

CITY COUNCIL

Meeting Agenda

REGULAR MEETING
2013
COUNCIL CHAMBERS

TUESDAY, MAY 28,

7:00 P.M.

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agenda.

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

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Jack Williams from the First Century Worship Center

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Certificates of Recognition to Penny Dutch Apparel, sponsor and residents who participated at the 10th and South Playground Clean-up on Saturday, May 18th.

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

*All comments by the public shall be made from the speaker's podium. **Citizens attending the meeting may not cross into the area beyond the podium.** Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.*

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be

made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Regular Meeting of May 13, 2013

B. AGENDA: Regular Meeting of May 28, 2013

5. Consent Agenda Legislation

A. Resolution - authorizing the disposition of Solid Waste and Recycling Records in accordance with the City's Disposition Schedule (Solid Waste/Council Staff)

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. 27-2013 - authorizing the transfer of funds from the Trash/Recycle Fund (\$2 million) and Liquid Fuel Fund (\$400,000) to the General Fund (**Controller**)

B. Bill No. 28-2013 - Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part J Code of Ethics by adding definitions, amending the Solicitation/Acceptance of Gifts; Rebuttable Presumption, adding a provision regarding the Awarding of Contracts, and adding a provision regarding Campaign Contributions and Reporting Requirements (**Board of Ethics/Council Staff**) *Reviewed at 5-6 COW*

C. Bill No. 28-2013 - Amending the Building/Trades and Property Maintenance Fee Schedules by applying certain fees to cover post-fire related activities, which will be billed against the fire escrow fund balance if the building has property insurance or billed to the property owner if the building is not covered by property insurance. (**Bus. Analyst**)

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - Authorizing the Mayor to execute a Lease Agreement between the City of Reading and WFMZ for the Lease of a Portion of the "WEEU Building" for the installation of a transmitter on the existing Tower (**Law**) *Note: Ineligible for enactment until the June 24th meeting due to the Charter required 14 day lay over period*

11. RESOLUTIONS

A. Resolution 38-2012 - approving the undertaking of a project by the Reading Area Water Authority for the operation and/or acquisition of a certain sewer collection, conveyance

and pumping system serving the Berks Park 78 Owners Association in Bethel Township (RAWA) **Reviewed at 5-6 COW**

B. Resolution – approving the Conditional Use application for HM Investments at 912 Amity Street to add one residential unit on the first floor, after the conditions are met by the property owner (Council Staff)

C. Resolution - denying the Conditional Use application for a two unit rental (2 bedroom first floor unit and 3 bedroom unit on the combined 2nd and 3rd floors) floor unit at 1146 North 6th Street submitted by James Kintzer and approving a Conditional Use permit for 1146 North 6th Street for a two unit rental (1 bedroom first floor unit and 3 bedroom unit on the combined 2nd and 3rd floors) with conditions. (Council Staff)

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on first page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, June 3rd

Nominations and Appointments – Council Office – 4 pm

Standards of Living – Council Office – 5 pm

Economic Development – Council Office – 6:30 pm (approximate)

Tuesday, June 4th

Closed Hearing Personnel Matter – Council Chambers – 5 pm

Monday, June 10th

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, June 17th

Finance Committee – Council Office - 5 pm

Strategic Planning Committee – Council Office – 6:30 pm (approximate)

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Tuesday, May 28th

DID Authority – 645 Penn St 5th Floor – 12 pm – due to Memorial Day Holiday

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Planning Commission – Penn Room – 7 pm

Penns Commons Neighborhood Group – Penns Commons meeting room – 7 pm

Monday, June 3rd

Shade Tree Commission – Planning Conference Room – 6 pm

Tuesday, June 4th

Board of Health – Penn Room – 4 pm

Charter Board – Penn Room – 7 pm

Wednesday, June 5th

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

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

Thursday, June 6th

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, June 9th

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, June 10th

Fire Civil Service Board – Penn Room – 4 pm

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

Wednesday, June 12th

Zoning Hearing Board – Council Chambers – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, June 13th

Police Pension Board – Penn Room – 10 am

Outlet Area Neighborhood Org. – St Mark’s Lutheran Church – 6:30 pm

Tuesday, June 18th

EAC – Council Office – 5 pm

Wednesday, June 19th

Human Relations Commission – Penn Room – 5:30 pm

Wednesday, June 26th

Parking Authority – Parking Authority Office – 5:30 pm

Stadium Commission – Stadium RBI room – 7:30 pm

Thursday, June 27th

Water Authority – Water Authority Office – 4 pm

**City of Reading City Council
Regular Business Meeting
Monday, May 13, 2013**

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

The invocation was given by Pastor Gerald Prentice.

All present pledged to the flag.

ATTENDANCE

Council President Acosta

Councilor Corcoran, District 1

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Managing Director C. Snyder

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Mayor V. Spencer

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following:

- Certificates recognizing Berks Best Winter Athletes from Reading High School and Berks Catholic
- Council Commendation recognizing Police Memorial Day, accepted by the Police Department
- Council Commendation recognizing National Historic Preservation Week, accepted by Preservation Specialist Amy Johnson and HARB Chair Aaron Booth
- Council Certificates recognizing the service of Susanne Gresh, Laura James, Peter Sutliff, and Tadd Casner to the Historical Architectural Review Board

City Council also recognized the winner of the 2013 Miss Teen Reading competition.

The Chair of the Historical Architectural Review Board (HARB) presented Historic Preservation Awards to the owners of the following properties:

- 712 N. 5th St.
- 134 N. 5th St.
- 611 N. 5th St.
- 710 N. 5th St.

