AMENDMENT TO ORDINANCE No. 41-2005 (DID Reestablishment as NID)

Bill No. 4 -2013

AN ORDINANCE OF THE CITY OF READING, AMENDING ORDINANCE No. 41-2005, CODIFIED AS SECTIONS 1-431 THROUGH 1-440 OF THE CODE OF ORDINANCES OF THE CITY OF READING, TO AMEND SECTION 1-433, TITLED "RIGHTS OF AUTHORITY" TO ADD TO THE POWERS OF THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY THE POWER OF MANAGEMENT AND FIDUCIARY AND ADMINISTRATIVE OVERSIGHT OF THE READING MAIN STREET PROGRAM; AMENDING SECTION 1-435, TITLED "MANAGEMENT" TO ADD RESPONSIBILITY FOR FIDUCIARY AND ADMINISTRATIVE OVERSIGHT OF THE READING MAIN STREET PROGRAM TO THE RESPONSIBILITIES OF THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY BOARD; AND AMENDING SECTION 1-439, TITLED "MANAGEMENT AGREEMENT," TO AUTHORIZE AMENDMENT OF THE AGREEMENT BETWEEN THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY AND THE CITY OF READING TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE

WHEREAS, the Reading Downtown Improvement District Authority ("RDIDA") was established by the City Council of the City of Reading ("City") by Ordinance No. 134-94, to facilitate a clean and safe downtown area in the City;

WHEREAS, on June 27, 2005, Ordinance No. 41-2005 was adopted by the City Council of the City of Reading ("City"), re-establishing the "City of Reading Downtown Improvement District Authority" ("RDIDA") pursuant to the Neighborhood Improvement District Act, 73 P.S. §§ 831, et seq., and approving the Final Plan of the Reading Downtown Improvement District ("DID") and approving an agreement with respect to types and levels of service between the City and the RDIDA;

WHEREAS, it has been determined by the City that it is in the best interests of the City and the Reading Main Street Program that the Board of Directors of the RDIDA should exercise fiduciary and administrative oversight over the Reading Main Street Program, and that the Executive Director of the Reading Downtown Improvement District ("DID") should serve as Program Manager for the Reading Main Street Program.

IT IS HEREBY ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF READING AS FOLLOWS:

Section 1. *Amendment to Section 1-433.* *Section 1-433 of the Code of Ordinances of the City of Reading (Section 3 of Ordinance No. 41-2005), titled "Rights of Authority," shall be amended to read as follows:*

The Authority may recommend to City Council more specific boundaries of the designated District, in accordance with the Neighborhood Improvement District Act or other applicable law. The Authority shall have the authority to develop and make business improvements and provide administrative services, including additional security, cleaning and maintenance, marketing, and other management services, ***including fiduciary and administrative oversight of the programs of the Reading Main Street Program, and management of the Reading Main Street Program by the DID Executive Director (who shall be designated as Program Manager of the Reading Main Street Program), all*** in accordance with applicable law ~~and/or in Reading Downtown Improvement District Authority.~~ The Authority shall gave the authority to impose an assessment on each benefitted property in the designated district described in this Part.

Section 2. *Amendment to Section 1-435.* *Section 1-435 of the Code of Ordinances of the City of Reading (Section 5 of Ordinance No. 41-2005), titled "Management," shall be amended to read as follows:*

The Authority, an existing municipal authority established pursuant to the Act of May 2, 1945 (P.L. 382, No. 164, known as the Municipality Authorities Act of 1945), shall be re-authorized, and shall be appointed as the Neighborhood Improvement District Management Association (NIDMA) of the City of Reading Downtown Improvement District and authorized to exercise all powers provided in § 7 of the Act, 73 P.S. § 837 ***and authorized to exercise fiduciary and administrative oversight of the Reading Main Street Program, including authorization for the Executive Director of the Reading Downtown Improvement District to serve as Program Manager for the Reading Main Street Program.***

Section 3. *Amendment to Section 1-439.* *Section 1-439 of the Code of Ordinances of the City of Reading (Section 9 of Ordinance No. 41-2005), titled "Management Agreement" shall be amended to read as follows:*

An amendment to the Agreement between the City of Reading and the Reading Downtown Improvement District Authority to effectuate the purposes of this Ordinance is hereby authorized. The ***Amendment to the*** Agreement attached as Exhibit "A" between the City Council of the City of Reading and the

Board of the Authority is hereby approved, and shall govern specific powers, duties, and responsibilities of the City of Reading and the Authority. *The role of the RDIDA and its Executive Director with respect to the Reading Main Street Program, as described herein, is shown in the chart attached hereto as Exhibit "B."*

Section 4. Full force and effect. The remainder of Ordinance No. 41-2005 shall remain in full force and effect.

