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 “Live and Archived Meeting Videos”. 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.

RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS

The Administrative Code, Section § 5-209 defines public participation at Council meetings.

1. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.

2. Those wishing to have conversations should do so in the hall outside Council Chambers in a low speaking voice.

3. Public comment will occur only during the Public Comment period listed on the agenda at the podium and must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Clapping, calling out, and/or cheering when a speaker finishes his comments is not permitted.

4. Citizens may not approach the Council tables at any time during the meeting.

5. Any person making threats of any type, 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, removed from Council Chambers and/or cited.
Failure to abide by these regulations could result in your removal from Council Chambers and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

1. OPENING MATTERS
A. CALL TO ORDER
B. INVOCATION: William Griffis, Community Evangelical Church
C. PLEDGE TO THE FLAG
D. ROLL CALL
E. PURPOSE OF EXECUTIVE SESSION – Oct 8th re Real Estate, Litigation, and Personnel

2. PROCLAMATIONS AND PRESENTATIONS
   - None

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 or by legibly printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5 pm and 7 pm on the day of the scheduled 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, including applause or cheering, 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 & MINUTES
A. AGENDA: Meeting of October 22, 2018
B. MINUTES: October 8, 2018 Regular Meeting
   Affirming the summations of discussion at the COWs held on October 8, October 15 and October 17
5. Consent Agenda Legislation

A. Award of Contract – for Sodium Hypochlorite 12.5% Bulk to JCI Jones Chemicals Inc. 1765 Ringling Blvd. Sarasota, FL 34236 in the amount of $157,250.00

B. Resolution – authorizing the promotion of EMS Lieutenant Walter Bauer to Deputy Chief/EMS

C. Award of Contract – for Audit Services to Herbein & Company, Reading, PA for a three (3) year period for $72,500 per year

D. Resolution – Authorizing the Purchasing Coordinator to sell the following list of firearms which will help fund the purchase of new shotguns

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

Board of Health

9. ORDINANCES FOR FINAL PASSAGE

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<td>Resolution 47-2018 – authorizing payment to Urban Design Ventures up to the maximum amount of $23,300 for underwriting services for the City’s Microloan Program and up to the maximum amount of $33,100 for underwriting services for the City’s Section 108 Loan Program</td>
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<td>Tabled at the March 12 regular meeting; Tabled at the April 23 regular meeting</td>
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| Ordinance 30 - 2018 – amending the City’s Zoning Ordinance by making churches a by right use in all zoning districts |
| Introducted at the June 11 regular meeting; City & County Planning Commission review and advertisement required |

Pending Budget Legislation
Ordinance – 2019 $95M General Fund Budget *Introduced at the October 1 special meeting*

Ordinance – 2019 Capital Budget *Introduced at the October 1 special meeting*

Ordinance – 2019 Position Ordinance *Introduced at the October 1 special meeting*

Ordinance – 2019 Real Estate Taxes – no increase *Introduced at the October 1 special meeting*

Ordinance – 2019 Commuter EIT – no increase *Introduced at the October 1 special meeting*

A. Bill 46-2018 – amending Code of the City of Reading Chapter 576, Vehicles and Traffic, Part 4, Stopping and Parking, Section 576-815 to decrease the number of unsettled parking tickets exposing a motor vehicle to booting and storage *Introduced at the July 23 regular meeting; Tabled at the August 13, August 27, September 10, September 24 and October 8 regular meetings*

B. Bill 57-2018 - authorizing the creation of an OPEB (Other Post-Employment Benefits) Trust Agreement to provide for certain postemployment benefits for employees hired prior to January 1, 2011, as attached in Exhibit A *Introduced at the August 27 regular meeting; Tabled at the September 10, September 24 and October 8 regular meeting*

C. Bill 61-2018 – amending the 2018 budget by creating the City Facilities Construction Fund as Fund 37, to capture allocated funds from the City’s General Fund surpluses and provide designated funding for city facility construction projects *Introduced at the September 10 regular meeting; Tabled at the September 24 and October 8 regular meeting*

D. Bill 63-2018 – amending the 2018 General Fund budget to authorize the transfer of $1,000,000 in cash reserves in the General Fund to the City’s Other Post-Employment Benefits Trust Fund to allocate funds restricted for future funding of post-employment benefits *Introduced at the September 10 regular meeting; Tabled at the September 24 and October 8 regular meeting*
E. Bill 64-2018 – authorize the transfer of $4,400,000 in cash reserves in the General Fund to the City Facilities Construction Fund to allocate funds restricted for construction of city facilities. 

*Introduced at the September 10 regular meeting; Tabled at the September 24 and October 8 regular meeting*

F. Bill 68-2018 - Amending the 2018 Position Ordinance Police Department, Administration Division by changing the civilian part-time Administrative Assistant to the Police Chief to a full-time position that can be either a civilian or a Sworn Police Officer from the active personnel roster. 

*Introduced at the September 24 regular meeting; Tabled at the October 8 regular meeting*

G. Bill 69-2018 - amending Chapter 5 of the City Code, Part 301 Powers and Duties of the Mayor regarding the appointment of a temporary or interim managing director. 

*Introduced at the September 24 regular meeting; Tabled at the October 8 regular meeting*

H. Bill 70-2018 - amending Chapter 5 of the City Code, Part 803 Department Directors regarding the appointment of acting department directors and temporary managers. 

*Introduced at the September 24 regular meeting; Tabled at the October 8 regular meeting*

I. Bill 71-2018 - amending the 2018 Self Insurance Fund budget in the amount of $323,198.74 to reflect the proceeds of an insurance claim which will be used to repair roofs on city owned property as a result of hailstorms. 

*Introduced at the October 8 regular meeting*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – amending City Code Chapter 7, Fire Prevention and Fire Protection

11. RESOLUTIONS

A. Resolution -

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS/COMMENTS

14. COUNCIL MEETING SCHEDULE
Monday, October 22
Budget Review Meeting – Council Chambers – 5 pm
Committee of the Whole – Council Chambers – 6 pm
Regular Meeting – Council Chambers – 7 pm

Wednesday, October 24
Capital Budget Public Hearing – Council Chambers – 5 pm
Budget Review Meeting – Council Chambers – immediately following

Monday, October 29
General Fund Public Hearing – Council Chambers – 5 pm
Budget Review Meeting – Council Chambers – immediately following

Wednesday, October 31
Budget Review Meeting – Council Chambers – 5 pm

Monday, November 5
Nominations & Appointments Committee – Council Office – 4 pm
Budget Review Meeting – Council Chambers – 5 pm

**Monday, November 12**
City Hall Closed – Veterans’ Day holiday

**Tuesday, November 13**
Committee of the Whole – Penn Room – 5 pm
Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, October 22
DID Authority – 645 Penn St 1st floor – noon

Tuesday, October 23
Environmental Advisory Council – Public Works – noon
Housing Authority Workshop – WC Building – 4 pm
Housing Authority – WC Building – 5 pm
Planning Commission – Penn Room – 6 pm
HARB – 3rd floor conference room – 6:30 pm

**Wednesday, October 24**
Parking Authority – Penn Room – 5:30 pm
Stadium Commission – RBI Room – 7 pm

**Thursday, November 1**
Police Civil Service Board – Penn Room – noon

**Tuesday, November 6**
Charter Board – Penn Room – 7 pm

**Thursday, November 8**
Police Pension Board – 3rd floor conference room – 9:30 am
Outlet Area Neighborhood Assn – Big Mill Apts – 6:30 pm

**Sunday, November 11**
College Heights Community Council – Nativity Lutheran Church – 7 pm

**Tuesday, November 13**
Recreation Commission – 3rd & Spruce – 7 pm

16. **ADJOURN**
TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: September 24, 2018
AGENDA MEMO DATE: September 11, 2018
RECOMMENDED ACTION: Awarding of Contract for Chemicals 2018 Sodium Hypochlorite 12.5% Bulk

RECOMMENDATION
The recommendation is to award the contract for Chemicals to JCI Jones Chemicals Inc. 1765 Ringling Blvd. Sarasota, FL 34236

BACKGROUND
The purpose of the project is to be used for plant operation, solids processing and odor control. Chemicals are necessary to maintain compliance.

BUDGETARY IMPACT
The Department of Waste Water Treatment has confirmed there are sufficient funds to cover the project. The amount budgeted for these services is $157,250.00. The account code being used is 54-07-44-4513.

PREVIOUS ACTION
None

SUBSEQUENT ACTION
Formal action by Council is required to award the contract at the September 24, 2018 meeting.

RECOMMENDED BY
Mayor, Managing Director, Public Works Director, Acting Director of Administrative Services, Controller and Purchasing Coordinator.

RECOMMENDED MOTION
Approve/Deny the recommendation for the Chemicals Project in order that the contract may be awarded to JCI Jones Chemicals Inc.

cc: File

September 11, 2018

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BIDS FOR SODIUM HYPOCHLORITE 12/5% SOLUTION FOR THE CITY OF READING, PENNSYLVANIA WASTEWATER TREATMENT PLANT

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>TOTAL BID PRICE</th>
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<tbody>
<tr>
<td>Univar USA 200 Dean Sievers Place</td>
<td>$202,020.00</td>
</tr>
<tr>
<td>JCI Jones Chemicals, Inc. 1765 Ringling Blvd. Sarasota, FL 34236</td>
<td>$157,250.00</td>
</tr>
<tr>
<td>Kuehne Company 86 North Hackensack Ave. South Kearny, NJ</td>
<td>$370,000.00</td>
</tr>
</tbody>
</table>

Tammi Reinhart
Purchasing Coordinator
TO: City Council

FROM: Fire Chief William Stoudt, Jr.
PREPARED BY: Fire Chief William Stoudt, Jr.
MEETING DATE: Monday, October 22, 2018
AGENDA MEMO DATE: October 16, 2018
REQUESTED ACTION: Authorize Promotion

RECOMMENDATION
The Mayor and the Fire Chief request the following promotion to be approved within the Emergency Medical Services Division of the Department of Fire and Rescue Services:

BACKGROUND
There is a need to promote to the position of Deputy Chief /EMS. This promotion is due to a current vacancy created by the recent retirement of James Conrad.

- EMS Lieutenant Walter Bauer to Deputy Chief/EMS

This promotion is to be effective as of November 1st, 2018

BUDGETARY IMPACT
None, as this funded position has become vacant due to a recent retirement.

PREVIOUS ACTIONS
None

SUBSEQUENT ACTION
Council to take action to approve promotions within The Department of Fire and Rescue Services

RECOMMENDED BY
The Fire Chief recommends approval.
RESOLUTION NO.______2018

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

Authorizing the following promotion within the Department of Fire and Rescue Services, effective November 1, 2018:

- EMS Lieutenant Walter Bauer to Deputy Chief/EMS

    Adopted by Council__________________________, 2018

__________________________________________
Jeffrey S. Waltman, Sr.  
President of Council

Attest:

____________
Linda A. Kelleher  
City Clerk
RECOMMENDATION
The recommendation is to award the contract for Audit Services to Herbein & Company, 2763 Century Blvd., Reading, PA 19610.

BACKGROUND
A four (4) member selection committee reviewed the proposals. The responses to the requests for proposals were evaluated independently by the members of the RFP selection review committee. The proposals were rated on the basis of responsiveness, experience, stability, and cost. The City has selected to award this contract for a period of three (3) years with an additional year based upon a mutual agreement of both parties. Audits are to be performed in accord with generally accepted auditing standards, the standards for financial audits in the U.S. General Accounting Office’s (GAO) Governmental Auditing Standards, the provisions of the federal Single Audit Act of 1984 (as amended), and the U.S. Office of Management and Budget (OMB) Circular A128 (or its replacement), Audits of State and Local Governments. Additionally, the audit must comply with the Home-Rule Charter for the City of Reading (available at www.cityofreadingpa.com), the Third Class City Code, the Pennsylvania Department of Labor and Industry’s Requirements for Self-Insurance, and the local Tax Enabling Act of December 31, 1965, P.L. 1257, No 511 (as amended).

BUDGETARY IMPACT
The Department of Administrative Services has confirmed there are sufficient funds to cover the project. The account code to be charged is 01-14-91-4223. The one year cost is $72,500.00.

PREVIOUS ACTION
None

SUBSEQUENT ACTION
Formal action by Council is required to award the contract at the October 22, 2018 meeting.

RECOMMENDED BY
Mayor, Acting Managing Director, Acting Director of Administrative Services, Controller and Purchasing Coordinator.

RECOMMENDED MOTION
Approve/Deny the recommendation for Audit Services in order that contract may be awarded to Herbein & Company.

cc: File
TO: City Council

FROM: Andres Dominguez, Chief of Police, Reading Police Department, Administration

PREPARED BY: Andres Dominguez, Chief of Police, Reading Police Department, Administration

MEETING DATE: October 22, 2018

AGENDA MEMO DATE: October 22, 2018

RECOMMENDED ACTION: Request authorization for the Purchasing coordinator for the city to sell Reading Police Firearms for credit

BACKGROUND: The City of Reading Police Department is requesting to trade the attached list of firearms as credit for additional purchase in the future.

BUDGETARY IMPACT:
The sale of these firearms will allow for most if not all the cost of purchasing other required firearms such as shot guns.

**RECOMMENDATION:**
Requesting the City Council to authorize the Purchasing Coordinator for the City of Reading to sell the below listed firearms.

**REVIEWED BY:**
Chief of Police, Acting Managing Director, Mayor.

---

**RESOLUTION NO._______2018**

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

Authorizing the Purchasing Coordinator to sell the list of firearms which will help fund the purchase of new shotguns attached as Exhibit A.

Adopted by Council ____________________, 2018

Attest: ______________________________
Linda A. Kelleher
City Clerk
<table>
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<th>Model</th>
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City of Reading City Council
Regular Meeting
October 8, 2018

Council President Waltman called the meeting to order. He asked everyone to rise for a moment of silence in remembrance of Carl Herbein who recently passed away.

The invocation was given by Nancy Lennert, Reading-Berks Conference of Churches President.

All present pledged to the flag.

The following executive sessions were held: Oct 1st re Litigation, Real Estate, Contracts and Personnel and Oct 8th re Real Estate, Litigation, and Personnel.

Council President Waltman introduced Acting Managing Director Osmer Deming and Acting Solicitor Elizabeth Kraft.

ATTENDANCE
Council President Waltman
Councilor Sihelnik, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Twyman, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Slifko, District 6
City Auditor D. Cituk
Acting City Solicitor E. Kraft
Acting Managing Director O. Deming
City Clerk L. Kelleher
Mayor W. Scott

PROCLAMATIONS AND PRESENTATIONS
• Recognition certificates for the contractors who volunteered and supplied supplies for the renovation of the NE Branch Library
• Commendation recognizing Fire Prevention Week
• Commendation recognizing Hispanic Heritage Month

PUBLIC COMMENT
Council President Waltman stated that there are two (2) citizens 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 meeting. No one objected. Councilor Reed read the public speaking rules that were adopted by Council.

Gary Reigel, of North 12th Street, noted the lack of the enforcement of various local laws, including parking regulations and the various repercussions that the lack of enforcement has created. He suggested that this lack of law enforcement and the recent administrative staff turnover is the result of poor leadership. He expressed the belief that as Council must approve the appointment of top administrative management, they should also be required to approve their termination.

Shelia Perez, of Monroe Street, stated that her car was recently towed, as it had been parked over a blue or yellow line. She expressed the belief that as Council eliminated the requirements for cars to be parked between the lines on the street, the colored lines should also be removed. She also expressed the belief that she received unjust treatment.

APPROVAL OF THE AGENDA & MINUTES
Council President Waltman called Council’s attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, the minutes from the September 24, 2018 Regular Meeting of Council, the October 1, 2018 Special Meeting and the summations of discussion at the COWs held on September 24 and October 1. He stated that Ordinance A under Introduction of New Ordinances is being withdrawn and that the Consent Agenda Resolution on the purchase of the Hillside Pool property will be considered under the Resolution heading.

