CITY COUNCIL

Committee of the Whole

Monday, August 25, 2014
5:00 pm
Agenda

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

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

I. ADA Transition Plan – T. Butler & L. Olsen

II. Charter Board

1. **Budget Transfer Request** (Charter Board cost per complaint/advisory opinion attached)
2. **Charter Board's Proposed Amendment re Mediation**

III. Agenda Review

IV. Executive Session re Personnel Matters - Managing Director

V. Other Matters

VI. Agenda Review

COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
August 11, 2014
5:00 P.M.

COUNCIL MEMBERS PRESENT:
D. Sterner, S. Marmarou, D. Reed, J. Waltman, F. Acosta, C. Daubert

OTHERS PRESENT:
L. Kelleher, S. Katzenmoyer, D. Cituk, R. Johnson, C. Younger, C. Snyder, D. Hoag, V. Spencer, F. Denbowski, D. Sawitzki

The Committee of the Whole meeting was called to order at 5:07 pm by Mr. Acosta.

I. City-owned Dam Report

Mr. Johnson and Ms. Hoag introduced Mr. Sawitzki from URS. They stated that each dam has its own issues.

Mr. Sawitzki reviewed the results of the study. He explained that there are three types of hazard ratings – high, significant, and low.

Mr. Bembenick and Mr. Zale arrived at this time.

Mr. Sawitzki stated that the City owns five dams – Ontelaunee, Egelman's upper, Egelman's lower, Bernhart, and Bushong Mill. He stated that the average age of these dams is 115 years and that they must be treated as part of the civil infrastructure of the City. He explained that Ontelaunee is a medium sized dam and the others are small sized.

Mr. Sawitzki stated that to address the repairs to the dams the approximate cost would be as follows:

- High priority - $815,000
- Medium priority - $140,000
- Low priority - $48,000
- Public Safety concerns - $358,000
- Operations and Maintenance issues - $27,000

For a total of $1.4 million.

Mr. Sawitzki stated that to remove the dams the approximate cost would be as follows:

- Egelman's upper and lower - $160,000 - $310,000
- Bernhart - $305,000 – $725,000
- Bushong Mill - $245,000 - $425,000

Ms. Hoag stated that Public Works will be using the results of the study to plan and budget for these expenses. She stated that the final plan will need to be approved by PA DEP and that the City will be moving forward slowly and carefully.

Mr. Johnson stated that questions should be submitted to Ms. Kelleher so that they can be addressed at a future session.

Ms. Hoag and Mr. Sawitzki left the meeting at this time.

II. Recreation Commission Park and Recreation Plan

Ms. Klahr, Mr. Washington and Ms. Toole joined the meeting at this time.

Ms. Klahr stated that the Rec Commission is beginning work on a 10 year park and open space plan. She stated that DCNR has waived the matching funds expectation for the grant.

Ms. Toole stated that she has begun her work and spent the day observing the playground program. She stated that it has been 14 years since the City did its last park and open space plan.

Ms. Toole stated that the Reading Rec Commission is a statewide model and that it is her hope that the plan will capitalize on the great things already in place. She stated that she would like to interview the elected officials as part of the process. She suggested that improving the good things and addressing the challenges be included in the plan. She also noted the need for citizen involvement and field studies. She stated that the plan will include priorities and costs for budgeting purposes. She stated that

the plan should be in place in 2015 and should address recreation in terms of public health, community building, and attraction and retention of businesses and residents.

Mr. Waltman commended the Rec Commission for their work. He noted the need for additional public pools and to enhance residents' connection to the City's natural resources. He expressed the belief that residents don't know about the many recreational assets of the City. Ms. Toole agreed and stated that residents must reconnect to nature.

Mr. Daubert commended the Rec Commission but noted the need to reach more people. He also suggested that programs be expanded and that adult programming be added.

Ms. Reed stated that the City has excellent passive recreational areas. She suggested that the trails and parks complement the playground programs. She noted the difficulty Public Works has maintaining the parks and playgrounds.

Ms. Klahr stated that she is working on a youth maintenance grant which will place teens in the Public Works Department to perform maintenance on parks and playgrounds. She stated that this will help make the connection with youth, give them hands-on work experience, and assist the City with maintenance.