PUBLIC COMMENT

Council President Acosta announced that six (6) citizens were registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment at the end of the meeting was suspended. Council President Acosta reminded the citizens registered to speak about the remaining public speaking rules.

Elizabeth Sichinga, of Wyomissing, and CEO of the African Global Super Center described the conference that is coming to Reading in September-October of this year.

Evon Moreno, of North 11th Street, was not present.

Judy Van Kloris, of North 10th Street, expressed the belief that combining the trash and recycling charges with the water/sewer bills is a mistake due to the high number of low income residents and residents who are on a fixed income. She also noted the lack of advance information about the change.

Lynn Christy, of Penn Street, stated that the trash and recycling charges appearing on the May water bill are slightly higher than last year's rate. He also noted that the charges are inconsistently applied when he compared the bill for his residential property with the bills for his three rental properties. He stated that the charges are different for the four properties.

Mr. Christy stated that he regularly pays his water/sewer bill on the last day of each month and noted that Reading Area Water Authority (RAWA) has applied a late fee to his April bill, as there was a three day gap between his payment to Fulton and RAWA's receipt of the money. He expressed the belief that logistically it would make sense to allow the payment of these bills in City Hall.

Sandy Burkhart, of North 11th Street, expressed the belief that the combined bill makes no sense and she noted the negative impact the combined bill will place on low income and fixed income residents.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes for the April 22nd

Regular Meeting of Council. He stated that Resolution B regarding Berks Park 78 will be removed from the agenda as additional information is needed.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the April 22nd Regular Meeting of Council and the agenda as amended, including the legislation under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 35-2012 – authorizing the Mayor to execute a contract with McTish, Kunkel & Associates, for construction inspection services related to the Penn Street Crosswalk Project at a contract price of \$29,303.56 (Public Works Dept)

B. Resolution 36-2012 – authorizing the Mayor to execute a contract with McTish, Kunkel & Associates, for construction inspection services related to the Penn Street Lighting Project at a contract price of \$29,303.56(Public Works Dept)

ADMINISTRATIVE REPORT

Mayor Spencer read the report distributed to Council at the meeting. In summary:

- His participation in a leadership meeting with the Reading School District
- His participation in the Community First Funding press conference
- His participation in two community group meetings and the rededication of the BARTA Franklin Street Train Station
- Noted the availability of weekly meetings with citizens from 1-2 pm on Tuesdays in the Mayor's Office

AUDITOR'S REPORT

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

- First Quarter 2013 Unemployment Compensation
- First Quarter 2013 Traffic Fines and Motor Codes Collection
- First Quarter 2013 Cable Franchise Fee Collection

The Auditor extended his best wishes to the Reading Royals as they continue in the playoffs.

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

Reading Area Water Authority (RAWA) Executive Director Dean Miller stated that the transfer of the trash and recycling billing from the City to RAWA was accomplished for the May billing. The first billing period covers the first four months of 2013 for both trash and recycling. Moving forward customers will be charged 1/12th of the annual rate for trash and recycling. He stated that the Memorandum of Understanding was executed April 30th and required RAWA to pay the City for the amount billed for trash and recycling services. He noted that the need to make this pre-payment forced RAWA to pass the charges immediately

on to the customer without a delay for education. He stated that a flyer explaining the change will be placed in the June bill.

Mr. Miller explained that partial payments will be equally divided over the four utility services (water, sewer, trash and recycling). He stated that customers can address problems with billing over the four utility services to the Customer Review Panel. He stated that RAWA is currently considering establishing a hardship fund to assist customers with problems. He stated that there were no increases in the water, sewer, trash or recycling rates. He noted the dramatic increase in complaint calls since the bills were delivered to customers.

Councilor Sterner suggested offering a one-time forgiveness of penalties and late fees to allow those with hardships to pay the entire amount before July, as customers were unprepared to be billed for four months worth of trash and recycling services.

Councilor Corcoran noted that City Council had no say in the decision to transfer trash and recycling billing to RAWA. He agreed with Councilor Sterner's suggestion to offer the first billing period without penalties and interest due to the hardship that has been created for some customers.

Council President Acosta asked Mr. Miller to inform City Council about RAWA's plan to address customer hardship issues.

ORDINANCES FOR FINAL PASSAGE

No ordinances were eligible for enactment at this meeting.

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record.

A. Ordinance – authorizing the transfer of funds from the Trash/Recycle Fund (\$2 million) and Liquid Fuel Fund (\$400,000) to the General Fund **(Controller)**

B. Ordinance - Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part J Code of Ethics by adding definitions, amending the Solicitation/Acceptance of Gifts; Rebuttable Presumption, adding a provision regarding the Awarding of Contracts, and adding a provision regarding Campaign Contributions and Reporting Requirements **(Board of Ethics/Council Staff) Reviewed at 5-6 COW**

C. Ordinance – Amending the Building/Trades and Property Maintenance Fee Schedules by applying certain fees to cover post-fire related activities, which will be billed against the fire escrow fund balance if the building has property insurance or billed to the property owner if the building is not covered by property insurance. **(Bus. Analyst)**

RESOLUTIONS

A. Resolution 37-2013 – restructuring the Council Committees for the remainder of 2013 (City Council and Council staff)

Councilor Reed moved, seconded by Councilor Marmarou, to adopt Resolution 37-2013.

Council President Acosta explained the rationale behind the change in the committee structure and the need to improve the legislative process through the new Strategic Planning Committee. He noted that committees cannot be stagnant and that they must meet the current needs of the City.

