del>\$45</del>
On a crosswalk	\$25 <del>\$30</del>	\$40 <del>\$45</del>
Between a safety zone and the adjacent		
Curb	\$25 <del>\$30</del>	\$40 <del>\$45</del>
Alongside or opposite any street excavation	\$25 <del>\$30</del>	\$40 <del>\$45</del>
Upon any bridge or other elevated		
Structure	\$25 <del>\$30</del>	\$40 <del>\$45</del>
On any railroad tracks	\$25 <del>\$30</del>	\$40 <del>\$45</del>
In the area between roadways of a		
divided highway	\$25 <del>\$30</del>	\$40 <del>\$45</del>
At any place where official signs prohibiting		
Stopping	\$25 <del>\$30</del>	\$40 <del>\$45</del>
Stand or park a vehicle		
In front of a public driveway or private		
driveway upon complaint received	\$50 <del>\$55</del>	\$70- <del>\$75</del>
Within 15 feet of a fire hydrant [ <i>Ord. 60-</i>		
2006]	\$75 <del>\$80</del>	\$85 <del>\$90</del>
Within 20 feet of a crosswalk at an intersection	\$25 <del>\$30</del>	\$40 <del>\$45</del>
Within 30 feet upon the approach to any		
flashing signal, stop, yield or signal	\$25 <del>\$30</del>	\$40 <del>\$45</del>
Within 20 feet of the driveway entrance to		
a fire station	\$25 <del>\$30</del>	\$40 <del>\$45</del>
Preventing the free movement, streetcar,		
municipal bus or public transportation	\$25 <del>\$30</del>	\$40 <del>\$45</del>
On limited access highways unless authorized		
by official traffic control devices	\$25 <del>\$30</del>	\$40 <del>\$45</del>
At any place where official signs prohibit		
Standing	\$25 <del>\$30</del>	\$40 <del>\$45</del>
At a yellow curb	\$25 <del>\$30</del>	\$40 <del>\$45</del>
Park a vehicle within 50 feet of the nearest		
rail or railroad crossing	\$25 <del>\$30</del>	\$40 <del>\$45</del>
At any place where official signs prohibit		
Parking	\$25 <del>\$30</del>	\$40 <del>\$45</del>
In an alley less than 18 feet wide	\$25 <del>\$30</del>	\$40 <del>\$45</del>
§15-404 Blocked Garages	\$25 <del>\$30</del>	\$40 <del>\$45</del>
§15-405 Greasing or Repair Work	\$70 <del>\$75</del>	\$125- <del>\$130</del>
§15-407 Storage of Vehicles on Streets	\$50 <del>\$55</del>	\$100- <del>\$105</del>

Code	Penalty	After 240 Hours
§15-408 Illegally Registered, Uninspected or Inoperable Vehicles	\$50 <del>\$55</del>	\$100- <del>\$105</del>
§15-409 Parking Prohibited on Private Property	\$50 <del>\$55</del>	\$70- <del>\$75</del>

**SECTION 2. REPEALER.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2010

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(Parking Authority & Mayor)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_-2010

**A N O R D I N A N C E**

**AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF CERTAIN PREMISES SITUATE IN ONTELAUNEE TOWNSHIP, BERKS COUNTY, PA FROM THE CITY OF READING TO ONTELAUNEE TOWNSHIP.**

**WHEREAS**, the City of Reading is interested in conveying ownership of certain property situate in Ontelaunee Township, Berks County, Pennsylvania (See attached diagram.); and

**WHEREAS**, the Ontelaunee Township is willing to purchase said premises for a certain sum of \$8,500.00 per acre; and

**WHEREAS**, the City of Reading finds that acquisition of subject premises by Ontelaunee Township pursuant to said condition is acceptable.

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

1. **SECTION 1.** The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of certain premises situate in Ontelaunee Township, Berks County, Pennsylvania, from the City of Reading to Ontelaunee Township for the purchase price of \$8,500.00 per acre.

**SECTION 2.** This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted \_\_\_\_\_, 2010

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_-2010

**AN ORDINANCE ESTABLISHING A FOUR-WAY STOP INTERSECTION AT N. 13<sup>TH</sup> ST AND RICHMOND ST IN THE CITY OF READING, PENNSYLVANIA**

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

**SECTION ONE.** Intersection of North 13<sup>th</sup> Street and Richmond Street is hereby established as a four-way stop intersection.

