

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 578 Session of 2011

INTRODUCED BY FABRIZIO, J. EVANS, HARKINS, HORNAMAN AND SONNEY,
FEBRUARY 9, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 9, 2011

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] governing body of the
21 municipality in which the convention center facilities are
22 located shall appoint[, with the advice and consent of the city

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

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

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

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

30 (b) Except as otherwise provided, members shall serve a

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

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

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

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

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

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

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

29 (e) Members of the board shall not be liable personally on
30 the bonds or other obligations of the authority, and the rights

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

9 Section 2. The amendment of section 2399.61(a)(1) of the act
10 shall apply as follows to a city which, on the effective date of
11 this section, has established a Third Class County Convention
12 Center under Article XXIII(o) of the act:

13 (1) The amendment shall not affect the term of a member
14 serving on the effective date of this section.

15 (2) The reduction of appointments from three to two
16 shall apply as follows:

17 (i) Except as set otherwise set forth in this
18 paragraph, to an office which is vacant on the effective
19 date of this section.

20 (ii) If there is no vacancy under subparagraph (i),
21 to an office of a member who, on the effective date of
22 this section, is serving past the expiration date of the
23 member's term until a successor is appointed.

24 (iii) If there is no vacancy under subparagraph (i)
25 and there is no office subject to subparagraph (ii), to
26 the office of the first member whose term expires after
27 the effective date of this section.

28 Section 3. The amendment of section 2399.61(a)(2) of the act
29 shall apply as follows to a county which, on the effective date
30 of this section, has established a Third Class County Convention

Center under Article XXIII(o) of the act:

(1) The amendment shall not affect the term of a member serving on the effective date of this section.

(2) A member serving on the effective date of this section shall complete the term to which the member is appointed as follows:

(i) One term shall expire December 31, 2010.

(ii) One term shall expire December 31, 2012.

(iii) Two terms shall expire December 31, 2013.

(3) If a member serving on the effective date of this section is unable to complete the term to which the member is appointed in accordance with paragraph (2):

(i) a replacement shall be appointed by the appointing authority that made the original appointment; and

(ii) the replacement appointed under subparagraph (i) shall complete that term.

(4) The seven appointments made by the county council under the amendment shall be as follows:

(i) Three initial appointments shall be made upon the effective date of this section for the following terms:

(A) One term shall expire December 31, 2010.

(B) Two terms shall expire December 31, 2011.

(ii) The remaining four initial appointments shall be made to fill the vacancies resulting from the expiration of the terms under paragraph (2).

(iii) Subsequent appointments shall be made under section 2399.61(a)(2) of the act.

Section 4. This act shall take effect immediately.