



CITY COUNCIL

Committee of the Whole

Monday, December 8, 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. Independent Legal Council – T. Coleman**
- II. Recovery Plan Implementation – C. Snyder**
- III. Impact of Ballot Questions – C. Snyder**
- IV. Agenda Review**
- V. Other Matters**



COMMITTEE of the WHOLE
CITY COUNCIL

MINUTES
November 24, 2014
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, S. Marmarou, C. Daubert, M. Goodman-Hinnershitz, J. Waltman, F. Acosta, D. Reed

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Snyder, M. Bembenick, C. Younger, V. Spencer, D. Cituk, D. Pottiger, R. Johnson

The Committee of the Whole meeting was called to order at 5:15 pm by Mr. Waltman.

I. Budget Review

Ms. Snyder distributed a handout showing the changes made to the originally submitted budget. She stated that there is an additional increase in Miscellaneous Collection Expense, an expense related to tax collection. She stated that the amount being placed into contingency is \$57,000 and that the budget is balanced at approximately \$90 million.

Ms. Goodman-Hinnershitz expressed concern that the budget was not sustainable. She stated that there are increased expenses that are not sustainable. She noted her concern that the amount contributed by the Parking Authority is not sustainable funding. Ms. Snyder explained that the Parking Authority contribution is increased for 2015 and will have a sustainable increase of \$500,000 in future budgets.

Ms. Reed also noted concern with the increased contribution from the Parking Authority. She reminded all that if they cannot meet expenses, the City must pay them.

Mr. Waltman agreed and stated that this is why the large increase is for one year and the \$500,000 increased contribution will be used in future years.

Ms. Reed questioned what the City intends to do about the strings attached to the Parking Authority contribution. Mr. Spencer voiced support for the Parking Authority's handling of the City's towing contract. He stated that the Mobile Now app will allow flexibility with parking meter rates and stated that the Parking Authority is asking Council to consider these items.

Ms. Reed stated that there is a big difference between considering the items and mandating them to receive the funding.

Mr. Marmarou stated that the Parking Authority has spoken several times about the problems they have with the current towing contractor. He stated that it will take time for the Parking Authority to establish their own towing and stated that equipment must be purchased, additional employees hired, land for the impound, State approvals, etc.

Mr. Spencer suggested that Council meet with the Parking Authority before speculating too much.

Ms. Reed stated that the City has a large tract of land along Route 10 that the Parking Authority is considering using for impound.

Ms. Goodman-Hinnershitz stated that these conditions impact the 2015 budget. She stated that the conditions make the budget much more fragile and uncertain.

Mr. Waltman stated that the City is using some of the cash reserves in 2015. He stated that the City will face larger issues in 2016. He noted the need for the budget to be flexible and withstand any needed changes.

Mr. Spencer again suggested that Council meet with the Parking Authority.

Mr. Acosta noted his concern about approving the 2015 budget without all the details. He stated that the budget may not meet expectations. He suggested that a possible perfect storm is brewing when the budget and the amendment to the Act 47 recovery plan are examined together. He stated that at the end of the next recovery plan there is still no light at the end of the tunnel. He thanked PFM and the Administration for considering Council's input in the budget and recovery plan amendment process but stated that many of his concerns remain.

Mr. Sterner stated that there are similar concerns each budget season.

Dr. Wegman, chair of the Parking Authority, joined the meeting via phone. He stated that the Parking Authority has not yet discussed a location for an impound lot. He stated that Mr. Mulligan is currently looking for appropriate sites. He suggested that the Parking Authority meet with Council in early 2015. He noted the need to keep an open dialog.

Dr. Wegman stated that the Parking Authority feels they can do a better job with towing. He stated that adding towing to their responsibilities will also increase their revenue and will help satisfy creditors. He stated that the flexibility on meter parking will be based on need at a current location.

Council thanked Dr. Wegman for the update.

Mr. Marmarou expressed the belief that it will take more than a year for the Parking Authority to begin towing.

Mr. Waltman stated that Council should meet with the Parking Authority in early 2015. He reminded Council about the blatant \$5 million revenue error made several years ago. He stated that he is comfortable with the 2015 budget as it stands. He thanked the financial team for wringing out the real numbers. He stated that in years past Council reviewed financial reports containing fictitious numbers. He stated he is much more comfortable with this year's results.

