



CITY COUNCIL

Committee of the Whole

Monday, August 13, 2012

Council Office

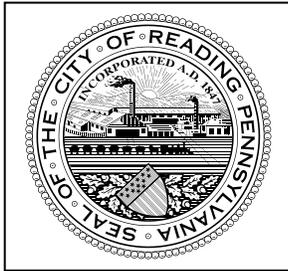
5:00 pm

Agenda

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012

- I. House Bill 1803 (L. Lee)
Enabling the Parking Authority to adjudicate parking violations**
- II. Ordinance regarding Temporary Staffing Levels (C. Snyder)**
- III. Agenda Review**



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
July 23, 2012
5:00 P.M.

COUNCIL MEMBERS PRESENT:

F. Acosta, D. Reed, J. Waltman, D. Sterner, R. Corcoran, M. Goodman-Hinnershitz

OTHERS PRESENT:

L. Kelleher, C. Younger, C. Jones, C. Snyder, M. Vind, V. Spencer, M. Bembenick, R. Johnson

The Committee of the Whole meeting was called to order at 5:10 pm by Council President Acosta.

I. PennVest Loan

Mr. Vind stated that this represents the 2nd part of the PennVest loan transaction. This resolution will allow us to reimburse the Sewer Fund for expenses generated by the project. The ordinance being introduced authorizes the debt. This loan is self-liquidating from the sewer revenue. The PennVest loan is for \$10,013,950 for 20 years with an interest rate of \$1.007% for the first 5 years and 2.013% for the 6th through 20th year.

Mr. Waltman stressed the need to finalize the IMAs with surrounding municipalities. He expressed the belief that the IMAs should have been finalized years ago.

Mr. Vind stated that the refunding of the 2008 E Bond will generate approximately \$1M in savings for the 2012 fiscal year. He stated that the market is slow and they are still seeking investors.

II. Reading Phillies Loan

Ms. Snyder requested an executive session regarding the negotiation of the amendment to the lease agreement with the Reading Phillies. The Solicitor advised that the request for an executive session was valid under Sunshine Act Section 708.a.5. The executive session convened at approximately 5:20 and concluded at approximately 6:25 pm.

When the Committee of the Whole reconvened, Mr. Acosta disclosed that after the executive session discussion concluded that discussions were held about personnel matters that qualify for executive session under Sunshine Act 708.a.1.

III. Citizens Service Center (CSC)

Council questioned the process used by the CSC to handle complaints. It was noted that there are problems with the way SRs are issued, followed up and closed out. They noted that using the CSC the Council Office resolution rate fell from 95% to 65%. Council also noted the communication problem between the Council Staff, Council Members and the CSC. Mr. Bembenick was asked to review the process used to handle citizen issues, the communication requirements between the CSC and Council area (Staff and Councilors) and to report back within 30 days.

The Committee of the Whole meeting adjourned at 6:50 pm.

*Respectfully Submitted by
Linda A. Kelleher, CMC, City Clerk*



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
July 31, 2012
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Reed, D. Sterner, S. Marmarou, M. Goodman-Hinnershitz

OTHERS PRESENT:

L. Kelleher, C. Younger, M. Bembenick, R. Schuenemann, M. Setley, D. Miller, M. Dallas, L. Murin

The Committee of the Whole meeting was called to order at 5:10 pm by Council Vice President Goodman-Hinnershitz.

I. RAWA Customer Service & Billing

Mr. Marmarou questioned why RAWA hired four employees from the Citizens Service Center (CSC) if they did not intend to allow the payment of water bills at the new facility. He expressed the belief that the new building is ample enough to allow RAWA with the ability to accept payment.

Mr. Miller stated that RAWA never intended to provide collection/payment services at the new facility, located on the Kutztown Road. He said that RAWA wants to avoid the public safety issues that taking payment would create. He stated that the majority of people paying in person pay in cash, which opens the facility up to robbery/burglary and creates employee accountability issues. He noted that there would be an associated expense with providing the required public safety and security if payments were accepted at the new facility.

Mr. Setley stated that before the new facility opened City Hall was the only place a customer could pay in person. Now there are six locations within Berks County where payments can be made. He stated that customers can now pay online (by credit card or ACH) or through the mail. He noted that since the new facility opened approximately 700 customers have registered to pay online.

Mr. Setley and Mr. Miller explained that the RAWA Board wanted to continue to allow cash payments and alternatives explored to accomplish this requirement. They stated that even Western Union, who accepts electric and gas payments at grocery stores only accepts money orders and checks, no cash. They stated that Fulton Bank was the only organization who agreed to accept cash payments. Fulton's fee is approximately \$90K per year. They noted the fee charged covers multiple services, not only bill paying.