Councilor Marmarou moved, seconded by Councilor Twyman, to approve the minutes from the September 24, 2018 Regular Meeting of Council, October 1, 2018 Special Meeting, the summations of discussion as listed and the agenda, as amended. The motion was approved unanimously.
Consent Agenda

A. Award of Contract -

B. Resolution 102-2018 – authorizing the settlement of the Santiago litigation

Moved to Resolution Heading

C. Resolution – authorizing an agreement for the purchase of the Hillside Pool property To be distributed on Monday

ADMINISTRATIVE REPORT
The mayor spoke about the Halloween event planned on Washington Street with the Reading School District on Wednesday, October 31st. He noted the passing of the mother of a prominent landlord in Reading. He also noted the inauguration of the new RACC President.

Acting managing director Deming stated that he welcomes the opportunity to fill the vacant managing director position. He expressed the belief that the City has many skilled employees and talented elected officials that he looks forward to working with.

AUDITOR’S REPORT
City Auditor Cituk introduced Chris Turtell, partner with Herbein & Co.

Mr. Turtell stated that the 2017 external audit is clean with an unmodified opinion and is in compliance with GAAP (Generally Accepted Accounting Principles). He stated that the WWTP PennVest Loans and the CDBG programs were tested during the audit process. Year-end 2017 resulted in a surplus of $3.9M, creating an overall $33M reserve, $11M of which has been assigned to various projects and programs. He noted that the Capital Fund is composed of $5.3M due to the annual shift of the Commuter Tax to capital spending. He noted that the City also reduced the number of audit findings to seven (7), adding that the number of findings has been reduced annually.

Councilor Marmarou congratulated the administration for continuing the work to reduce the number of audit findings.
Councilor Goodman-Hinnershitz stated that while she is pleased with the overall report, she was displeased with the early release of the press statement about the audit, due to the content of the press release. She noted the role the Audit Committee played in focusing the administration on addressing the audit findings. She noted the need to fill the empty finance positions to prevent backsliding.

In response to a question, Mr. Turtell highlighted the new findings:

- Untimely drawdown of the PennVest loan funds for WWTP project expenses
- Errors in multiple pension deductions from employee paychecks
- Untimely drawdowns for the reimbursement of projects funded by the CDBG budget

Mr. Turtell agreed with the importance of filling the administrative services director position with a qualified candidate, which will eliminate some of the overload on the person filling the managing director position.

The mayor agreed with the need to fill the many vacant financial positions. He expressed the belief that the public too often focuses on the negative side of issues. He stated that in 2015 there were 11 audit findings and his administration reduced that number to seven (7). He noted the need for the City to identify new revenue sources to address the City’s ongoing financial needs. He expressed the belief that the current surplus is not sufficient beyond 2020.

Council President Waltman agreed with the need to tackle various financial issues with the administration and PFM. He noted the financial progress the City has made with the valuable guidance from PFM resulting in good financial reporting and valid numbers, which was not the case pre-Act 47. He thanked Mr. Turtell and his team for their work to complete this audit.

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

None.

**ORDINANCES FOR FINAL PASSAGE**

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A. Bill 46-2018 – amending Code of the City of Reading Chapter 576, Vehicles and Traffic, Part 4, Stopping and Parking, Section 576-815 to decrease the number of unsettled parking tickets exposing a motor vehicle to booting and storage Introduced at the July 23 regular meeting; Tabled at the August 13, August 27, September 10 and September 24 regular meetings

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to table Bill No. 46-2018.

Bill No. 46-2018 was tabled by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Slifko, Twyman, Waltman, President - 7
Nays: None – 0

B. Bill 57-2018 - authorizing the creation of an OPEB (Other Post-Employment Benefits) Trust Agreement to provide for certain postemployment benefits for employees hired prior to January 1, 2011, as attached in Exhibit A Introduced at the August 27 regular meeting; Tabled at the September 10 and September 24 regular meeting

Councilor Slifko moved, seconded by Councilor Reed, to table Bill No. 57-2018.

Bill No. 57-2018 was tabled by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Slifko, Twyman, Waltman, President - 7
Nays: None – 0

C. Bill 61-2018 – amending the 2018 budget by creating the City Facilities Construction Fund as Fund 37, to capture allocated funds from the City’s General Fund surpluses and provide designated funding for city facility construction projects Introduced at the September 10 regular meeting; Tabled at the September 24 regular meeting
Councilor Slifko moved, seconded by Councilor Reed, to table Bill No. 61-2018.

Bill No. 61-2018 was tabled by the following vote:

Yeas:  Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Slifko, Twyman, Waltman, President - 7
Nays:  None – 0

D. Bill 63-2018 - amending the 2018 General Fund budget to authorize the transfer of $1,000,000 in cash reserves in the General Fund to the City’s Other Post-Employment Benefits Trust Fund to allocate funds restricted for future funding of post-employment benefits Introduced at the September 10 regular meeting; Tabled at the September 24 regular meeting

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill No. 63-2018.

Bill No. 63-2018 was tabled by the following vote:

Yeas:  Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Slifko, Twyman, Waltman, President - 7
Nays:  None – 0

E. Bill 64-2018 – authorize the transfer of $4,400,000 in cash reserves in the General Fund to the City Facilities Construction Fund to allocate funds restricted for construction of city facilities Introduced at the September 10 regular meeting; Tabled at the September 24 regular meeting

Councilor Slifko moved, seconded by Councilor Twyman, to table Bill No. 64-2018.

Bill No. 64-2018 was tabled by the following vote:

Yeas:  Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Slifko, Twyman, Waltman, President - 7
Nays:  None – 0

F. Bill 66-2018 – amending the City Code Chapter 23 Part 12 by creating the Downtown Revitalization Public Private Partnership Section 2 Authorization by clarifying the meaning of “citizen” Introduced at the September 17 special meeting - ordinance eligible on Oct 1st

Councilor Slifko moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 66-2018.
Councilor Slifko explained the need to provide clarification on the meaning of “citizen” as a person unrelated to government or an unaffiliated person on the street for future appointments. He stated that the goal of the various qualifications listed in the Public Partnership Bboard was to build a balanced board with varying skill sets.

Councilor Goodman-Hinnershitz agreed with the need for grass-roots participation on this and other boards.

The mayor noted that this board is not grass-roots composed as there is only one (1) citizen appointed.

**Bill No. 66-2018 was enacted by the following vote:**

**Yeas:** Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Slifko, Twyman, Waltman, President - 7

**Nays:** None – 0

**G. Bill 67-2018** - Amending the 2018 Position Ordinance by creating the position of Community Response Coordinator in the Police Department Special Services Division and allowing this position to be filled by either a Sergeant or Lieutenant from the active police roster *Introduced at the September 24 regular meeting*

Councilor Slifko moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 67-2018.

Councilor Slifko requested an explanation on the function of this new position. In response Captain Winters explained that this position performs recruitment for the Police Department and he described some of the other duties as listed in the position description attached to the ordinance which is included in the agenda packet.

Councilor Reed inquired if this position was filled already and Captain Winters affirmed that the position is already filled by an existing Sergeant.

**Bill No. 67-2018 was enacted by the following vote:**

**Yeas:** Goodman-Hinnershitz, Marmarou, Sihelnik, Slifko, Twyman, Waltman, President - 6

**Nays:** Reed – 1
H. Bill 68-2018 - Amending the 2018 Position Ordinance Police Department, Administration Division by changing the civilian part-time Administrative Assistant to the Police Chief to a full-time position that can be either a civilian or a Sworn Police Officer from the active personnel roster. *Introduced at the September 24 regular meeting*


Bill No. 68-2018 was tabled by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Slifko, Twyman, Waltman, President - 7
Nays: None – 0

I. Bill 69-2018 - amending Chapter 5 of the City Code, Part 301 Powers and Duties of the Mayor regarding the appointment of a temporary or interim managing director. *Introduced at the September 24 regular meeting*

Councilor Slifko moved, seconded by Councilor Reed, to table Bill No. 69-2018.

Bill No. 69-2018 was tabled by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Slifko, Twyman, Waltman, President - 7
Nays: None – 0

J. Bill 70-2018 - amending Chapter 5 of the City Code, Part 803 Department Directors regarding the appointment of acting department directors and temporary managers. *Introduced at the September 24 regular meeting*

Councilor Marmarou moved, seconded by Councilor Slifko, to table Bill No. 70-2018.

Bill No. 70-2018 was tabled by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sihelnik, Slifko, Twyman, Waltman, President - 7
Nays: None – 0
10. INTRODUCTION OF NEW ORDINANCES

Councilor Goodman-Hinnershitz read the following ordinances into the record:

<table>
<thead>
<tr>
<th>Pending - Introduced at Oct 1st Special Mtg</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Ordinance</strong> – 2019 $95M General Fund Budget</td>
</tr>
<tr>
<td><strong>B. Ordinance</strong> – 2019 Capital Budget</td>
</tr>
<tr>
<td><strong>C. Ordinance</strong> – 2019 Position Ordinance</td>
</tr>
<tr>
<td><strong>D. Ordinance</strong> – 2019 Real Estate Taxes – no increase</td>
</tr>
<tr>
<td><strong>E. Ordinance</strong> – 2019 Commuter EIT – no increase</td>
</tr>
</tbody>
</table>

WITHDRAWN

**A. Ordinance** – vacating Gregg Avenue between Kenhorst Boulevard and a certain 20-foot wide alley; and said 20-foot-wide alley, as particularly surveyed and described herein.

**B. Ordinance** – amending the 2018 Self Insurance Fund budget in the amount of $323,198.74 to reflect the proceeds of an insurance claim which will be used to repair roofs on city owned property as a result of hailstorms

RESOLUTIONS

**C. Resolution 103-2018** – authorizing an agreement for the purchase of the Hillside Pool property

*To be distributed on Monday*

Councilor Slifko moved, seconded by Councilor Marmarou, to adopt Resolution 103-2018.
Councilor Goodman-Hinnershitz expressed the belief that a 2nd water feature is needed to serve the recreational needs of Reading’s youth. She stated that she will monitor the progress of this project through her participation on the Rec Commission.

Councilor Reed stated that while she understands the issue and the need for additional water features, she is concerned about the City taking on yet another property to care for with an already stretched Public Works staff. She also noted that if the City purchases this property and improves it, it will be permanently removed from the tax rolls.

Councilor Slifko stated that he sees this as an opportunity to improve the City’s recreational features within the current park system. He noted the need for an additional water feature on the east side of the Schuylkill River.

Councilor Sihlenik agreed with the need for additional water features, as the one (1) existing pool is simply insufficient for Reading’s population. She also noted the need to create a project plan and budget for the proposed project.

The mayor noted that this spray park will not be a gated facility, like Schlegel Park Pool, where people must be turned away after a defined number of guests are present.

Councilor Goodman-Hinnershitz asked the mayor to reconsider the purchase of the East Reading Pool site, as East Reading youth are very disconnected from this area.

The mayor suggested a natural spring pool in Mineral Spring Park. He stated that the location is well-suited for a pool and has ample parking areas.

Councilor Reed stressed the need to consider regional recreation features for all of the four (4) City quadrants equally.

Council President Waltman agreed with the purchase of the Hillside Pool, as providing ample recreation opportunities for youth provides positive alternatives, often preventing bad decisions.

Resolution No. 103-2018 was adopted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Sihlenik, Slifko, Twyman, Waltman, President - 6
Nays: Reed - 1

COUNCIL COMMENT
Councilor Twyman noted the important message associated with Fire Prevention Week. He congratulated the Library staff and board for the renovation of the NE Branch Library. He also noted the importance of Hispanic Heritage Month.

Councilor Slifko announced the public meeting planned about the renovation of Centre Park at the Artifacts Bank tomorrow evening. He noted the passing of community leader Dean Rohrbach.

Councilor Reed agreed with the important role Mr. Rohrbach played in the West Reading Main Street and Elm Street projects and the importance of the revitalization of downtown areas. She noted West Reading’s similarities to many towns in Germany.

Councilor Sihelnik noted that in addition to his community work, Mr. Rohrbach was also an inspiration to many people. She noted the need to continue the legacy he left. She announced the Reading Hospital 1 Mile Road Run the morning of Sunday, October 14. She encouraged everyone to participate.

Councilor Goodman-Hinnershitz stated that she was fortunate to know Mr. Rohrbach as a neighbor and recalled their walks together. She spoke about the role Reading youth played on the recent trip to Reutlingen Germany and the need to continue to prepare youth for future leadership roles. She described her experience as a delegate from Reading.

Council President Waltman congratulated the City’s finance professionals for their work on the 2017 audit and the work they did to improve the City’s financial picture.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk
RECOMMENDATION: It is recommended that City Council pass the attached resolution authorizing the payment up to the maximum amount of $23,300 for underwriting services for the City’s Microloan Program and up to the maximum amount of $33,100 for underwriting services for the City’s Section 108 Loan Program.

BACKGROUND:
The City of Reading’s Community Development Department would be administering the Microloan and Section 108 Loan Programs. The intended purpose of this payment is to contract with a consulting firm that offers assistance in reviewing Microloan applications and preparing a written approval or denial letter with a justification for that decision. In addition, the consulting firm would offer assistance in the preparation of Section 108 Loan applications that meet Federal guidelines of eligibility, fundability, and economic feasibility.

BUDGETARY IMPACT: The total contract cost is estimated at $23,300 for the Microloan Program underwriting services and $33,100 for the Section 108 Program underwriting services. The City is requesting the use of State Microloan Program funds and CDBG Administrative funds respectively.

PREVIOUS ACTION: None.

RECOMMENDED BY: Mayor, Managing Director, and Community Development Director.
RECOMMENDED MOTION: Approve/deny the Council resolution approving the Urban Design Ventures payment for the amount of $56,400. Attach.
City of Reading
Resolution No. 2018

WHEREAS THE CITY OF READING will be administering the City’s Microloan and Section 108 Loan Programs, and

WHEREAS THE CITY OF READING wishes to contract with an loan underwriter Consultant, and

WHEREAS THE STATE MICROLOAN Program and CDBG Administrative funds allow for payment of these services,

NOW THEREFORE, BE IT RESOLVED that the CITY COUNCIL of the CITY OF READING

hereby authorizes the CITY OF READING to make payment for such a contract on our behalf.

AND BE IT FURTHER RESOLVED that the CITY COUNCIL of the CITY OF READING

hereby allocates State Microloan Program and CDBG Administrative resources in the amount of $56,400 to said project.

Adopted on___________2018

__________________________________
President of Council

Attest

__________________________________
City Clerk
AMENDING THE CITY OF READING CITY CODE CHAPTER 600, THE ZONING ORDINANCE, BY ADDING - “PLACES OF WORSHIP” - AS A USE, PERMITTED BY RIGHT, IN EVERY BASE ZONING DISTRICT, SECTIONS 801 THROUGH 813 INCLUSIVE, AND ELIMINATING IT AS A SPECIAL EXCEPTION USE IN SECTIONS 803, 804, 806, 807, 808, AND 810; TO REPEAL PROVISIONS FOR SPECIAL EXCEPTIONS: SECTION 1202(N) INCLUDING ITS SUBSECTIONS (1) THROUGH (4) INCLUSIVE, AND REINSTATING PROVISIONS (1) THROUGH (4) VERBATIM INTO PART 11, K/A ADDITIONAL REQUIREMENTS FOR SPECIFIC USES, THEREBY CREATING A NEW PROVISION, SECTION 1108: PLACES OF WORSHIP.