Ms. Snyder stated that she is also comfortable with the 2015 budget. She stated that the numbers are accurate and that barring catastrophe the budget can be attained. She stated that she is very concerned about the next four years. She noted the need to begin looking at the long-term including severe cuts in expenses.

Ms. Reed stated that this budget contains one-time fixes. She stated that Council is simply kicking the can down the road.

Mr. Waltman stated that Council took steps during this budget process to improve the next four years. He stated that budgets always contain unknowns. He noted his concern with drawing down the fund balance. He noted the need to get serious about addressing pension costs and unearned income received by City residents.

Mr. Sterner stated that pension costs and medical insurance costs will continue to rise. He stated that at some point revenues will not keep up with legacy costs. He stated that

sometime soon the bubble will burst. He noted the need for the City to stay viable as long as it can and to continue to supply services to residents.

Mr. Bembenick stated that finance will be working on a five year plan. He noted his hope to have a \$10 million fund balance in 2019. He stated that finance will begin the review process earlier in 2015 and will provide Council with a multi-year projection.

Ms. Goodman-Hinnershitz stated that anything that is not sustainable must be questioned. She stated that this must include contributions to the library and BCTV. She stated that the non-emergency ambulance service must be closely monitored.

Mr. Acosta expressed his frustration that no plans deliver a solution. He stated that the City cannot continue cutting expenses. He stated that if a solution is not found the City will collect taxes to pay legacy costs and will deliver no services. He expressed the belief that the amended recovery plan will lead the City to failure and noted the need for the State to act. He expressed the belief that the needs of cities will not be addressed by the State because of a lack of political will. He expressed the belief that the City has given its authority to PFM but that PFM cannot solve the problem. He stated that the situation is getting worse.

Mr. Waltman stated that the amended recovery plan allows the City to continue operating but does not solve the root problems facing cities.

Mr. Acosta stated that if the composition of Council changes it will affect the entire process.

Mr. Sterner stated that cities need the help of the State. He stated that rulings about property tax status also affect the City's budget and noted the recent ruling that the entire Goggleworks Apartments property is tax exempt. He also noted that ADA requirements are also going to be a budget burden.

Mr. Cituk stated that approximately 1/3 of City properties are tax exempt.

Mr. Waltman noted the need for the City to cap the number of tax exempt properties allowed. He also noted the need to address the City's unearned income. He stated that the property owners and working residents cannot continue to carry the load.

Ms. Goodman-Hinnershitz stated that Act 47 does not look at the core issues. She stated that poverty and tax exempt issues must be addressed. She noted the need for the City to look at local policy changes that can address these issues. She stated that

any city entering bankruptcy will cause many dominoes to fall and that the market cannot endure it. She noted the need for Council to pass the budget and the amended recovery plan and begin looking at policy changes.

Mr. Marmarou stated that tax exempt properties also affect School District and County budget revenues.

Mr. Waltman agreed and suggested that the City set a cap on the number of tax exempt properties allowed and then create a waiting list.

Mr. Acosta stated that non-profits locate in the City to assist with poverty but that this creates magnets for new poverty stricken residents to locate in the City. He stated that poverty stricken residents need to be near the services offered. He stated that Reading has not become a poor City by mistake. He questioned the legality of a cap but stated that this is Reading's reality.

II. Agenda Review

Council reviewed this evening's agenda including the following:

- Ordinance executing a settlement agreement with Stevens & Lee

Mr. Acosta requested an update.

Mr. Spencer stated that he is meeting with Mike Vind after Thanksgiving.

Ms. Kelleher explained that Mr. Vind is not authorized to discuss this matter.

Ms. Goodman-Hinnershitz questioned if a meeting has been held. Mr. Spencer replied negatively. He stated that he always speaks with Mr. Vind.

Ms. Goodman-Hinnershitz questioned if Council could also be present at the meeting. Mr. Spencer replied affirmatively. Mr. Acosta stated that he will attend. He noted his concern that Council will also be a legal target if the bill is not soon paid.

Mr. Sterner suggested that the ordinance be tabled.

Ms. Kelleher stated that she will confirm the meeting time and location.

- Ordinance granting a right of way to UGI at 14th & Green Sts

Mr. Sterner requested an update.