Resolution 37-2013 was adopted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Acosta, President - 5

Nays: None - 0

C. Resolution 39-2013 – reappointing James Snyder to the Downtown Improvement District Authority (Nom & Appts)

D. Resolution 40-2013 – appointing Cathy Curran Myers to the Environmental Advisory Council (Nom & Appts)

E. Resolution 41-2013 – reappointing Carl McLaughlin to the Reading Area Water Authority (Nom & Appts)

F. Resolution 42-2013 – appointing Rick Mountz to the Stadium Commission (Nom & Appts)

G. Resolution 43-2013 – appointing Jean Howe to the Human Relations Commission (Nom & Appts)

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolutions 39-43-2013

Councilor Marmarou noted the skill and expertise of those being appointed and reappointed this evening.

Resolutions 39- 43-2013 were adopted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Acosta, President - 5

Nays: None - 0

COUNCIL COMMENT

Councilor Corcoran thanked the citizens who provided public comment and congratulated those honored with certificates and commendations. He admitted that he had the same “sticker shock” as many RAWA customers when he reviewed his May bill.

Councilor Reed agreed with the difficulty created by the trash and recycling billing switch without proper notice to those customers. She noted the passing of Bob Batdorf, a District 5 cornerstone, who was heavily involved in the Crime Watch program. She expressed sympathy to the Batdorf family.

Councilor Reed also noted the District 2 meeting held by Councilor Goodman-Hinnershitz last week in response to a rash of criminal issues.

Mayor Spencer stated to refresh everyone’s memory the Solicitor opined that the Mayor could transfer the trash and recycling billing without Council’s approval because Council pre-approved the transfer when they approved the 2013 budget. He said that the ramifications were clear. He also noted that many decisions regarding the City’s financial recovery have been difficult. He noted the causality of ending the installment payment program with the transfer of property tax billing to the County Treasurer. He suggested that spreading the billing out over 12 months will make budgeting easier for customers. He accepted responsibility for the hardship created for customers; however, he stated that this transfer is not the Administration’s sole fault.

Councilor Marmarou noted that the College Heights Community Council annual yard sale is scheduled for this Saturday. Information can be provided by contacting Ms. Kelleher.

Councilor Sterner congratulated those honored with certificates and commendations this evening and he thanked the citizens who provided public comment. He stated that this year the Hillside Playground Association carnival was in partnership with the Reading Rec Commission. He noted the success of the partnership and he described the programs and activities provided by the Playground Association.

Council President Acosta noted the Reading Beautification clean-up scheduled for the 10th and South Playground this Saturday in District 2.

Council President Acosta stated that as the Administration decided to combine the trash and recycling bills with the water-sewer bills, residents will need to adjust their budgets and financial planning. He expressed concern about the difficulty late fees will have on low income and fixed income residents. He stated that he plans to attend the RAWA meeting scheduled for May 15th to follow up on these issues. He reviewed the meeting schedule and encouraged public participation.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

RESOLUTION NO. _____ 2013

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

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

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

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

Solid Waste Office

1. Trash Applications - 2004 and 2006
2. Trash Bills - 1999 and 2000
3. Litter Basket Agreements - 2005 and 2006
4. Recycling Report - 2006
5. Trash Receipts - 2004
6. Recycling Receipts - 2006
7. Recycling Data - 1998
8. Trash Hauler Violations - 1998

Adopted by Council _____, 2013

President of Council

Attest:

City Clerk

AGENDA MEMO

TO: Members of City Council

FROM: Christian F. Zale, City Controller

PREPARED BY: Christian F. Zale, City Controller

MEETING DATE: May 13, 2012

AGENDA MEMO DATE: April 17, 2013

RECOMMENDED ACTION: Fund Transfer

BACKGROUND:

The General Fund previously transferred \$2,000,000.00 to the Trash/Recycle Fund and \$400,000.00 to the Liquid Fuels Fund to assist with its cash flow. This recommendation provides reimbursement to the General Fund by the same funds and amounts.

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

None

RECOMMENDED BY:

City Controller

RECOMMENDED MOTION:

Approve the request.

BILL NO. _____ - 2013

AN ORDINANCE

AN ORDINANCE REQUESTING AUTHORIZATION TO TRANSFER FUNDS FROM THE TRASH/RECYCLE AND LIQUID FUEL FUNDS TO GENERAL FUND.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$2,000,000.00 from the Trash/Recycle Fund (56) and \$400,000.00 from the Liquid Fuels Fund (35) to the General Fund (01). This is a reimbursement for the transfers that previously occurred in 2013; General Fund to the Trash/Recycle and Liquid Fuel Funds.

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

Enacted _____, 2013

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

BILL NO. _____-2013
AN ORDINANCE

Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part J Code of Ethics by adding definitions, amending the Solicitation/Acceptance of Gifts; Rebuttable Presumption, adding a provision regarding the Awarding of Contracts, and adding a provision regarding Campaign Contributions and Reporting Requirements

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part J Code of Ethics as attached

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

SECTION 3. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(Board of Ethics/Council Office)

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 do⁸³:

- 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 and 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.
- D. **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

⁸³Josephson Institute for the Advancement of Ethics, *Preserving the Public Trust*, 1990.

provisions of Article XII of the Charter, are hereby declared to be in the best interest of the City.

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.

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.