Whereas the PA Municipalities Code, Article VI, inter alia, states that zoning ordinances shall give consideration to the needs of the citizens, and promote public health, safety, and general welfare;

Whereas, the city finds that additional properties being more readily capable to become used as Places of Worship will precipitate meeting spiritual and charitable needs of its citizens and visitors, and that such is a general welfare benefit to the community;

Whereas, the city desires to more readily provide for allowed locations for Place of Worship throughout the municipality; and

Now therefore, it is hereby ordained by the City of Reading, City Council, Berks County, Commonwealth of Pennsylvania, and it is hereby enacted by authority of same as follows:

**SECTION 1:** Amending Chapter 600-800(B)(1) as follows, via subjugation numbering as required in order to add “Places of Worship” as an allowed use permitted by right in all base zoning districts, namely:

801(B)(1)(d) Places of Worship       808(B)(1)(x) Places of Worship
SECTION 2: Amending Chapter §600-800(B), repealing and eliminating the following named subsections, thereby striking “Places of Worship” from being listed as a Special Exception Use in the Ordinance; as follows:

803(B)(3)(j)  804(B)(4)(l)  806(B)(3)(c) 807(B)(4)(c) 808(B)(4)(g) 810(B)(4)(g)

SECTION 3: Amending Chapter §600-1202(N) (under Part 12, Provisions for Special Exceptions) and creating de novo §600-1108: Places of Worship (under Part 11, Additional Requirements for Specific Uses); via repealing §1202(N) and its subsections (1) through (4) and relocating them verbatim into a newly created portion of Part 11 Additional Requirements for Specific Uses, to be known as §1108: Places of Worship; as follows:

Repealing §1202(N)

“N. Places of worship. The proposed use shall be a bona fide nonprofit religious use. Places of Worship shall be allowed as provided in the zoning district regulations provided that where special exception approval is required, the following additional standards shall be met:

(1) A new place of worship shall not be allowed in the R-1, R-2 or R-3 Districts in building space that is attached to a principal dwelling on another lot, unless such adjacent lots are in common ownership.

(2) The intended use in the proposed location will not adversely affect the comfortable enjoyment of property rights and otherwise adversely affect the value of adjacent properties; that the design of any structure to be erected in
connection with such use is in keeping with the general character of the area; and that sufficient landscaping, including trees, shrubs and lawn are provided to appropriately buffer these from adjoining properties and to insure an attractive appearance for the use.

(3) No new place of worship with a seating capacity of 300 persons or more shall front on a minor street as defined in Part 2 of Chapter 515, Subdivision and Land Development.

(4) If a place of worship is on a lot of greater than 10,000 square feet, then a child day-care center shall be a permitted by right accessory use. If a place of worship is on a smaller lot, then all of the requirements for a day-care center shall be met.”

Creating §600-1108 and incorporating (1) to (4):

1108: Places of Worship. The proposed use shall be a bona fide nonprofit religious use. Places of Worship shall be allowed as provided in the zoning district regulations, provided that the following additional standards shall be met:

(1) A new place of worship shall not be allowed in the R-1, R-2 or R-3 Districts in building space that is attached to a principal dwelling on another lot, unless such adjacent lots are in common ownership.

(2) The intended use in the proposed location will not adversely affect the comfortable enjoyment of property rights and otherwise adversely affect the value of adjacent properties; that the design of any structure to be erected in connection with such use is in keeping with the general character of the area; and that sufficient landscaping, including trees, shrubs and lawn are provided to appropriately buffer these from adjoining properties and to insure an attractive appearance for the use.

(3) No new place of worship with a seating capacity of 300 persons or more shall front on a minor street as defined in Part 2 of Chapter 515, Subdivision and Land Development.

(4) If a place of worship is on a lot of greater than 10,000 square feet, then a child day-care center shall be a permitted by right accessory use. If a place of worship is on a smaller lot, then all of the requirements for a day-care center shall be met.
**SECTION 4:** All relevant ordinances, regulations and policies of the City of Reading not amended per the attached shall remain in full force and effect.

**SECTION 5:** If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**SECTION 6:** This Ordinance shall be effective in ten (10) days in accordance with Charter 219 and enactment by City Council.

Enacted and Ordained this ____ day of __________ 2018

**ATTEST:**

_______________________   ________________________
  City Clerk      Council President
AN ORDINANCE AMENDING CODE OF THE CITY OF READING CHAPTER 576, VEHICLES AND TRAFFIC, PART 4, STOPPING AND PARKING, SECTION 576-815 TO DECREASE THE NUMBER OF UNSETTLED PARKING TICKETS EXPOSING A MOTOR VEHICLE TO BOOTING AND STORAGE.

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

SECTION 1. Amending the Code of the City of Reading Chapter 576 Vehicles and Traffic, Part 4, Stopping and Parking, Section 576-815 as attached in Exhibit A.

SECTION 2. All other parts of Section 576-815 shall remain in full force and effect.

SECTION 3. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor’s veto.

Enacted ______________________

____________________________________
President of Council

Attest:

______________________________
City Clerk

Sent to Mayor ______
Date: __________
Signed by Mayor ______
Date: __________
Vetoed by Mayor: ________
Chapter 576, Section 815  
Booting or towing and storage of vehicles.

The Reading Area Parking Authority may immediately tow any vehicle that is booted for having a minimum of five unsettled parking tickets *(tickets in the appeal process do not count)*. The booted vehicle may be towed by the Parking Authority any time after the boot is installed. If the booting occurs when a vehicle is parked in any zone regulated by towing provisions, then such vehicle is subject to immediate towing and storage. Towing and storage fees, as specified in this chapter, shall be paid, along with the fees specified in Section 576-814 before the owner of such vehicle or authorized person shall be permitted to repossess or secure the release of the vehicle. Vehicles unclaimed within 60 days of towing and storage shall be deemed abandoned and subject to disposal as such in the manner authorized by law.
BILL NO._______-2018
A N   O R D I N A N C E

AUTHORIZING THE CREATION OF AN OPEB (Other Post-Employment Benefits) TRUST AGREEMENT.

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

SECTION 1. Authorizing the creation of an OPEB (Other Post-Employment Benefits) Trust Agreement to provide for certain postemployment benefits for employees hired prior to January 1, 2011, as attached in Exhibit A.

SECTION 2. This Ordinance shall be effective ten (10) days after passage.

Enacted___________________________, 2018

_______________________________________
President of Council

Attest:

_______________________________________
City Clerk

Submitted to Mayor by: _________________
Date Submitted: ______________________
Received in Mayor’s Office by: _________________
Date Received: ______________________
Approved by Mayor: _________________
Date Approved: ______________________
Vetoed by Mayor: _________________
Date Vetoed: ______________________
EXHIBIT A

CITY OF READING OPEB TRUST AGREEMENT

This OPEB TRUST AGREEMENT (hereinafter the “Trust Agreement”) is entered into this day of , 2018 by and between the City of Reading, (the “City”) and the City of Reading OPEB Trust Board of Trustees (hereinafter, the “Trustees”).

RECITALS

WHEREAS, the City is a Third Class City operating under a Home Rule Charter under the laws of the Commonwealth of Pennsylvania; and
WHEREAS, the City employs 500+ personnel in the various departments of the City and is empowered under terms of its governing instrument(s) to provide for the security and welfare of its eligible employees, eligible retirees, and their spouses, dependents and beneficiaries (collectively, the “Covered Individuals”) by establishing and maintaining a Plan providing for certain postemployment benefits for employees hired prior to January 1, 2011 other than pensions to eligible Participants (referred to herein as the “City’s OPEB”); and
WHEREAS, the City has established the Plan and provides benefits to Participants pursuant to the Plan as an integral part of its exempt activities in performing its essential and authorized governmental functions; and
WHEREAS, the City provides funding for the Plan with respect to the City’s OPEB obligations in accordance with contractual arrangements between the City and its uniformed and non-uniformed employees through collective bargaining agreements between the City and the respective bargaining representatives for each of its bargaining units; and
WHEREAS, the City provide funding for the Plan with respect to the City’s non-unionized employees; and
WHEREAS, pursuant to Government Accounting Standards Board Statements No. 74 & 75 (“GASB 74” and “GASB 75,” respectively), the City must report an applicable amount of the cost of the City’s liability for the City’s OPEB on the City’s financial statements to the extent that such liability is not fully funded; and
WHEREAS, pursuant to GASB 74 and GASB 75, the City’s liability for the City’s OPEB will be considered funded to the extent that appropriate amounts are contributed and irrevocably set aside and held in a trust established, maintained, and administered for the purpose of satisfying such liability; and
WHEREAS, the City has determined that it is in the best interest of the City and the Covered Individuals that the City enter into this Trust Agreement in order to create a separate Trust Fund, pursuant to this Trust Agreement, as a vehicle for accepting and holding contributions from the City for the irrevocable funding of the City’s OPEBs; and
WHEREAS, the City is a governmental entity exempt from federal income tax pursuant to Section 115 of the Internal Revenue Code of 1986, as amended (the “Code”) and is exempt from taxation of every kind by the Commonwealth of Pennsylvania; and
WHEREAS, the City intends that the income accruing on contributions made by the City to the Trust be exempt from federal income tax pursuant to Section 115 of the Code and exempt from taxation by the Commonwealth of Pennsylvania; and
WHEREAS, the City intends that contributions to the Trust on behalf of Plan Participants be irrevocably made and excludable from the income of such individuals to the extent permitted under applicable provisions of the Code and of the laws of the Commonwealth of Pennsylvania; and
WHEREAS, the City intends that benefit payments from the Trust on behalf of Plan Participants be excludable from the income of such individuals to the extent permitted under applicable provisions of the Code and of the laws of the Commonwealth of Pennsylvania;
NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:
Article I
Definitions
1.1 Definitions. For the purposes of this Trust Agreement, the following terms shall have the meanings set forth below, unless otherwise expressly provided.
(a) “Board of Trustees” means the body established by Article 10 of this Trust Agreement, the membership of which, as so constituted from time to time, comprises the Trustees.
(b) “Code” has the meaning provided in the Recitals.
(c) “City” has the meaning provided in the Preamble.
(d) “City’s OPEB” has the meaning provided in the Recitals.
(e) “Covered Individual” or “Covered Individuals” has the meaning provided in the Recitals.
(f) “Dependent” means an individual who is considered a dependent Eligible for benefits under the terms of the Plan as approved by resolution or policy of the City, or as required by law.
(g) “Effective Date” means the date on which the Trust is created by the Trustees’ acceptance of cash or other assets from the City.
(h) “Eligible” means, with respect to any individual, meeting the requirements for eligibility pursuant to resolution or policy of the City and the terms of the Plan.
(i) “Employee” means an individual who is employed full time by the City and who is in a classification of employees who are eligible or who may become eligible to be Retirees.
(j) “GASB “74” and “GASB “75” have the meaning provided in the Recitals.
(k) “Investment Manager” means the individual or entity appointed by the Trustees to manage all or a portion of the investments of the Trust Fund.
(l) “OPEB” means “other postemployment benefits”.
(m) “Participant” means an Eligible Employee, Eligible Retiree, Eligible Spouse or other Eligible Dependent for whom coverage is or will be provided under the terms of the Plan.
(n) “Plan” means such postemployment health benefit plan or plans approved or established by the City, that provides postemployment health benefit coverage, or any other postemployment
welfare benefit plan, program or arrangement providing for sickness, accident, medical, disability, or similar welfare benefits, through insurance or otherwise, in existence as of the Effective Date or later adopted by the City for the benefit of its Eligible Employees, Eligible Retirees, and their Eligible Spouses and Eligible Dependents.

(o) “Police and Fire Departments and covered non-uniformed employees” has the meaning provided in the Recitals.

(p) “Political Subdivision” has the meaning provided in the Recitals.

(q) “Retiree” means an individual who is a retired Employee of the City who is Eligible for benefits under the terms of the Plan.

(r) “Spouse” means the lawful spouse of an Eligible Employee or Eligible Retiree, as determined under the laws of the state in which the Eligible Employee or Eligible Retiree has his or her primary place of residence and the terms of the Plan. Where required by law, Spouse shall include a civil union partner.

(s) “State” means the Commonwealth of Pennsylvania.

(t) “Trust” or “Trust Fund” means those assets, described in Section Error! Reference source not found. of this Trust Agreement, held by the Trustees at any time pursuant to this Trust Agreement.

(u) “Trust Agreement” has the meaning provided in the Preamble.

(v) “Trustee” or “Trustees” has the meaning provided in the Preamble.

Article II
Establishment of the Trust

2.1 Trust Established. The Trust is hereby established as of the Effective Date, separate and apart from the general assets of the City, for the exclusive benefit of Participants. The Trust Fund shall consist of the investments made pursuant to Article 7 of this Trust Agreement, any cash received by the Trustees, any other assets held pursuant to the terms of this Trust Agreement, and any increments, proceeds, earnings, and income to the above assets.

2.2 Purpose. This Trust is intended to be a separate trust to accommodate funding of the City’s OPEB. Accordingly, as provided in this Trust Agreement, the assets of the Trust are dedicated to providing benefits to Participants in accordance with the Plan and are legally protected from the creditors of the City, the City, and the Trustees.

2.3 Trust’s Compliance. The Trust is intended to comply with and be a tax-exempt governmental trust under Section 115 of the Code. This Trust Agreement shall be interpreted in a manner consistent with that intent and with the intention of the City that the Trust hereunder satisfies those requirements of GASB 74 (if applicable) and GASB 75.

2.4 Exclusive Benefit. Except as provided under applicable law, no part of the corpus or income of the Trust Fund may be used for, or diverted to, any purpose other than for the exclusive benefit of Participants under any Plan prior to the satisfaction of all liabilities of the Plan with respect to such Participants and payment of expenses of administering the Trust.

2.5 Spendthrift Provision. All assets, income and distributions of the Trust shall be protected against the claims of creditors of the City, the City, and Plan Participants, and shall not be subject to
execution, attachment, garnishment, the operation of bankruptcy, the insolvency laws or other process whatsoever, nor shall any assignment thereof be enforceable in any court.

2.6 Named Fiduciary. The Trustees shall be the fiduciaries for the Trust Fund and shall have the power to delegate responsibilities under this Trust Agreement. Such delegations may be to officers and employees of the City, the City, or to other individuals or organizations, including an actuary or a third-party administrator or record keeper, all of whom shall hold those delegations at the pleasure of the Trustees. Any employee of the City or a Political Subdivision who already receives full-time pay, and who is delegated such fiduciary responsibilities, shall serve without additional compensation except for reimbursement for expenses properly and actually incurred. Whenever the Trustees delegate a fiduciary duty in writing, the Trustees shall be free from liability for breach of such duty to the fullest extent permitted by law.

2.7 Segregation of Assets. Assets under the Trust may be segregated only for investment purposes. No individual account for any Participant will be maintained at any time under the Trust, and no Participant will have any right or title with respect to any specific assets of the Trust. Accordingly, no Participant will have a preferred claim, lien on, security interest in, or any beneficial interest in, any particular assets of the Trust. Participants will be entitled to receive payments of assets of the Trust (or have such assets paid on behalf of such Participants) only when, as and if determined by the Trustees in accordance with this Trust Agreement.

2.8 Annual Audit. The City shall appoint a responsible accounting firm to conduct an annual audit of the Trust at the sole expense of the City to the extent not paid out of the Trust. The results of such audit shall be provided to the Trustees.

2.9 Trust Fund Subject to Investment Risk. The Trust Fund is not insured by the Federal Deposit Insurance Corporation or any other federal agency. The value of the Trust Fund is subject to investment risks, including possible loss of principal.

Article III

Construction

3.1 Situs of Trust. The Trust will be administered in the Commonwealth of Pennsylvania, and its validity, construction, and all rights hereunder shall be governed by the laws of the Commonwealth of Pennsylvania. All contributions to the Trust Fund shall be deemed to occur in Pennsylvania.

3.2 Gender, Number. Pronouns and other similar words used herein in the masculine gender shall be read as the feminine gender where appropriate, and the singular form of words shall be read as the plural where appropriate.

3.3 Benefits Governed by Terms of Plan. The Plan shall govern eligibility for benefits and the terms and conditions of payment for benefits out of assets held in the Trust.

Article IV

Contributions

4.1 Contributions by the City. The City shall contribute to the Trust such amounts as it determines, in its sole discretion, subject to and consistent with such the City’s contractual agreement(s), if
applicable.

4.2 Contributions Are Irrevocable; Exception for Mistake of Fact. Each contribution to the Trust by
the City shall be an irrevocable and indefeasible transfer to the Trust. Except as provided in
subsection (a) hereof, neither the City, the Board of Trustees, nor any Trustee shall have any
right, title, interest, claim, or demand whatsoever in or to the funds held by the Trust, other than
the right to a proper application thereof and accounting therefore by the Board of Trustees as
provided herein, nor shall any funds revert to the City, the Board of Trustees, or any Trustee.