Ms. Reed noted the disconnect that is created when a customer must go to the RAWA building to resolve a billing issue then go to some other place to pay. Mr. Miller stated that RAWA has never accepted payment at their office since they were created. Ms. Reed countered that when RAWA was in City Hall a customer only had to go down the hall to make payment.

Mr. Miller noted that no other utility (electric and gas) allow payment at their facility. He suggested that many of the customer issues are the result of change in the location and in the processes.

In response to a question relating to the volume of customers who come to the downtown Fulton to pay their water bills on the last day of the month, Mr. Miller expressed the belief that the situation was created through the glitch that delayed the customer receipt of the bill until the end of the month. This situation created a sense of urgency which probably created the rush. He stated that it is RAWA goal to continue to improve the billing process so the bills can be mailed and received by customers during the first week of the month, which would provide them with almost 30 days to pay. However, he noted that many customers paying in cash choose to delay payment until the day the bill is due.

Mr. Waltman arrived at this time.

Mr. Miller distributed a handout about the new services RAWA now provides and copies of emails from Fulton executives reporting that they are pleased with how program with RAWA and its customers is going.

Mr. Miller described the new online services available and reviewed the handout.

Ms. Goodman-Hinnershitz inquired about the call volume at RAWA. Mr. Miller stated that the highest number of calls per month is 948 and the lowest is 178. He stated that RAWA holds a minimum of two conference calls per week with Fulton to provide training and ongoing information about issues that arise.

Ms. Goodman-Hinnershitz expressed the belief that change causes difficulties for many customers.

Mr. Setley expressed the belief that RAWA has done an excellent job at improving customer service.

Mr. Waltman inquired about the indirect costs currently charged by the City. Mr. Setley stated that the indirect charges still exist due to the two year lag in charging for the indirect costs. Mr. Waltman noted the need for RAWA to understand how the indirect costs compare to actual costs which RAWA will now need to cover.

Mr. Murin stated that before the move 50% of the calls coming into the CSC were water related; however, Maximus only charged RAWA 13% for this indirect cost. Mr. Setley agreed that the 13% was inaccurate and did not cover all affected service areas.

Mr. Miller stated that the next bills are scheduled to go out around August 10th. He also noted the correction of the interface with the meter reading software which historically lowered estimated bills. He also described the ongoing problems with tampered meters along with meter certification and testing.

Ms. Kelleher inquired when the City would receive "Read Only" access to water accounts. She noted the need to have this information to assist customers who call. Mr. Miller stated that at the last meeting with the Administration this issue was discussed and the City was asked to provide information on the type of information to be viewed. To date a response has not been obtained.

II. Recycling and Trash Billing

Mr. Bembnick stated that the Administration is having a kick off meeting next week to discuss the Mayor's desire to move the trash and recycling billing to RAWA.

Mr. Setley stated that RAWA has discussed the request to add trash and recycling to the water/sewer bill. He stated that there would not be an additional charge for this

addition. He stated that RAWA only needs to learn if the City wants those utilities to be billed monthly, quarterly or annually.

Ms. Kelleher stated that currently recycling is billed annually and trash is billed annually to owner occupied properties and quarterly to rental properties.

Mr. Bembenick stated that the City needs to make that decision based on its revenue needs. He stated that in general it seems that the proper billing framework is able to handle adding these utilities.

Ms. Goodman-Hinnershitz stated that this bundled bill will create another level of customer concerns and questions. Mr. Murin stated that bundling the bills will save the City money.

Mr. Waltman inquired about how partial payments would be apportioned. Mr. Setley stated that partial payments will be handled in the same way they currently are handled; if a customer makes a 50% payment on the water/sewer bill, the payment is split between the water portion and the sewer portion.

Mr. Setley excused himself to attend another meeting.

Ms. Goodman-Hinnershitz inquired about RAWA's ability to track water main issues and potential breaks. Mr. Miller explained the technology that allows RAWA to constantly monitor water main issues and predict where problems could occur.

The Committee of the Whole meeting adjourned at 6:10 pm.

*Respectfully Submitted by
Linda A. Kelleher, CMC, City Clerk*

TALKING POINTS FOR HOUSE FLOOR DISCUSSION OF HOUSE BILL 1803

Pennsylvania Parking Authorities are empowered, generally, by the Parking Authority Law of 2001, which amended and restated the original Parking Authority Act of 1947. The Pennsylvania Vehicle Code, in turn, specifically limits and controls enforcement and adjudication of parking regulations by authorities and municipalities.

