

No. 2013-27

AN ACT

HB 326

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

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

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

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

(1) The mayor or, if there is no mayor, the ~~[elected chief executive officer, of the county seat]~~ ***governing body of the municipality*** in which the convention center facilities are located shall appoint, ~~with the advice and consent of the city council or equivalent body, three]~~ ***two*** members. The term of office of these members shall be four years. The terms of the first ~~[three]~~ ***two*** members appointed shall be allocated ~~[among]~~ ***between*** them for a two-year, ~~three-year]~~ and four-year term, respectively. In all cases, the beginning of the term shall be deemed January 1 of the year of appointment, subject to subsection (b).

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

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

(4) If the authority created pursuant to section 2399.54 is created by the county acting alone, seven members shall be appointed under clause (2). The term of office of these members shall be four years. The terms of the first members appointed shall be allocated among them as

follows: a one-year term, two two-year terms, two three-year terms and two four-year terms.]

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

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

(d) (1) The members of the board shall select from among themselves a chairman and such other officers as the board may determine. Except as otherwise provided, all actions of the board shall be taken by a vote of at least **[five] six** members of the board, which shall constitute a majority of the board, unless the bylaws of the authority shall provide for a majority vote by a present quorum of not less than **[five] six** members in the absence of a full board. The board shall have full authority to manage the properties and business of the authority and to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it may be exercised and embodied. Notwithstanding any other law, court decision, precedent or practice to the contrary, no actions by or on behalf of the board shall be taken by an officer of the board or the authority except upon the approval or prior authorization of the board. As used in this subsection, the term "actions by or on behalf of the board" means any action whatsoever of the board, including, but not limited to, the hiring, appointment, removal, transfer, promotion or demotion of any officers and employes, the retention, use or remuneration of advisors, counsel, auditors, architects, engineers or consultants, the initiation of legal action, the making of contracts, leases, agreements, bonds, notes or covenants, the approval of requisitions, purchase orders, investments and reinvestments, and the adoption, amendment, revision or rescission of rules and regulations, orders or other directives.

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

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

(4) The board may appoint one or more deputy executive directors who, to the extent authorized by the board, may exercise the duties and powers of

the executive director in the executive director's absence or incapacity or in the event of a vacancy in the office of executive director.

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

Section 2. The amendment of section 2399.61(a)(1) of the act shall apply as follows to members appointed under section 2399.61(a)(1) of the act on the effective date of this section:

(1) The amendment shall not shorten 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 which the member is currently serving as follows:

(i) The term of the member whose term expired on or about December 31, 2009, shall expire on December 31, 2013.

(ii) The term of the member whose term expired on or about December 31, 2010, shall expire on December 31, 2014.

(iii) The term of the member whose term expired on or about December 31, 2011, shall expire on December 31, 2016.

(3) The reduction of appointments from three to two shall apply as follows:

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

(ii) If there is no vacancy under subparagraph (i), to the office of the first member whose term expires after the effective date of this section.

Section 3. The amendment of section 2399.61(a)(2) of the act shall apply as follows to members appointed under section 2399.61(a)(2) of the act on the effective date of this section:

(1) The amendment shall not reduce 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 currently serving as follows:

(i) The term of the member whose term expired on or about December 31, 2010, shall expire December 31, 2014.

(ii) The terms of the two members whose terms expire on or about December 31, 2013, shall expire December 31, 2013.

(iii) The term of the member whose term expired on or about December 31, 2012, shall expire December 31, 2016.

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

(i) Two initial appointments to fill two of the vacancies created by the amendment of section 2399.61(a)(2) of the act shall be made after the effective date of this section for the following terms:

(A) One term shall expire December 31, 2014.

(B) One term shall expire December 31, 2015.

(ii) One initial appointment to fill the vacancy created by the reduction of appointments from three to two from the amendment of section 2399.61(a)(1) of the act and by the increase in appointments from four to seven from the amendment of section 2399.61(a)(2) of the act shall be made promptly after the reduction occurs under the transitional provisions of section 2 of this act for a term that shall expire December 31, 2015.

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

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

Section 4. This act shall take effect immediately.

APPROVED—The 27th day of June, A.D. 2013

TOM CORBETT