(a) Return of Contributions. Notwithstanding any other provisions of this Trust Agreement,
if and to the extent permitted by the Code and other applicable laws and regulations thereunder
and by GASB 74, if applicable, and GASB 75, upon a Political Subdivision’s request with the
approval of the City, a contribution that is deposited into the Trust by a mistake in fact shall be
returned by the Trustees to the Political Subdivision that contributed it within a reasonable period
of time.

4.3 Discontinuance of Contributions. The discontinuance of contributions to the Trust shall not
automatically terminate the Trust. The Trustees shall continue to administer the Trust in
accordance with this Trust Agreement until its obligations are discharged and satisfied.

Article V
Benefits

5.1 Payment of Benefits. Benefits shall be paid to Participants pursuant to the terms of the Plan and
any applicable collective bargaining agreement between the City and any bargaining
representative of any applicable bargaining unit. The Trustees shall make distributions from the
Trust as directed, in writing, by the City for the purpose of reimbursing the City or its agent for
the payment of benefits under the Plan. Pursuant to the City’s direction, the Trustees may directly
pay such amounts to a vendor or service provider designated by the City, or may reimburse the
City for insurance premiums or other payments expended or to be expended for permissible
benefits under the Plan. The Trustees shall have no duty to determine the rights or benefits of
any person having or claiming OPEB benefits or an interest under the Plan or this Trust
Agreement.

Article VI
Duties of the Trustees

6.1 Management of Trust Fund. The Trustees shall manage the assets of the Trust Fund for
investment purposes, as would a prudent person under like circumstances who is familiar with
such matters. The Trustees shall have no authority over the payment of benefits or bills from the
Trust assets absent the approval of the City as stated above. The Trustees shall have no duty to
determine the rights or benefits of any person having or claiming an interest under the Plan or
this Trust Agreement.

6.2 Receipt of Contributions. The Trustees agree to accept contributions to the Trust that are paid to
the Trustees by the City in accordance with the terms of this Trust Agreement. The Trustees shall
receive all contributions in cash or in such other form as permitted under the laws of the Commonwealth of Pennsylvania and acceptable to the Trustees. The Trustees shall be accountable to the City for the funds remitted to it by the City or by the City, and shall have a duty to see that the contribution received complies with the provisions of the Plan and with any statute, regulation or rule applicable to contribution.

6.4 Disbursements. Subject to Sections Error! Reference source not found. and Error! Reference source not found. of this Trust Agreement, the Trustees shall from time to time make payments or disbursements out of the Trust Fund to persons or other entities in such amounts as are necessary for the payment of OPEB pursuant to and in accordance with the terms of the Plan and for the payment of reasonable and proper expenses of the Plan and this Trust. In addition, the Trustees shall from time to time make payments or disbursements out of the Trust Fund to such persons or other entities, including the City, for the reimbursement of the Plan’s OPEB obligations or expenses previously satisfied by such persons or other entities. The Trustees shall pay all fees and expenses reasonably incurred by them in the administration of OPEB under the Plan and the Trust Fund unless the City directly pays such fees and expenses. Nothing contained in this Trust Agreement or the Plan shall constitute a guarantee that Trust assets will be sufficient to pay any OPEB to any particular Participant. The Trustees shall have no duty to determine the rights or benefits of any person having or claiming OPEB benefits or an interest under the Plan or this Trust Agreement.

(b) Expenses. The reasonable and proper expenses of the OPEB of the Plan and the Trust shall include, but not be limited to:

(1) The fees of any third-party record keeper and actuary’s fee as agreed upon by the Trustees from time to time;

(2) Expenses incurred by the Trustees in the operation and administration of the OPEB under the Plan and this Trust Fund;

(3) the fees and other charges against the Trust Fund by any Investment Manager or other person or firm that provides services for the OPEB provided under the Plan or the Trust Fund, including attorney’s fees; and

(4) Any income or other taxes properly levied or assessed against the Trust Fund.

6.5 Other Duties.

(c) Records. The Trustees shall keep such accounts and records and make such reports and disclosures as shall be required by law and by the Governmental Accounting Standards Board under this Trust Agreement and under the Plan. The records of the Trust pertaining to the City shall be open to inspection by the City at all reasonable times and will be audited on an annual basis by such persons as the City may specify.

(d) Statements. The Trustees shall furnish the City with an annual statement of account showing the condition of the Trust Fund and all investments, receipts, disbursements and other transactions effected by the Trustees during the fiscal year covered by the statement and also stating assets of the Trust held at the end of the fiscal year, which statement of account shall be conclusive on all persons, including the City, except as to any transaction concerning which the
City files with the Trustees written exceptions or objections within ninety (90) days after receipt of the statement of account.

(e) Compliance. The Trustees shall take such action (or refrain from taking such action, as the case may be) as shall be necessary to comply with the Trust, other agreements between the Trustees and the City or applicable Commonwealth of Pennsylvania and federal laws.

(f) Authority to Delegate Duties. The Trustees are authorized to delegate any of the duties assigned to them in this Trust Agreement, other than those duties relating to the investment or management of the assets of the Trust Fund, to any individual or organization it deems qualified to perform such duties. The Trustees are only authorized to delegate investment and asset management duties to an Investment Manager pursuant to the provisions of Article VII. When delegating duties, the Trustees shall document the delegation in either (i) a written amendment to this Trust, (ii) Trustee minutes or resolutions, or (iii) a separate written agreement with the delegate.

(g) Liability Limitations. Trustees shall not be liable for the acts or omissions of parties to whom they have specifically delegated duties, except with respect to any acts or omissions in which the Trustee participates knowingly or which the Trustee knowingly undertakes to conceal, and which the Trustee knows constitutes a breach of fiduciary responsibility. Each Trustee shall be held harmless, to the extent provided for in the laws of the Commonwealth of Pennsylvania, by the City and Participants, together with their heirs, successors and assignees, from any and all liability hereunder for acts or omissions performed in good faith and with prudence. Except as otherwise provided by contract or applicable law, no person acting in a fiduciary capacity with respect to the Trust shall be liable for any action taken or not taken with respect to the Trust except for actions that constitute breach of fiduciary duty or willful misconduct.

Article VII
Investment of Trust Assets

7.1 General Investment Power. The assets of the Trust shall be invested by the Trustees in accordance with Pennsylvania law and the investment policy developed by the City or, to the extent so delegated, the Trustees. Except to the extent such duties are specifically delegated to one or more Investment Managers under this Article, the Trustees shall manage and control assets of the Trust Fund, including selecting and retaining or disposing of any investment of such assets.

7.2 Investment and Funding Policies. The City or, if the City so delegates such authority, the Trustees, shall establish funding policies for contributions under the Trust as may be appropriate from time to time, consistent with the requirements of applicable law. The Trustees shall also establish and comply with investment policies for Trust investments. The Trustees shall coordinate their investment and funding policies with the Trust’s financial needs.

7.3 Full Investment Powers. The Trustees shall have full discretion and authority with regard to the investment of the Trust Fund, except to the extent they have delegated such discretion to a properly appointed Investment Manager with respect to Trust assets under such Investment Manager’s control or direction. The Trustees are authorized and empowered with all investment
powers conferred on trustees by the laws of the Commonwealth of Pennsylvania.

7.4 Investment Managers. The provisions in this subsection shall control the appointment and use of Investment Managers, as follows:

(h) Appointment. The Trustees may appoint one or more Investment Managers to manage the assets of all or any part of the Trust Fund. Each such Investment Manager shall be duly qualified to act in such capacity under applicable Federal and Pennsylvania law. The Trustees shall obtain from any Investment Manager a written statement:

(1) Acknowledging that it is a fiduciary with respect to the Trust assets under its management; and

(2) Certifying that it is qualified under applicable Federal and Pennsylvania law to be appointed as an Investment Manager under this Trust Agreement.

The Trustees shall enter into a written contract or agreement with each such Investment Manager in connection with its appointment as such, and such contract shall be subject to such terms and conditions and shall grant to the Investment Manager such authority and responsibilities as the Trustees deem appropriate under the circumstances. The Trustees shall not be responsible for any investment decision made by an Investment Manager unless the Trustees actually make that decision.

(i) Trustees’ Duties. Any investment directions or notifications from an Investment Manager to the Trustees may be made orally or in writing, or in such manner as shall be agreed upon between the Investment Manager and the Trustees; provided, in the event the Investment Manager gives the Trustees oral recommendations, directions or notifications, the Investment Manager shall confirm such directions or notifications in writing immediately thereafter.

(j) Violation of Trustees’ Fiduciary Duties. Notwithstanding the foregoing, if, in the Trustees’ sole discretion, the execution of any instruction with respect to, or the continued holding of any assets in, an investment managed by an Investment Manager would be in violation of the Trustees’ fiduciary responsibilities, the Trustees may refuse to execute such instruction or may dispose of such asset or assets, respectively; provided, the Trustees shall not be responsible for the acts or omissions of such Investment Manager. In any such case, the Trustees shall promptly notify the Investment Manager of such situation.

(k) Failure to Direct. In the event that an appointed Investment Manager shall fail to invest all or any portion of the assets under its management, the Trustees shall be responsible for the investment of such assets. If an appointed Investment Manager shall fail to give the Trustees instructions or directions relating to the voting of shares held pursuant to an investment directed by the Investment Manager or the execution and delivery of proxies, or relating to the purchase and sale of fractional shares or the exercise of any other ownership right, the Trustees shall take such action as they deem to be in the best interest of the Trust, provided such action is consistent with the then existing investment policies established by the Trustees.

(l) Termination of Appointment. Upon termination of the appointment of an Investment Manager, the Trustees may appoint a successor Investment Manager with respect to the investments formerly under the management of the terminated Investment Manager or may
merge or combine such investments with other investments or Trust assets within the guidelines of the investment policies established by the Trustees.

(m) Asset Transfer. If the Trustees direct an Investment Manager to hold a portion of the assets of the Trust as well as make the investment decisions for such funds, the Trustees shall enter into such contractual or other arrangements as are necessary for the transfer and custody of such assets of the Trust Fund. If the Trustees terminates such Investment Manager, it shall take such action to recapture and take directly into the Trust Fund any assets so transferred.

(n) Reports and Valuations. An Investment Manager who has custody of any portion of the assets of the Trust shall keep accurate and detailed books and records on all investments, receipts, disbursements and other transactions for such account and shall determine the fair market value of the assets of such account as of each reporting date determined by the Trustees, and, further, shall file a copy of such books and records and valuations with the Trustees on or before such deadlines as the Trustees shall reasonably set. The Trustees also shall have the right to request that any person who is responsible for making the investment decisions for an investment account determine the fair market value of any asset, or all of the assets, held for that account and file a copy of such valuation with the Trustees before such deadlines as the Trustees reasonably shall set, and each such person shall comply with any such request.

7.5 Assets. No assets from the Trust shall be withdrawn for the first five (5) years of the existence of the Trust. Thereafter, no more than five percent (5%) of the total assets of the Trust as of December 31, on a cost basis, shall be used as a contribution from the Trust against the annual OPEB expenses of the City in the following year.

Article VIII
Powers of the Trustees

8.1 General Authority. Except to the extent such powers are specifically delegated to an Investment Manager under Article VII of this Trust Agreement, the Trustees shall receive, hold, manage, convert, sell, exchange, invest, reinvest, disburse and otherwise deal with the assets of the Trust, including contributions to the Trust and the income and profits therefrom, without distinction between principal and income and in the manner and for the uses and purposes set forth in this Trust Agreement.

8.2 Specific Powers. In the management of the Trust, the Trustees or their delegates, as the case may be, shall have the following powers in addition to the powers customarily vested in trustees by the laws of the Commonwealth of Pennsylvania but in no way in derogation thereof, and such powers shall be exercised in accordance with proper directions and the investment policy established by the Trustees and without order of, and report to, any court:

(o) Sales. The Trustees and the Investment Manager shall not purchase or acquire any ownership interest in any real property, nor shall the Trustees sell, mortgage or lease real property related to the operation of the Trust. Likewise, the Trustees and Investment Manager shall not purchase or acquire any interest in any investment whose primary purpose is the ownership of real property.
(p) Retention of Cash. To hold cash without interest in such amounts as may be in their opinion reasonable for the proper operation of the Trust;

(q) Exercise of Owner’s Rights. To give general or special proxies or powers of attorney with or without power of substitution with respect to any corporate stock or other security; to exercise any conversion privileges, subscription rights or other options, and to make any payments incidental thereto; to oppose, consent to, or otherwise participate in reorganizations or other changes affecting any stock, bond, note or other property, and to delegate discretionary powers and pay any assessments or charges in connection therewith, and generally to exercise any of the powers of an owner, including voting rights, with respect to any stock, bond, note or other property held as part of the Trust;

(r) Registration of Investment. To cause any stock, bond, other security or other property held as part of the Trust to be registered in its own name or in the name of one or more of its nominees; provided, the books and records of the Trustees shall at all times show that all such investments are part of the Trust;

(s) Disbursement. To make disbursements for the payment of the City’s OPEB under the Plan and for the payment of reasonable and proper expenses of this Trust or of the Plan as related to the City’s OPEB;

(t) Retention of Disputed Funds. To retain any funds or property subject to any dispute without liability for the payment of interest; and to decline to make payment or delivery of the funds or property until final adjudication is made by a court of competent jurisdiction;

(u) Execution of Instruments. To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments, which may be necessary or appropriate to carry out the powers herein granted;

(v) Settlement of Claims and Debts. To settle, compromise or submit to arbitration any claims, debts or damages due or owing to or from the Trust, to commence or defend legal or administrative proceedings and to represent the Trust in all legal and administrative proceedings;

(w) Employment of Agents, Advisors and Counsel. To employ and to act or refrain from acting on the advice or opinion of suitable agents, actuaries, accountants, investment advisers, brokers and counsel, and to pay their reasonable expenses and compensation;

(x) Power to do any Necessary Act. To do all acts which it may deem necessary or proper and to exercise any and all powers of the Trustees under the Plan and this Trust Agreement upon such terms and conditions as it may deem in the best interests of the Trust;

(y) Loans. To borrow money only for such periods of time and upon such terms and conditions as the Trustees deem necessary and proper to cover any temporary, short-term overdrafts, and to secure such loans by mortgaging, pledging or conveying any property of the Trust; and

(z) Appointment of Custodian. To appoint a custodian to safeguard the assets of the Trust. The City hereby authorizes and directs the Trustees to enter into such agreements with any such custodian as may be necessary to establish an account with the custodian. For administrative
purposes, contributions deposited to the appointed custodian shall be deemed as contributions
deposited with the Trustees on behalf of the Trust.

8.3 Standard of Care. The Trustees shall discharge their duties under this Trust Agreement with the
care and skill required with respect to such duties. The Trustees shall not be responsible for the
title, validity, or genuineness of any property or evidence of title thereto received by them or
delivered by them pursuant to this Trust Agreement and shall be held harmless in acting upon
any notice, request, direction, instruction, consent, certification, or other instrument believed by
them to be genuine and delivered by the proper party or parties.

Article IX
Administration

9.1 Bonds and Reports to Court. Each Trustee shall be bonded to the extent required by law, except
that, to the extent the requirement of any such bond may be waived, such waiver shall be deemed
to have been exercised, and no such bond shall be required. The Trustees shall not be required to
make any inventory or appraisal or report to any court or to secure any order of any court for the
exercise of any power herein contained.

9.2 Accounting. Trustee shall maintain accurate records and detailed accounts of all investments,
receipts, disbursements, earnings, and other transactions related to the Trust, and those records
shall be available at all reasonable times to the City and its independent auditor. The Trustees
shall provide such reports to the City at mutually agreeable times.

9.3 Right to Audit. The City may conduct an independent audit of the Trust Fund at least annually.
The City may engage an independent auditor of its own choosing to assist in or conduct the audit.
The City shall have the right at all reasonable times during the terms of the Trust and for three
(3) years after the termination of the Trust to examine documents of the Trustees relating to the
Trust and the Trustees’ performance hereunder.