The Vehicle Code presently allows for cities of the first class and second class (Philadelphia and Pittsburgh) to adjudicate enforcement matters by either summary criminal process or civil administrative process. The City governments and Authorities in Cities of the Third Class, including Allentown, Bethlehem, Erie, Lancaster, and Reading, limit adjudication of disputes of parking tickets to the summary criminal process. Those disputes are processed by the Administrative Office of Pennsylvania Courts and the Magisterial District Justice Court system, all as prescribed by the Rules of Criminal Procedure. Non-paying and non-compliant parking “customers” are, therefore, put through often an expensive and cumbersome system imposed upon the Courts by the necessarily strict criminal process.

House Bill 1803 would allow (**but not require**) the adjudication of parking tickets through an administrative process. Parking tickets could be removed from the formal court system and adjudicated utilizing administrative hearing officers. Upon request, hearing of a disputed ticket could be promptly scheduled and, if the customer is not satisfied with the decision, a second hearing could also be convened. Ultimately, the individual may appeal the ticket to the Court of Common Pleas as a civil, administrative appeal. Delinquent accounts may also be processed through an accounts recovery system and local ordinances may continue to support delinquency enforcement through a sanctioned “vehicle booting” program. This is, essentially, the system in place in the City of Pittsburgh.

Advantages to this administrative option include the following:

- The administrative procedure alleviates much of the financial burden to the general parking public, as otherwise imposed by the criminalization of parking tickets.
- Significant savings may be realized by the Pennsylvania administrators resulting, in the City of Reading, for example, in approximately 1,500 less cases per month for the Magisterial District Justices, limiting the burden upon Court staff by eliminating the requirement to track tickets, schedule hearings and assess the costs of service of warrants and summons.
- Tickets will be adjudicated more quickly - due to more pressing cases on Court dockets, it sometimes takes months for parking hearings which are tacked onto criminal hearing lists at the Magisterial and Common Pleas Courts. The option to proceed administratively should shorten one’s wait for his or her day in Court.

- Expanded, flexible and more convenient hours for adjudication hearings are possible under the administrative process. For example, evening or weekend administrative hearings may be scheduled to meet the needs of the working general public.

Generally speaking, the administrative option (**not a mandate**) offered to Cities of the Third Class by House Bill 1803, would allow for an administrative process to provide additional flexibility, reduced costs, prompt resolution of disputes, and a decriminalized, less onerous approach to resolving simple parking violations.

RESOLUTION NO. _____-2012

ASKING REPUBLICAN SENATE MAJORITY LEADER DOMINIC PILEGGI TO MOVE HOUSE BILL 1803, WHICH ALLOWS 3rd CLASS CITY PARKING AUTHORITIES TO HOLD ADMINISTRATIVE APPEAL HEARINGS, FORWARD TO THE SENATE AGENDA

WHEREAS, Parking Authorities were authorized by the Municipalities Authority's Act in 1947 and the PA Vehicle Code, in turn, specifically limits and controls enforcement and adjudication of parking regulations by authorities and municipalities; and

WHEREAS, the PA Vehicle Code presently allows for cities of the 1st and 2nd Class (Philadelphia and Pittsburgh) to adjudicate parking enforcement matters by either summary criminal process or civil administrative process; and

WHEREAS, the PA Vehicle Code limits City governments and Authorities in 3rd Class Cities, including Allentown, Bethlehem, Erie, Lancaster, and Reading, requires the adjudication of parking ticket disputes through the summary criminal process. Those disputes are processed by the Administrative Office of Pennsylvania Courts and the Magisterial District Justice Court system, all as prescribed by the Rules of Criminal Procedure. Non-paying and non-compliant parking "customers" are, therefore, put through often an expensive and cumbersome system imposed upon the Courts by the unnecessary and strict criminal process; and

WHEREAS, House Bill 1803, as drafted by Representative Thomas Caltagirone, would allow (but not require) the adjudication of parking tickets through an administrative hearing process, removing disputes from the formal court system and utilizing administrative hearing officers instead. Upon request, hearing of a disputed ticket could be promptly scheduled and, if the citizen is not satisfied with the decision, a second hearing could be convened. Ultimately, the individual may appeal the ticket to the Court of Common Pleas as a civil, administrative appeal. Delinquent accounts may also be processed through an accounts recovery system and local ordinances may continue to support delinquency enforcement through a sanctioned "vehicle booting" program. This is, essentially, the system in place in the City of Pittsburgh

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

1st and 2nd Class Cities are afforded with many more liberal rights and abilities in numerous areas such as taxation and the adjudication of parking tickets. The House of Representatives recognized the need to level the playing field for 3rd Class Cities when they adopted House Bill 1803, legislation that would allow parking authorities to adjudicate parking ticket appeals and disputes through administrative hearings, rather than through the Magisterial District Justice court system, which is expensive for the both “customer” and for the taxpayers of Pennsylvania. However, this Bill was withdrawn from the Senate considerationp3@generalcode.com by Republican Senate Majority Leader Dominic Pileggi, due to pressure applied by individuals who lobbied against this important piece of legislation.