City of

3. No member may hold a position of employment or appointment with any municipal government or any board or commission formed by the 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.~~ ***An individual who files nomination papers or petitions for City Elected Office or who publicly announces his or her candidacy for City Elected Office.***
- D. **Candidate Campaign Contribution.** ***Money, gifts, forgiveness of debts, loans or things having a monetary value incurred or received by a candidate for his/her agent for use in advocating or influencing the election of the candidate.***

- E. **Candidate Political Committee.** *The one Political Committee used by a candidate to receive all contributions and make all expenditures.*
- F. **Charter.** City of Reading Home Rule Charter.
- G. **City.** *The City of Reading, Pennsylvania.*
- H. **City Elected Office.** *The offices of Mayor, City Council and City Auditor.*
- I. **Code.** City of Reading Code of Ethics.
- J. **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.
- K. **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.*
- L. **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.*
- M. **Covered Election.** *Every primary, general, or special election for City Elected Office.*
- N. **Elected Official.** An official elected or appointed to fill a position normally filled by election.
- O. **Employee.** Any individual receiving salary or wages from the City of Reading.
- P. **Gift.**
 1. *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.

2. *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.*

- Q. **Immediate Family.** A parent, spouse, living partner, child, brother or sister, natural or adopted.
- R. ***Individual.*** *A person, including a married couple.*
- S. **Material Interest.** Direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any business entity.
- T. ***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.*
- U. **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.
- V. **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.***
- W. ***Organization.*** *An individual, partnership, corporation, sole proprietorship, whether for-profit or not-for-profit, or any other form of business organization.*
- X. **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.

- Y. ***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.*
- Z. **Private Gain.** Of personal benefit, whether economic, social, or otherwise.
- AA. ***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.*
- BB. ***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.*
- CC. **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.~~

- 1. 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.

- 2. 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.***
- 3. 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.***
- 4. 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.***

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.

H. Awarding Contracts

1. ***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.).***
2. ***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.***

3. ***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.***

4. ***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 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.

SECTION 12. CAMPAIGN CONTRIBUTIONS AND REPORTING REQUIREMENTS

1. 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 the Code of Ethics as part of the Administrative Code, as amended, 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 Auditor may receive Candidate Campaign Contributions totaling no more than One Hundred Thousand Dollars (\$100,000) per year.***

- iii. **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 the Code of Ethics as part of the Administrative Code, as amended.**

E. Candidate's Personal Resources. The limitations imposed by the Code of Ethics as part of the Administrative Code, as amended 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 the Code of Ethics as part of the Administrative Code, as amended, for that City Elected Office, other than those listed 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 Code Section 12 shall be adjusted, as follows: on the December 15 immediately preceding the adjustment, the City Administrative Services 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 Administrative Services 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 Administrative Services Director shall calculate the new maximum amounts as follows:

a. The maximum amount for purposes of Code Section 12 (1) (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 Code Section 12 (a) (A) (ii) shall equal \$10,000.00, multiplied by the CPI Multiplier, rounded to the nearest \$100.00.

ii. The City Administrative Services Director shall certify the new maximum amounts in writing to the Mayor, the City Auditor, 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 shall be enforced by the City of Reading Board of Ethics, in accordance with the Code of Ethics (of the City Administrative Code, as amended), 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 in accordance with the Code of Ethics as part of the Administrative Code, as amended. The Court may award to a prevailing plaintiff in any such action his or her costs of litigation, including reasonable attorney's fees.*

2. *Reporting Requirements.*

A. *Statement of Financial Interests.*

- i. *Any City Employee or City Official must be in compliance with Code Section 4 (“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.*

3. *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 Code together with a plain English explanation of the provisions of this Section 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.*

History: The initial recommendation to add this language to the Code of Ethics was given to the City by the external auditors during an annual audit. There is currently language in the City's purchasing policies but it would prove difficult to enforce. The external auditor recommended adding these provisions to the Code of Ethics.

The Board of Ethics solicitor spent much time working on the amendment to ensure that it was compliant with State Ethics Law and State Election Law.

This amendment language was given to the Board of Ethics by their Solicitor (Greg Shantz of Roland Stock) for review at their October 2, 2012 meeting. Upon motion at this meeting, the Board staff liaison (Shelly Katzenmoyer, Deputy City Clerk) was directed to forward the recommendations to the Audit Committee, and City Solicitor for review and to City Council for consideration.

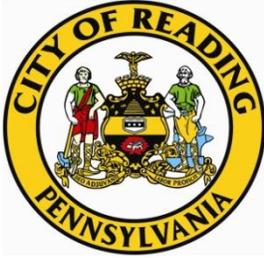
Greg Shantz of Roland Stock has based the \$1,000 threshold for reporting no-bid contracts on Section 1641 of the PA Election Code. The Campaign Contribution limits are based on the Campaign Finance Regulations promulgated by the City of Philadelphia Board of Ethics which was used as a guide.

After review of the amendment by the City Solicitor, Mr. Shantz has confirmed that the amended information has been placed correctly into the Code document. He has confirmed that Section 1 Letters C and D should be combined as they have the same definition, the amounts listed in the definition of "Gift" are correct, and that the specific references to section numbers may be replaced by general terms to allow for the recodification process.

Drafted February 5, 2013 – mak

History added March 13, 2013 – mak

Corrections in red (underline) made after review by the City Solicitor and confirmation with the Ethics Board solicitor – mak 3/28/13



MEMORANDUM

To: Linda A. Kelleher
City Clerk

Date: Wednesday, May 8, 2013

Re: Ordinance Amending Fee Schedule

Please find the attached ordinance for introduction on Monday, May 13, 2013.

The ordinance provides for cost recovery in the Property Maintenance and Building and Trades Divisions of the Department of Community Development related principally to activities following a building fire. The City would be able to bill such fees to the property owner, or obtain payment from any available fire escrow fund balance.

