



CITY COUNCIL

Open Government, Rules & Intergovernmental Relations

**Monday, February 4, 2013
5:00 pm
City Council Office**

The Open Government, Rules and Intergovernmental Relations Committee's responsibilities includes Permanent Rules of Council, City Charter, Administrative Code, Intergovernmental Relations, Act 47, Accuracy of Government Information and Communications, Efficiency and Effectiveness of Government Services.

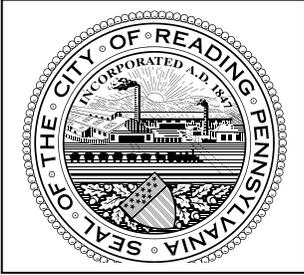
Committee Members: Dennis Sterner (Chair), M. Donna Reed (Vice-Chair) and Stratton Marmarou

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee 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 Committee Chair.

All electronic recording devices must be located at the entry door in all meeting rooms and offices, as per Bill No. 7-2012

- I. Update Welcome to Reading Guidebook - C. Snyder**
 - a. Cost of printing and sponsorships**
- II. Citizens Advisory Board - Mission - C. Snyder**
Review ordinance and consider amendments
- III. Review Final Draft of Communication Policies - C. Snyder**
- IV. Report on Charter Board Training - M. Katzenmoyer**

- V. Establishment of a Charter Review Board - C. Snyder/M. Katzenmoyer**
- VI. Amendment to the Code of Ethics - M. Katzenmoyer**
- VII. Agenda Preparation Software - E. Lloyd**
- VIII. Ordinance Form and Procedure Amendment - M. Goodman-Hinnershitz**



CITY COUNCIL

Open Government, Rules & Intergovernmental Relations Committee

**Monday, January 7, 2013
Meeting Report**

Attendance: D. Reed, S. Marmarou, D. Sterner Chair

Others Attending: S. Katzenmoyer, C. Snyder, E. Lloyd

The meeting was called to order at 5:10 pm by Mr. Sterner.

Ms. Snyder stated that she would like to add two items to this evening's agenda – discussion of agenda preparation software and email access. The Committee agreed to the additions.

I. Agenda Preparation Software

Ms. Snyder stated that this software will allow for better control and management of Council agendas.

Mr. Lloyd stated that when documents are developed, several individuals and departments may be involved. He stated that many conversations occur via email and that documents undergo many changes. He stated that the final document should be submitted to the Clerk's office. He explained that he has learned that at times there are not good mechanics in place to determine the correct final document.

Mr. Lloyd explained that the City's Accounts Payable forms which are used to pay invoices require five signatures. He stated that no signatures are required for the submission of legislation. He noted the need for a document management system and for the users of documents to track changes.

Mr. Lloyd used an example of legislation with eleven versions. He stated that this can become confusing to determine the final document for submission. He stated that many documents are lengthy and that oversight becomes more prevalent when changes are not tracked. He noted that when changes are not tracked it becomes difficult to determine who made changes and why.

Mr. Lloyd proposed the use of a more formal process. He stated that this process will make it easier to review documents and that there will be only one version of a document. He stated that Word is capable of tracking changes. He stated that IT may already have license to another program which is being reviewed. He stated that the change to this process may have little or no cost involved. He stated that this will assist with communication regarding documents and can assist to improve communication and trust between departments. He stated that he found it troubling that there are currently no formal controls in place. He stated that these controls will safeguard the City's legislation.

Mr. Sterner stated that most legislation comes to Council through Council staff and the Law Department. He stated that these individuals mark changes by using strikethrough and bold italics. He did note that when Council sees several versions of a document it becomes confusing as the versions are not dated.

Ms. Snyder used the Reading Fightin' Phils as an example. She stated that she did not review the last version submitted because she looked at it so many times. She stated that when the final documents were presented, they were incorrect and would have resulted in the signing of an inaccurate document. She noted the need for external parties to use the same system as many times legislation is drafted by outside legal entities.

Mr. Sterner questioned how the Administration reviews items submitted to Council. Ms. Snyder recommended that ordinances not be introduced to Council unless they are submitted by the Law Department, Council staff, or the Managing Director. She noted that it is part of her role to know all legislation before Council. She stated that she meets with Ms. Kelleher weekly to review agendas.

