



Section 1111(a) of the Charter provides:

The qualified voters of the City of Reading, upon receipt of a petition by the City Clerk, may enter one agenda item on the regular agenda of City Council.

There are no restrictions in Charter Section 1111, or anywhere else in the Charter or Administrative Code, as to who may coordinate this process. Therefore, a group of City Councilors may organize a petition process under Charter Section 1111, and they may also – as qualified voters – be signatories to the petition. As long as 35 duly qualified voters sign the petition and all the other requirements of Charter Section 1111(b) are met the President of City Council must include the item on the agenda of the next regularly scheduled Council meeting. Charter Section 1111(b).

Regarding the preparation of the agenda for City Council meetings, the Administrative Code requires that the President of City Council shall be consulted. Administrative Code Section 1-116(1). Further, Administrative Code Section 1-116(5) provides for the amendment of a City Council agenda at the City Council meeting by a majority of members, plus one. The power of the City Council President to direct the items to be placed on Council's agendas and City Council's power to amend its agendas do not conflict with Charter Section 1111.

Charter Section 1111 defines a citizens' right to place an item on the agenda, while Administrative Code Section 1-116 defines a prerogative City Council President to be consulted on the agenda and the power of City Council to amend the published agenda. Clearly, Charter Section 1111 and Administrative Code Sections 1-116(1) and (5) all provide for different, shared, means to place a matter on a City Council agenda. Furthermore, even if a conflict were to be found, it is clear that the citizens' right, as embodied in the Charter, would prevail over a

provision of the Administrative Code. *See* Charter, Amendment I, Section 1(a); Administrative Code Section 1-111.

- B. The City Clerk shall certify a citizens' petition that complies with Charter Section 1111(b) and City Council shall amend its agenda to reflect the agenda item added by the citizens' petition.**

When a citizens' petition to place an item on the agenda is presented, the City Clerk must, at that point, undertake a review and certification process not to exceed 2 days. If the Clerk finds that the petition contains the signatures and addresses of 35 duly qualified voters of the City, she must include the requested item on the agenda of the next regularly scheduled meeting of City Council. Charter Section 1111(b). The City Clerk's review and certification is not discretionary and must be strictly in accordance with the requirements for such a petition as stated in the Charter. Further, Charter Section 1111(b) requires that the President of City Council must "include the item on the agenda at the next regularly scheduled meeting of City Council."

- C. City Council is required to give the same consideration to an item placed on its agenda by a citizens' petition as it would for any other item on its agenda.**

If an item is placed on a City Council agenda through the Charter Section 1111 process, it must be given the same consideration as any other items placed on the Council's agenda. The rules governing the consideration of agenda items are contained in Administrative Code Sections 1-116 through 1-118. Bypassing the Charter's provision for citizen participation in placing items on City Council's agenda by ignoring or failing to give due consideration to the citizens' agenda item clearly would be a violation of the Charter.

### **III. OPINION OF THE BOARD**

The Opinion of the Board is as follows:

A. City Councilors may organize or coordinate the circulation of a citizens' petition to list an item on the City Council agenda, and such action does not circumvent the authority of the President of City Council to control the agenda or City Council's power to amend the agenda.

B. The City Clerk shall certify a citizens' petition that complies with Charter Section 1111(b) and City Council shall amend its agenda to reflect the agenda item added by the citizens' petition.

C. City Council is required to give the same consideration to an item placed on its agenda by a citizens' petition as it would for any other item on its agenda.

CITY OF READING CHARTER BOARD

By: John Slifko  
John Slifko, Vice-Chair

Date: August 22, 2008