9.4 Action of the Trustees. A majority of the Trustees shall constitute a quorum and acts of a majority
of the Trustees present at any meeting at which a quorum is present or acts approved by all
Trustees in writing shall be deemed to be valid acts. Notwithstanding the above, the duly elected
chairperson of the Trustees as designated by the Trustees to perform ministerial acts, may execute
any documents relating to the Trust, including contracts relating to the investment or
reinvestment of the assets of the Trust, documents necessary for the exercise of any ownership
rights thereunder, service agreements or other related documents, and may perform other such
ministerial acts. The Trustees shall keep minutes of their proceedings and complete and accurate
records which may be examined at any reasonable time on behalf of the City by any officer or
employee designated in writing by the City.

Article X
Selection and Term of Board of Trustees

10.1 Membership. The Board of Trustees shall have at least seven (7) members, who shall be appointed by the City. A Trustee may concurrently serve as an employee of the City. The Board of Trustees make up will include: The Mayor, Managing Director, Director of Administrative Services, City Auditor, and one union representative from AFSCME, I.A.F.F. and FOP. The Mayor or his/her designee shall serve as Chair. The Board of Trustees shall meet twice a year with dates to be determined by the Board of Trustees.

10.2 Term. Each Trustee shall serve as Trustee until such time as the Trustee resigns or is removed by the City, as the case may be. The City at its option may appoint one or more temporary or interim Trustees who will serve for a limited term. Any Trustee may be removed at any time by the City by written notice delivered to the Trustee, as of the effective date of the notice. Any Trustee may resign at any time by written notice delivered to the City, as of the effective date of the notice.

10.3 Compensation. Trustees shall not receive any compensation for their services rendered as Trustees.

Article XI
Miscellaneous Provisions

11.1 Taxes.

(aa) Until advised to the contrary by the City, the Trustees shall consider the Trust to be exempt from federal, state, local and foreign income taxes. However, if the Trustees have reason to believe that such exemption does not or ceases to apply, Trustee shall notify the City of its belief, in writing. The Trustees shall not be responsible for filing any federal, state, local or foreign tax or information returns relating to the Plan or the Trust other than information returns required as a result of any distribution from the Trust.

(bb) The Trustees shall promptly notify the City of any taxes levied upon or assessed against the Trust. If the City wishes to contest the tax assessment, it must give appropriate written instructions to Trustees within thirty (30) days of notification. If the Trustees do not receive written instructions within thirty (30) days of notification, the Trustees will pay the tax from the Trust.

11.2 No Third Party Beneficiaries. The provisions of this Trust Agreement are intended to benefit only the parties hereto, their respective successors and assigns, and Participants under each Plan. There are no other third party beneficiaries.

11.3 Waiver. No waiver by either party of any failure or refusal to comply with an obligation hereunder shall be deemed a waiver of any other or subsequent failure or refusal to so comply.

11.4 Partial Invalidity. If any term or provision of this Trust Agreement or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Trust Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and
each term and provision of this Trust Agreement shall be valid and enforceable to the fullest extent permitted by law.

11.5 Execution in Counterparts. This Trust Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and said counterparts shall constitute one and the same instrument and may be sufficiently evidenced by one counterpart.

11.6 References to Statutes, etc. Unless the context clearly indicates to the contrary, a reference to a statute, regulation, document, or provision shall be construed as referring to any subsequently enacted, adopted, or re-designated statute or regulation or executed counterpart.

Article XII
Amendment and Termination

12.1 Amendment. This Trust Agreement may be amended at any time by written agreement signed by the City and the Trustees, provided that such amendment shall not operate to violate any applicable law or regulation.

12.2 Termination of Trust. The City reserves the right at any time to terminate this Trust; provided, however, that under no circumstance shall any portion of the Trust revert to or become property of the City or a Political Subdivision, except as provided in this Trust Agreement. Upon termination, the Trustees shall continue to administer the Trust in accordance with the provisions contained herein until all obligations under the Plan have been discharged and satisfied or all funds have been paid out. Upon termination of the Trust, and after the satisfaction of outstanding liabilities under the Plan to provide benefits and pay reasonable expenses, the assets of the Trust shall not be returned to the City but instead shall solely be applied toward the provision of sickness, accident, medical, disability or similar welfare benefits through another trust, as the City appropriately directs, with the intent that all income on such assets be exempt from tax under Section 115 or other applicable section of the Code.

12.3 Termination of Plan. The City reserves the right to terminate any Plan at any time. Upon such termination, the applicable part of the Trust shall be distributed by the Trustees in accordance with directions from the City for the purpose of providing permissible benefits. The Trustees are under no obligation to review written instructions from the City for compliance with the Plan. From the date of termination of the Plan until the final distribution of the Trust Fund, the Trustees shall continue to have all the powers provided under this Trust Agreement with respect to the assets of the Plan held in the Trust, and if not directly paid by the City, Trustee shall be entitled to debit the Trust for its out of pocket expenses (including counsel fees) incurred during this period.

12.4 Removal of Trustee. The City may remove the Trustees by delivery of written notice, to take effect at a date specified therein, which shall not be less than thirty (30) days after the delivery of such written notice to the Trustees.

Article XIII
Successor Trustees

13.1 Appointment of Successor Trustees. Upon resignation or removal of a Trustee or Trustees, the
City shall appoint a successor trustee or trustees and the City shall provide the Trustees with written notice of such appointment. The Trustees shall transfer the assets of the Trust to such successor trustee(s), and shall otherwise reasonably cooperate with the successor trustee(s) to ensure a smooth transition of the Trust Fund.

13.2 Failure to Appoint Successor. If either party has given notice of termination of the relationship and upon the expiration of the advance notice period, no party has accepted an appointment as successor, the Trustees will have the right to commence an action to deposit the assets of the Trust in a court of competent jurisdiction in the Commonwealth of Pennsylvania for administration until a successor may be appointed and accepts the transfer of the assets.

Article XIV
Limited Effect of Plan and Trust
14.1 Rights Limited to Terms of Plan and Trust Agreement. Subject to applicable law, neither the establishment of the Plan nor the Trust, nor any modification thereof, the creation of any fund or account, nor the payment of any benefits, shall be construed as giving to any person covered under the Plan or other person any legal or equitable right against the Trustees or the City or any right to benefits under the Plan, except as may otherwise be expressly provided in the Plan or his
trust Agreement.

Article XV
Protective Clause

15.1 Insured Benefits. Neither the City nor the Trustees shall be responsible for the validity of any contract of insurance or other arrangement maintained in connection with the Plan, or for the failure on the part of the insurer or provider to make payments provided by such contract, or for the action of any person which may delay payment or render a contract void or unenforceable in whole or in part.

IN WITNESS WHEREOF, the City and the Trustees have caused this Trust Agreement to be signed by their duly authorized officers or representatives on this _____ day of 2018.

CITY:

_____________________________
Mayor:

_____________________________
President of Council

_____________________________
City Clerk

TRUSTEES:

_____________________________
Name:

_____________________________
Name:

_____________________________
Name:
BILL NO. _____-2018
AN ORDINANCE
AMENDING THE 2018 BUDGET ORDINANCE BY AUTHORIZING THE CREATION OF THE CITY FACILITIES CONSTRUCTION FUND.

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

Section One: Council hereby authorizes amending the 2018 budget by creating the City Facilities Construction Fund. The fund, designated City Facilities Construction Fund 37, will capture allocated funds from the City’s General Fund surpluses and provide designated funding for city facility construction projects.

Section Two: The budgeted funds will be provided by a transfer from the City’s General Fund using portions of annual budget surpluses.

Section Three: This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _________________________, 2018
____________________________________
President of Council

Attest:

____________________________________
City Clerk

Sent to Mayor ______
Date: __________
Signed by Mayor ______
Date: __________
Vetoed by Mayor: ________
Date: __________
Over-ridden by Council:
Date: __________
TO:  City Council
FROM:  Glenn Steckman, Managing Director
PREPARED BY:  Don Pottiger, Controller
MEETING DATE:  September 10, 2018
AGENDA MEMO DATE:  September 5, 2018
RECOMMENDED ACTION:  Council approval of payment for the transfer of cash reserves in the General Fund to the City’s Other Post-Employment Benefits Trust Fund to allocate funds restricted for future funding of post-employment benefit liabilities.

RECOMMENDATION:
Administration recommends Council approval of the transfer of cash reserves in the General Fund to the City’s Other Post-Employment Benefits Trust Fund to allocate funds restricted for post-employment benefit liabilities.

BACKGROUND:
In the audited 2016 General Fund audited financial statements, an assignment of fund balance in the amount of $1,000,000 was created to provide funding for future other post-employment benefit liabilities. The trust fund has been created and approved, so the administration is asking the council to transfer these funds into a new bank account and a new fund to preserve the designated purpose established in the 2016 audited financial statements by approving this transfer.

BUDGETARY IMPACT:
These amendments would not impact the 2018 General Fund budget, since this is an allocation of fund balance from the General Fund to the Other Post-Employment Benefits Trust Fund. The net effect would be to reduce the beginning 2018 General Fund’s fund balance by $1,000,000.

**PREVIOUS ACTION:**
None.

**SUBSEQUENT ACTION:**
The budget amendment must be approved by Council.

**RECOMMENDED BY:**
The Managing Director.

**RECOMMENDED MOTION:**
Approve/deny the ordinance amending the 2018 General Fund budget to approve the transfer of cash reserves in the General Fund to the City’s Other Post-Employment Benefits Trust Fund to allocate funds restricted for future funding of post-employment benefits.
BILL NO. _____-2018
AN ORDINANCE
AMENDING THE 2018 BUDGET ORDINANCE TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE GENERAL FUND’S CASH ACCOUNT TO FUND THE NEWLY ESTABLISHED CITY OTHER POST EMPLOYMENT BENEFITS TRUST FUND IN THE AMOUNT OF $1,000,000.

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

Section One: The 2018 Budget Ordinance is hereby amended by changing the ordinance to reflect the transfer of $1,000,000 in cash reserves from the 2016 fund balance designated for the funding of the other post-employment benefits trust fund to the newly established City Other Post-Employment Benefits Trust Fund to provide funds restricted for post-employment benefits liabilities.

Section Two: The funds will be provided from changes in both the General Fund and City Other Post-Employment Benefits Trust Fund budgeted line items attached as Exhibit A.

Section Three: This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _________________________, 2018

____________________________________
President of Council

Attest:

____________________________________
City Clerk
TO: City Council
FROM: Glenn Steckman, Managing Director
Ralph Johnson, Public Works Director
PREPARED BY: Don Pottiger, Controller
MEETING DATE: July 9, 2018
AGENDA MEMO DATE: July 3, 2018
RECOMMENDED ACTION: Council approval of payment for the transfer of cash reserves in the General Fund to the City Facilities Construction Fund to allocate funds restricted for construction of city facility projects.

RECOMMENDATION:
Administration recommends Council approval of the transfer of cash reserves in the General Fund to the City Facilities Construction Fund to allocate funds restricted for construction of city facilities.

BACKGROUND:
In order to fund for various facility construction projects the city is planning, the administration is asking the council to approve the use of the General Fund’s 2017 surplus in the fund balance to allocate funds.

BUDGETARY IMPACT:
These amendments would not impact the 2018 General Fund budget, since this is an allocation of a prior year surplus in order to fund the newly created fund. The net effect would be to reduce the beginning 2018 General Fund’s fund balance by $4,400,000.

PREVIOUS ACTION:
None.

SUBSEQUENT ACTION:
The budget amendment must be approved by Council.

RECOMMENDED BY:
The Managing Director and Director of Public Works.

RECOMMENDED MOTION:
Approve/deny the ordinance amending the 2018 General Fund budget to approve the transfer of cash reserves in the General Fund to the City Facilities Construction Fund to allocate funds restricted for construction of city facilities.
AN ORDINANCE

AMENDING THE 2018 BUDGET ORDINANCE - TO AUTHORIZE THE TRANSFER OF $2,000,000 FROM THE GENERAL FUND’S 2017 BUDGET SURPLUS TO FUND THE BUDGET FOR THE NEWLY ESTABLISHED CITY FACILITIES CONSTRUCTION FUND IN THE AMOUNT OF $4,400,000.

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

Section One: The 2018 Budget Ordinance is hereby amended by authorizing the transfer of $4,400,000 in 2017 General Fund Surplus Cash Reserves to the newly established City Facilities Construction Fund – Fund 37 - to provide funds restricted for city facilities construction projects.

Section Two: The funds will be provided from changes in both the General fund and City Facilities Construction Fund budgeted line items attached as Exhibit A.

Section Three: This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _________________________, 2018

__________________________________
President of Council

Attest:

__________________________________
City Clerk
TO: City Council  

FROM: Andrés Dominguez, Jr., Police Chief  

PREPARED BY: Police Chief  

MEETING DATE: September 24, 2018  

AGENDA MEMO DATE: September 19, 2018  

RECOMMENDED ACTION: Addition of (1) Administrative Assistant to the Chief of Police  

BACKGROUND: 
Administrative Assistant to the Chief of Police will:

- Answer police specific e-mails and walk-in questions, complaints.
- Log new disciplines into the Discipline database, type up the Specification of Charges and Recommendation of Charges. Ensure that officer receives the paperwork and responds in a timely manner. Set up Chief level and Mayor level meetings as required, co-ordinate with FOP on these matters. Brief Chief and Mayor on each stage of the Discipline Process.
- Log any Accidents into the Accident Database, Make sure Risk and Safety also receives a copy. Gather all paperwork for the Accident Review Board, type up and dispense final rulings. Enter final determination into Database.
- Log any Use of Force into the Use of Force (Non-Deadly) Database. Read each one carefully to be sure you have E-8’s from each person involved in the incident. Get the complete report, including any handwritten reports. Enter final determination into database. Gather all paperwork for Use of Force Review Board, type up and dispense final rulings.
- Log requests for Awards into the Database. Make sure the Officer that is requesting the award has attached the proper paperwork to justify the request.
- Log in any High Risk Building Forms in the High Risk Bldg Database and dispense copies to Legal, CSC, Fire, Codes, Patrol division.
- Log all Administrative Inquiries, Internal Affairs Complaints and Citizen Complaints into the Databases. Type up the notification paperwork for the Officer involved and their Supervisor. Also type up the paperwork assigning Internal Affairs Lieutenant to the task. Have the Chief initial ALL these sheets and give all the sheets to Lieutenant. Send out the paperwork letting the Officer know there is an investigation against them.
- Log in all use of DEADLY Force in Database.
• Update the Civilian Personnel Database.
• At least once a year update the ENTIRE Driver License database.
• Write Retirement and Promotional Awards.
• Write awards as approved by the Awards Review Board.
• Coordinate, manage, and implement student internship program. Also coordinate all ride-alongs and complete prescreening checks on each candidate.
• Order ALL supplies for the office, coordinate with Purchasing.
• Keep MASTER Copies of the General Orders Up to Date, electronic and hard copy.
• Make sure all new employees have a CD of the General Orders.
• Keep ALL Contracts (FOP) Up to Date, including all Court Orders pertaining to any contracts.
• Type up all “Attaboy” Letters for officers and Thank you letters to the General Public.
• Type letters to the Sheriff to have gun permits pulled, include required police reports and all appropriate documentation.
• Type any necessary “Political Type” letters as needed.
• Answer requests for employment with the Police Department.
• Type up the New Year Shift Assignments.
• Save all reports relative to recovered guns for possible Lightning Bolt awards.
• Coordinate and work with City Attorneys on ALL cases and Right to Know requests.
• Coordinate and work with outside attorneys who represent our police officers in civil suits. Copy all personnel files and reports as requested. Also need to research various names in the all databases for previous offenses and contacts with police.
• Coordinate and work with outside attorneys on all other police related cases and depositions.
• Make sure all grievances are logged into the Database and make sure all routes are followed as needed for proper discussions and settlements.
• Handle all requests for Solicitation within City limits. Make sure all persons selling are not wanted criminals. Make sure they have the proper paperwork to solicit.
• Log and monitor all extra duty jobs as well as log in all overtime cards associated with the extra duty jobs.
• Schedule meetings for the Chief and manage his calendar.
• Screen telephone and in person calls for the Chief or send the complainant to the appropriate Captain/Supervisor.
• Prepare responses for the Chief to correspondence and requests from the public and other departments.
• Interact and work with members of various other departments to get things done.
• Make sure all new officers get the Hep B shot series if they want/need them.
• Coordinate trainings with outside agencies.
• Respond to other departments for police related complaints and to coordinate our response.
• Get Mail from Records and Radio Room
• Update any address and/or phone number changes in the Sworn Database
• Send database updates to Desk Sgt. and Command staff
• All police related questions generated via the internet, are forwarded to this office for answers or forwarding as needed.
• Manage and update Sworn Personnel Emergency Contact Database.
• Coordinate annual awards banquet.

