

No. 1978-7

AN ACT

SB 847

Amending the act of May 2, 1945 (P.L.382, No.164), entitled "An act providing for the incorporation as bodies corporate and politic of "Authorities" for municipalities, counties and townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," further providing for the membership of the board of a joint authority.

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

Section 1. Clauses (a) and (b) of subsection A of section 7, act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945," clause (a) amended July 10, 1957 (P.L.635, No.344) and clause (b) amended July 31, 1963 (P.L.431, No.225), are amended to read:

Section 7. Governing Body.—A. The powers of each Authority shall be exercised by a governing body (herein called the "Board") composed as follows:

(a) If the Authority is incorporated by one municipality the board shall consist of such number of members not less than five as shall be set forth in the articles of incorporation or amendment thereto. The governing body of such municipality shall appoint the members of the board, whose terms of office shall commence on the date of appointment. One member shall serve for one year, one for two years, one for three years, one for four years and one for five years from the **[January first] first Monday in January** next succeeding the date of incorporation or amendment, and if there are more than five members of the board, their terms shall be staggered in a similar manner for terms of from one to five years from the **[January first] first Monday in January** next succeeding. Thereafter whenever a vacancy has occurred **[or is about to occur]** by reason of the expiration of the term of any member, the said governing body shall appoint a member of the board for a term of five years from the date of expiration of the prior term to succeed the member whose term has expired. **[or is about to expire.]**

(b) If the Authority is incorporated by two or more municipalities, the board shall consist of a number of members at least equal to the number of municipalities incorporating the Authority, but in no event less than five. When one or more additional municipalities join an existing Authority, each of such joining municipalities shall have such membership on the board as the municipalities then members of the Authority and the joining municipalities may determine by appropriate resolutions. The members of

the board of a joint Authority shall each be appointed by the governing body of the incorporating or joining municipality he represents and their terms of office shall commence on the date of appointment. One member shall serve for one year, one for two years, one for three years, one for four years and one for five years from the **[January first] first Monday in January** next succeeding the date of incorporation, amendment or joinder, and if there are more than five members of the board, their terms shall be staggered in a similar manner for terms of from one to five years from the **[January first next succeeding] first Monday in January next succeeding**. Thereafter, whenever a vacancy has occurred **[or is about to occur]** by reason of the expiration of the term of any member, the governing body of the municipality which has the power of appointment shall appoint a member of the board for a term of five years from the date of expiration of the prior term.

Except as herein provided for transit authorities created for the purpose of eliminating grade crossings the members of the board, each of whom shall be a taxpayer in, maintain a business in, or be a citizen of the municipality by which he is appointed or be a taxpayer in, maintain a business in, or be a citizen of a municipality into which one or more of the projects of the Authority extends or is to extend or to which one or more of said projects has been or is to be leased, shall be appointed, their terms fixed and staggered, and vacancies filled, and where two or more municipalities are members of the Authority, shall be apportioned in such manner as the articles of incorporation, the amendments thereof or the application for membership required by section three point one of this act shall provide not more than one non-resident shall be appointed to any board.

If the Authority, is created for the purpose of eliminating grade crossings, the members of the board, the majority of whom shall be citizens of the municipality by which they are appointed or of a municipality into which one or more of the projects of the Authority extends or is to extend or to which one or more of said projects has been or is to be leased, shall be appointed, their terms fixed and staggered, and vacancies filled, and where two or more municipalities are members of the Authority, shall be apportioned in such manner as the articles of incorporation, the amendments thereof or the application for membership required by section 3.1 of this act shall provide.

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Section 2. This act shall take effect immediately.

APPROVED—The 14th day of March, A. D. 1978.

MILTON J. SHAPP