Mr. Marmarou suggested that too many people are sometimes involved in redrafting documents. Mr. Lloyd stated that it is okay to have many people making changes but that the changes need to be tracked.

Ms. Snyder stated that Ms. Kelleher has also requested a template be followed by all to make the process easier to manage.

Mr. Sterner expressed the belief that Ms. Kelleher should be involved in this process.

Mr. Sterner questioned if the Administration was working with Council staff on this process. Mr. Lloyd and Ms. Snyder stated that they are working together. Mr. Lloyd stated that so far no major issues have risen from this process but that the potential is there.

Mr. Acosta arrived at this time.

Ms. Snyder stated that this is a good way to get the Mayor's staff working with Council staff. She stated that she will continue to update Council on this project.

II. Email Access

Ms. Snyder stated that there are individuals who believe that many City officials and employees have access to other's email. She stated that she has been told that the Mayor, Managing Director, IT Manager and several others have access to all email accounts. She expressed the belief that if this is available it is not appropriate. She noted her suspicion that if she had asked to view emails of individuals, it would have been granted. She stated that she has never requested this access.

Ms. Snyder stated that accessing other's emails sets a bad tone. She stated that she will be issuing a directive that going forward, anyone who had this access will lose it. She stated that she will be instituting a policy that in order for anyone to access another's email, permission will need to be granted in writing and signed by the Mayor and Managing Director. She stated that the permission must be specific about why the access is needed.

Mr. Marmarou stated that there have been problems in the past with this issue.

Ms. Reed stated that she does not trust City email and does not use it often.

Mr. Sterner questioned how access would truly be controlled.

Ms. Reed questioned if actions of others viewing emails can be considered criminal.

Ms. Snyder stated that there is legitimate need for access to employee files when they leave employment. She stated that she is establishing policy so that cause must be determined before access is granted. She stated that one person cannot make that

determination and that written permission by the Mayor and Managing Director (both, not one or the other) must be received first. She stated that there is no need to regularly monitor email traffic. She stated that supervisors are familiar enough with their unproductive employees to determine if email or internet use is the issue. She stated that this is cause and access will be granted in writing.

Ms. Reed questioned the use of City email by those outside City Hall. Ms. Snyder stated that it is difficult to control who forwards emails to other individuals. Mr. Lloyd stated that there is a way to track forwards but not prevent them.

Mr. Sterner stated that the subject of the inquiry should be informed when access is granted. Ms. Reed stated that this is professional courtesy. Ms. Snyder stated that a legal opinion is needed on this issue. She stated that some investigations must remain confidential up to a certain point.

Mr. Sterner suggested that Law review the policy before it is distributed.

Mr. Acosta stated that in the corporate world employees know that email belongs to the employer. He stated that there is no expectation of privacy. He noted that the City still should implement a policy as it is moral and ethical to do so. He stated that having said that there should be no expectation of privacy, individuals also should not feel invaded. He noted that email monitoring should not be used for political purposes or for vendettas. He stated that these uses are inappropriate. He stated that access should be documented and permission granted.

Ms. Snyder stated that some in IT may need to continue access but not to constantly monitor traffic. She stated that if monitoring is discovered, termination is possible.

Mr. Sterner questioned if this was a past policy. Ms. Snyder stated that this is unknown but that it will be addressed. She noted that it will improve the atmosphere and comfort level of some employees.

Ms. Reed cautioned Ms. Snyder that this could be a dangerous situation for her to be in if access is requested and she denies it. She stated that she serves the Mayor at will.

Mr. Acosta requested Council review of the policy before it is distributed.

Ms. Katzenmoyer stated that this issue has been reviewed by past Councils. She stated that email use and access is part of the City's Computer Use Policy. She stated that she

still has documents from past research on the topic and offered to forward this information to Ms. Snyder.

III. Update Welcome to Reading Guidebook

Ms. Snyder stated that the lowest quote is from the Reading Muhlenberg Career and Technology Center. She stated that ten quotes were received. She stated that in order to cover the cost of the printing, 24 pages of ads are needed. 10,000 copies will be ordered. There will be new cover art.

