

BILL NO. 38 -2014
AN ORDINANCE

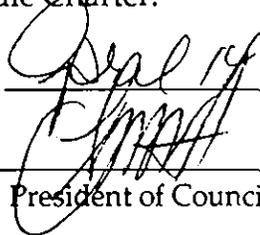
AMENDING THE ADMINISTRATIVE CODE, CHAPTER 5, SECTION RE3117-OO5a-Ex A – PURCHASING POLICIES TO PROVIDE CLARITY BY REPLACING ALL REFERENCES TO DEPARTMENTS AND DIVISIONS TO DEPARTMENTS, DIVISIONS, OFFICES AND AGENCIES.

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

Section 1. Amending the Administrative Code, Chapter 5, Section Re3117-Oo5a-Ex A – Purchasing Policies, by replacing all references to Departments and Divisions to Departments, Divisions, Offices and Agencies, which will clarify the intent that these policies apply equally to the entire City organization and branch of government.

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or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

Section 3. This ordinance shall become effective ten (10) days after it adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: April 14, 2014


President of Council

Attest:



City Clerk
(Council Staff)

Submitted to Mayor: _____

Date: 4/15/14

Received by the Mayor's Office: _____

Date: 4/15/14

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: 9/17/14

L. LINDA A. KELLISHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 14 day of April, A. D. 2014.

CITY CLERK

The Mayor's veto was overridden by the following vote:

on April 28, 2014

YEAS: Daubert, Marmarou, Goodman-Hinnershitz, Reed
Sternner, Waltman, Acosta, President - 7

NAYS: None - 0



**Executive Office of the Mayor
Vaughn D. Spencer**

April 23, 2014

MEMORANDUM

TO: City Council

SUBJECT: Mayoral Veto of Bill #38-2014

I have decided to veto Bill #38-2014, amending the Administrative Code's Purchasing Policies. This ordinance conflicts with the limitation placed on City Council as the legislative branch in their ability to issue requests for proposals, which is solely—except in purely legislative activities—an administrative function.

This position has been confirmed by an April 8th, 2014 opinion by the City Solicitor:

It would not make sense that City Council should be empowered to generally RFP matters that are for the City, its departments, and/or divisions. The separation of power for contracts above a certain monetary limit, administration RFP and City Council approval of contract, would be lost if City Council were involved in the RFP process. The Administrative Code section re approval of contracts likewise would not make sense where contracts may be entered into by the executive branch or memorandum of the Managing Director at a certain monetary amount. The enactment of administrative procedures does not equate to governmental administrative powers.

In keeping with the separation of powers inherent in our Home Rule Charter, I cannot support this bill.

Signature