Approval by the State Senate could provide significant savings for the Pennsylvania Court System resulting in approximately 1,500 less cases per month and 18,000 cases per year, for the Magisterial District Justices in Reading alone, reduce the burden on Court staff by eliminating the requirement to track tickets, schedule hearings and assess the costs of service of warrants and summons. Adopting House Bill 1803, will allow for an administrative hearing process that will provide flexibility, reduced costs, prompt resolution of disputes and appeals, and a decriminalized, less onerous approach to resolving simple parking violations. Approval of House Bill 1803 would bring help cities like Reading generate approximately \$500,000 in revenue annually and would greatly reduce the amount of overtime paid to police officers to attend hearings at the MDJ offices.

The City of Reading City Council respectfully asks Republican Senate Majority Leader Dominic Pileggi and the Pennsylvania Senate to move House Bill 1803 forward to the Senate agenda for adoption as quickly as possible as it is time for all cities to be treated equally.

Adopted by Council _____, 2012

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

BILL NO. _____ - 2012
AN ORDINANCE

AMENDING CHAPTER 1, ADMINISTRATION, OF THE CODIFIED ORDINANCES OF THE CITY OF READING, §1-186. FISCAL PROVISIONS PART 9 ANNUAL BUDGET, SECTION C BUDGET ORGANIZATION AND CONTENT SECTION - 2.d. REGARDING THE POSITION ORDINANCE

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

SECTION 1. Amending Chapter 1, Administration, Of the Codified Ordinances Of The City Of Reading, §1-186. Fiscal Provisions Part 9, Section C Budget Organization and Content - 2.d. regarding the Position Ordinance is hereby amended as attached in Exhibit A.

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

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

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

Enacted _____, 2012

Council President

Attest:

City Clerk

(Council Staff & Managing Director)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

CHAPTER 1 - Administration

§1-186. Fiscal Provisions.

9. Annual Budget.

C. Budget Organization and Content.

(1) Section 904. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

- A. It shall begin with a general summary of its contents.*
- B. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.*
- C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.*
- D. It shall show the number of proposed employees in every job classification and the proposed salaries of all exempt employees beginning in 2009. [Ord. 3-2009]*
- E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.*
- F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.*
- G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual Budget and submit to Council with appropriate supporting information as to the necessity for such programs.*
- H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.*

The total of proposed expenditures shall not exceed the total of estimated income.

(2) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by the Charter, shall be in such form as the Mayor deems desirable or the Council may require. (Refer to comment on §901.46) In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. The budget shall contain, among other things, the following:

- (a) It shall begin with a general summary of its contents.
- (b) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees, and charges.
- (c) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

(d) It shall include the position ordinance, defined in §1-122, which shows the number of all proposed employees in every job classification, as defined in §1-221, highlighting changes and the proposed salaries of all exempt employees beginning in 2009 (plain italic language required by Bill No. 3-2009 enacted January 26, 2009, and approved by the Mayor January 27, 2009). [Ord. 60-2009]

1. In some cases, however, prudent succession management may call for temporarily exceeding the position allowance in a particular department. Some examples are:

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a. When there is a known planned retirement of an individual in a highly technical position, smooth operations would call for an extended period of knowledge transfer that would require hiring the replacement individual prior to the retirement.

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b. In the case of extended apprenticeships or training periods, such as police, it would make sense to consider the historic rate of attrition when determining the ideal class size. This would provide a more consistent number of trained staff vs. the current system which can produce peaks and valleys.

Therefore, in order to manage the operations of the City more effectively, City Council may, by ordinance, authorize the Managing Director to exceed the position ordinance for any department with the following conditions:

a. No departmental position ordinance will be exceeded for a period of time greater than 6 months.

b. The temporary addition of employees will not cause the total wages of the City to exceed budgeted levels.

c. The Managing Director will report to Council on all planned hires which will exceed any position ordinance and will report on the status of all such hires on a regular basis.

d. At no time will the total number of City employees exceed the total number of employees authorized under position ordinances by more than 10 employees.

(e) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.

(f) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies, in terms of their respective work programs, and the methods of financing such expenditures.

(g) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practical, and the proposed method of financing each such capital expenditure. The Mayor shall include this separate capital program section in the annual budget and submit it to Council with appropriate supporting information as to the necessity for such programs.

(h) It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income. The estimated income shall mean the total of estimated revenue plus the prior fiscal year's fund balance. If a deficit exists, a plan to eliminate that deficit must be included in the budget.