**SECTION TWO.** Drivers of all vehicles approaching said intersections shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

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

Enacted by Council \_\_\_\_\_, 2010

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_-2010

**A N O R D I N A N C E**

**AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF PREMISES KNOWN AS “THE FIRE TRAINING CENTER”, READING, BERKS COUNTY, PA FROM THE CITY OF READING TO THE COUNTY OF BERKS.**

**WHEREAS**, the City of Reading is interested in transferring ownership of property known as “the Fire Training Center”, Reading, Berks County, Pennsylvania; and

**WHEREAS**, the County of Berks is willing to obtain ownership of said premises under certain conditions; and

**WHEREAS**, the City of Reading finds that said conditions are acceptable.

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

**SECTION 1.** The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of premises known as “the Fire Training Center” , Reading, Berks County, Pennsylvania, (pursuant to the attached agreement’s conditions) from the City of Reading to the County of Berks.

**SECTION 2.** This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted \_\_\_\_\_, 2010

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made this \_\_\_\_\_ day of \_\_\_\_\_, 2010, between the County of Berks, with its principal place of business at 633 Court Street, 13<sup>th</sup> Floor, Reading, Pennsylvania 19601 (hereinafter the “County”) and the City of Reading (hereinafter the “City”), with its principal place of business at 815 Washington Street, Reading, Pennsylvania 19601.

WHEREAS, the City of Reading is the current fee simple owner of the land on which the County of Berks maintains the Berks County Fire Training Center;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and intending to be legally bound, the parties agree as follows:

1. The City shall transfer within three (3) months of subdivision approval, for the consideration of one dollar (\$1.00) and without restriction, fee simple title to the Fire Training Center land.

The land transfer shall include all land currently enclosed within the chain link fence of the Fire Training Center and the parking lot area adjacent to the Fire Training Center Administration Building. In addition, the County shall be given a six (6) foot right-of-way along the property line to be maintained by the County and access to the property’s storm water and oil/water separator outfalls into the Angelica Creek for clearing and testing purposes.

2. This Agreement is contingent on the subdivision plan being approved by the City Planning Commission. The City shall prepare and submit to the Planning Commission all necessary paperwork. The City shall have its contractor bill the County directly for all costs associated with the preparation of the subdivision.

3. The County of Berks shall be permitted, at its expense, to immediately conduct a survey of the property to prepare an appropriate legal description of the property to be transferred.

4. The Lease Agreement between the County and City dated December 11, 2000 respecting this property shall be terminated. The City shall have the right to continue to use the Fire Training Center and property for a period of at least twenty (20) years consistent with the current uses of the City of Reading Fire Department, Police Department and other City departments. The specific details of the terms of this usage are identified in attachment A to this Lease Agreement. The City shall be governed by the same rules and regulations as any municipal fire department in Berks County, with the County having the right to approve and/or modify proposed training depending on costs or operational issues.
5. In the event the County decides to sell the Fire Training Center buildings and/or land, the City shall be given the right of first refusal to purchase the buildings and/or land for fair market value.
6. The County shall grant to the City of Reading and Cumru Township utility easements for all sewer and water lines crossing the land. The County shall grant additional easements as necessary for future construction projects at the waste water treatment plant.
7. The County shall be responsible for the utility costs of electric, gas, phone and trash removal for such time as it continues to own the Fire Training Center.
8. The City shall provide, at no cost to the County, water and sewer service to the Fire Training Center.
9. The City shall be permitted, at its cost, to install communication equipment on the existing water tower in connection with the operation of the Waste Water Treatment Plant provided said equipment is in compliance with the lease agreement currently in place between the County of Berks and Sprint-Nextel. The City shall be responsible for the cost of all improvements or modifications necessary to accommodate the installation of said communications equipment. Additionally, all utility costs associated with the equipment shall be the responsibility of the

City. The City shall permit periodic interruptions in the operation of the communication equipment as may be necessary for the County or its contractors to maintain the water tower, and as may be necessary for Sprint-Nextel, or their successor, to maintain their existing equipment. The City shall be provided reasonable notice of any planned interruptions to ensure impact to the operations of the wastewater treatment plant is minimized. In the event the water tower ceases to exist or is no longer maintained at the option of the County, the City shall have the right, at its expense, to erect a new communications tower on the land provided the tower does not interfere with the operation of the facility for its intended purpose. The County shall have the right, at its expense, to erect and maintain communications equipment on any such City constructed communications tower for County communications purposes.