The cost of printing is approximately \$4,600. Ad prices are \$55 for ¼ page (business card sized ad), \$100 for ½ page, and \$175 for a full page.

Ms. Snyder stated that it is possible to bring more money in than is needed for costs. She questioned how to use those funds. Ms. Reed suggested that it be used for printing of additional guidebooks.

Mr. Acosta stated that this is not an appropriate venue for candidates to advertise. He stated that officials who advertise should not use this as a forum to campaign.

Ms. Reed suggested that Crime Alert Berks be contacted to advertise.

Mr. Acosta stated that Fulton Bank will also advertise. He noted the need for the Guidebook to look professional.

Mr. Sterner questioned the Spanish translation. Ms. Snyder stated that it will not be pursued at this time. Ms. Katzenmoyer stated that the Guidebook indicates in Spanish that Spanish speakers are available at the Customer Service Center.

Mr. Acosta suggested that the Guidebook be translated into Spanish and added to the City's website.

Mr. Marmarou requested that Council see the final layout of the Guidebook before it is printed.

There was discussion of comparison of the old version versus the new version.

Mr. Sterner questioned when the Guidebook ads would be ready and printing would occur. Ms. Snyder suggested that ads can be complete in a month. She suggested that the layout be reviewed at this Committee's meeting in February.

IV. Citizens Advisory Board

Ms. Snyder stated that she has no report on this topic. She stated that she has not been able to work on this project.

V. Communications Policy

Mr. Marmarou requested that all of Council have the opportunity to review the policies before they are distributed.

Mr. Acosta questioned if there is a directive that employees not speak with Councilors or Council staff. He stated that as he walks through City Hall and greets employees they do not return the greeting. Ms. Katzenmoyer stated that the past directive set this tone. Mr. Lloyd stated that the directive should not have curtailed social conversation.

Ms. Reed stated that City Hall has a very cold atmosphere.

Mr. Lloyd stated that the policy addressed directives only.

Mr. Acosta stated that he brings issues directly to the Managing Director.

Mr. Sterner stated that he refers constituents to the CSC.

Ms. Reed questioned Ms. Katzenmoyer about communication. Ms. Katzenmoyer stated that it varies depending on the individual and the office. She stated that she sends all complaints to the CSC and makes requests for non-routine items through the Managing Director. She stated that once permission is granted, she generally receives information in a timely manner.

Ms. Snyder explained the re-codification project. She stated that Ms. Kelleher attended a Director's meeting to address the issue and that Ms. Snyder has been following up on items that remain outstanding.

Mr. Acosta noted the need for him to also be aware if Council staff is not cooperating with the Administration in any way. He stated that information requested through Council staff must also be given in a timely manner.

Ms. Snyder expressed the belief that communication is improving.

Mr. Acosta questioned if the revised policies were distributed. Ms. Snyder stated that she will forward the drafts to Council for their review. She stated that she will need to review the Media Policy now that there is no Media Relations employee. She stated that Ms. Loaiza has been performing these duties.

Mr. Sterner questioned if a Council resolution was necessary for these policies. Ms. Katzenmoyer stated that resolutions are not necessary.

VI. Report on Charter Board Training

Ms. Reed and Mr. Marmarou stated that the first session was very good. They questioned when the second session would occur. Ms. Katzenmoyer noted her understanding that a second session was not scheduled.

Ms. Snyder and Mr. Acosta requested information from the first session as they were unable to attend.

Mr. Acosta questioned who should attend.

Ms. Katzenmoyer stated that she will follow up with Ms. Gibson to schedule the second date.

VII. Establishment of a Charter Review Board

Ms. Snyder suggested that the work of the Charter Review Board be complete by September to get the items on the November ballot. She stated that the review must be completed and presented within six months.

Ms. Reed stated that Ms. Goodman-Hinnershitz served in this capacity in the past.

Ms. Katzenmoyer reviewed membership and stated that one appointment has been made to date.

Ms. Reed stated that those serving this Board may not serve on other BACs.

Ms. Goodman-Hinnershitz joined the meeting at this time.

