

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2477 Session of
2010

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

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 9, 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

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

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

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

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

1 two-year terms, two three-year terms and two four-year terms.]

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

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

15 (d) (1) The members of the board shall select from among
16 themselves a chairman and such other officers as the board may
17 determine. Except as otherwise provided, all actions of the
18 board shall be taken by a vote of at least [~~five~~] SIX members of ←
19 the board, which shall constitute a majority of the board,
20 unless the bylaws of the authority shall provide for a majority
21 vote by a present quorum of not less than [~~five~~] SIX members in ←
22 the absence of a full board. The board shall have full authority
23 to manage the properties and business of the authority and to
24 prescribe, amend and repeal bylaws, rules and regulations
25 governing the manner in which the business of the authority may
26 be conducted and the powers granted to it may be exercised and
27 embodied. Notwithstanding any other law, court decision,
28 precedent or practice to the contrary, no actions by or on
29 behalf of the board shall be taken by an officer of the board or
30 the authority except upon the approval or prior authorization of

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

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

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

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

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

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