**IN WITNESS WHEREOF**, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals the day and year first above written.

**CITY OF READING COUNTY OF BERKS**

---

Mayor Mark C. Scott, Esquire

Chair Board of Commissioners

---

City Council President

**ATTEST: ATTEST:**

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Terry L. Styer, Chief Clerk

## **ATTACHMENT A**

For a period of at least twenty (20) years the County shall provide, at no cost, to the City:

1. Access to and use of the Fire Training Center and land on a reservation basis. The cost of consumables shall be billed to the City. The County will make its best effort to accommodate the current and future training needs for the City of Reading departments in scheduling without cancelling previously scheduled events.
2. An office in the Fire Training Center Administration Building for use by the Reading Fire Department Training Lieutenant.
3. A gear locker, a personal use locker, and classroom storage space.
4. Classroom space in the Administration Building for use by the City and City Departments, including the Reading Police Department Bomb Squad, provided these City Departments follow the procedures outlined in the Fire Training Center Standard Operating Procedure Manual for reservation of the classroom space. If possible, priority will be given to the City for use of Classroom "B." However, reservations will be accepted on a first come first served basis.
5. Controllers for City Apparatus and Chiefs to open the gate to the property.
6. The Reading Police Department Bomb Squad shall have use of the Berks County Department of Emergency Services Special Operations Group workshop and storage space in the mezzanine section of the garage area. The Reading Police Department Bomb Squad shall have access to their equipment, the garage and workshop for repair or maintenance of their equipment. Use of the air room to refill self-contained breathing apparatus under County staff supervision as available.
7. Telephone, fax machine and copier usage for office and administrative use. The copier shall not be used for mass production of student or training materials.

**The City agrees that:**

1. All usage and training activities at the Fire Training Center shall be conducted in accordance with the procedures outlined in the Fire Training Center Standard Operating Procedures.
2. It shall defend, indemnify and hold harmless the County, its elected officials, employees and agents, from and against any and all liability, damages, claims, suits liens and judgments (including reasonable attorney's fees) of whatever nature, for injuries to or death of any person or persons or damage to the property, to the extent attributable to the negligence of the City or the City's failure to perform in accordance with the provisions of this Agreement.

RESOLUTION NO. \_\_\_\_\_

*Whereas* The City of Reading Codified Ordinances, Chapter 4 Buildings, 1 Historic Districts, Section 4-106 Enforcement and Administration provides the Mayor and Council with the ability to designate assistants to assist the Preservation Specialist in enforcing the Historic District Ordinance.

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

Authorizing the Zoning Enforcement Officer and all Property Maintenance Inspectors and Supervisors as authorized assistants of the City's Preservation Officer who shall exercise all the powers, including citation, of the Preservation Officer and in place of the Preservation Officer at the time violations are identified in accordance with the enforcement regulations and requirements set forth in the City of Reading Codified Ordinances relative to Historic Districts.

Adopted by Council \_\_\_\_\_, 2010

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

\_\_\_\_\_  
Thomas M. McMahon  
Mayor

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

CITY OF READING  
BERKS COUNTY, PENNSYLVANIA

RESOLUTION  
Adopted September 27, 2010

AUTHORIZING THE ISSUANCE OF A TAX AND REVENUE ANTICIPATION NOTE, SERIES A OF 2010 IN A PRINCIPAL AMOUNT OF THREE MILLION TWO HUNDRED THOUSAND DOLLARS (\$3,200,000); PROVIDING FOR THE DATED DATE, INTEREST RATE, MATURITY DATE, PAYMENT AND PLACE OF PAYMENT IN RESPECT OF THE NOTE; ACCEPTING THE PROPOSAL ATTACHED HERETO AS EXHIBIT "B" FROM THE FINANCIAL INSTITUTION OR ENTITY NAMED THEREIN FOR THE PURCHASE OF THE NOTE; NAMING A SINKING FUND DEPOSITARY/PAYING AGENT; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO EXECUTE AND DELIVER THE NOTE AND CERTAIN OTHER DOCUMENTS AND CERTIFICATES IN CONNECTION THEREWITH; AUTHORIZING AND DIRECTING THE PREPARATION, CERTIFICATION AND FILING OF THE NECESSARY DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH A FORM OF THE NOTE.