Mr. Acosta stated that there can be no more than five employees and officials. He recommended that the Mayor appoint one person from his staff and Council appoint not more than three members.

Ms. Reed stated that the review can also include recommendations to change the form of government. She suggested that a Council Manager form of government has been gaining support.

Ms. Snyder questioned how the Mayor is informed to begin looking for candidates. Ms. Katzenmoyer stated that she will email the Mayor and his staff.

VIII. Amendment to the Code of Ethics

Ms. Katzenmoyer explained that this amendment would add the "Pay to Play" provisions of the purchasing policies into the Code of Ethics so that they can be enforced by the Board of Ethics. She stated that this issue was a finding in a past external audit and that she has been trying to address the issue since 2008.

Mr. Acosta noted his understanding that only the Mayor can enforce these provisions as they are currently written in the purchasing policies. He noted the need for these provisions to be realistic for the City of Reading and stated that as presented this amendment may not be 100% applicable to Reading. He noted the need for protection to all by the amendment including vendors.

Ms. Snyder questioned if the City paid for this amendment. Ms. Katzenmoyer explained that it was as a Board of Ethics expense as the Board solicitor drafted the amendment.

Ms. Snyder and Mr. Acosta suggested that the City Law office review the document. Ms. Katzenmoyer stated that she will work with legal staff on a review. She stated that originally she and Ms. Butler were working on the draft but got tangled up in State provisions.

Mr. Sterner stated that this should move forward as it has been pending since 2008.

The Open Government, Rules, and Intergovernmental Relations Committee adjourned at 6:30 pm.

Respectfully Submitted by,
Shelly Katzenmoyer,
Deputy City Clerk

Section 1-199.13 Definitions.

CANDIDATE. An individual who files nomination papers or petitions for City Elected Office or who publicly announces his or her candidacy for City Elected Office.

CITY. The City of Reading, Pennsylvania.

CITY ELECTED OFFICE. The offices of Mayor, City Council and City Auditor.

CONTRACT. An agreement or arrangement for the acquisition, use or disposal by the City or a City agency or instrumentality of consulting or other services or of supplies, materials, equipment, land or other personal or real property. This term shall not mean an agreement or arrangement between the City or City agency or instrumentality as one party and a City Official or City Employee as the other party, concerning his/her expense, reimbursement, salary, wage, retirement or other benefit, tenure or other matters in consideration of his/her current public employment with the City or a City agency or instrumentality.

CONTRIBUTION. Money, gifts, forgiveness of debts, loans or things having a monetary value incurred or received by a Candidate or his/her agent for use in advocating or influencing the election or candidacy of the Candidate.

GIFT.

- a. The term “Gift” for the purposes of this Code shall mean: any gratuity, benefit, or any other thing of value, which is accepted by, paid for, or given to a City Employee or City Official, or by another Individual or Organization on behalf of a City Employee or City Official, either directly or indirectly, without consideration of equal or greater value.

This definition may include, by way of illustration and without limitation to, the following: (i) 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; (ii) transportation, lodging, or parking; (iii) food or beverage, other than that consumed at a single sitting or event; (iv) membership dues or admissions to cultural or athletic events, which exceed \$250.00 per calendar year in the aggregate and \$100.00 per calendar year from any single person, agent or other interested party; and/or (v) political contributions in excess of those limitations set forth hereinafter or in any other applicable laws or regulations, including but not limited to, the City Codified Ordinances.

- b. The term “Gift” for purposes of this Code shall explicitly **exclude**: (i) gifts from direct family members; (ii) non-pecuniary awards publicly presented, in recognition of public service; (iii) an occasional non-pecuniary gift of nominal value; (iv) complimentary travel for official purposes; and/or (v) admissions to charitable, civic, political or other public events.

INDIVIDUAL. A person, including a married couple.

NO-BID CONTRACT. A Contract (as defined herein), which is not awarded or entered into pursuant to an open and public process, in accordance with Pennsylvania law, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded related thereto.

OFFICIAL. Any elected or appointed, paid or unpaid member of the government of the City of Reading, including without limitation members of any City boards, authorities and commissions.