Ms. Toole stated that landscape professionals and planners will also be on the team creating the plan and that maintenance will be reviewed during the process.

Mr. Sterner expressed his thanks to Ms. Klahr and the Rec Commission for the work they have done so far.

Ms. Snyder suggested that vegetation other than grass be explored where able to reduce the mowing and maintenance of grassy areas. She stated that there are also many other groups who use City facilities and suggested that the Rec Commission reach out to partner with them. She also suggested that recreation be included in the City's Comprehensive Plan.

III. Egelman's Baseball Field

Ms. Klahr stated that the field is being used and that the Rec Commission is maintaining it. She stated that the concession stand has been cleaned and painted and that Mr. Gaston has removed all his equipment. She stated that she has been in contact with another group who wished to have exclusive use of the field but she stated that she does not want to lose access to this field. She stated that Mr. Gaston is not part of the Rec Commission staff.

Mr. Acosta questioned if the field is bringing a profit. Ms. Klahr stated that it is unclear as access to the field was granted late in the season and that the concession stand has not been open. She stated that there will be a better idea after next season.

Mr. Waltman described tournaments held at Baer Park in the past. He stated that many teams participated in regional weekend-long tournaments. Ms. Klahr stated that this has been discussed but that there is currently no access to the restrooms in the field house at Baer Park. She stated that the field is beautiful after its renovation and the addition of field lighting.

Mr. Acosta explained that the boxing club has not granted the Rec Commission access to the field house.

Mr. Spencer questioned the use of the field at Angelica. Ms. Klahr stated that the agreement states that only two games per day can be played on the fields, the window to schedule games is small, and the rental fee is very high. She stated that the field is available but rarely used.

Mr. Acosta stated that Alvernia invested a lot to bring the fields to NCAA standards.

Mr. Sterner stated that girl's softball tournaments used to be held at Hillside. Ms. Klahr stated that the Rec Commission has just begun a girl's softball program that has the support of the District and that it will most likely expand next season. She stated that she will keep this in mind.

Mr. Washington stated that holding tournaments as fundraisers has been discussed. He noted his hope that three to five be held next season. He noted the need to use fields with lights.

Mr. Washington suggested that the City consider requesting gifts in lieu of taxes from Alvernia and Albright for recreation. He stated that Albright does not charge the Rec Commission to use its baseball field but noted his hope that they would also grant access to the gym for basketball.

Ms. Klahr described the Rec Commission's back to school event and stated that that she received a donation of $5,000 from a resident for programs.

Mr. Sterner expressed the belief that positive brings positive.

Mr. Acosta thanked Ms. Klahr and the Rec Commission for their work. He stated that the City's $488,000 contribution is used well. He noted that there is a strong board and many positives in the programs.

Ms. Klahr, Ms. Toole, and Mr. Washington left the meeting at this time.

IV. Executive Session

Council entered executive session at 6:11 pm to discuss personnel and litigation matters. Council exited executive session at 6:36 pm.

V. Agenda Review

Council reviewed this evening's agenda including the following:

Mr. McMahon arrived at this time.

- Award of Contract to renovate the baler facility

Mr. Johnson stated that the City received a grant to purchase a cardboard baler and the facility is at the wood shed on Hill Road.

- Resolution designating Our City Reading as the redevelopment partner for the Penn Street Properties

Mr. Acosta expressed the belief that there is support for the partnership if the conditions are met. He noted the need to move the issue forward. He noted that a letter was received from Mr. Boscov withdrawing from the project.

Mr. Daubert noted the need to repair this relationship. Ms. Snyder agreed.

Ms. Goodman-Hinnershitz joined the meeting via speaker phone.

Mr. Acosta questioned if the timeline was included in the resolution. Ms. Snyder stated that it is.

Ms. Reed questioned when the letter from Mr. Boscov was received. Ms. Kelleher stated that she received it on August 6 at 5 pm.

Ms. Reed questioned if Mr. Boscov was aware of the requested changes. Ms. Snyder stated that she did discuss the changes with Mr. Boscov. She expressed the belief that

the only way the relationship would be salvaged for this project is if Council approves the resolution. She stated that he may still refuse to work on the project.

Ms. Goodman-Hinnershitz agreed with Ms. Snyder.