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

**AN ORDINANCE MODIFYING THE FEE SCHEDULE OF THE CITY OF READING
RELATED TO CERTAIN ACTIVITIES OF THE BUILDING & TRADES
AND PROPERTY MAINTENANCE DIVISIONS OF
THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, shall be amended to add the following fees:

Permit Fee	Current Fee	Proposed Fee
Property Maintenance Division		
Post-Fire Inspection Fee	N/A	\$70.00
Post-Fire Re-inspection	N/A	\$70.00
Fee to Arrange For Securing Building	N/A	\$25.00
Fee to Issue a Citation	N/A	\$25.00
Building and Trades Division		
Structure Fire Response Fee	N/A	\$250.00
Unstable Structure Monitoring Fee	N/A	\$125.00 per hour

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amendment set forth above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

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

Enacted _____, 2013

Attest:

Council President

City Clerk

BILL NO. _____-2013

AN ORDINANCE

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF READING AND WFMZ FOR THE LEASE OF A PORTION OF THE "WEEU BUILDING" FOR THE INSTALLATION OF A TRANSMITTER ON THE EXISTING TOWER

WHEREAS, the City of Reading desires to enter into an agreement to lease a portion of the building erected thereon designated as the "Kitchen" in the "WEEU Building," located in Lower Alsace Township on the easterly side of Skyline Boulevard, in the County of Berks and Commonwealth of Pennsylvania, which was formerly leased to WITF under a 1999 lease agreement.

WHEREAS, WFMZ desires to lease the property to increase the provide tower height for its current antennae to increase coverage of live news events in the City and to improve its TV translator to provide free over-the-air television coverage to residents of the City of Reading; and

WHEREAS, WFMZ will produce for the City two promotional commercials highlighting positive developments in the City, as explained in Attachment A of the lease attached as Exhibit A;

WHEREAS, the Mayor, is authorized and directed to execute, under the seal of the City of Reading, attested to by the City Clerk, a Lease Agreement for the City of Reading; and

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

SECTION 1. The Agreement of Lease between the City of Reading and WFMZ attached as Exhibit A, is hereby approved.

SECTION 2. The Mayor, Vaughn Spencer, is authorized and directed to execute, under the seal of the City of Reading, attested to by the City Clerk, a Lease Agreement between the City of Reading and WFMZ for portion of the building erected thereon designated as the "Kitchen" in the "WEEU Building," located in Lower Alsace Township on the easterly side of Skyline Boulevard, in the County of Berks and Commonwealth of Pennsylvania.

SECTION 3. This Ordinance will become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(LAW DEPT.)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

Attachment A

May 1, 2013

City of Reading
815 Washington Street
Reading, PA 19601-3690

WFMZ-TV Tower Lease Agreement Payment

Background:

WFMZ-TV provides extensive news coverage and programming to the citizens of Reading and the surrounding area. To continue bringing live news coverage to the region, it is important for the station to have a stable transmission tower for its electronic news gathering operations.

WFMZ-TV also seeks to place a TV translator on the tower to provide free over-the air TV signals from WFMZ-TV to the downtown residents of Reading. Mt Penn blocks over-the-air signals from some citizens of Reading, and via this tower agreement, WFMZ-TV will be able to provide this additional service to the citizens.

Payment Terms

WFMZ-TV will pay a total of Twenty Thousand Dollars (\$20,000) for the 10 year term of the initial term of the lease payable in annual installments of Two Thousand Dollars (\$2,000) at the beginning of each lease year.

LEASE AGREEMENT

THIS LEASE AGREEMENT (this "Lease") is made this ____ day of _____, 2012, by and between: the CITY OF READING, a third-class city organized and existing under the laws of the Commonwealth of Pennsylvania, hereafter called "Lessor;" and Maranatha Broadcasting Company, Inc., d/b/a WFMZ-TV Channel 69, a Pennsylvania business corporation with offices at 225 Court Street, Reading, Pennsylvania, hereinafter called "Lessee."

WITNESSETH

WHEREAS, Lessee is desirous of leasing the Premises (as defined herein) from Lessor, and Lessor is desirous of leasing the same to Lessee, upon the terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the parties hereto agree as follows:

1. Grant of Lease. Lessor hereby leases to Lessee, and Lessee leases the same from Lessor, a certain tract of land, together with the portion of the building erected thereon designated as the "Kitchen" in the "WEEU Building," located in Lower Alsace Township on the easterly side of Skyline Boulevard, in the County of Berks and Commonwealth of Pennsylvania, and being more fully described and designated by the City Engineer by plan and description (the "Premises"). For the avoidance of doubt, the Premises includes that certain portion of land leased and used by WITF, Inc. pursuant to that certain Lease Agreement dated November 3, 1999. A sketch showing an approximate rendering of the Premises is attached hereto as **Exhibit A.**

2. Rent. Lessor hereby leases the Premises to Lessor for the term in exchange for an annual advertising contract as outlined in that certain letter hereto as **Exhibit B.**

3. Term. The initial term of this Lease will commence on _____, 2012 and will continue until 12:00 AM, EST, on _____, 2022 (sometimes hereinafter referred to as the "initial term." Lessee will have the option of extending the term of this Lease for not more than two (2) additional five (5) year terms upon the same terms and conditions set forth herein (each, an "option term"). In the event Lessee does not desire to lease the Premises for one (1) or both option terms, Lessee must provide Lessor with written notice of Lessee's intent to terminate the Lease upon the expiration of the current term not less than ninety (90) days prior to the expiration of the said term. Hereinafter, "term" will collectively refer to the initial term and both option terms.

4. Utilities. Lessee will be solely responsible to obtain and pay for all of its utility needs for the Premises.

5. Use of Premises. Lessee will only use the Premises for the purpose of installing, maintaining and operating radio and television equipment, including towers, antennae and accessory structures, for radio and television programming.

