Drafted by	City Solicitor
Sponsored by/Referred by	City Solicitor
Introduced on	N/A
Advertised on	N/A

RESOLUTION

NO. 91 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE PROPER OFFICERS OF THE CITY TO PETITION THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA, FOR PERMISSION TO IMPOSE A NONRESIDENT EARNED INCOME TAX IN THE AMOUNT NOT TO EXCEED ONE AND THREE TENTHS PERCENT (1.3%); AUTHORIZING INCIDENTAL ACTION; AND REPEALING INCONSISTENT RESOLUTIONS.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the "City"), has begun its 2016 budget process through Mayor Vaughn D. Spencer's submittal of his proposed budget to City Council; and

WHEREAS, the City of Reading is currently in Act 47 status and subject to a certain Municipalities Financial Recovery Act Recovery Plan, as amended; and

WHEREAS, the proposed budget includes projected revenue from a nonresident earned income tax which is currently imposed by the City of Reading; and

WHEREAS, the City has determined to apply by Petition to the Court of Common Pleas of Berks County, Pennsylvania, for the purpose of obtaining permission to re-impose a nonresident earned income tax through an appropriate ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

SECTION 1. The City hereby approves the form of Petition presented to this meeting (which shall be filed with the records of the City), requesting authority from the Court of Common Pleas of Berks County, Pennsylvania, to implement and/or impose a nonresident earned income tax (EIT) in the amount not to exceed one and three tenths percent (1.3%) by an appropriate ordinance. A copy of the form of the Petition is attached hereto and incorporated herein as Exhibit "A".

SECTION 2. The City hereby authorizes Charles D. Younger, Esquire, or his designee to represent the City for the nonresident EIT proceedings.

SECTION 3. The proper officers of the City are authorized to sign and acknowledge the Petition in substantially the form approved in Section 1.

SECTION 4. The proper officers of the City are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effectuate the imposition of the nonresident EIT.

SECTION 5. All prior resolutions or parts thereof inconsistent herewith are hereby repealed.

IN WITNESS WHEREOF, we, officers of the City of Reading, Berks County, Pennsylvania, have hereunto set our hands and seal of the City, duly attested this 12th day of October, 2015.

Attest:

Linda A. Kelleher CMC, City Clerk

CITY OF READING
Berks County, Pennsylvania

By: _____
Jeffrey Waltman, President of Council

(SEAL)

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolute passed by the Council of the City of Reading, on the 12 day of Oct A. D. 2015. Witness my hand and seal of the said City this 13 day of Oct A. D. 2015

CITY CLERK

Exhibit "A"

Form of Petition

IN RE:	:	IN THE COURT OF COMMON PLEAS OF BERKS COUNTY
IMPOSITION OF NONRESIDENT EARNED INCOME TAX OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA	:	COMMONWEALTH OF PENNSYLVANIA NO. _____ OF 2015

PETITION FOR PERMISSION
TO IMPOSE A NONRESIDENT INCOME TAX

TO THE HONORABLE, THE JUDGES OF SAID COURT:

1. The Petitioner is the City of Reading, Berks County, Pennsylvania (the "Petitioner"), with offices at 815 Washington Street, Reading, Pennsylvania 19601. This Petition is authorized by a Resolution of the Petitioner, duly adopted on October 12, 2015, a copy of which is attached hereto and incorporated herein as Exhibit "A".

2. The Petitioner avers that the proposed 2016 budget includes revenue from a nonresident earned income tax not to exceed one and three tenths percent (1.3%) which is currently imposed and needs to be re-imposed to achieve budget goals.

3. The City is under Act 47 and subject to the Municipalities Financial Recovery Act Recovery Plan, as amended, ("Recovery Plan") adopted by the Petitioner which includes imposition of the nonresident earned income tax to obtain revenue and achieve plan goals.

4. The Petitioner has determined that imposition of the nonresident earned income tax will provide the Petitioner with a means for increasing its revenue and assist in its conforming with the Recovery Plan.

WHEREFORE, the Petitioner prays your Honorable Court to issue an order granting permission to impose a nonresident earned income tax not to exceed one and three tenths percent (1.3%) upon earned income of nonresidents who work within the Petitioner's

geographical limits.

CITY OF READING
Berks County, Pennsylvania

_____

Vaughn D. Spencer
Mayor

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF BERKS :

On this, the _____ day of _____, 2015, before me, the subscriber, a Notary Public for the Commonwealth of Pennsylvania, residing in Berks County, Pennsylvania, personally appeared VAUGHN D. SPENCER, who, being duly sworn according to law, did depose and say that he is the Mayor of the City of Reading, Berks County, Pennsylvania, and that the facts set forth in the foregoing Petition are true and correct.

_____
Notary Public

(SEAL)