Ms. Snyder stated that the items added to the resolution are:

- That any and all housing included in the project will be market rate
- That other developers be included in the project
- That the final plan must include a marketing plan, a timeline, and a reversion clause if conditions are not met

Mr. Acosta noted the need for this project to be part of the vision for downtown. He questioned how this would be done. Ms. Snyder stated that it would be reviewed when the final plan is submitted for Council's approval.

Mr. Spencer stated that there is a five year Main Street plan in place and encouraged Council to review it. He stated that his vision includes the upper floors of buildings to be occupied, restaurants, shopping, entertainment and people out walking.

Mr. Waltman stated that he will not support this resolution without knowing the vision for the downtown. He stated that money is easy to spend and that currently the 400 block of Penn St is essentially vacant. He expressed the belief that the Our City Reading plan was vague and that agreement recommendations are not the same as mandates.

Mr. Sterner noted the need for Council to move this forward and continue addressing the concerns. He stated that Council will have the opportunity to review the final plan.

Mr. Waltman expressed the belief that the City should not be against the wall on this project. He noted the need for others to have access to 108 and BEDI funds. Ms. Snyder stated that they are assigned to a particular developer.

Mr. Waltman expressed the belief that the downtown is collapsing.

Mr. Spencer stated that it took Lancaster ten years to see improvement.

Mr. Acosta expressed the belief that the $50,000 grant awarded to Main Street will be used to fill the deficit of DID caused by the loss of the assessment at 4th & Penn.

VI. Charter Complaint

Mr. Acosta stated that he has received notice that the latest complaint does not have merit and the investigation is concluded.

Mr. Acosta questioned how to proceed with the regular meeting with Ms. Goodman-Hinnershitz on speaker phone. Ms. Kelleher and Mr. Younger stated that Ms. Goodman-Hinnershitz must be present for roll call and for public comment. They suggesting changing the meeting order.

The meeting adjourned at approximately 6:57 pm.

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

Charter Board Legal Expense Breakdown 2012 through June 2014

Investigations:

- 31 - $10,730.90
- 32 - $183,755.81
- 33 - $5,669.50
- 34 - $114,489.18
- 35 - $2,938.75
- 36 - $5,700
- 37 - $444.50
- 38 - $10,043.79
- 39 - $13,789.28
- 40 - $3,680.42
- 41 - $3,748.64
- 42 - $2,312.63
- 43 - $7,284.10
- 44 - $1,875.50

$181,015.44

Advisory Opinions:

- #28 – Media and Communication Policy - $1,914
- #29 - $2,589
- #30 – Purchasing Policy - $2,029.95
- #31 – Retaining Counsel - $1,785
- #32 – Trash billing by RAWA - $777
- #33 – Must Council appoint to CRC via resolution - $4,462
- #34 – All CRC questions on ballot - $7,853
- #35 – Vacancy of Mayor and Auditor - $5,736
- #36 – Citizen's Right to be Heard - $3,520

$30,665.95

Charter Board

Issue	Approved by Referendum	Approved by Ordinance
Jurisdiction	X	
hear and decide all cases alleging violations of the Charter or Administrative Code, except that its jurisdiction shall not extend to any case arising under the Ethics Code or the Personnel Code		
issue binding opinions, impose penalties and administrative fines, refer cases for prosecution, and conduct investigations on its own initiative and on referral or complaint	X	
City Council shall appropriate sufficient funds to enable the Board to perform the duties assigned to it, including expenses for independent counsel and other necessary staff	X	
Mandate to Fund. City Council shall appropriate sufficient funds for the Board to perform its enforcement, advisory, and educational duties, including expenses for independent counsel, investigative personnel, investigations, hearings, appeals, staff, any other necessary personnel, and professional educational programming.		X
Process		
Within 12 months of the effective date of this Amendment City Council shall, by ordinance, adopt regulations implementing this Section. Such ordinance shall provide penalties and other enforcement mechanisms, as well as procedures by which the Charter Board shall operate in accordance with Local Agency and other applicable law.	X	
Have all other powers necessary and appropriate to effectuate the purposes set forth herein and in Amendment I of the Charter.		X