6. New Tower; Trade Fixtures. Lessor acknowledges and understands that Lessee intends to replace the tower that currently exists on the Premises. All equipment installed on the Premises by Lessee are trade fixtures, will remain the personal property of Lessee and will not become fixtures by reason of their annexation to the Premises.

7. Maintenance; Insurance. Lessees will be responsible for insuring, maintaining, repairing and replacing all of its equipment located upon the Premises, including the tower. Lessor will be responsible for maintenance, repair and replacement to the grounds, including the grass, driveway, sidewalks and parking lot, if any. Lessor will be responsible for the maintenance, repair and replacement of any other structure on the Premises excluding Lessee's equipment.

8. Indemnification.

a. Lessee agrees to indemnify and hold harmless Lessor from and against any and all liability, loss, cost, damage, and expense from claims, demands and causes of action for injury to any person or damage to any property arising out of the use by Lessee of the Premises, including without limitation, by reason of its equipment located on the Premises.

b. Lessor agrees to indemnify and hold harmless Lessee from and against any and all liability, loss, cost, damage, and expense from claims, demands and causes of action for injury to any person or damage to any property arising out of Lessor's responsibility to maintain, replace and repair the grounds and structures located on the Premises, as set forth in Section 7, above.

9. Holdover Tenancy. If, after expiration of the term of this Lease, and provided Lessor does not object, Lessee continues to use the Premises, the term of this Lease will become a month-to-month lease upon the same terms and conditions set forth herein.

10. Removal of Equipment. Within sixty (60) days after the termination of this Lease for any reason, Lessee will remove its equipment from the Premises and will restore the Premises to the condition that existed immediately prior to the execution of this Lease; provided, however, Lessee will not be obligated to reconstruct the tower that Lessee intends to replace. Lessee or its designees, employees or agents will be permitted the right to ingress, egress and regress over the Premises during the aforementioned sixty (60) day period for the purpose of removing its equipment and restoring the Premises as set forth in this Section 10.

11. No Interference. Lessee agrees that in the operation of its communications station located on the Premises, it will not interfere with the transmission of or the reception of messages which are broadcast by Lessor's police broadcasting station or any other tenants of Lessor presently leasing property from Lessor for similar transmission stations and that the Lessor herein shall have a right to terminate such transmission in the event it determines that the use of the Premises is unduly interfering with the other tenants' right to operate their transmission stations.

12. Miscellaneous.

a. Binding Agreement. This Lease shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and permitted assigns.

b. Counterparts. This Lease may be executed in counterparts, each of which, for all purposes, shall be deemed to constitute an original and all of which counterparts, when taken together, shall be deemed to constitute one and the same agreement. Delivery of signatures by facsimile or pdf file (or similar scanned computer file) shall be deemed delivery of originals. A facsimile copy, photostatic copy or other copy showing an exact likeness of the original signatures of the parties hereto shall be deemed an original for all purposes.

c. Entire Agreement. This Lease states the entire understanding reached between the parties hereto with respect to the transactions contemplated hereby and supersede all prior or contemporaneous agreements, understandings, representations and warranties between the parties, and may not be amended except by written instrument executed by the parties hereto.

IN WITNESS WHEREOF, Lessor and Lessee have duly executed this Lease the day and year first above written.

MARANATHA BROADCASTING
COMPANY, INC.

CITY OF READING

By: _____
Barry Fisher, President

By: _____
Vaughn Spencer, Mayor

Attest:

Linda Kelleher, City Clerk

RESOLUTION NO. ____

APPROVING THE UNDERTAKING OF A PROJECT BY THE READING AREA WATER AUTHORITY CONSISTING OF THE OPERATION AND/OR ACQUISITION OF A CERTAIN SEWER COLLECTION, CONVEYANCE AND PUMPING SYSTEM SERVING THE BERKS PARK 78 OWNERS ASSOCIATION IN BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

WHEREAS, Reading Area Water Authority is a Municipal Authority created by action of the City of Reading; and

WHEREAS, the Articles of Incorporation of Reading Area Water Authority require that Reading Area Water Authority obtain the approval of the Council of the City of Reading to undertake projects not related to waterworks, water supply works or water distribution systems; and

WHEREAS, the Reading Area Water Authority has agreed to serve water to a development known as Berks Park 78 in Bethel Township, Berks County, Pennsylvania; and

WHEREAS, Berks Park 78 Owners Association has agreed requested that Reading Area Water Authority present a proposal for the operation and/or acquisition of the sewer system serving Berks Park 78 (the "Sewer System"); and

WHEREAS, the operation and/or acquisition of the Sewer System may be viewed as a project not related to waterworks, water supply works or water distribution systems and, accordingly, may require the approval of the Council of the City of Reading; and

WHEREAS, Reading Area Water Authority has requested that the Council of the City of Reading approve operation and/or acquisition of the Sewer System; and

WHEREAS, the Council of the City of Reading desires to consent to and approve the proposed project of Reading Area Water Authority, as described above.

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

Section 1. The Council of the City of Reading hereby approves the operation and/or acquisition of the Sewer System in Bethel Township, Berks County, Pennsylvania as described in the Recitals herteto, and for the purposes set forth in the Recitals hereto.

Section 2. This Resolution shall be effective ten (10) days after passage.

Adopted _____, 2013

President of Council

Attest:

City Clerk

R E S O L U T I O N N O. ____-2013

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

Approving the Conditional Use application submitted by Liz Albarran for HM Investments LLC aka Petronila Herrera-Munoz, 1620 Mulberry St, requesting a zoning permit for the addition of one first floor rental unit at 912 Amity Street with conditions.