Section 5. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the City Council that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 6. Repealer. All ordinances or parts of ordinances of the City which are inconsistent herewith are hereby repealed.

Section 7. Effective Date. This Ordinance shall become effective on the earliest date allowed by law.

DULY ENACTED AND ORDAINED this 28th day of January, 2013.

CITY COUNCIL OF THE
CITY OF READING

By: _____
Francis Acosta, President

Attest: _____
Linda Kelleher, City Clerk
Submitted to Mayor: _____
Date: 1/29/13
Received by the Mayor's Office: _____
Date: 1/29/13

Approved by Mayor: _____
Date: 1/29/13
Vetoed by Mayor: _____
Date: _____

AMENDMENT TO AGREEMENT BETWEEN THE CITY OF READING AND THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY

IT IS HEREBY AGREED BETWEEN THE CITY COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, AND THE BOARD OF DIRECTORS OF THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY THAT THE AGREEMENT BETWEEN THE CITY OF READING AND THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY DATED JUNE 27, 2005 SHALL BE AMENDED AS FOLLOWS:

1. Section II, entitled "DID Authority Responsibilities" shall be amended to add to Section II (3), entitled "Scope of Work of DID Authority" the following sub-paragraphs:

e) Administrative and Fiduciary Oversight of the Reading Main Street Program. The DID Authority Board shall exercise administrative and fiduciary oversight of the operations and programs of the Reading Main Street Program. This shall entail review and comment with respect to the proposed budget, expenditures, programs, and activities conducted by the Reading Main Street Program.

f) Management of the Reading Main Street Program. The Executive Director of the DID shall serve as Program Manager for the Reading Main Street Program, as a part of his or her duties as DID Executive Director. Any and all additional compensation to the Executive Director for these services shall be separately funded by the City, and shall not, under any circumstances, be funded with assessments remitted by property owners in the DID.

2. Section II, entitled "DID Authority Responsibilities," shall be amended to add to subsection (4)(a), "Payment to DID Authority," the following sub-paragraph:

(iii) The City will increase the compensation to the RDIDA in the sum of Twelve Thousand Dollars and 00/100 ($12,000.00) per year to fund the additional cost of the service of the DID Executive Director as Main Street Program Manager. Additionally, the City shall reimburse RDIDA on a monthly basis, upon submission of invoices by the DID Executive Director, for any and all additional costs incurred by the RDIDA as a result of administering the Main Street Program.

3. Amend Section II, entitled "DID Authority Responsibilities," shall be amended to replace subsection (4)(b) "Payment to DID Authority," so that said subsection shall read as follows:

b) Disbursement of these funds will be one (1) time per month, or one-twelfth (1/12) of the total annual amount, which shall be ***Five Thousand Dollars and 00/100 ($5,000.00)*** per month, ***plus additional costs invoiced by the DID Executive Director on a monthly basis as set forth in Section II(4)(a)(iii), above.***

4. The remainder of the Agreement shall stay in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and respective seals the date and year first above written.