Issue	Approved by Referendum	Approved by Ordinance
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 shall not be members of the Board.		X
Investigative Officer, member of Bar Association		X
Determination of Jurisdiction.		
Each complaint filed with the Board shall immediately be directed to and preliminarily reviewed by the Investigative Officer appointed by the Board to determine whether the complaint falls within the jurisdiction of the Board		X
Informal Resolution		
Upon a determination that the complaint falls within the jurisdiction of the Board, the Officer shall attempt an informal resolution of the issue within 30 days of the receipt of the complaint. Informal resolution shall consist solely of written notice to the complainant and the subject of the complaint encouraging them to resolve the issue outside the formal investigative and adjudicative process of the Board.		X
Concurrent with the attempt at informal resolution, the Investigative Officer shall inform both the complainant and the subject of the complaint of their rights and responsibilities under the formal adjudicative process.		X
Appeal		
Any person aggrieved by an adjudication of the Board who has a direct interest in such adjudication shall have the right to appeal		X
In the instance of an appeal from an adjudication of the Board, representation of the Board shall be by its Solicitor		X

Issue	Approved by Referendum	Approved by Ordinance
Confidentiality All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board. The final order shall become a public record at the time the Board renders its decision and issues a Final Order. *(Amendment as per Bill No. 16-2013.)*		X

From: Eric B. Smith [mailto:esmith@highswartz.com]
Sent: Monday, March 24, 2014 12:24 PM
To: Linda Kelleher
Cc: 'Susan Gibson'
Subject: Proposed Charter Board Amendment
Importance: High

Dear Linda:

Thank you for talking on Friday.

Attached is the Board's proposed amendment to the Charter Board Ordinance (46-2005) which provides for a robust and formalized mediation process within the existing Charter Board framework. Also attached is a letter to each Council person. Could you disseminate the letter and the proposed amendment to all council members and perhaps you and I could talk this afternoon?

A few points about the proposed amendment:

1) The Board felt that operating within the existing framework, and giving a real process to the existing 'informal resolution process,' made sense. The amendment is crafted around the existing 'informal resolution process' framework, but is greatly expanded into a formal mediation process with real methods, real grounds for resolution and final approval by the Board, so that the matters are "final" when and if resolved.

2) The Board made the result of the mediation, after approval if resolution occurred, immediately public and not confidential – the Board did this because an approved total resolution would be final and not appealable.

3) The Board ensured that the complainant remained protected and could elect not to mediate under very limited circumstances, but, if the complainant generally refused to mediate, the complaint would be dismissed. We felt that this mediation process needed reasonable teeth to make it effective.

4) Even if the complainant elected not to mediate under the listed very limited circumstances, the Investigative Officer would still attempt an 'informal resolution' with the subject only. The Board felt that such an effort may bring about resolution even if the complainant did not participate.

5) The Board's proposed amendment has a 30 day limit to the mediation process, so it is quick, effective, and not drawn out – i.e. <u>cost effective</u>.

6) The Board's proposal also has the preliminary investigation timeline and the mediation window running concurrently, again, so the process is streamlined, not drawn out and cost effective.

There are other items within the attached proposed amendment (such as reporting to the Board, scheduling, reporting), which I would be glad to discuss with you as well.

A few comments about proposed amendments offered by others:

1) As the Charter Board is vested by the Charter (not just an ordinance) with exclusive jurisdiction over Charter disputes, the Board has concern that placing Charter disputes before a panel of mediators not under the jurisdiction of the Board may violate the Charter;

2) The Board is concerned that placing Charter disputes before a panel of mediators unfamiliar with the Charter, existing precedent from other investigations, and Advisory Opinions, may yield inconsistent results and may cause "false" resolutions – that is, if a matter is resolved before a mediator, but remains not compliant with the Charter, further action could occur – either another complaint, or action by the Board on its own motion;

3) The Board is concerned that confidentiality of both the complainant and the subject could occur by handing the mediation process off to a panel of third party mediators unfamiliar with the Charter Board Ordinance, the Charter and the related confidentiality provisions.

Thank you Linda, and I will call you this afternoon.

Eric B. Smith
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March 24, 2014

Via email c/o Linda Kelleher
(linda.kelleher@readingpa.org)

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Dennis M. Sterner
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Marcia Goodman-Hinnershitz
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Re: Amendment - Charter Board Ordinance 46-2005

Dear Councilors:

I am the solicitor for the City of Reading Charter Board. Some of you may be aware that the Board has been crafting an amendment to the Charter Board Ordinance 46-2005. The Board's proposed amendment utilizes the existing framework of the Charter Board Ordinance with a vastly expanded and functional mediation provision added to it.