**WHEREAS**, City of Reading, Berks County, Pennsylvania (the "City"), anticipates receiving taxes and other revenues during the fiscal year ending December 31, 2010, which taxes and other revenues are currently uncollected; and

**WHEREAS**, the City has estimated, on a monthly basis, its expected taxes, revenues and expenditures for the fiscal year ending December 31, 2010, and has determined that during a portion of such fiscal year it will experience a "cumulative cash flow deficit" as such phrase is defined in the regulations promulgated under Sections 103 and 148 of the Internal Revenue Code of 1986, as amended (the "Code"); and

**WHEREAS**, the City has determined to borrow monies for the purpose of funding, in part, such cumulative cash flow deficit by issuing a note to be repaid from the anticipated taxes and revenues, all in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 53 Pa.C.S., Chapters 80-82, as reenacted and amended (the "Debt Act"); and

**WHEREAS**, the City has received an acceptable proposal for the purchase of its Tax and Revenue Anticipation Note as hereinafter described; and

**WHEREAS**, as required by Section 8126 of the Debt Act, officials of the City have heretofore made an estimate of the taxes and revenues to be received during such fiscal year ending December 31, 2010, and, by their execution of a certificate with respect thereto dated this date, have certified to such estimate.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Reading, Berks County, Pennsylvania (the "Council"), in lawful session duly assembled, as follows:

For the reasons and purposes recited above, the City hereby exercises its power and authority to borrow money and authorizes the issuance and sale of its Tax and Revenue Anticipation Note, Series A of 2010, in the principal amount of Three Million Two Hundred Thousand Dollars (\$3,200,000) (the "Note") in anticipation of the receipt of current taxes and revenues during the fiscal year ending December 31, 2010, such Note to be issued, sold and delivered as hereinafter provided.

The Mayor and the City Clerk are hereby authorized and directed, in the name and on behalf of the City, to prepare and file with the Department of Community and Economic Development of the Commonwealth of Pennsylvania a certified copy of this Resolution, a certificate setting forth the taxes and revenues to be collected in the fiscal year ending December 31, 2010, and a true copy of the accepted Proposal (hereinafter defined) for the purchase of the Note, all as set forth in and required by Section 8128 of the Debt Act. The Mayor and the City Clerk are also hereby authorized and directed, in the name and on behalf of the City, to prepare and verify a certificate, in accordance with Sections 103 and 148 of the Code and the regulations applicable thereto, setting forth the anticipated use of the proceeds, to prepare and deliver to the Purchaser of the Note the certificate required by Section 8127 of the Debt Act relating to the total amount of the City's tax and revenue anticipation notes outstanding on the date of delivery of the Note, and to take any and all other action, and to execute and deliver any and all other documents and instruments, as may be necessary, proper or desirable to effect the issuance and sale of the Note as contemplated herein. The certification made on the date of adoption of this Resolution by the aforementioned officials of the City, relating to the amount of taxes and other revenues remaining to be collected by the City in the fiscal year ending December 31, 2010, is hereby ratified and approved.

The Note shall be designated "City of Reading, Berks County, Pennsylvania, Tax and Revenue Anticipation Note, Series A of 2010", shall be in registered form, without coupons, shall be prepayable prior to maturity, shall be in the denomination of Three Million Two Hundred Thousand Dollars (\$3,200,000), shall be dated the date of issuance, shall bear interest at the rate of interest set forth in the Proposal from the date of delivery until maturity, shall mature on December 31, 2010, and shall be payable as to principal and interest at the place and in the manner and be otherwise in substantially the form set forth in the form of Note attached as Exhibit "A" hereto and the Proposal attached as Exhibit "B" hereto.

The Note, when issued, will be a general obligation of the City.

The Note shall be executed by the Mayor and the City Clerk and shall have the corporate seal of the City affixed thereto. The Mayor and the City Clerk are further authorized and directed to deliver the Note to the Purchaser hereinafter named upon the terms and conditions hereinafter provided and to execute and deliver such other

documents and instruments and to take such other action as may be necessary or appropriate to effect the issuance and sale of the Note in accordance with this Resolution and the Debt Act.