Mr. Younger stated that there is a separate document to address Mr. Sterner's concerns. He stated that generally right of way documents do not include these types of terms. He stated that UGI has agreed to the terms in an email. He opined that this will prevent UGI from objecting in the future as it was put in writing and agreed to in writing which will serve as a contract.

Mr. Sterner stated that this satisfies his concerns.

- Nominations and Appointments Committee

Ms. Goodman-Hinnershitz suggested that it would be helpful to have job descriptions outlining the responsibilities of members of the BACs.

Ms. Katzenmoyer explained that appointees receive this information after they are confirmed by Council. She stated that most applicants have knowledge of the BAC they are applying for before they meet with the Nominations & Appointments Committee.

Mr. Acosta stated that the job description is a good idea and asked Council staff to prepare them for future applicants.

III. December Committee Agendas

Mr. Waltman suggested that the Strategic Planning Committee begin looking at the policy issues suggested by Ms. Goodman-Hinnershitz and setting goals for 2015.

Ms. Kelleher questioned if the amendment to the Administrative Code regarding independent legal counsel can be discussed at Strategic Planning. Mr. Waltman agreed that it should be discussed.

Ms. Kelleher stated that the amendment to the Naming Policy is also incomplete. She stated that in its current form it is difficult to apply overall.

Mr. Acosta noted his hope that the policy provides for current volunteers. He noted the need for the policy to be sensitive to the neighborhood in which the facility is located and have a financial component. Ms. Kelleher stated that the policy does contain a financial component.

Ms. Reed stated that the County has a current naming policy. She stated that this can help with the City's capital costs when sponsors are found for items such as park benches.

Mr. Acosta suggested that the City look at putting sponsors on vehicles.

Mr. Johnson stated that many vehicles are purchased through a dealership on the State contract.

Mr. Acosta suggested that the naming policy continue to be discussed at the Standards of Living Committee.

Mr. Spencer suggested that the Charter mediation review continue. He suggested that there may be portions of the Charter that can be amended by ordinance and that this also be reviewed. Ms. Kelleher stated that she will follow up with Mr. Smith.

Ms. Snyder suggested that the ballot question results and their implication be discussed at Strategic Planning.

Ms. Goodman-Hinnershitz suggested that the legal aspect of ballot question #7 be reviewed. She stated that the review must result in clear communication with the public.

Mr. Acosta agreed and stated that the question is vague. He questioned if it is legal as written. He stated that it could apply to everything or to nothing and there is no definition. He stated that it may apply to the Penn Square properties.

Ms. Snyder stated that since the last committee meetings were held the PUC issued is final rules on the installation of gas meters. She suggested that the UGI issue continue in Standards of Living.

Ms. Goodman-Hinnershitz stated that UGI is beginning work in her neighborhood. She stated that she has not received written notice about her home. Ms. Snyder suggested that she contact Mr. Coleman.

Ms. Reed stated that UGI is also beginning to work in the 800 block of Schuylkill Ave.

Mr. Acosta stated that UGI was drilling near a property with an unsecure façade and was not willing to cease working. He stated that the contractors stated that they did not care if further damage was done to the façade.

Ms. Katzenmoyer stated that the snow removal plan and snow emergency plan have been pending on the Standards of Living agenda. She questioned if they were ready to be reviewed as snow is arriving. Mr. Johnson stated that the plans are ready for Council review.

Mr. Marmarou questioned if others are willing to assist with snow plowing and/or removal. Mr. Johnson stated that he is currently confirming arrangements but that there will be a cost.

The meeting adjourned at approximately 6:28 pm.

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

BILL NO. _____-2014
AN ORDINANCE

AMENDING THE ADMINISTRATIVE CODE, CHAPTER 5, SECTION RE3117-OO5a-Ex A – PURCHASING POLICIES REGARDING THE REGARDING THE USE OF OUTSIDE LEGAL COUNSEL.

Whereas the Council of the City of Reading hereby ordains as follows:

Section 1. Amending the Administrative Code, Chapter 5, Section Re3117-Oo5a-Ex A – Purchasing Policies regarding the regarding the use of outside legal counsel, as attached in Exhibit A.