A few points about the proposed amendment:

1) The Board felt that operating within the existing framework, and giving a real process to the existing 'informal resolution process,' made sense. The amendment is crafted around the existing 'informal resolution process' framework, but is greatly expanded into a formal mediation process with real methods, allowing for real grounds for resolution and final Board approval, so that the matters are "final" when and if resolved.

2) The Board made the result of the mediation, after Board approval if resolution occurred, immediately public and not confidential – the Board proposes this because an approved total resolution would be "final" and not appealable.

3) The Board's proposal ensures that the complainant remains protected, allowing the complainant to elect not to mediate under very limited circumstances, but, if the complainant generally refuses to mediate, the complaint would be dismissed. We felt that this mediation process needed reasonable "teeth" to make it effective, and dismissal for refusing to mediate seems appropriate.

4) Even if the complainant elected not to mediate under the enumerated limited circumstances, the Investigative Officer will still attempt an 'informal resolution' with the subject only. The Board felt that such an effort may bring about resolution even if the complainant did not participate.

5) The Board's proposed amendment has a 30 day limit to the mediation process, so it is quick, effective, and not drawn out – i.e. cost effective.

6) The Board's proposal also has the preliminary investigation timeline and the mediation window running concurrently, again, so the process is streamlined, not drawn out and cost effective.

There are other items within the attached proposed amendment (such as reporting to the Board, scheduling, reporting), which I would be glad to discuss with you as well.

I offer these comments about the proposed amendments offered by others which Council may be considering:

1) As the Charter Board is vested by the Charter (not only ordinance 46-2005) with exclusive jurisdiction over Charter disputes, the Board has concern that placing Charter disputes before a panel of mediators not under the jurisdiction of the Board may violate the Charter;

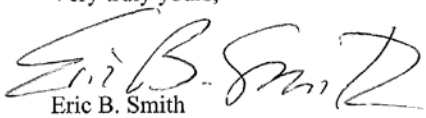
2) The Board is concerned that placing Charter disputes before a panel of mediators unfamiliar with the Charter, existing precedent from other investigations, and Advisory Opinions, may yield inconsistent results and may cause "false" resolutions – that is, if a matter is resolved before a third party mediator, but remains not compliant with the

Charter, further enforcement action could occur – either another complaint, an Advisory Opinion or action by the Board on its own motion;

3) The Board is concerned that confidentiality as to both the complainant and the subject could be compromised occur by handing the mediation process off to a panel of third party mediators unfamiliar with the Charter Board Ordinance, the Charter and the related confidentiality provisions.

The Board asks that you consider this proposed amendment to the Charter Board Ordinance. If discussions or dialogue would be helpful in crafting such a proposed amendment, or to discuss any aspect of the enclosed, please contact me.

Very truly yours,



Eric B. Smith

EBS/krm
Enclosure

cc: Linda A. Kelleher CMC, City Clerk (via email)
City of Reading Charter Board (via email)

BILL NO. _____-2014
AN ORDINANCE

AMENDING THE CHARTER BOARD ORDINANCE, 46-2005: SECTION V, ENFORCEMENT, PART A, PROCEDURE, SUB-PART 2, FILING OF COMPLAINT, REGARDING REVIEW OF CHARTER BOARD COMPLAINTS BY BOARD MEMBERS; AND SECTION V, ENFORCEMENT, PART A, PROCEDURE, SUB-PART 3, DETERMINATION OF JURISDICTION, REGARDING INFORMAL RESOLUTION OF CHARTER BOARD COMPLAINTS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS: SECTION 1.

Section V, Enforcement, Part A, Procedure, Sub-Part 2, Filing of Complaint, regarding review of Charter Board complaints by Board members as stated below:

2. Filing of Complaint.
a) 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. § 4904 relating to unsworn falsification to authorities.