ORGANIZATION. An individual, partnership, corporation, sole proprietorship, whether for-profit or not-for-profit, or any other form of business organization.

Section 1-199.16. Prohibited Behaviors.

2. Solicitation/Acceptance of Gifts; Rebuttable Presumption.
 - A. A City Employee, City Official, Immediate Family of a City Employee or Official or any for-profit entity in which the City Employee, City Official, or any Immediate Family has a Material Interest, **shall neither solicit nor accept** any Gift(s) from an offeror or donor based on the offeror's or donor's understanding that any vote, official action or judgment of the City official or City employee would be or could be influenced thereby. City Employees and City Officials are also subject to those related, applicable ordinances of the City Charter, City Codified Ordinances, and the Pennsylvania Public Official and Employee Ethics Act (65 Pa. C.S.A. §§1101.1, et seq.), as amended, and all related statutes and regulations, as applicable. The solicitation or acceptance of Gift(s) shall create a rebuttable presumption that the City Employee or City Official 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.
 - B. In the event that a Candidate for City Elected Office, who is not a City Employee or City Official, solicits or accepts any Gift(s) from any offeror or donor based on the offeror's or donor's understanding that the vote, action or judgment of the Candidate, if and when elected, would be or could be influenced thereby, are subject to those related, applicable ordinances of the City Charter, City Codified Ordinances, and the Pennsylvania Public Official and Employee Ethics Act (65 Pa. C.S.A. §§1101.1, et seq.), as amended, and all related statutes and regulations, as applicable.
 - C. No person, firm, corporation or other business or professional organization shall offer, make or render any Gift(s) to any City Employee, City Official, Immediate Family or for-profit entity in which a City Employee or City Official has a Material Interest, which might reasonably be expected to influence such City Employee or City Official in the discharge of his/her official duties.
 - D. In all but *de minimis* cases, Gifts received must be publicly recorded and submitted to the City Clerk specifying: (i) the donor; (ii) the address of the donor; (iii) the date received; (iv) a concise description of the gift; and (v) the value of the gift. A gift having a value in excess of \$25.00 may not be considered *de minimis*.
8. Awarding Contracts
 - A. To the extent that it is not inconsistent with federal or state law: (i) a City Employee, (ii) a City Official, (iii) any Immediate Family of a City Employee or City Official; or (iv) any for-profit business entity in which the City Employee, City Official, or any Immediate Family has a Material Interest, **shall not** enter into any Contract valued at Five Hundred Dollars (\$500.00) or more with the City or any City agency or instrumentality, unless the Contract has been awarded through an open and public process, in accordance with Pennsylvania law, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the City Official or City Employee shall not have any supervisory or overall responsibility for the implementation or administration of the Contract. Any Contract or subcontract made in violation of this subsection may be subject to further penalties,

pursuant to the terms and provisions of the Pennsylvania Public Official and Employee Ethics Act (65 Pa. C.S.A. §1101.1, et. seq.).

- B. Prior to entering into or awarding any No-Bid Contract, the City Employee, Official, agent or instrumentality entering into such No-Bid Contract on behalf of the City, must immediately provide the Board of Ethics with the following information:
 - i. The name and address of all contracting parties;
 - ii. A draft copy of the contract to be entered into;
 - iii. A report, in compliance with 25 P.S. §3260a (Section 1641 of the Pennsylvania Election Code), as amended, which shall provide the following:
 - a. An itemized list of all political contributions known to each contracting party by virtue of the knowledge possessed by every officer, director, associate, partner, limited partner, or individual owner that has been made by:
 - 1. Any officer, director, associate, partner, limited partner, individual owner or members of the immediate family of the aforementioned parties when the contributions exceed an aggregate of One Thousand Dollars (\$1,000.00) by any individual during the preceding year; or
 - 2. Any employee or members of his or her immediate family whose political contribution exceeded One Thousand Dollars (\$1,000.00) during the preceding year.
 - iv. Any other information that the Board of Ethics may require.
- C. In the event that the intended recipient of a City No-Bid Contract or any officer, director, associate, partner, limited partner, individual owner, member, employee, or Immediate Family of any of the aforementioned parties has made a donation to a political committee of a City Employee, City Official, agent or instrumentality, in excess of the contribution limitations set forth in Section 1-199.22 during any of the preceding two (2) calendar years from the date the draft copy of the proposed contract is submitted to the Board of Ethics, then and in that event the City is prohibited from awarding that No-Bid Contract to that intended party.
- D. For purposes of this Section, the office that is considered to have ultimate responsibility for the award of the Contract shall be as provided for by the established purchasing policies of the City of Reading.