**BUDGETARY IMPACT:**
This position will be changed from a part time to a full time civilian or sworn police officer position. Sgt. Nathan Matz, from the active RPD personnel roster, has replaced the previous part time civilian. The difference of $6,557 for the promotion of an additional Sgt. (to replace Sgt. Nathan Matz) has been approved by the Act 47 Administrator Gordon Mann, and the Mayor’s Office.

**PREVIOUS ACTION:**
None

**RECOMMENDED BY:**
Police Chief
BILL NO. _____-2018
AN ORDINANCE

AMENDING THE 2018 POSITION ORDINANCE IN THE POLICE DEPARTMENT ADMINISTRATION DIVISION BY CHANGING THE CIVILIAN PART-TIME ADMINISTRATIVE ASSISTANT TO THE POLICE CHIEF TO A FULL-TIME POSITION THAT CAN BE EITHER A CIVILIAN OR A SWORN POLICE OFFICER FROM THE ACTIVE ROSTER

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

Section One: Amending the 2018 Position Ordinance Police Department, Administration Division by changing the civilian part-time Administrative Assistant to the Police Chief to a full-time position that can be either a civilian or a Sworn Police Officer from the active personnel roster.

Section Two: The budgetary shortfall of $6,557 has been approved by the Act 47 Administrator Gordon Mann, and the Mayor’s Office.

Section Three: This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _________________________, 2018

____________________________________
President of Council

Attest:

____________________________________
City Clerk
BILL NO. _____-2018

AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE, PART 301 POWERS AND DUTIES OF THE MAYOR REGARDING THE APPOINTMENT OF A TEMPORARY OR INTERIM MANAGING DIRECTOR

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

SECTION 1. Amending Chapter 5 of the City Code, Part 301 Powers and Duties of the Mayor regarding the appointment of a temporary or interim Managing Director as follows:

§ 5-301. Power and duties.
The Mayor shall be the Chief Executive Officer of the City of Reading and shall have those powers and duties prescribed by law, the Charter (see § 301, The Mayor), and ordinance and include but not be limited to the following. The Mayor is ultimately responsible to the people of Reading for the administration of the government. This does not mean, however, that the Mayor need perform each activity mentioned below. Rather, the Mayor as the chief executive officer may assign duties as he/she deems necessary.

Editor's Note: Section 301 of the Charter provides:
§ 301. The Mayor.
The executive, administrative and law enforcement powers of the City shall be vested in the Mayor. The Mayor shall control and be accountable for the executive branch of City government, as provided by this Charter.

A. Section 308(a) through (n) of the Charter, "Powers and duties of the Mayor."

Editor's Note: Section 308 of the Charter provides:
§ 308. Powers and duties of the Mayor.
The Mayor shall have the following powers and duties:
(a) Execute, enforce, and obey the ordinances of the City and laws of the Commonwealth of Pennsylvania and the United States of America.
(b) Prepare and present a budget to City Council in accordance with the provisions of this Charter.
(c) Inform City Council and the public each January of the financial and general condition of the City.
(d) Provide Council with all information concerning finances and general conditions of the City as may be requested by Council.
(e) Introduce proposed legislation to Council and make recommendations to City Council concerning the affairs of the City.
(f) Be responsible for the hiring, with the approval of Council, of the City Managing Director.
(g) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by the Charter or by law.

(h) Ensure that all laws, provisions of this Charter and acts of City Council, subject to enforcement by the Managing Director, are faithfully executed by the Managing Director.

(i) Be responsible for the establishment and development of administrative policy to be implemented by the Managing Director.

(j) Be present or represented at all public Council meetings. The Mayor may participate in all public discussions but shall have no vote.

(k) Execute all bonds, notes, contracts and written obligations of the City.

(l) Issue subpoenas and compulsory processes, under the Official Seal of the Mayor, for the attendance of such persons and the production of such books and records as deemed necessary by the Mayor, and seek enforcement of such subpoenas by the Court of Common Pleas of Berks County.

(m) Unless otherwise provided, be responsible for the employment of personnel necessary for the effective operation of City government.

(n) Perform such other duties and exercise such other powers as stated in this Charter, by law or ordinance.

B. Section 221 of the Charter, Submission to Mayor and veto power.

C. Section 309 of the Charter, Appointment by the Mayor.

D. Section 310 of the Charter, Removals by Mayor.

E. Section 311 of the Charter, Managing Director.

Editor's Note: Section 311 of the Charter provides:

§ 311. Managing Director.
The Mayor, pursuant to the provisions of this Charter, shall appoint a full-time officer of the City who shall have the title of Managing Director and who shall receive compensation comparable to that received by a person in a position of similar responsibilities.

F. Section 401 of the Charter, Appointment; qualifications; compensation.

Editor's Note: Section 401 of the Charter provides:

§ 401. Appointment; qualifications; compensation.

(a) Within 90 days of taking office, the Mayor, with the approval of City Council, shall appoint a Managing Director for an indefinite term, subject to at least a biennial review, and fix the Managing Director's compensation. The Managing Director need not be a resident of the City at the time of appointment, but after appointment, shall reside in the City. The Managing Director shall establish such City residency within 12 months of being appointed.

(b) Any candidate for Managing Director shall:

(1) Have a master's degree in public administration, business administration, or its equivalent, and have at least three years' experience at an executive or administrative level.

(2) Have a bachelor's degree in public administration, or its equivalent, and have at least five years of experience at an executive or administrative level.

(c) City Council may, by ordinance, establish additional qualifications for the position of Managing Director, prior to advertisement for the hiring of the Managing Director.

(d) In the event that the position of Managing Director cannot be filled by the Mayor, the Mayor may appoint a temporary Managing Director for a period of time not to exceed 90 days. During this period of time, the Mayor shall continue to use all available means to fill the position.

(e) In the event the Mayor has not filled the position of Managing Director within 180 days of taking office, City Council shall, within 90 days thereafter, hire a Managing Director. Any person hired by City Council shall
hold the qualifications for said position prescribed by this Charter. The Mayor shall not have the power of veto over any candidate hired by City Council in accordance with the provisions of this Charter.

1. The Mayor shall, within 10 days of the Managing Director position becoming vacant, appoint the City Solicitor as the Interim Managing Director.

2. If the position of Managing Director cannot be filled by the Mayor within 90 days, the Mayor shall select a temporary Managing Director who shall meet the qualifications stated in Charter Section 401b or continue to retain the City Solicitor as the temporary Managing Director.

3. Any appointments of an Interim, Temporary or Acting Managing Director made contrary to the provisions of 1 and 2 above and made prior to the effective date of this ordinance shall be null and void.

G. Section 404(a), (b) of the Charter, Removal.
Editor's Note: Section 404(a) and (b) of the Charter provide:
§ 404. Removal.
(a) The Managing Director may be removed from office by the Mayor at any time, without cause.
(b) At least 15 days prior to the removal from office, the Mayor shall notify the Managing Director and City Council in writing of such removal.

SECTION 2. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor’s veto.

Enacted__________________, 2018

____________________________________
Council President

Attest:

____________________________________
City Clerk
BILL NO. _____-2018

AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE, PART 803
DEPARTMENT DIRECTORS REGARDING THE APPOINTMENT OF ACTING
DEPARTMENT DIRECTORS AND TEMPORARY MANAGERS

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

SECTION 1. Amending Chapter 5 of the City Code, Part 803 Department Directors regarding the appointment of Acting Department Directors and Temporary Managers as follows:

§ 5-803. Department directors.
All Department Directors shall be appointed by the Mayor with the approval of Council as stipulated in the Charter. They shall be selected solely on the basis of education, training, experience, professional, executive and administrative abilities pertinent to the function, duties, and operations of their respective departments and as prescribed by law. Department directors, with the exception of the City Solicitor who reports to the Mayor, serve under the Managing Director's direction and supervision.

A. The Managing Director shall appoint acting department directors and temporary managers within 10 days of the date the position becomes vacant. Acting department directors appointed by the Managing Director may serve no more than 180 days. Council may agree to extend said term for additional ninety-day period by resolution upon request by the Mayor and upon satisfactory proof that the Mayor and/or Managing Director have made a diligent effort to recruit and hire a department director.

B. An acting department director or temporary manager who has been appointed to serve as department director or temporary manager but who fails to be confirmed by vote of Council shall continue to serve as acting director or temporary manager no longer than a period of 30 days from the date of the negative vote by Council, unless Council agrees to extend for ninety-day period(s) as set forth in the preceding subsection.
C. No appointed person shall serve as acting department director or temporary manager unless employed by the City of Reading prior to such appointment or approved by City Council resolution. Council shall, within 30 days, approve the acting director/manager appointment or the appointment shall be deemed approved.

D. Whenever the acting department director or temporary manager is absent due to vacation, illness or injury, the person filling that position shall designate a qualified employee from the existing department staff to head the department until the acting department director or temporary manager returns to duty. (See also Chapter 70, Personnel, § 70-708, Temporary reassignment.)

E. Whenever the department director or manager position is vacant due to removal, resignation, retirement, permanent disability or death, the Managing Director shall appoint a qualified employee from the department to the acting director or temporary manager position, as is required in § 5-401F of this chapter, until such time as the Mayor nominates a replacement to City Council and City Council approves the nomination. (See also Chapter 70, Personnel, § 70-708, Temporary reassignment.)

F. All department directors and managers shall have an annual performance review within 45 days of their anniversary date, or one year after their previous increase date, completed by the Managing Director and reviewed by the Mayor. No director or manager will receive more than one increase per year in any calendar period. The performance evaluations shall be made available for Council members to review. Any salary increase for department directors and managers shall be based on the performance evaluations and the criteria specified in the salary range policies, where applicable, for each position. The Solicitor shall have an annual performance review completed by the Mayor and members of Council. Any salary increase for the Solicitor shall be based on the performance review and the criteria specified in the salary range for the Solicitor position.

SECTION 2. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor’s veto.

Enacted__________________, 2018

_________________________________
Council President

Attest: ____________________________________
City Clerk
TO:                  City Council
FROM:                Osmer Deming, Acting Managing Director
                           Ralph Johnson, Public Works Director
PREPARED BY:        Don Pottiger, Controller
MEETING DATE:       October 8, 2018
AGENDA MEMO DATE:   October 3, 2018
REQUESTED ACTION:   Amend the 2018 Self Insurance Fund budget to reflect the receipt of an insurance
                    claim to provide funds to repair roofs on city owned properties damaged as a result of
                    hail damage.

RECOMMENDATION
The Mayor and Acting Managing Director recommend the above changes in the 2018 Self Insurance Fund budget,
resulting from the receipt of an insurance claim resulting from the claim for damages resulting from hail damage.
The proceeds will be used to repair roofs at multiple city owned properties.

BACKGROUND
Claims had been filed and receipt of the insurance claims proceeds had occurred in 2017. Contracts have been
awarded to Bachman’s Roofing to make the necessary repairs. This agenda memo and ordinance will establish a
budget line in order to pay for the necessary repairs using the insurance proceeds already received by the City.

BUDGETARY IMPACT
The authorization of the amendment will not impact the overall budget.

PREVIOUS ACTIONS
None
**SUBSEQUENT ACTION**
Council to take action to approve an ordinance to amend the 2018 Self Insurance Fund budget to record the proceeds of an insurance claim to provide funds to repair multiple roofs on city owned properties which were damaged by a hailstorm.

**RECOMMENDED BY**
The Mayor and Acting Managing Director recommends approval.

**RECOMMENDED MOTION**
Approve/deny the ordinance amending the 2018 Self Insurance Fund budget to record the proceeds of the insurance claim which will be used to pay for repairing roofs on multiple city owned properties.

Drafted by: Controller
Sponsored/Referred by: Acting Solicitor
Introduced on: Oct 8, 2018
Advertised on: N/A

BILL NO. _____-2018
AN ORDINANCE

AMENDING THE 2018 SELF INSURANCE FUND BUDGET ORDINANCE
AUTHORIZING AN APPROPRIATIONS TRANSFER TO REFLECT INSURANCE CLAIM
PROCEEDS PREVIOUSLY RECEIVED AND TO REFLECT THE COST OF REPAIRS
NECESSARY TO REPAIR ROOF DAMAGE.

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

**Section One:** Council hereby authorizes amending the 2018 Self Insurance Fund budget in the amount of $323,198.74 to reflect the proceeds of an insurance claim which will be used to repair roofs on city owned property as a result of hailstorms.

**Section Two:** The payment will be paid from the Self Insurance Fund Repairs to Damaged Property budget line item (52-11-00-4755) for the amount of $323,198.74, and the line item will be funded by the addition of the Self Insurance Fund - Transfer from Fund Balance budget line item (52-11-00-3990) for the amount of $323,198.74.
Section Three: This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _________________________, 2018

____________________________________
President of Council

Attest:

____________________________________
City Clerk

Sent to Mayor ______
Date: __________
Signed by Mayor ______
Date: __________
Vetoed by Mayor: ______
Date: __________
Over-ridden by Council:
Date: __________
B I L L    N O._______ 2018
A N    O R D I N A N C E

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 7 FIRE PREVENTION AND FIRE PROTECTION

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

SECTION 1. Chapter 7, Fire Prevention and Fire Protection, shall be amended per Exhibit “A” as attached hereto.

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

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

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted ________________________, 2018

____________________________________
President of Council

Attest:

____________________________________
City Clerk
Submitted to Mayor: __________________________
Date: __________________________
Received by the Mayor’s Office: __________________________
Date: __________________________
Approved by Mayor: __________________________
Date: __________________________

EXHIBIT “A”
CHAPTER 7
FIRE PREVENTION AND FIRE PROTECTION

PART 1
FIREWORKS

§7-101. Supervised Public Displays

§7-102. Penalty

PART 2

§7-201. Adoption of the International Fire Code
§7-202. State Law and Regulations
§7-203. Provisions to Be Continuation of Existing Regulations
§7-204. Publication
§7-205. Title
§7-206. Enforcement
§7-207. Amendments

PART 1
FIREWORKS

(1) Section §7-101 Fireworks is amended by adding the following text:


In accordance with Title 5 Health and Safety: Chapter 13A. Fireworks and Explosives, the Fire Marshal, within his/her discretion, may authorize and grant special permission for supervised public display of fireworks by a competent operator, in accordance with this code. The operator shall be required to obtain a Certificate of Fitness and provide proof of insurance or post a bond with the City Clerk in a sum of not less than one million dollars ($1,000,000) conditioned for the payment of all damages which may be caused either to a person or persons, or to property by reason of the licensed display and arising from any acts of such operator, his/her agents, employees or subcontractors.

§7-102. Penalty.

1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be guilty of a summary offense shall, upon conviction thereof, be sentenced to pay a fine by the district justice not to exceed $500 and be subject to a term of imprisonment not in excess of 90 days if they fail to pay such fine. Each day that a violation of this Part continues shall constitute a separate offense.

2. In addition to the above penalties all other actions are hereby reserved, including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time.


PART 2
FIRE PREVENTION CODE

(2) Section §7-201 Adoption of the International Fire Code is amended by deleting and adding the following text:

7-201. Adoption of the International Fire Code.