Adopted by Council _____, 2013

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

(Council Staff)

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
LIZ ALBARRAN FOR HM :
INVESTMENTS : OF THE CITY OF READING,
FOR A CONDITIONAL USE : PENNSYLVANIA
PERMIT FOR A TWO UNIT :
CONVERSION AT 912 :
AMITY STREET, READING, :
BERKS COUNTY, PENNSYLVANIA :

**DECISION OF THE CITY OF READING
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

AND NOW, this 28th day of May, 2013, hearing have been held on May 7, 2013, upon the application of Liz Albarran for HM Investments LLC aka Petronila Herrera-Munoz, 1620 Mulberry St. notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. The Applicant is Liz Albarran for HM Investments LLC aka Petronila Herrera-Munoz, 1620 Mulberry St., Reading PA 19604.
2. Applicant is the property manager for the fee simple owner of the property of 912 Amity Street at the time of application and at the time of the hearing.
3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").
4. Applicant is seeking a Conditional Use for the addition of a first floor rental unit as per the Zoning Ordinance per §27-1203.4.
5. The Applicant attended the hearing.

6. The Solicitor for the City entered the agenda and all attachments on to the record, without objection from the Applicant.

7. The Applicant stated that she enlarged the garage door entry way to allow access for two vehicles and she provided a photograph of the enlarged doorway, which was entered as an exhibit.

8. The Applicant testified that the City told her she did not require electrical or mechanical permits. The Applicant also testified that the property does not have a boiler and the property is heated with space heaters.

9. During questioning, the Applicant contradicted herself and stated that she does need a mechanical permit.

10. The Zoning Administrator stated that this property was originally a first floor commercial space with residential space on the second floor. The current owner plans to add a three bedroom unit in the first floor. The size of this unit is in compliance with the zoning ordinance. He recommended approving the application and issuing a permit after the garage door is widened to 18 feet.

11. The City Planner stated that the Planning Commission reviewed the application at their April 23rd meeting and recommended approving the additional residential unit and reiterating their previous concerns expressed at the first hearing in December 2012:

- The layout of the 2nd floor space
- The independence and viability of the two separate rental units
- The off street parking capacity due to the size and configuration of the garage
- If the building has all plumbing, heating and electrical equipment and facilities that are adequate and appropriate for the proposed use
- The time lapse since the closure of the commercial use

12. During the Public Comment period one resident of this neighborhood objected to the approval of an additional rental unit, citing parking stress and quality of life problems.

13. A Property Maintenance Inspection is scheduled for June 14, 2013.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one rental unit to the first floor of 912 Amity Street. The building is located in an R3 zoning district. The City of Reading Zoning Ordinance §27-1203.4 Conversions provides that the following standards are met:

D. Conversions. This section applies to an existing building where it is allowed by the zoning district regulations to be converted into new dwelling units:

1. A site plan, drawn to the scale, showing the location and dimensions of all off-street parking, private entrances, walkways and landscaping, shall be submitted, as well as, architectural plans showing the dimensions and square footage of all rooms and storage spaces and indicating the intended use of all rooms.

2. The conversion shall have the minimum floor area as designated by the following schedule:

Apartment Square Feet	
Efficiency or Studio	Not Allowed
One Bedroom	550
Two Bedroom	700
Three or More Bedroom	850

3. For each dwelling unit, there shall be a minimum 1.5 off-street parking spaces per unit.

4. Documents indicating to the City Codes Staff's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use. The entire building shall also be made available for a code inspection.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property is located in the R-3 Zoning District.

2. Hearing was held on May 7, 2013.

3. Applicant requests a Conditional Use for a conversion of the Subject Property to a two (2) unit property, which would add one rental unit on the first floor.

4. The burden of proof in an application for a Conditional Use is upon the Applicant.

5. City of Reading City Council is permitted to grant Conditional Uses and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.

6. In order to grant the relief, Applicant must show that it has satisfied §27-1203 D of the City of Reading Zoning Ordinance and meets the conditions applied by City Council.

7. At the hearing, Applicant failed to provide proof that they satisfied some conditions of §27-1203.4 of the City of Reading Zoning Ordinance.

8. Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.

9. Applicant failed to provide documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use, the floor plans for the second floor unit and the entrance ways to the two living units.

DECISION

After reviewing the Applicant's request in detail, City Council enters the following decision:

The application of Liz Albarran for HM Investments LLC aka Petronila Herrera-Munoz for a conditional use permit for the addition of a first floor rental unit at 912 Amity is hereby approved with the following conditions:

1. The Applicant must expand the size of the garage entry door to 18 feet, and
2. As the Applicant failed to provide proof that the property is in compliance with the City Code regulations, a Property Maintenance and Building Trades inspection will occur on June 14, 2013.

City Council further orders that the conditional use permit will not be issued until the property is in compliance with Property Maintenance and Building/Trade code regulations and all required permits are issued by Property Maintenance and Building/Trades

This is the decision of the City of Reading City Council by a vote of ___ to ___.

CITY OF READING CITY COUNCIL

President of Council

Attest:

City Clerk

R E S O L U T I O N N O. ____-2013

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

Denying the Conditional Use application for a two unit rental (2 bedroom first floor unit and 3 bedroom unit on the combined 2nd and 3rd floors) floor unit at 1146 North 6th Street submitted by James Kintzer, owner, 3214 Fulton Street, Laureldale, and approving a Conditional Use permit for 1146 North 6th Street for a two unit rental (1 bedroom first floor unit and 3 bedroom unit on the combined 2nd and 3rd floors) with conditions.