Section 2. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

Section 3. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any other remaining provisions of the Ordinance shall not be affected thereby. It is hereby expressly declared as the intent of the City Council of the City of Reading that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions had not been included herein.

Section 4. This ordinance shall become effective ten (10) days after it adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: _____, 2014

President of Council

Attest:

City Clerk

(Adm Services & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

Section 4

Sole Source Purchases

1.01 DEFINITION

Sole source purchases are defined as purchases of supplies, or equipment that meet **all** of the following criteria:

- A. It is the only item that will produce the desired results or possess a unique performance capability and
- B. It is available from only one source and
- C. It is patented or copyrighted.

Professional services, ***legal services and attorneys and law firms*** are not eligible for sole source purchasing requirements.

4.02 PROCEDURE

Sole source purchases are exempt from competitive requirements upon certification by the Purchasing Coordinator stating the conditions and circumstances necessitating the purchase via a Sole Source Justification Form. This certification shall set forth the purpose and need in addition to why the item is the only one that will produce the desired results. The Sole Source Justification Form must be signed by the Managing Director to be deemed "approved".

Sole Source Justification Forms shall expire annually on December 31st. Sole Source contracts shall not be eligible for automatic renewal/extension and must be re-certified by the Purchasing Coordinator before a renewal/extension may occur.

Section 8

Purchasing of Professional Services

8.01 PURPOSE:

The purpose of this regulation is to outline the process involved for preparing specifications, letting of Request For Proposals (RFP's), awarding contracts and payment of bills for professional services.

8.02 APPLICABLE TO:

All departments, divisions, offices or agencies.

8.03 POLICY:

1. For the purpose of this regulation the term "professional" is defined as those persons or firms marketing services requiring advanced academic or technical training skills. Examples of professional services include work done by the following contractors but is not necessarily limited to these services:

- ◆ Accountants
- ◆ Architects
- ◆ Attorneys, ***including Independent legal counsel as per § 5-213 and § 5-302***
- ◆ Bond Underwriters
- ◆ Engineers
- ◆ Insurance Consultants, Agents, and/or Brokers
- ◆ Investment Advisors
- ◆ Physicians
- ◆

2. Professional service contracts are not to be confused with standard contracts which seek a price or costs for particular work detailed in specifications. Professional contracts seek expertise through an RFP and pricing or cost may not be of "primary" importance.

3. A professional contract, while it is based upon work performed in response to task specifications and the need for a finished product as outlined by the City and agreed to by a contractor, it is one that by its very nature cannot be awarded solely based upon the selection of the lowest bidder.

4. Factors other than price alone must be carefully weighed in the review of

proposals and the award of such contracts. These factors include the professional qualifications/certifications, special skills, experience, and familiarity of the contractor with the work requested, all of which have impacts on the quality of the product/service to be delivered.

8.04 PREPARING REQUESTS FOR PROPOSALS (RFP'S) FOR CONTRACTS GREATER THAN \$35,000.

1. When to prepare an RFP.

A. When it is estimated that the cost of a purchase of professional services shall meet or exceed \$35,000, the RFP process must be initiated and the vendor must be retained through a written contract. Competitive proposals increase the ability to fully evaluate both the benefit and costs of the services being sought.

B. Notwithstanding any other provisions to the contrary if the Managing Director so determines, no RFP shall be required for an employee engaged in providing professional services to the City who terminates employment with the City and shall then be engaged as an independent contractor. In addition, no RFP shall be required for an independent contractor whose engagement terminates, if the Managing Director desires to continue the engagement by the City.

C. For all contracts expected to exceed \$34,999.99 and for all contracts that are multi-phased (e.g., feasibility study and design, multiple contract renewals/extensions within a one-year period) department, division, office, agency or person designated by the Managing Director shall prepare a RFP specifically for the extent of the work effort that can be defined at that particular time. The RFP should solicit information pertaining to the contractor's qualifications and costs (including appropriate hourly rates, etc.) for as many phases as appropriate. Costs and qualification information should then be utilized to select the contractor. For any subsequent phases of the contract that have not been specifically defined in the initial RFP, a new RFP should be drafted and circulated to secure competitive proposals from interested contractors.