That a certain document, three copies of which are on file in the office of the City Clerk of City of Reading, being marked and designated as the International Fire Code, 2015 edition, including Appendix Chapters (A, B, C, D, E, F, G, H, I, J, K, L, M) (see International Fire Code §101.2.1, 2015 edition), as published by the International Code Council is hereby adopted and incorporated herein by reference in and is hereby adopted as the City of Reading Fire Prevention Code, in the Commonwealth of Pennsylvania regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage,
handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Reading are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §7-202 of this Part.


(3) Section §5-302 State Law and Regulations is changed to §7-202.

§5-302 7-202. State Law and Regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the State requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

(Ord. 95-2006, 12/11/2006, §4)

7-203. Provisions to Be Continuation of Existing Regulations.

That nothing in this Part or in the Fire Code hereby adopted shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance as repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 95-2006, 12/11/2006, §4)

7-204. Publication.

That the City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

76
7-205. Title.

This Part shall be known as the “City of Reading Fire Prevention Code.”

(Ord. 95-2006, 12/11/2006, §5)

(4) Section 7-206 Enforcement, Section B is amended by adding the following sentence after the last sentence in Section B:

7-206. Enforcement.

Division of Fire Prevention:

A. The Fire Prevention Code shall be enforced by the Department of Fire and Rescue Services - Fire Marshal’s Office/Fire Prevention Division, of the City of Reading.

B. The person in charge of the Fire Marshal’s Office/Fire Prevention Division shall be designated as the Fire Marshal and shall be appointed by the Mayor of the City of Reading with the approval and consent of the Council of the City of Reading, bi-annually. The Fire Marshal shall also be known as the Fire Code Official and any use of the term Fire Code Official in this document shall be synonymous with Fire Marshal.

C. The Fire Chief shall recommend to the Mayor and Council the employment of such assistants as are deemed appropriate to enforce the Fire Prevention Code.

D. The Fire Marshal shall supervise his/her assistants and may detail such assistants to perform such functions as are appropriate or necessary for effective enforcement of the Fire Prevention Code.

E. The Fire Chief shall be the ex-officio in the absence of the Fire Marshal.

F. No person shall in any way obstruct or prevent or attempt to obstruct or prevent the Fire Marshal or his/her designee in the discharge of his/her duties. Violation of this provision shall be considered a summary offense. Any person violating any of the provisions of this Section shall,
upon conviction thereof, be sentenced to pay a fine by the district justice not to exceed $500 and be subject to a term of imprisonment not in excess of 90 days if they fail to pay such fine.

(Ord. 95-2006, 12/11/2006, §7)

7-207. Amendments to the International Fire Code.

The International Fire Code 2015 Edition, is modified and amended in the following respects, and the following amendments, modifications and additions so made are hereby adopted to the same intent and effect as if originally incorporated in that Code.

A. Chapter 1, Section 101.1, Title, is amended by deleting the words “name of jurisdiction” and the brackets surrounding that phrase and by substituting in place thereof the words “the City of Reading.”

B. Chapter 1, Section 104.3 Right of entry, insert the following sentence after the section title and before the first sentence of Section 104.3:
The Fire Code Official may inspect all structures and premises for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life, or any violations of the provisions or intent of this code.

C. Chapter 1, Subsection 104.7.2 Technical assistance. Delete Subsection 104.7.2 Technical assistance in its entirety and replace with Subsection 104.7.2 Technical assistance from the International Fire Code, 2015 Edition.

104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official, the fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, and laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and
appurtenances situated thereon, to recommend necessary changes. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

D. Chapter 1, Subsection 104.7.2 Technical assistance, add Subsection 104.7.2.1 after 104.7.2 to read:

104.7.2.1 Qualifications for technical opinion, report, or inspection acceptable to the Fire Code Official: Technical opinion, report, or inspection shall include but not be limited to a minimum 15 years experience in design, consultation, review, inspection and special inspection of fire protection systems both typical and complex, as well as building construction review and inspection. Qualifications shall include expertise, licensing, and certification in fire protection engineering, electrical engineering, and mechanical engineering, air balancing, and fire dynamics/modeling. Professional affiliation with peer accepted model organizations including but not limited to the International Code Council (ICC) and the National Fire Protection Association (NFPA) and possession of requisite certifications. NFPA Technical Committee representation and/or published and referenced by ICC on matters regarding code compliancy, development, or enforcement. Documented and peer reviewed subject matter expert.

E. Chapter 1, Subsection 105.1.1 Permits required. Delete Subsection 105.1.1 in its entirety and substitute with the following Subsection 105.1.1:

105.1.1 Permits required. Permits required by this code shall be obtained from the Fire Code Official. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Code Official. A fee for each permit shall be paid in accordance with the fee schedule as is set forth from time to time by Resolution of Council of the City of Reading, Pennsylvania.

F. Chapter 1, Subsection 106.2 Inspections, add Subsection 106.2.3 Notice after Subsection 106.2.2 as follows:

106.2.3 Notice. Notices scheduling inspections shall be mailed via regular mail to the owner at the address of record. Owners receiving notices shall notify tenants of the inspection without delay. If the tenant objects to the inspection, the tenant shall advise the owner who shall so inform the inspector. Nothing in this section shall preclude inspection without notice.
G. **Chapter 1, Section 106.2 Inspections, add Subsection 106.2.4 Failure to appear for inspection after new Subsection 106.2.3 as follows:**

**106.2.4 Failure to appear for inspection.** Owner or their representatives who cannot be available at the proposed time and date, shall no less than 24 hours prior to the scheduled inspection provide the Fire Prevention Division written notice of their unavailability. Failure to appear or provide 24 written notice of unavailability will result in the assessment of a Failure to Appear or Reschedule fee as listed in the fee schedule adopted by Resolution of City Council.

H. **Chapter 1, Section 108, Board of Appeals, is deleted in its entirety and amended by substituting the following:**

I. **108.1 Appeals.** Appeals before the City of Reading Building and Fire Code Board of Appeals, **henceforth known as the Board,** shall be governed by the provisions of this Code and all related amendments and by the rules of procedure.

J. **108.1.1 Background knowledge.** The Board shall become familiar with all other ordinances under which it may be expected to act as well as applicable State statutes such as the Sunshine Law, 65 Pa.C.S. §701 et seq., and Local Agency Law, 2 Pa.C.S. §101 et seq.

K. **108.1.2 Power to change to ordinances.** Nothing herein shall be construed to grant or give to the Board the power or authority to alter or change the building, fire prevention or other related ordinances, which authority is reserved to the Governing Body.

L. **108.1.3 Technical and legal services.** Within the limits of funds appropriated by the Governing Body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

M. **108.1.4 Legal counsel.** The legal counsel to the Board shall be consulted in cases where the powers of the Board are not clearly defined and provide assistance and consultation at hearings and preparation of decisions.

N. **108.1.5 Fees, costs and expenses.** Fees established by resolution of Council for the City of Reading shall be charged for filing an appeal. Appellants shall also be responsible for all costs and expenses arising from the Appeal which exceed in initial fee.
O. **108.2 Chairman and members.** The Board shall annually select one of its members to serve as Chairman. The Chairman shall perform all duties required by law, ordinances and these rules; shall preside at all meetings of the Board; shall decide on all points or order and procedure, subject to these rules, unless directed otherwise by a majority of the Board.

P. **108.2.1 Secretary.** A qualified clerk shall serve as secretary to the Board. The Secretary shall file a detailed record of all proceedings.

Q. **108.2.2 Members.** The Board of Appeals shall consist of seven members appointed by the Mayor and confirmed by the Council of the City of Reading as follows: one for 5 years, one for 4 years, one for 3 years, two for 2 years, and two for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed. Board may also be the Board of Appeals for the City of Reading established pursuant to the UCC.

R. **108.2.3 Qualifications.** The Board of Appeals shall consist of persons who are qualified by experience and training to rule on matters pertaining to the hazards of fire, explosions, hazardous conditions, or fire protection systems, and are not employed by the City of Reading.

S. **108.2.4 Alternates.** The Mayor shall appoint and the Council of the City of Reading shall confirm two alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership, and shall be appointed for 5 years or until a successor has been appointed.

T. **108.3 Meetings.** The Board shall meet upon notice from the Chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

U. **108.3.1 Public notice.** The Board shall hold all meetings at specified times and places of which public notice shall be given.

(a) All hearings before the Board shall be open to the public.

(b) Public notice of each meeting shall be given in a newspaper of general circulation within the community within 24 hours notice prior to the time
of the hearing in accordance with the Pennsylvania Sunshine Act, 65 Pa.C.S. § 701 et seq.

V. **108.3.2 Quorum.** The Board shall modify or reverse the decision of the Fire Code Official by a concurring vote of three members.

W. **108.3.3 Postponement.** When five members are not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.

X. **108.3.4 Continuance.** On its own motion, or on approval of requests by applicant, appellants or their authorized agents, the Board may provide for later continuances of cases on which hearings have begun. Such continuances shall be permitted only for good cause, stated in the motion, and, unless time and place is stated, shall require new public notice, with fees paid for by applicants if continuances are at their request or result from their actions. A notice of the place, date and time of the continued hearing shall also be posted prominently at the municipal office where the hearing will be continued.

Y. **108.6.4 Board’s function.** The owner of a structure; the owner’s agent; tenants; adjoining property owners; their tenants; or any other person involved in the design, construction, or maintenance of the structure shall have the right to appeal to the Board of Appeals from a decision of the Fire Code Official refusing to grant a modification of this code or of the application of the code.

Z. **108.64.1 Jurisdiction.** The Board shall have exclusive jurisdiction to hear and render final adjudications based on a claim that the true intent of the Fire Prevention Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction can be used.

AA. **108.64.2 Authority limited.** Nothing herein shall be construed to grant or give to the Board the power or authority to alter or change the Fire Prevention Code, or other related ordinances, which authority is reserved to the Governing Body.
BB. **108.7 5 Initiating action before the board.** All action before the Board shall be initiated by a written application with fee submission for a hearing, which shall be filed with the Fire Code Official within 20 days of the receipt of an order from the Fire Code Official.

CC. **108.75.1 Hearing schedule.** The Board will conduct hearings and make decisions. In no instance will a hearing be scheduled later than 30 days from the date of the applicant’s request for a hearing, unless the applicant has agreed to an extension of time in writing.

DD. **108.8 6 Conduct of hearing.** The hearing shall be conducted by the Board of Appeals and governed by Local Agency Law, 2 Pa.C.S. §101 et seq.

EE. **108.86.1 Order of hearing**

(a) Hearing called to order.

(b) Chairman’s statement of reason for hearing.

(c) Chairman’s statement of parties to hearing.

(d) Identification of other parties who wish to be heard.

(e) Outline of procedures to be followed during hearing.

(f) Determination of standing.

(g) Applicant’s presentation of their case.

(i) Objectors cross-examine applicant’s witnesses.

(ii) Board cross-examines applicant’s witnesses.

(g) Objector’s presentation of their case.

(i) Applicants cross-examine objector’s witnesses.

(ii) Board cross-examines objector’s witnesses.

(h) Statement of the Fire Code Official.

(i) Applicant’s cross-examination.

(ii) Objector’s cross-examination.
(iii) Board’s cross-examination.

(i) Other testimony and evidence.

(j) Rebuttal by applicant.

(k) Rebuttal by objectors.

FF. 108.86.2 Records. The Board shall keep a record of the proceedings. The minutes of the meeting and copies of graphic or written material received in evidence shall be made available to any party at cost by the court reporter, in accordance with Local Agency Law and Right to Know Law, 65 P.S. §66.1 et seq.

GG. 108.86.3 Parties. The parties to the hearing shall be the appellant, municipality, any person affected by the application who has made a timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. All persons who wish to be considered parties shall enter appearances in writing on forms provided to the Board for that purpose.

HH. 108.86.4 Representation. All parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument, and to cross-examine adverse witnesses on all relevant issues.

(a) For purposes of this subsection, the term “counsel” shall be construed to mean a duly licensed attorney permitted to practice before the Supreme Court of the Commonwealth of Pennsylvania.

(b) Any person other than a duly licensed attorney including, but not limited to, architects, engineers and developers shall present a power of attorney or notarized letter executed by the party stating that the person so appearing before the Board is permitted to do so.

II. 108.86.5 Witnesses. All witnesses shall testify under oath.

JJ. 108.86.6 Evidence. The Board shall not be bound by strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The chairman
shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

KK. 108.86.7 Communication. The Board shall not communicate directly or indirectly, with any party or his/her representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials except advice from the Board’s solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of the hearings with any party or his/her representative unless all parties are given an opportunity to be present.

LL. 108.9-7 Decisions.

(a) The Board shall render a written decision within 30 days after the last hearing before the Board in accord with Local Agency Law, 2 Pa.C.S. §101 et seq.

(b) The Board shall vote on all matters in public session at the meeting in which evidence is concluded. The Board may deliberate upon any matter in executive session provided that any vote is rendered at a public session within the allotted 30-day time limit.

(c) All matters shall be decided by roll call vote.

(d) The Board shall modify or reverse the decision of the Fire Code Official by a concurring vote of three members.

(e) The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and to the Fire Code Official.

(f) No member of the Board shall vote on any matter in which he is personally or financially interested. Said member shall not be counted by the Board in establishing a quorum for such matters.

(g) No member of the Board shall vote on an adjudication of any matter unless he has attended the public hearing thereon.
(h) A copy of the final decision shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision. The Board shall provide by mail or otherwise, to all other persons who have filed their name and address with the Board, a copy of the decision.

MM. Chapter 1, Section 109.34, Violation penalties, is amended by:

1. Deleting the words “specify offense” and the brackets surrounding that phrase and by inserting in place thereof the word “summary.”

2. Deleting the word “amount” and the brackets surrounding that phrase and by inserting in place thereof “$500 - $1,000.”

3. Deleting the words “number of days” and the brackets surrounding that phrase and by inserting in place thereof “90 days.”

NN. Chapter 1, Section 110.1 General, is amended by adding the following after the first paragraph and before Subsection 110.1.1 as follows:

The Fire Code Official or in his/her absence, the senior on-duty fire chief officer shall order the following dangerous or hazardous conditions or materials to be removed or remedied in accordance with this code:

1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure or adjacent structures or to endanger the occupants thereof.

2. Conditions which would interfere with the efficiency and use of any fire protection equipment.

3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere with the egress of occupants or the operation of the fire department in case of fire.

4. Accumulations of dust or waste material in air conditioning or ventilating
systems or grease in kitchen or other exhaust ducts.

5. Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.

6. Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.

7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.

8. Hazardous conditions arising from defective or improperly used or installed equipment for handling or using combustible, explosive or otherwise hazardous materials.

9. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.

10. All equipment, materials, processes or operations which are in violation of the provisions and intent of this code.

OO. Section 110.2 Evacuation. Insert the following language after the word “occupants” that appears at the end of the first sentence:

When, in the Fire Code Official's opinion, there is actual and potential danger to the occupants or those in the proximity of any structure or premises because of, but not limited to, unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the Fire Code Official may order the immediate evacuation of the structure or premises.

PP. Section 110.2.1 Posting. Add Section 110.2.1 as follows:

The Fire Code Official is authorized to post structures and premises ordered evacuated in accordance with Section 110.2 with a placard prohibiting entry or occupancy.

QQ. Section 110.2.2 Placard removal. Add Section 110.2.2 as follows:

The Fire Code Official shall remove the placard when the unsafe condition or conditions are remedied or have been eliminated. Any person who conceals, covers, hides,
removes, or causes to be removed, or defaces a placard without the approval of the Fire Code Official shall be guilty of a summary offense.

RR. Chapter 1, Section 111.4, Failure to comply, is amended by deleting the words “amount” and “amount” and the brackets surrounding said words and by substituting in place thereof “$500” and “$1,000,” respectively.

SS. Chapter 1, Section 113.2 Schedule of permit and inspection fees. Delete Section 113.2 in its entirety and substitute the following:

113.2 Schedule of permit and inspection fees. Permit fees assessable by the City for the administration and enforcement of this Code shall be established by the governing body by resolution from time to time. The building owner, business operator, tenant, or contractor shall be responsible for all fees.