The Note, together with any other tax and revenue anticipation notes issued, or to be issued, by the City during the City's fiscal year ending on December 31, 2010, shall, upon issuance thereof, be equally and ratably secured by a pledge of, security interest in, and a lien and charge on, the taxes and other revenues to be received by the City during the period when the Note is outstanding; and the Mayor and the City Clerk are hereby authorized and directed to prepare and file, or to have filed, such financing statements as may be necessary to fully perfect such pledge, security interest, lien and charge pursuant to the Pennsylvania Uniform Commercial Code and Section 8125 of the Debt Act.

The City hereby covenants that it will not make any use of the proceeds of the Note or do or suffer any other action which, if such use or action had been reasonably expected on the date of issuance of the Note, would cause the Note to be an "arbitrage bond" or a "private activity bond" as such terms are defined in Section 148 or Section 141 of the Code and the regulations applicable thereto and further covenants that it will comply with Section 148 and Section 141 of the Code, and with any regulations applicable thereto, throughout the term of the Note, including without limitation, any requirements relating to a rebate of certain excess earnings pursuant to Section 148(f) of the Code of any regulations applicable thereto now existing or promulgated hereafter. In connection therewith, the Mayor and the City Clerk are hereby authorized and directed to execute and to deliver, in the name and on behalf of the City, any and all documents or other instruments which Stevens & Lee, Bond Counsel, may reasonably request to provide its opinion that the Note is not an "arbitrage bond" or a "private activity bond" within the meaning of Section 148 and Section 141 of the Code and the regulations applicable thereto.

The formal proposal (the "Proposal") of the lender identified therein (the "Purchaser"), presented to the Council is attached hereto as Exhibit "B", is hereby accepted and the Note is hereby awarded to the Purchaser at a private sale for the purchase price of \$3,200,000. The terms of the Proposal are incorporated herein by reference with the same effect as if set forth in full at this place. The Mayor and the City Clerk are hereby authorized and directed to, accept the Proposal, in the name of and on behalf of the City, by executing the City's acceptance on an original copy of the Proposal, to deliver a copy of the same to the Purchaser and to file the original with the records of the City. The Mayor and the City Clerk are hereby authorized to deliver the Note to the Purchaser upon receipt of the full principal amount of the purchase price for such Note and upon compliance with all conditions precedent to such delivery as required by the Debt Act, this Resolution and the Proposal; and such Mayor and City Clerk are hereby authorized and directed to prepare, verify and deliver to the Purchaser concurrently with the delivery of the Note, the certificate required by Section 8127 of the Debt Act, a copy of which certificate shall be retained with the records of the City until all tax and revenue anticipation notes issued by the City during the fiscal year ending on December 31, 2010, shall have been paid in full.

The form of the Note shall be substantially as set forth and attached hereto as Exhibit "A," which form is hereby incorporated by reference and adopted as if fully recited at length herein and said form is hereby approved by this Council.

The proper officers of the City are hereby authorized, empowered and directed to contract with a bank or bank or trust company authorized to do business in the Commonwealth of Pennsylvania (the "Paying Agent") for its services as paying agent and sinking fund depository in accordance with the terms of the Proposal, this Resolution and the Debt Act. The proper officers of the City are hereby authorized to establish a sinking fund for the Note with the Paying Agent for the benefit of the holder of the Note. The City Controller or other proper officer of the City is hereby authorized and directed to make deposits to the sinking fund to be held for the payment of principal and interest on the Note no later than the date of final maturity thereof.

Thereafter, the Paying Agent shall, without further authorization or direction from the City or any of its officials, withdraw moneys from the sinking fund and apply such moneys to the payment of principal and interest then due on the Note. Deposit by the City into the sinking fund of the full amount of such money shall satisfy in full the obligation of the City to pay principal and interest with respect to the Note.

Stevens & Lee, a professional corporation, is hereby appointed Bond Counsel in connection with the issuance and sale of the Note.

The City Controller or other proper official of the City is hereby authorized and directed to pay at, or subsequent to, the closing for the issuance of the Note, all costs and expense of the issuance incurred by or on behalf of the City or required to be paid by the City, all in accordance with the provisions of the Purchaser's proposal.

DULY ADOPTED, THIS 27TH DAY OF SEPTEMBER, 2010, BY THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, IN LAWFUL REGULAR SESSION DULY ASSEMBLED.

