

HIGH SWARTZ

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MEMORANDUM

To:	Information Session for 2016 Mayoral Candidates
From:	City of Reading Charter Board Eric B. Smith, Esquire – Solicitor
Date:	July 29, 2015
Re:	Introduction to Charter Board

1. Authority for the Charter Board – Amendment I to the Charter of the City of Reading

2. Amendment I

(a) *Supremacy of the Charter*

- (i) No action or inaction;
- (ii) By Council, the Administration, or any other body;
- (iii) Shall be taken contrary to it;
- (iv) Whether individually, collectively;
- (v) By ordinance, resolution, practice, executive order;
- (vi) Or any other means.

(b) *Charter Board*

- (i) Members
 - (1) Non-political, no other City Boards
 - (2) 5 members – City residents
 - (3) Appointed by the Mayor, with the consent of Council
- (ii) Jurisdiction
 - (1) Shall hear and decide all cases alleging violations of the Charter or Administrative Code

- (2) Except cases arising under the Ethics Code or Personnel Code
 - (3) Issue binding opinions, impose penalties and fines, refer cases for prosecution, conduct investigations on its own or on referral or complaint
 - (4) Mandate to Fund. Sufficient funds shall be appropriated by City Council to enable the Board to perform its duties, including independent counsel
- (iii) Process
- (1) Any taxpayer or aggrieved person may file a complaint
 - (2) Strict time lines to commence investigations after a complaint and to continue to hearing, and 8 months from complaint to decision
 - (3) An informal resolution shall first be attempted

3. Charter Board Ordinance – Bill No. 46-2005, as amended.

(a) *Complaints*

- (i) Investigative Officer
- (ii) Findings Report

(b) *Investigations on the Board's Own Motion*

(c) *Hearings*

- (i) Process
- (ii) Opinions
- (iii) Appeals
- (iv) Enforcement Powers and Penalties

(d) *Advisory Opinions*

(e) *Education*

4. Confidentiality & Mediation

(a) *Confidentiality*

- (i) Separation between Board and Investigator, dividing the adjudicatory and prosecutorial functions
- (ii) All records are confidential with limited exceptions

(iii) Final Order is a public record “at the time the Board renders its decision and issues a Final Order”

(b) *Mediation*

(i) Early case resolution in first 30 days of a case