Section 1-199.22 Campaign Contributions and Reporting Requirements.

1. Definitions.

For purposes of this Section 1-199.22, the following terms shall have the following definitions:

CANDIDATE CAMPAIGN CONTRIBUTION. Money, gifts, forgiveness of debts, loans or things having a monetary value incurred or received by a candidate or his/her agent for use in advocating or influencing the election of the candidate.

CANDIDATE POLITICAL COMMITTEE. The one Political Committee used by a candidate to receive all contributions and make all expenditures.

COVERED ELECTION. Every primary, general, or special election for City Elected Office.

PRE-CANDIDACY CONTRIBUTION. A contribution made to a Political Committee that: (a) has been transferred to, or otherwise becomes available for expenditure by, a candidate for City Elective Office; and (b) was made before such candidate became a candidate.

POST-CANDIDACY CONTRIBUTION. A contribution made to a former Candidate or Political Committee for use in retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City Elected Office.

POLITICAL COMMITTEE. Any committee, club, association, political party, or other group of persons, which receives contributions or makes expenditures for the purpose of influencing the outcome of a Covered Election, including but not limited to: (a) political action committees recognized under Section 527 of the Internal Revenue Code, and (b) the Candidate Political Committee of a Candidate in a Covered Election.

2. Campaign Contribution Limitations.

A. During a Calendar Year in which a Covered Election is Held.

- i. To the extent that it is not inconsistent with federal or state law and except as provided in Subsection D, Pre-Candidacy Contributions, hereinafter, no Individual shall make, and no Candidate and/or no Candidate Political Committee shall accept, a Candidate Campaign Contribution, including those contributions made to or through one or more Political Committees by such Individual, in excess of Two Thousand Six Hundred Dollars (\$2,600.00).
- ii. To the extent that it is not inconsistent with federal or state law and except as provided in Subsection D, Pre-Candidacy Contributions, hereinafter, no Organization (excluding Individuals covered by Section 1-199.22(2)(A)(i)) shall make, and no Candidate and/or no Candidate Campaign Committee shall accept, a Candidate Campaign Contribution, including those contributions made to or through one or more Political Committees by such Organization, in excess of Ten Thousand Dollars (\$10,000.00).

- iii. To the extent that it is not inconsistent with federal or state law and except as provided in Subsection D hereinafter, no Political Committee (excluding Candidate Political Committees) shall make, and no Candidate and/or no Candidate Campaign Committee shall accept, a Candidate Campaign Contribution, in excess of Ten Thousand Dollars (\$10,000.00).
- B. During a Calendar Year in which a Covered Election is Not Held.
- i. Candidates for Mayor may receive Candidate Campaign Contributions totaling no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) per year.
 - ii. Candidates for City Council may receive Candidate Campaign Contributions totaling no more than One Hundred Thousand Dollars (\$100,000.00) per year.
- C. Post Election Intervals.
- i. During the interval between the general election (or primary/special election, with respect to Candidates who were not nominated) and the end of the calendar year in which the election occurred, and in each calendar year thereafter, no Individual shall make total Post-Candidacy Contributions, including those contributions made to or through one or more Political Committees by such Individual, of more than Two Thousand Six Hundred Dollars (\$2,600.00).
 - ii. During the interval between the general election (or primary/special election, with respect to Candidates who were not nominated) and the end of the calendar year in which the general election occurred, and in each calendar year thereafter, no Organization shall make total Post-Candidacy Contributions, including those contributions made to or through one or more Political Committees by such Organization, of more than Ten Thousand Six Hundred Dollars (\$10,600.00).
- D. Pre-Candidacy Contributions.
- i. No Candidate or Candidate Political Committee may spend any excess Pre-Candidacy Contributions for the purpose of influencing the outcome of a Covered Election in which he or she is a Candidate.
 - ii. No Candidate or Candidate Campaign Committee may spend any excess Pre-Candidacy Contributions or excess Post-Candidacy Contributions for the purposes of:
 - a. Transition or inauguration expenses; or
 - b. Retiring debt that was incurred to influence the outcome of an already completed Covered Election, or cover transition or inauguration expenses related to an already completed Covered Election.
 - iii. A Pre-Candidacy Contribution made in the same calendar year that a person becomes a Candidate shall count toward those limitations on contributions set forth in Section 1-199.22(2)(A).

