

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2477 Session of
2010

INTRODUCED BY FABRIZIO, J. EVANS, HARKINS, HORNAMAN AND SONNEY,
APRIL 29, 2010

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 29, 2010

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,
2 as amended, "An act relating to counties of the first, third,
3 fourth, fifth, sixth, seventh and eighth classes; amending,
4 revising, consolidating and changing the laws relating
5 thereto; relating to imposition of excise taxes by counties,
6 including authorizing imposition of an excise tax on the
7 rental of motor vehicles by counties of the first class; and
8 providing for regional renaissance initiatives," further
9 providing for the governing board of the convention center
10 authority.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 2399.61 of the act of August 9, 1955
14 (P.L.323, No.130), known as The County Code, added October 18,
15 2000 (P.L.541, No.73), is amended to read:

16 Section 2399.61. Governing Board.--(a) The power of the
17 authority shall be exercised by a governing board composed of
18 [nine] eleven members appointed as follows:

19 (1) [The mayor or, if there is no mayor, the elected chief
20 executive officer, of the county seat] Seven members shall be
21 appointed by the county council or the equivalent governing body
22 of the county in which the convention center facilities are

1 located [shall appoint, with the advice and consent of the city
2 council or equivalent body, three members. The term of office of
3 these members shall be four years. The terms of the first three
4 members appointed shall be allocated among them for a two-year,
5 three-year and four-year term, respectively. In all cases, the
6 beginning of the term shall be deemed January 1 of the year of
7 appointment, subject to subsection (b)].

8 (2) [The county executive or other elected chief executive
9 officer of the county or, if there is no county executive or
10 elected chief executive officer of the county, the governing
11 body of the county in which the convention center facilities are
12 located shall appoint four members. Appointments by a county
13 executive or other elected chief executive officer shall be with
14 the advice and consent of the county council or equivalent body.
15 The term of office of these members shall be four years. The
16 terms of the first four members appointed shall be allocated
17 among them for a one-year, two-year, three-year and four-year
18 term, respectively. In all cases, the beginning of the term
19 shall be deemed January 1 of the year of appointment, subject to
20 subsection (b).] Two members shall be appointed by the mayor of
21 the city in which the convention center is located, or, if in a
22 township, by the township supervisors.

23 (3) Two members shall be appointed by the Governor with the
24 advice and consent of a majority of the members of the Senate.

25 [(4) If the authority created pursuant to section 2399.54 is
26 created by the county acting alone, seven members shall be
27 appointed under clause (2). The term of office of these members
28 shall be four years. The terms of the first members appointed
29 shall be allocated among them as follows: a one-year term, two
30 two-year terms, two three-year terms and two four-year terms.]

1 (b) Except as otherwise provided, members shall serve a
2 four-year term from the date of their appointment and until
3 their successors have been appointed and qualified. If a vacancy
4 shall occur by means of the death, disqualification, resignation
5 or removal of a member, subject to the provisions of subsection
6 (a), the appointing authority shall appoint a successor to fill
7 the unexpired term.

8 (c) The members of the board shall not be compensated for
9 their service on the board or for any other position in which
10 they may serve the authority. The authority may reimburse
11 members for reasonable and necessary out-of-pocket expenses
12 incurred by members in carrying out the business of the
13 authority.

14 (d) (1) The members of the board shall select from among
15 themselves a chairman and such other officers as the board may
16 determine. Except as otherwise provided, all actions of the
17 board shall be taken by a vote of at least five members of the
18 board, which shall constitute a majority of the board, unless
19 the bylaws of the authority shall provide for a majority vote by
20 a present quorum of not less than five members in the absence of
21 a full board. The board shall have full authority to manage the
22 properties and business of the authority and to prescribe, amend
23 and repeal bylaws, rules and regulations governing the manner in
24 which the business of the authority may be conducted and the
25 powers granted to it may be exercised and embodied.

26 Notwithstanding any other law, court decision, precedent or
27 practice to the contrary, no actions by or on behalf of the
28 board shall be taken by an officer of the board or the authority
29 except upon the approval or prior authorization of the board. As
30 used in this subsection, the term "actions by or on behalf of

1 the board" means any action whatsoever of the board, including,
2 but not limited to, the hiring, appointment, removal, transfer,
3 promotion or demotion of any officers and employees, the
4 retention, use or remuneration of advisors, counsel, auditors,
5 architects, engineers or consultants, the initiation of legal
6 action, the making of contracts, leases, agreements, bonds,
7 notes or covenants, the approval of requisitions, purchase
8 orders, investments and reinvestments, and the adoption,
9 amendment, revision or rescission of rules and regulations,
10 orders or other directives.

11 (2) The board shall appoint an executive director, who shall
12 act as the chief executive officer of the authority. The
13 executive director shall not be a member of the board.
14 Notwithstanding the provisions of clause (1), the board may, by
15 bylaw or by resolution, delegate to the executive director the
16 authority and power to carry out the day-to-day operations of
17 the authority and to exercise those powers which are normal,
18 customary and necessary to perform the duties of a chief
19 executive officer.

20 (3) The board may appoint such assistant and other officers,
21 including assistant secretaries and assistant treasurers, as the
22 board determines to be appropriate to carry out the business of
23 the authority. Assistant secretaries and assistant treasurers
24 may be members of the board.

25 (4) The board may appoint one or more deputy executive
26 directors who, to the extent authorized by the board, may
27 exercise the duties and powers of the executive director in the
28 executive director's absence or incapacity or in the event of a
29 vacancy in the office of executive director.

30 (e) Members of the board shall not be liable personally on

1 the bonds or other obligations of the authority, and the rights
2 of creditors shall be solely against the authority. The
3 authority, itself or by contract, shall defend board members,
4 and the authority shall indemnify and hold harmless board
5 members, whether or not currently serving as a member of the
6 authority, against and from any and all personal liabilities,
7 actions, causes of action and claims made against them for
8 whatever actions they perform within the scope of their duties
9 as board members.

10 Section 2. This act shall take effect in 60 days.