TT. Chapter 1, Section 114 Certificates of Fitness. Add Section 114 Certificates of Fitness as follows:

Certificates of Fitness

114.1 Certificate of fitness. No person shall engage in the following activities without a certificate of fitness issued by the Fire Code Official. A Certificate of Fitness shall be obtained by all applicants/vendors (companies or person(s)) for the purposes of conducting any operation or performing an act for which a Certificate of Fitness is required as set forth below.

114.2 Application. Applicant shall meet the standards and regulations established by the Fire Marshal, including possession of a Certificate of Insurance covering the work requested, Workmen’s Compensation for employees as required by Federal, State or local mandated regulations, laws, and statutes. Additionally, an exhibition of appropriate levels of education, training, certification, and experience shall be submitted to the Fire Marshal for review and Certificate of Fitness issuance prior to any work commencing. The applicant and all employees engaging in the specified work shall have a strong familiarity and understanding of fire protection systems/fire code application for which a Certificate of Fitness is requested. An application on a form prescribed by the Fire Marshal and a fee as established by Resolution of City Council of the City of Reading per system, shall be submitted to the Department of Fire
and Rescue Services – Fire Marshal’s Office for review and approval for each system described herein for which an applicant seeks to obtain a Certificate of Fitness.

114.3 Issuance. Upon approval, a Certificate of Fitness shall be issued and the applicant placed on a list of approved vendors within the City of Reading, PA authorizing them to perform the type of work categorized per the approved Certificate of Fitness. Certificates of Fitness shall be valid for one year, January 1 through December 31 of each calendar year. Certificate holders must reapply each calendar year, and provide the fee as established by City Council per system for which they seek approval and listing. Performance of work on a system described below in the City of Reading, PA without a Certificate of Fitness, shall cause the violator to be precluded from applying for a Certificate of Fitness for a period of one (1) calendar year, and subject the violator to fines, double fee costs, citations, and additional costs as provided for herein.

114.4 Certificate categories.

CF-101 Automatic fire alarms Installation/service/inspection

CF-102 Sprinkler/standpipe Installation/service/inspection

CF-103 Hood and duct systems Installation/service/inspection

CF-104 Wet, dry, clean agent suppression systems

Installation/service/inspection

CF-105 Central stations Retransmission, record keeping/reporting/runner’s service

CF-106 Fire extinguishers Installation/service/inspection

CF-107 Fireworks/pyrotechnics Displays/demonstrations

CF-108 Blasting or demolition operations

CF-109 Other
114.5 **Additional categories.** The Fire Code Official may require a certificate of fitness for certain processes which pose an unusual risk to the public safety or in cases or as part of the code modification process.

114.6 **Fees.** Fees for Certificates of fitness shall be in accordance with the Fee Schedule as adopted by the City Council from time to time.

UU. **Chapter 3, Section 301.2 Permits.** Add the following sentence at the end of the Section 301.2:

No person shall ignite, cause to be ignited, and permit to be ignited or maintain any open burning without first securing a permit from the Fire Code Official.

VV. **Chapter 5, Section 506.1, Where required, add the following sentence at the end of the Section 506.1 as follows:**

The owner or agent of all new and existing buildings in which fire protection systems are present which were or are required by the City or Pennsylvania law, ordinance, or order, shall provide fire department rapid access Knox Box® key boxes, Knox Box® key switches, Knox Box® pad locks, or other secured boxes as specified by the Fire Code Official, to be installed in a location(s) approved by the Fire Code Official.

WW. **Chapter 9, Section 901.1, Scope. Delete Section 901.1 Scope in its entirety** and substitute the following:

901.1 Scope. The provisions of this chapter shall apply to the maintenance, inspection and testing of all fire protection systems.

XX. **Chapter 9, Section 901.2 Construction documents is amended by inserting the words “architectural drawings,” between the words “required” and “construction” in the second sentence.**

YY. **Chapter 9, Section 901.4.1, Required fire protection systems.** Delete the words International Building Code from the second line and substitute City of Reading Codified Ordinance or other law, statute, regulations or rules.
ZZ. Chapter 9, Section 901.4.2, Nonrequired fire protection systems. Delete the words *International Building Code* from the third *and last* line of Section 901.4.2 and substitute City of Reading Codified Ordinances or other law, statute, regulations or rules *in both locations*; *add the following sentence after the last sentence: Nonrequired fire protection systems shall be maintained to function as originally installed. If a nonrequired system is to be reduced in function or discontinued, prior approval shall be obtained by the Fire Code Official.*

AAA. Chapter 9, Section 903.2 Where required. Delete and substitute the following:

*903.2 Where required.* Approved automatic sprinkler systems shall be installed as required by the City of Reading Codified Ordinances or other law, statute, regulations or rules.

BBB. Chapter 9, Section 903.2.14, Use Group “B” Business is renumbered 903.2.13. Use Group “B” Business.

*Section 903.2.13, Use Group “B” Business.* Throughout all buildings in use group “B” an automatic fire suppression system shall be provided as follows:

I. When area exceeds 100,000 square feet; or

II. When the total combined area of all floors exceed 100,000 square feet; or

III. When the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access.

CCC. Chapter 9, Section 903.4, Sprinkler system supervision and alarms, is amended by adding *the following after the last sentence of Section 903.4 and before the Exceptions*: All new fire protection systems (manual or automatic fire detection system or suppression system) where required by the City of Reading, Pennsylvania, State law, ordinance or order shall be connected to an approved central station service system according to NFPA 72, *(2013 edition)*, §26-3. Any exceptions shall be approved by the Fire Code and building Official.
DDD. Chapter 9, Section 903.4.1, Monitoring, is amended by deleting Section 903.4.1 and substituting in place thereof:

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station service system according to NFPA 72, (2013 edition), §826-3 any exceptions shall be approved by the Fire Code and building Official.

EEE. Section 904.3.5, Monitoring, is deleted and replaced with the following:

904.3.5 Monitoring. All new fire protection systems (manual or automatic fire detection system or suppression system) where required by the City of Reading, Pennsylvania, State law, ordinance or order shall be connected to an approved central station service system according to NFPA 72, 2013 edition, §26-3. Any exceptions shall be approved by the Fire Code Official.

FFF. Chapter 9, Section 905.3 Required installations. Delete the first sentence and substitute the following: Standpipe systems shall be installed where required by the City of Reading Codified Ordinances or other law, statute, regulations or rules.

GGG. Chapter 9, Add section 905.12 is follows:

Section 905.12, Standpipe hose valve connections. At each floor level on the stair tower side there shall be connected to each standpipe not more than 5 feet above the floor level, a 2½-inch hose connection with Knox Box® a 1½ reducer with chain, locking caps, valves and threads conforming to the City of Reading Fire Department standards and as specified by the Fire Code Official.

HHH. Chapter 9, Section 907.1 General. Delete the words “installation” from the first sentence of the existing section and insert the following before the first sentence:

Fire alarm and detection systems shall be installed where required by the City of Reading Codified Ordinances or other law, statute, regulations or rules and where required by
the City of Reading, Pennsylvania, State law, ordinance or order shall be connected to an approved central station service system according to NFPA 72, 2013 edition, §26-3. Any exceptions shall be approved by the Fire Code Official.

III. Chapter 9, Section 907.2, Where required, is amended by deleting the words “Section 907.2.23” and substituting in place Section 907.2.26. This Section is amended by adding an additional paragraph which reads as follows: In all buildings provided with an approved automatic sprinkler system, there shall also be provided a complete manual fire alarm system and an automatic detection system in all mechanical areas and all means of egress in addition to the automatic detection systems required in 907.2.10.1 through and including 907.2.25.

JJJ. Section 907.2.9.1, Group R-2 Detection Systems is renumbered and retitled to read as follows:

907.2.9.4 Group R-2 detection systems - ten or more dwelling units. An automatic fire detection system shall be installed and maintained in mechanical areas and means of egress in all buildings of use group R-2 of ten or more dwelling units.

KKK. Chapter 9, Section 907.3.1.7 Group (R-2) - Existing, is renumbered with language deleted, added or replaced as follows:

907.2.9.4.1 Group (R-2) – Existing. The following smoke alarms and/or fire protection systems shall be installed and maintained in existing R-2 occupancies.

1. EXISTING 3-9 DWELLING UNITS
   a. Common Area. Smoke alarms for all common areas, including hall, corridors, stairways, cellars and basements of buildings, shall be directly hard wired to the buildings power supply and shall be interconnected to cause the operation or an activation of an alarm that shall be clearly audible in all portions of the structure.
over background noise levels with all intervening doors closed which complies with NFPA 72.

b. Single and Multiple Station Smoke Alarms Within Dwelling Units. Single and multiple station smoke alarms shall be installed in existing group R-2 occupancies regardless of occupant load in all the following locations:

1. Outside every sleeping area in the vicinity of the bedrooms.

2. In each room used for sleeping purposes.

3. In each story within the dwelling unit including basements and cellars.

c. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all the alarms in the dwelling unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

d. Power Source. Single-station and multiple-station alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low.

e. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection.

2. EXISTING 10 TO 21 DWELLING UNITS

a. Common Areas. A complete automatic and manual fire alarm system including notification appliances is required in all common areas as determined by the Fire Code Official.

b. Single and Multiple Station Smoke Alarms Within Dwelling Units. Single and multiple station smoke alarms shall be installed in existing group R-2 occupancies regardless of occupant load in all the following locations:

1. Outside every sleeping area in the vicinity of the bedrooms.

2. In each room used for sleeping purposes.

3. In each story within the dwelling unit including basements and cellars.
d. **Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all the alarms in the dwelling unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

e. **Power Source.** Single-station and multiple-station alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection.

3. **EXISTING 22 DWELLING UNITS OR MORE**

   A complete automatic and manual fire alarm system including notification appliances shall be installed throughout the entire structure including dwelling units as determined by the Fire Code Official.

4. **EXISTING HIGH RISE BUILDINGS**

   In buildings with a floor used for human occupancy located more than 65 feet (19812mm) above the lowest level of fire department access, a complete automatic/manual fire alarm system including emergency voice alarm communications shall be installed throughout the entire structure as determined by the Fire Code Official.

   (2) Section 907.2.11, Single-Station and Multiple-Station Alarms, applies only to R-1, R-3, and R-4 use groups. (See amended 907.2.9.4 and 907.2.9.4.1 for Use Group R-2).

LLL. Chapter 9, Section 907.9.5 Maintenance, inspection and testing is added and renumbered as follows:

907.2.11.8 Single and multiple station smoke alarm inspection and testing:

1. All single- and multiple-station smoke alarm devices shall be tested in accordance with the manufacturer's instructions, not less than once a
month for devices with the primary power supplied by the building
electrical service and not less than once a week for devices with the
primary power supplied by a monitored battery. All testing shall be
conducted by the owner, except as provided for in this section.

2. In the case of tenant occupied properties, every owner shall, at the
beginning of the leasehold of a one and two family dwelling, multifamily
dwelling, or manufactured home, inspect and test each single- and
multiple-station smoke alarm device to insure that each required device is present and
in proper working order.

3. In the case of tenant occupied properties, the owner may require the
occupant to conduct the weekly/monthly testing as set forth in paragraph
(1) above. The owner must then provide the occupant with clear and
concise written instructions regarding the weekly/monthly testing and the occupant
must be able to perform such testing. The owner must also
demonstrate to the occupant the proper testing procedures at the
beginning of the leasehold.

4. The occupant shall have the duty and responsibility to notify the owner of any
defect(s).

5. The owner shall have the duty and responsibility of remedying any defect after
receiving notice of the defect.

6. All single-and multiple-station smoke alarm devices shall be kept in
proper working condition at all times and shall be replaced after being in service for
a period of ten years or becoming defective/inoperable,

whichever comes first.

MMM. Section 907.2.12, High Rise Buildings, is renumbered amended by deleting and replaced
with the following language:

907.2.13 High rise buildings. Buildings with a floor used for human occupancy located more
than 65 feet (19812mm) above the lowest level of fire department access.
NNN. **Section 907.2.12.1, Automatic Detection is renumbered to read 907.2.13.1.1 Area smoke detection and amended by deleting subsection 1 and replacing with the following:**

1. In each mechanical room/equipment, electrical, transformer, telephone equipment, elevator machine room, elevator lobbies or similar room and stair tower, exits, exit access corridors.

**OOO. Section 907.2.12.3, Fire Department Communication is renumbered to read: 907.2.13.2 Fire department communication system** and amended by adding “mechanical rooms” in the ninth sentence between the words fire pump room and areas of refuge.

**PPP. Section 907.15, Monitoring, is renumbered and amended to read as follows:**

> **907.2.13.3, Monitoring.** All new and existing fire protection systems (manual or automatic fire detection or suppression systems) where required by the City of Reading, Pennsylvania, State law, ordinance or order shall be connected to an approved central station service system according to NFPA 72, (2013 edition), §26-3.

**QQQ. Add Section 907.2.24, Height and Area as follows:**

> **907.2.24 Height and Area.** In all buildings four or more stories in height or more than 30 feet in height or 5,000 square feet or more in area shall have an automatic fire alarm/detection system installed throughout the building, conforming to NFPA 72.

**RRR. Add Section 907.2.25, Hazardous Areas as follows:**

> **907.2.25 Hazardous Areas.** Smoke detectors shall be installed in the following hazardous areas, in addition to a fire suppression system: trash rooms, painting rooms, laundry collection rooms, furnace room, boiler room, mechanical/electrical rooms, and rooms of similar use as determined by the Fire Code Official.
**SSS. Add Section 907.2.26, Sprinklered Buildings, as follows:**

907.2.26 Sprinklered buildings. In all buildings provided with approved automatic sprinkler systems, a complete manual fire alarm system and an automatic detection system shall be provided in all means of egress and mechanical rooms in addition to the automatic fire detection systems required in 907.2.10.1 through and including 907.2.25.

**TTT. Chapter 9, Section 909.1.** Delete the words *International Building Code* on the fourth line and substitute the words *City of Reading Codified Ordinances or other law, statute, regulations or rules.*

**UUU. Chapter 9, Section 913.4, Valve Supervision, is amended by deleting the entire Section and substituting the following:**

913.4 Valve Supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be supervised by an approved central station service system according to NFPA 72, (2013 edition), §26-3.

**VVV. Chapter 9, Section 914.1 General.** Delete the words *International Building Code* from the third line and substitute the words *City of Reading Codified Ordinances or other law, statute, regulations or rules.*

**WWW. Chapter 10, Section 1030.9, is renumbered as Subsection 1031.10 Overcrowding as follows:**

Overcrowding. Overcrowding, admittance of any person beyond the approved occupant load established by the City of Reading Building Code or other building code or City ordinance under which the building was constructed, or obstructing aisles, passageways or any part of the means of egress shall not be allowed. The Fire Code Official, upon finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

**XXX Chapter 32, Section 3204.3.6 Location is renumber 5504.3.1.1.3 with the following language added after the first sentence:**
Location, insert (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Locations and limitation as determined by the Fire Code Official.

YYY. Chapter 33, Section 3301.1.3 Fireworks, is renumbered 5601.1.3, and amended by deleting Exception No. 4.

ZZZ. Chapter 34, Section 3404.2.9.4 is renumbered 5704.2.9.5.3, the title amended, and replaced with the following:

Locations Where 5704.2.9.5.3 Aboveground tanks Are Prohibited inside of buildings. Replace (geographic limits in which the storage of Class I and Class II liquids in aboveground tanks inside of buildings is prohibited) with: Locations and limitation of aboveground tanks shall be determined by the Fire Code Official.

AAAA. Chapter 34, Section 3406.2.5.1 is renumbered 5706.2.4.4, the title amended, and replaced with the following:

5704.2.4.4 Locations where aboveground tanks are prohibited. Outside of Buildings. Replace (geographic limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings are prohibited) with: Locations and limitations of aboveground tanks shall be determined by Fire Code Official.

BBBB. Chapter 38, Section 3804.2, Maximum capacity within established limits, is renumbered 6104.2 and amended by deleting all wording after the word “of” on the fifth line and inserting the following:

water capacity of 5 gallons for residential and water capacity of 2,000 gallons for commercial.