- E. Candidate's Personal Resources. The limitations imposed by this Section 1-199.22 shall not apply to contributions from a Candidate's personal resources to his or her Candidate Political Committee. However, if such contributions from a Candidate's personal resources shall exceed \$250,000.00 (regardless of the time period over which such contributions were made), then the contribution limits set forth in this Section 1-199.22 for that City Elected Office, other than those in Section 1-199.22(C) above, shall double.
- F. Volunteer Labor. The limitations imposed by this Section shall not apply to volunteer labor.
- G. Adjustments.
 - i. On January 1, 2016 and on every January 1 every four (4) years thereafter, the maximum contribution amounts set forth in this Section §1-199.22 shall be adjusted, as follows: on the December 15 immediately preceding the adjustment, the City Finance Director shall calculate the "CPI Multiplier" by dividing the average consumer price index for Reading, Pennsylvania during the then-current calendar year by the average consumer price index for Reading, Pennsylvania during the calendar year of 2011. To determine the average consumer price index for Reading, Pennsylvania, the City Finance Director shall use the latest available figures for the Consumer Price Index for all Urban Consumers (CPI-U), Reading, Pennsylvania, as measured by the United States Department of Labor, Bureau of Labor Statistics. After calculating the CPI Multiplier, the City Finance Director shall calculate the new maximum amounts as follows:
 - a. The maximum amount for purposes of Section 1-199.22(2)(A) (i) shall equal \$2,500.00, multiplied by the CPI Multiplier, rounded to the nearest \$100.00.
 - b. The maximum amount for purposes of Section 1-199.22(2)(A)(ii) shall equal \$10,000.00, multiplied by the CPI Multiplier, rounded to the nearest \$100.00.
 - ii. The City Finance Director shall certify the new maximum amounts in writing to the Mayor, the City Council President, and the City Clerk.
- H. Candidate Political Committees
 - i. A Candidate shall have no more than one (1) Candidate Political Committee and one (1) checking account for the City Elected Office sought, into which all Contributions and Post-Candidacy Contributions for that sought office shall be made, and out of which all expenditures for that sought office shall be made, including expenditures for retiring debt and for transition or inauguration to that office. If the Candidate maintains other political or non-political accounts for which contributions are solicited, such funds collected in these accounts shall not be used for the purpose of influencing the outcome of a Covered Election, or to retire debt that was incurred to influence the outcome of that Covered Election, or to cover transition or inauguration expenses.

- ii. Upon the formation of a Candidate Political Committee, the Candidate shall immediately file with the Board of Ethics a statement identifying:
 - a. The name and address of the committee;
 - b. The bank account information of the committee;
 - c. The treasurer of the committee; and
 - d. Any other information that the Board of Ethics may require.

I. Enforcement; Injunctive Relief

- i. The provisions of this Section 1-199.22 shall be enforced by the City of Reading Board of Ethics, in accordance with the Code of Ethics (Article J of the City Administrative Code, §1-199.11, et seq.), including but not limited to the complaint, investigation, restitution and penalties provisions thereof.
- ii. In addition to the provisions of the Code of Ethics, any person residing in the City of Reading, including the City Solicitor, may bring an action for injunctive relief in any Court of competent jurisdiction to enjoin any violations of, or to compel compliance with, the provisions of this Section 1-199.22. The Court may award to a prevailing plaintiff in any such action his or her costs of litigation, including reasonable attorney's fees.