2 How to write an RFP:

The Request For Proposal shall clearly describe the desired services and may include, but not be limited to, the following information:

- ◆ General background information pertinent to the requested services.
- ◆ Nature and scope of requested services including minimum tasks and activities to be performed together with prescribed completion schedule.
- ◆ Methodology and technical approach to be used in accomplishing the requested work.

- ◆ Description of reports required.
- ◆ Documentation of qualifications and experience in similar work and resumes of staff members to be assigned to the engagement.
- ◆ Compensation information including detailed cost information itemizing hours and rates of each class of staff to be utilized, and out-of-pocket expenses such as travel, telephone, publication and duplication.
- ◆ Estimated utilization of City resources necessary to complete the engagements.
- ◆ Information as to the City's evaluation and selection process.
- ◆ Minority Business Enterprise (MBE)/Woman Business Enterprise (WBE) participation.

8.05 CONTRACTS BETWEEN \$10,000 AND \$34,999:

1. The department, division, office, agency or person designated by Managing Director to handle the assignment, shall request written proposals from at least three (3) firms. Proposals shall include the fee in the form of a unit cost and the total maximum cost to be charged. After analysis, a recommendation shall be presented to the purchasing coordinator, Director of Administrative Services and Managing Director for final approval.

In the event the Solicitor has concluded that a conflict exists between the Mayor/Administration and City Council, the RFP process for independent legal counsel shall commence. The Mayor/Administration or City Council shall review their respective proposals and prepare individual justifications that will include, at minimum: a brief explanation identifying the preferred bid, anticipated cost, and the allocation source from where the expenses will be paid. Final analysis and ultimate approval for all justifications will rest with the purchasing coordinator, Director of Administrative Services and Managing Director.

2. Upon written request, unsuccessful firms shall be given a written explanation as to the reasons for the selection.

3. The department, division, office or agency should take precautions to project the total cost of professional service contracts that are multi-phased. An RFP must be prepared for those multi-phased contracts when the total cost of which could exceed \$34,999.99.

4. Once final approval for a contract less than \$35,000 has been granted by the Administrative Services Director and the Managing Director, the department, division, office, agency or person designated by the Managing Director to handle the assignment shall meet with a representative from the City Solicitor's office to

draft the required contracts.

5. Multiple contracts valued below \$35,000 which occur during a single year and provide for the same or a substantially similar service; or for which services are provided by the same individual or vendor shall be considered to be multi-phased. These contracts shall be subject to the approval requirements of a contract that exceeds \$34,999.99.

6. No contract valued at less than \$35,000 shall be eligible for payment by the City without the contract having been signed by the City Solicitor.

7. The City Solicitor shall provide final review for form and content and signature on the contract. Contracts without Solicitor signature will not be eligible for payment.

8.06 THE PURCHASING COORDINATOR'S RESPONSIBILITY:

For purposes of consistency, the purchasing coordinator shall be appointed to all committees designated to prepare RFP's, review all documents prior to issuance and evaluate submissions.

The Administrative Services Director shall authorize the advertising for professional services by the purchasing coordinator, who will advertise in local newspapers of general circulation, regional metropolitan newspapers, trade journals, if applicable, and the City website.

1. The advertisement shall give notice that an RFP is available for review by interested firms. Basic information describing the requested services, where the document can be obtained and the deadline and location for submission shall be included.

2. At the discretion of the purchasing coordinator or the department, division, office or agency a mandatory pre-proposal conference may be held with all interested firms to clarify any questions.

8.07 SELECTION OF PROFESSIONAL SERVICE CONTRACTS GREATER THAN \$34,999.99

The proposals of those firms responding to an RFP are reviewed by a selection committee designated by the Managing Director or his designee.

In the event the Solicitor has concluded that a conflict exists between the Mayor/Administration and City Council, the RFP process for independent legal counsel shall commence. The Mayor/Administration or City Council shall review their respective proposals and prepare individual justifications that will include,

at minimum: a brief explanation identifying the preferred bid, anticipated cost, and the allocation source from where the expenses will be paid. The justifications will then be submitted to a Panel composed of the Solicitor, Managing Director, and Auditor for their review and recommendation. The Panel shall offer their recommendation for final approval to City Council once they have reached a two-thirds majority vote. Failure to secure a majority vote by either the Mayor/Administration or City Council will require supplemental information or additional information as requested by the Panel.