CITY OF READING  
Berks County, Pennsylvania

(SEAL)

By: \_\_\_\_\_  
Vaughn D. Spencer, President of Council

Attest: \_\_\_\_\_  
Linda A. Kelleher CMC, City Clerk

EXHIBIT "A"  
FORM OF NOTE

R-1

\$3,200,000

CITY OF READING  
BERKS COUNTY, PENNSYLVANIA  
TAX AND REVENUE ANTICIPATION NOTE  
SERIES A OF 2010  
DATED OCTOBER \_\_, 2010

The City of Reading (the "City"), Berks County, Commonwealth of Pennsylvania (the "Commonwealth"), for value received, hereby promises to pay to Wachovia Bank, National Association (the "Purchaser"), on December 31, 2010, the principal sum of Three Million Two Hundred Thousand Dollars (\$3,200,000), plus accrued interest thereon, computed at a fixed rate of \_\_\_\_% per annum. Both the principal of and interest on this Note shall be payable in lawful money of the United States of America upon presentation and surrender of this Note at the office of the Purchaser (also, the "Paying Agent") in Reading, Pennsylvania.

The City has the option to prepay principal or any payment of interest at any time prior to the respective payment date thereof, without notice or penalty.

This Tax and Revenue Anticipation Note, Series A of 2010 (the "Note"), is authorized and issued in the principal amount of \$3,200,000 in accordance with the provisions of the Local Government Unit Debt Act of the Commonwealth, as codified by the Act of December 19, 1996, P.L. 1158, No. 177 (the "Act"), and pursuant to a resolution, dated September 27, 2010 (the "Resolution"), duly adopted by the City and filed, together with other required documents, with the Pennsylvania Department of Community and Economic Development. Reference is hereby made to the Act and the Resolution for a complete statement of the rights and limitations of rights of owners of the Note, to all of which the owner hereof by acceptance of this Note assents.

This Note is issued under and in accordance with the Act, for the purpose of providing funds for current expenses payable in the current fiscal year in anticipation of the receipt of taxes and other revenues by the City from the date of original delivery of the Note to the stated maturity date thereof.

This Note is secured under the Resolution by the pledge of, security interest in and a lien and charge on the taxes and other revenues of the City specified in the Resolution to be received during the period when the Note is outstanding, together with all proceeds thereof. Such pledge, security interest, lien and charge have been perfected and are enforceable in the manner provided by the Act.

The City has covenanted that it will deposit in the sinking fund for the Note established by the Resolution with the Paying Agent such amounts as will be sufficient to pay the principal of and interest on the Note issued pursuant to the Resolution as and when the same

shall become due and payable, and such sinking fund shall be applied exclusively to such purpose.

The Purchaser shall have the right to exercise the remedies set forth in the Act. Any failure by the Purchaser to exercise any right or privilege hereunder shall not be construed as a waiver of the right or privilege to exercise such right or privilege, or to exercise any other right or privilege, at any other time, and from time to time, thereafter.

In the Resolution, the City has covenanted that it will not make any use of the proceeds of the Note or take or omit to take any other action which would cause the Note to be an "arbitrage bond" or a "private activity bond" as such terms are defined in Sections 148 and 141 of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations promulgated with respect thereto, including, but not limited to, provisions regarding the use or investment of the proceeds of the Note and the rebate requirements in Section 148(f) of the Code.

No recourse shall be had for the payment of the principal of or interest on this Note, for any claim based hereon or on the Resolution any member, officer or employee, past, present, or future, of the City or of any successor body, as such, either directly or through the City or any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the issuance of this Note.

It is hereby certified that all actions required by the Act to be taken to render this Note valid and obligatory have been taken pursuant to the Act, that all acts, conditions and things required by the laws of the Commonwealth to exist, to have happened or to have been performed precedent to and in the authorization and issuance of this Note exist, have happened and have been performed in regular and due form and manner as required by law; and that all existing indebtedness of the City is within every limitation prescribed by the Constitution and the statutes of the Commonwealth.

IN WITNESS WHEREOF, the City has caused this Note to be executed by its Mayor, its seal to be hereunto affixed and the same to be attested by the City Clerk.

CITY OF READING,  
Berks County, Pennsylvania

(SEAL)

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

EXHIBIT "B"

PROPOSAL FOR PURCHASE OF NOTE