3. Reporting Requirements.

A. Statement of Financial Interests.

- i. Any City Employee or City Official must be in compliance with Section 1-199.14 ("Statement of Financial Interests") prior to filing any nomination papers or petitions for City Elected Office or publicly announcing his or her candidacy for City Elected Office.

B. Campaign Finance Disclosure

- i. Whenever a Candidate, treasurer of a Candidate Political Committee, or other representative of a Candidate Political Committee files a required report of receipts and expenditures with the Berks County Board of Elections and/or Secretary of the Commonwealth as required by the Pennsylvania Election Code (25 P.S. §§3241, et seq.), or other applicable laws or regulations, such person shall at the same time file with the City Clerk, a copy of all information set forth in such report(s), in that format mandated by the Board of Ethics. Such filing with the City Clerk shall be accompanied by a written statement, signed by the person making the filing that subscribes and swears to the information set forth in such filing.

4. Required Notice of Contribution Limits.

- A. The Board of Ethics shall, at least every six (6) months, arrange for publication in the newspaper with the largest circulation in the City and on the City website, a notice setting forth the contribution limits set forth in this Section 1-199.22 together with a plain English explanation of the provisions of this Section 1-199.22 and the penalties and remedies for violations thereof. Such notice shall remain posted and available for review on the City's website at all times.

220188.5

**BILL NO. ____-2013
AN ORDINANCE**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES, CHAPTER 1
ADMINISTRATIVE CODE, §1-122. ORDINANCES.**

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

SECTION 1. Amending the City of Reading Codified Ordinances §1-122. Ordinances, as attached in Exhibit A:

SECTION 2. This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(City Council & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

§1-122. Ordinances.

1. **Action Requiring an Ordinance.** In addition to requirements provided by law or the Charter, §§215 through 2246, acts of the Council shall be by ordinance which:

- A. Adopt or amend the codes or establish, alter, or abolish any unit of the City.
- B. Provide for a fine or other penalty or establish a rule or regulation for which a fine or other penalty is imposed.
- C. Levy taxes and provide for service charges, permit fees and assessments.
- D. Grant, renew or extend a franchise.
- E. Adopt and amend the annual budget and capital program budget (see Charter, §§905, 912 and 9137).
- F. Repeal or amend any ordinance.
- G. Adopt procedures for purchasing of products, goods, or services, for the making of contracts and for the sale or lease of personal or real property of the City. (See Charter, §9158).
- H. Adopt other actions which are legislative in nature.
- I. Authorize the borrowing of money.
- J. Purchase, convey or lease lands or buildings.
- K. Adopt zoning, subdivision or other land use controls.
- L. Adopt the annual position ordinance, the official listing of all authorized City employment positions, which authorizes the Administration to hire and compensate all employees, defined in §1-121, "Categories of Employment." [*Ord. 60-2009*]

2. Ordinance Form and Procedure.

A. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Reading, Pennsylvania ordains"

B. All ordinances shall be drafted by one party in a word processing program and during the review process all revisions shall be made by the originator of the ordinance and revisions will be shown using bold italics text and strike-out text. When the review process is completed the ordinance will be sent to the Managing Director's and Law Offices for review. The Managing Director's Office shall forward the ordinance to the City Clerk's Office for introduction when the Managing Director has completed his or her review process. All ordinances sent to the City Clerk's Office for a Council agenda must be in final form and include the date the ordinance will be advertised, if required, and the approval/veto paragraph for the Mayor, shall include an agenda memo that provides a summary of the proposed legislation, a recommendation from the Managing Director and Department Director where the legislation originated and the financial impact of the legislation.

~~B.~~ C. Any ordinance which repeals or amends an existing ordinance shall set out the full ordinance, Sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strike-out type and shall indicate new matter by underscoring or by *bold and italics*.

~~B.~~ D. An ordinance may be introduced by any member of the Council at any regular or special meeting of the Council without vote *and a copy of the ordinance shall be attached to the agenda for the meeting where it is introduced.* ~~After introduction of any ordinance, a copy shall be distributed to each Council member and to the Mayor and~~ A reasonable number of copies shall be filed in the office of the City Clerk and in such other public places such as the Council may designate by resolution. (See the Charter, §§216 and 2179.)