1.

A. The selection committee shall consist of the purchasing coordinator, the City Solicitor (non-voting member), three designees of the department, division, office or agency, and the designee of the Administrative Services Director. All committee members must sign and return, to the purchasing coordinator, the Confidentiality Statement and No Conflict of Interest Statement prior to receiving any non-public information regarding the applicable RFP.

B. The selection process shall be based on the objective criteria contained in the RFP (Section 8.04.2) and not on the lowest bid.

Examples of the evaluation criteria include: size and experience of the firm on similar projects, client references, demonstrable understanding of the requested work, the ability and/or commitment to meet the prescribed completion schedule, and the cost estimates.

C. The recommendation of the selection committee shall be to the firm with highest total points.

D. The selection committee has the responsibility to negotiate the most favorable cost, terms and conditions to the City of Reading. The negotiating process may involve one or more RFP responses, and may continue until the actual award of the contract.

E. A meeting with the purchasing coordinator and the representative of the Solicitor's office will be available for a firm who is dissatisfied after not being recommended for award of the contract.

2. The selection committee shall submit a written report on the process and its recommendation, to be reviewed with the Administrative Services Director.

3. Prior to formal acceptance, the RFP and the proposal shall be submitted to the Solicitor's staff for review.

4. The Administrative Services Director and the selection committee will prepare a recommendation for the Managing Director to present to City Council for final approval where such approval is required by the Charter and/or by the Administrative Code. ~~and/or the purchasing policies.~~

5. The Administrative Services Director shall advise the purchasing coordinator to formally notify the successful firm.

6. No contract valued at greater than \$34,999.99 shall be eligible for payment by the City unless the contract is approved by Council and signed by the Mayor and City Solicitor.

7. The City Solicitor shall provide final review of the contract for form and content. The City Solicitor's signature shall only be affixed to the contract after this review is complete. Contracts lacking Solicitor approval will not be eligible for payments.

8.08 RENEWAL OF PROFESSIONAL SERVICE CONTRACTS:

The City shall have the option to renew a professional services contract for one (1) year beyond the established contract period, based upon a continuation of the current contract price or the re-negotiation of a new price. This does not preclude the City from requesting a term contract with multiple 1-year renewal periods, as long as the total contract term does not exceed five (5) years. However, if a contract does not originate with multiple 1-year renewal periods, it shall only be eligible for a one (1) year extension at the current or re-negotiated price.

BILL NO. ____-2014
AN ORDINANCE

**AMENDING THE ADMINISTRATIVE CODE, CHAPTER 5, SECTION § 5-213 AND
§ 5-302, AMENDING THE ADMINISTRATIVE CODE, THE REGARDING THE
USE OF OUTSIDE LEGAL COUNSEL.**

Whereas the Council of the City of Reading hereby ordains as follows:

Section 1. Amending the Administrative Code, Chapter 5, Section 5-213 AND § 5-302 regarding the regarding the use of outside legal counsel as follows:

§ 5-213. Independent legal counsel. [Added 7-13-1998 by Ord. No. 22-1998]

~~In the event either the Mayor/Administration or City Council require legal representation in an area of conflict City Council and the Mayor or the Administration, each party shall have the ability to select their own legal counsel independent of the City.~~

The Solicitor, as chief legal advisor to the City of Reading, has authority to determine whether a conflict exists between the Mayor/Administration and City Council. In the event a conflict does exist, the Mayor/Administration and City Council shall each have the right to seek and retain independent legal counsel, separate and apart from the advice of the Office of the Solicitor. Section 8 of the Purchasing Policies shall apply.

§ 5-302. Independent legal counsel. [Added 7-13-1998 by Ord. No. 22-1998]

~~In the event either the Mayor/Administration or City Council require legal representation in an area of conflict City Council and the Mayor or the Administration, each party shall have the ability to select their own legal counsel independent of the City.~~

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Section 2. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

Section 3. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any other remaining provisions of the Ordinance shall not be affected thereby. It is hereby

expressly declared as the intent of the City Council of the City of Reading that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions had not been included herein.

Section 4. This ordinance shall become effective ten (10) days after it adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: _____, 2014

President of Council

Attest:

City Clerk

(Adm Services & Council Staff)

Submitted to Mayor: _____

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