The Board shall establish a separate post office box through which to receive complaints. This post office box shall be generally accessible by the Investigative Officer and/or the secretary, provided that the secretary is not a Board member.

b) ***Unless in conjunction with a mediation report submitted to the Board by the Investigative Officer following a mediation between the complainant and subject or an informal resolution conference with the subject conducted in accordance with this Ordinance, no*** No member of the Board shall review any complaint until after an evidentiary hearing has been requested by the subject of the investigation, or if no evidentiary hearing is requested, then until the submission to the Board of the Investigative Officer's Findings Report.

c) The complainant may withdraw his or her complaint at any time after its submission, and no further action will be taken with regard to the complaint. Such withdrawal shall be in writing and contain a notarized signature. If a preliminary investigation has already been initiated, the subject of the investigation shall immediately be notified of the withdrawal. The individual's withdrawal of a

complaint does not preclude further action by the Board on its own motion.

SECTION 2.
Amending the Charter Board Ordinance, 46-2005, Section V., Enforcement, Part A, Procedure, Sub-part 3, Determination of Jurisdiction, regarding informal resolution of Charter Board complaints as stated below:

3. Determination of Jurisdiction.
a) Each complaint filed with the Board shall immediately be directed to and preliminarily reviewed by the Investigative Officer appointed by the Board to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determination shall be made within seven (7) days of the filing of the complaint. If the Investigative 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 Investigative Officer determines that the complaint falls within the jurisdiction of the Board, the Investigative Officer shall authorize a preliminary investigation.

b) ***Mediation.*** Upon a determination that the complaint falls within the jurisdiction of the Board, the Investigative Officer shall ***conduct*** attempt a ***mediation*** informal resolution of the issue ***issues raised within the complaint*** within 30 days of the receipt of the complaint. ***The mediation*** Informal resolution shall consist solely of written notice to the complainant and the subject of the complaint encouraging them to resolve the issue outside the formal investigative and adjudicative process of the Board. ***of the following procedures:***

1. Scheduling and Procedure:
(a) The Investigative Officer shall schedule a mediation between the complainant and the subject for the purpose of mediating some or all of the issues raised in the complaint with the Investigative Officer serving as the mediator and with notice of such mediation being provided in writing to both the complainant and the subject;

(b) The Investigative Officer's notice scheduling the mediation shall set forth in summary the essential issues raised in the complaint, however, the summary contained within the notice shall not limit the issues to be mediated;

(c) At the mediation the Investigative Officer shall initially confer separately with the complainant and the subject, explain that any resolution must be compliant with the Charter, Administrative Code and Pennsylvania law, conduct a joint conference, conclude the mediation and, should the matter resolve, prepare a mediation report as provided herein;

(d) The mediation shall last not less than one hour, however, there is no obligation by the complainant or subject to continue to mediate longer than three hours;

2. Attendance.
(a) The complainant and the subject shall attend the mediation, and the mediation shall commence and conclude, and resolve or not resolve, within thirty (30) days of receipt of the complaint, however, it is not mandatory that either the complainant or the subject reach a resolution during the mediation, and the Investigative Officer shall not require that the complainant and subject resolve the matter;

(b) Should the complainant refuse to attend the mediation, the complaint shall be dismissed, without prejudice, however, should the complainant state in a writing delivered in advance of the mediation to the Investigative Officer that the complainant declines to attend the mediation a) because complainant lacks representation by counsel, b) due to concern for complainant's employment, City services or other potential negative conduct done or caused, or that could be done or caused, as a result of the filing of the complaint, or c) due to concern that any of the conduct stated in Sub-part 10 of this Section V, Part A, regarding protection of a complainant, may occur or has occurred, then complainant's non-appearance at mediation shall be excused and the matter shall continue to proceed in accordance with this Ordinance;

(c) In the event that complainant declines to attend the mediation as provided in this paragraph (b), the Investigative Officer shall meet with the subject on the date designated for the mediation and attempt an informal resolution of some or all of the issues raised in the complaint and all time periods, reporting requirements and jurisdictional limitations of the

Investigative Officer stated in this sub-part 3, paragraph b), shall apply;

(d) Should the subject refuse to attend the mediation, the matter shall continue to proceed in accordance with this Ordinance;

3. Resolution, Report of the Investigative Officer, Board Approval.
(a) Should the matter resolve as a result of the mediation, the mediated resolution shall be reduced to a written mediation report prepared by the Investigative Officer, signed by the complainant, subject and Investigative Officer and presented by the Investigative Officer, with a copy of the complaint, immediately to the Board for review and approval, however, should the matter not resolve in its entirety the mediation report shall not state any particulars, names or identifying information of the parties;