Adopted by Council _____, 2013

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

(Council Staff)

IN RE: APPLICATION OF	: BEFORE THE CITY COUNCIL
JAMES KINTZER	: OF THE CITY OF READING,
FOR A CONDITIONAL USE	: PENNSYLVANIA
PERMIT FOR A TWO UNIT	:
CONVERSION AT 1146	:
NORTH 6th STREET,	:
READING, BERKS COUNTY,	:
PENNSYLVANIA	:

**DECISION OF THE CITY OF READING
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

AND NOW, this 28th day of May, 2013, hearing have been held on May 7, 2013, upon the application of James Kintzer, owner 3214 Fulton Street, Laureldale, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. The Applicant is James Kintzer, 3214 Fulton St., Laureldale PA 19605.
2. Applicant is the simple owner of the property of 1146 N 6th Street (hereinafter referred to as "Subject Property").at the time of application and at the time of the hearing.
3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").
4. Applicant is seeking a Conditional Use for a two unit rental as per the Zoning Ordinance per §27-1203.4.
5. The Applicant attended the hearing.
6. The Solicitor for the City entered the agenda and all attachments on to the record, without objection from the Applicant.

7. The Applicant stated that when he purchased the property in 2006 it was converted to a two unit rental and he was unaware that the proper zoning was not in place. He also stated that he knew nothing about the City's rental regulations.

8. The Applicant testified that he knew nothing about the need for zoning approval or rental permits until the fire that occurred in March 2013.

9. The Applicant stated that he requires at least two units to make owning the property economically viable. He stated that the property is insured as a two unit and that the majority of the homes in this neighborhood are multi-unit rentals

10. The Applicant stated that his realtor did not advise him that the property was an illegal rental or inform him about the City's rental property regulations.

11. The Zoning Administrator submitted a report on this property that states on or around 2001, this single family structure was illegally converted to a two unit rental. In 2008 the property was placarded by Property Maintenance due to an illegal residential unit in the basement. After the March 8, 2013, fire Property Maintenance and the Fire Department found the property still had three rental units, one of which was the unit in the basement. The property was again placarded by Property Maintenance and Zoning. Trades permits were withheld until the applicant is granted zoning. The applicant is seeking a two bedroom unit for the first floor; however, the first floor does not meet the size requirements for a two bedroom unit. He recommended approving this application for a two unit rental, with only a one-bedroom unit on the first floor, with conditions.

12. The City Planner stated that the Planning Commission reviewed the application at their April 23rd meeting and recommended the approval of the application for a two unit property contingent on all necessary architectural plan approvals, permits and inspections.

13. No one present offered public comment and the Applicant refused the opportunity to provide rebuttal

DISCUSSION

The Applicant is seeking a Conditional Use Permit for a two unit rental at 1146 N 6th Street. The building is located in an R3 zoning district. The City of Reading Zoning Ordinance §27-1203.4 Conversions provides that the following standards are met:

D. Conversions. This section applies to an existing building where it is allowed by the zoning district regulations to be converted into new dwelling units:

1. A site plan, drawn to the scale, showing the location and dimensions of all off-street parking, private entrances, walkways and landscaping, shall be submitted, as well as,

architectural plans showing the dimensions and square footage of all rooms and storage spaces and indicating the intended use of all rooms.

2. The conversion shall have the minimum floor area as designated by the following schedule:

Apartment Square Feet	
Efficiency or Studio	Not Allowed
One Bedroom	550
Two Bedroom	700
Three or More Bedroom	850

3. For each dwelling unit, there shall be a minimum 1.5 off-street parking spaces per unit.

4. Documents indicating to the City Codes Staff's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use. The entire building shall also be made available for a code inspection.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property is located in the R-3 Zoning District.

2. Hearing was held on May 7, 2013.

3. Applicant requests a Conditional Use for a conversion of the Subject Property to a two (2) unit property, with a two bedroom unit on the first floor and a three bedroom unit on the combined second and third floors

4. The burden of proof in an application for a Conditional Use is upon the Applicant.

5. City of Reading City Council is permitted to grant Conditional Uses and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.

6. In order to grant the relief, Applicant must show that it has satisfied §27-1203 D of the City of Reading Zoning Ordinance and meets the conditions applied by City Council.

7. At the hearing, Applicant failed to provide proof that he satisfied some conditions of §27-1203.4 of the City of Reading Zoning Ordinance.

8 Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.

9. Applicant failed to provide documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use and he failed to provide documentation or testimony regarding the need to provide 1.5 off street parking spaces for rental units.

DECISION

After reviewing the Applicant's request in detail, City Council enters the following decision:

The application of James Kintzer for a conditional use permit for a two unit rental property at 1146 North 6th Street (a first floor one bedroom unit and a three bedroom unit on the combined 2nd and 3rd floors) is hereby denied because the square footage of the first floor space does not comply with the Zoning Ordinance.

However, a Conditional Use permit at 1146 North 6th Street for a two unit rental with a one bedroom first floor unit and a three bedroom unit in the combined second and third floors, is approved with the following conditions:

3. The Applicant must seek a variance from the Zoning Hearing Board for the required off street parking, and
4. The Applicant must undertake all building improvements, including installing a secondary egress, with licensed contractors and with the required permits.

City Council further orders that the Conditional Use permit will not be issued until the property is in compliance with Property Maintenance and Building/Trade code regulations and all required permits are issued by Property Maintenance and Building/Trades. The Conditional Use permit will be immediately revoked if the City finds additional units or bedroom spaces at this property.

This is the decision of the City of Reading City Council by a vote of ___ to ___.

CITY OF READING CITY COUNCIL

President of Council

Attest:

City Clerk