READING DOWNTOWN IMPROVEMENT
DISTRICT AUTHORITY

By: _____
,Chair

Attest: _____
Secretary

CITY OF READING, BERKS COUNTY, PA

By: _____
Vaughn D. Spencer, Mayor

Attest: _____
Linda Kelleher, City Clerk

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READING DOWNTOWN IMPROVEMENT
DISTRICT AUTHORITY

By: _____
,Chair

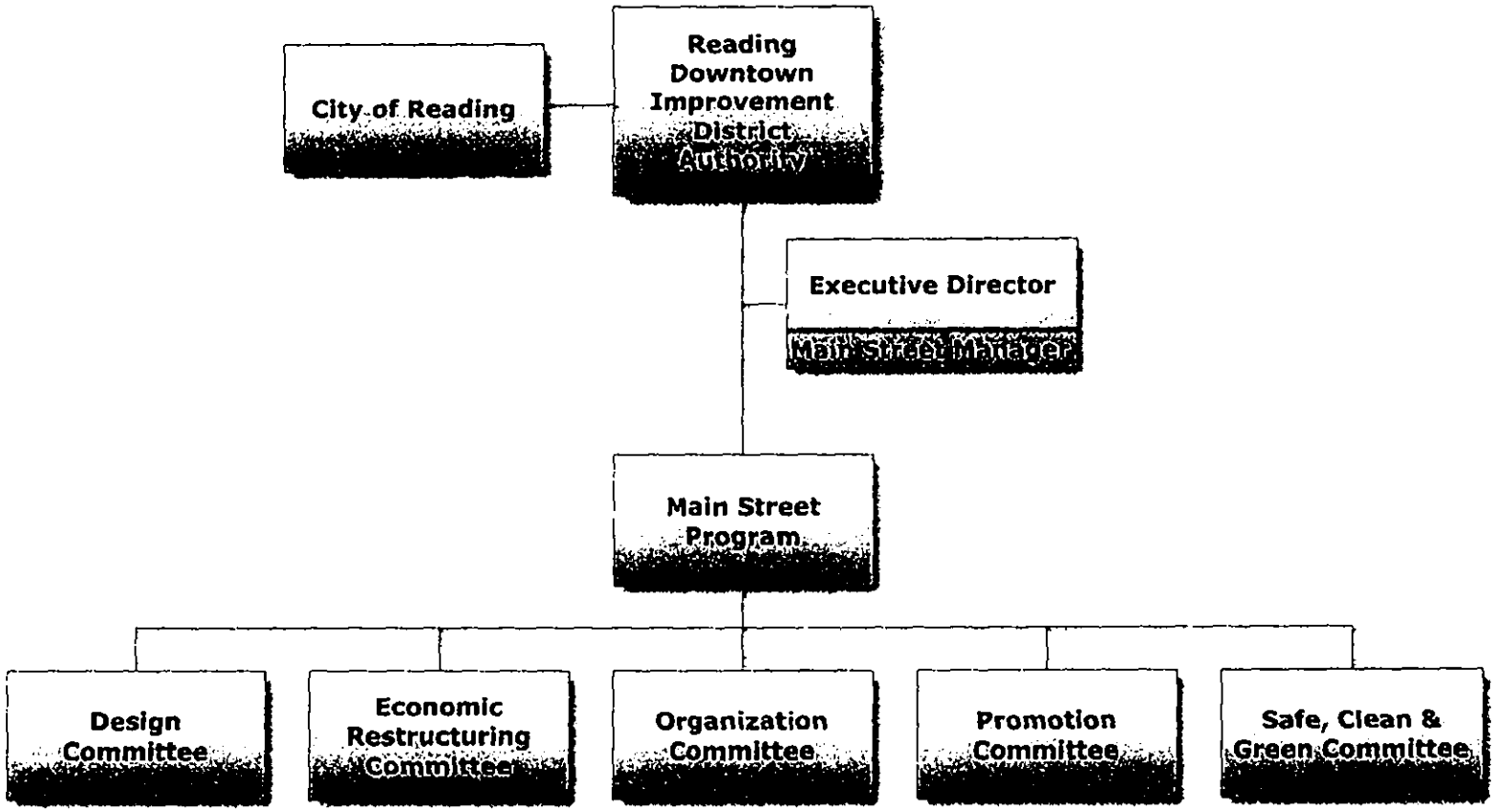
Attest: _____
,Secretary

CITY OF READING, BERKS COUNTY, PA

By: _____
Vaughn D. Spencer, Mayor

Attest: _____
Linda Kelleher, City Clerk

EXHIBIT B

main street COMMUNITY

City of Reading / Downtown Improvement District Authority
Main Street Program