(b) In the event that complainant declines to attend the mediation and should the subject and the Investigative Officer reach an informal resolution of some or all of the issues raised in the complaint then the issues resolved shall be reduced to a writing prepared by the Investigative Officer and signed by the Investigative Officer and subject and presented by the Investigative Officer, with a copy of the complaint, immediately to the Board for review and approval, however, should the matter not resolve in its entirety the mediation report shall not state any particulars, names or identifying information of the parties;

(c) In the event that the mediated resolution, or the informal resolution with the subject, resolves the entire complaint, upon the Board's approval of the mediated resolution or informal resolution, the Board shall issue a final order and the complaint shall be marked as settled, however, there shall be no release or settlement agreement other than the Investigative Officer's mediation report or report of the informal resolution;

(d) In the event that the mediated resolution or the informal resolution with the subject does not resolve the entire complaint, upon the Board's approval of the

mediated resolution or informal resolution, the issues resolved and approved shall be considered stipulated as resolved in accordance with the Investigative Officer's report, and the remaining issues in the matter shall continue to proceed in accordance with this Ordinance;

(e) With respect to all complaints, not later than forty-five (45) days after the receipt of a complaint, the Investigative Officer shall provide a written mediation status report to the Board with respect to each complaint stating a) the status of the mediation, b) if any resolution has been reached, a specific report of the matters resolved and a summary statement on how each resolved matter is compliant with Charter, Administrative Code and Pennsylvania law, c) which parties attended, if counsel were present, and if any party declined to attend, d) any other pertinent information, and e) if the matter did not resolve or did not resolve in its entirety the Investigative Officer's mediation status report shall not state any particulars, names or identifying information of the parties.

4. Effect of Board Approval.
(a) Should a matter resolve in its entirety as a result of mediation, or an informal resolution with the subject, under this sub-part 3, paragraph b), the matter shall be considered final upon issuance of the Board's final order approving the mediated resolution which final order shall not be confidential, but in all other respects, the general confidentiality provisions of the Ordinance shall apply to the matter;

(b) Should the Board not approve the mediated resolution, or the informal resolution with the subject, the matter shall continue to proceed in accordance with the Ordinance, however nothing shall prevent the Investigative Officer and the subject from entering into a stipulated administrative settlement after the issuance of a findings report and a demand for evidentiary hearing by the subject;

5. General Matters.
(a) Notwithstanding any other provision of the Ordinance, the Investigative Officer is permitted to identify the complainant to the subject upon complainant's attendance at the mediation or earlier

upon the written agreement of the complainant;

(b) All time periods within this Ordinance shall continue during, and operate concurrently with, the thirty (30) day mediation period provided for in this Subpart 3;

(c) After thirty (30) days from receipt of the complaint, the Investigative Officer is without jurisdiction to further mediate between the complainant and subject and the matter shall continue to proceed in accordance with the Ordinance;

(d) Any resolution reached under this paragraph (b) shall be compliant with the Charter, Administrative Code and Pennsylvania law;

(e) Knowledge by the Board of the identify of the complainant or subject is permitted, provided that the identity of the complainant or subject is revealed to the Board only through a mediation report, mediation status report or a report of the informal resolution conference with the subject;

(f) Nothing in this sub-part 3, paragraph b) shall preclude the Board from taking any action permitted by the Charter, the Administrative Code, this Ordinance or Pennsylvania law with respect to the mediation, any resolution, and the issues raised in a complaint.

c) Concurrent with the attempt at mediation and informal resolution, the Investigative Officer shall inform both the complainant and the subject of the complaint of their rights and responsibilities under the formal adjudicative process.

SECTION 3: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania, not amended per the attached shall remain in full force and effect.

SECTION 4: If any section, subsection, paragraph, sentence or clause of this ordinance is heldfor any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 5: This Ordinance shall become effective in ten (10) days after passage.

Enacted _____, 2014

_____
Council President

_____
City Clerk

Submitted to Mayor: _____
Date:_____
Received by the Mayor's Office:_____
Date:_____
Approved by Mayor: _____
Date:_____
Vetoed by Mayor: _____
Date:_____