

**Chapter 19**

**COMMISSIONERS, BOARD OF**

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**[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 4-5-76 as part of Ord. No. 614. Amendments noted where applicable.]**

**GENERAL REFERENCES**

- Board of Commissioners generally - See Charter, Art. III.**
- Operation and procedures of the Board of Commissioners - See Charter, Art. IV.**
- Recall of Commissioners - See Charter, Art. XII.**
- Definitions and rules of interpretation - See Ch. 3.**
- Wards - See Ch. 9.**
- Government organization - See Ch. 13.**
- Code of Ethics- See Ch. 23.**

**§ 19.1.       General provisions.**

The powers, composition, terms, election, eligibility, authority, prohibitions and other matters

concerning the elected Board of Commissioners are set forth in Article III of the Home Rule Charter for the Township of Upper St. Clair.

19.1.1. The terms of all Commissioners shall commence at 7:30 p.m. of the first Monday of January following the year in which they are elected. **[Added 1-4-93 by Ord. No. 1569]**

### **§ 19.2. Compensation.**

Each Township Commissioner shall receive a salary of one thousand two hundred dollars (\$1,200.) per year, payable in monthly installments. This salary may be changed as the Board of Commissioners shall from time to time ordain in accordance with § C-306 of the Home Rule Charter.

### **§ 19.3. Indemnification and personal liability insurance.**

To protect the Township Commissioners from personal liability the performance of their duties, indemnification and personal liability insurance shall be provided by the township. The amounts and limits of said insurance will be determined in the annually approved insurance contracts as outlined in Chapter 17, Bonds and Insurance, of this Administrative Code.

19.3.1. Each Commissioner shall be indemnified against expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with any adverse action by reason of the fact that he is or was a Commissioner, if the Commissioner acted in good faith and in a manner he reasonably believed to be in the best interests of the township and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful, The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the Commissioner did not act in good faith and in a manner which he reasonably believed to be in the best interests of the township and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful. **[Added 3-16-81 by Ord. No. 946]**

19.3.2. To the extent that the Commissioner has been successful on the merits or otherwise in defense of any adverse action, he shall be indemnified against expenses, including attorney's fees, actually and reasonably incurred by him in connection therewith as of right. In all other instances, indemnification should be made by the township only as authorized in a specific case upon a determination that the indemnification of the Commissioner is proper in the circumstances because he has met the applicable standard of conduct set forth above. Such determination shall be made by the Board of Commissioners by a majority vote of a quorum consisting of Commissioners who are not parties to the adverse action or, if such a quorum is not obtainable or if a disinterested quorum of the Commissioners so directs, by an independent legal counsel in a written opinion. **[Added 3-16-81 by Ord. No. 946]**

19.3.3. Expenses incurred in defending a civil or criminal action suit or proceeding shall be paid by the township in advance of the final disposition of such action, suit or proceeding as

authorized by the Board of Commissioners in a specific case upon receipt of an undertaking by or on behalf of the Commissioner to repay such an amount, unless it shall ultimately be determined that he is entitled to be indemnified by the township as provided herein. **[Added 3-16-81 by Ord. No. 946]**

19.3.4. The indemnification provided by this section shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled by any contract or as a matter of law. **[Added 3-16-81 by Ord. No. 946]**

19.3.5. The indemnification shall continue as to such person who has ceased to be a Commissioner and shall inure to the benefit of the heirs, executors and administrators of such person. **[Added 3-16-81 by Ord. No. 946]**

#### **§ 19.4. Duties of President and Vice President.**

19.4.1. The Board of Commissioners shall elect a President and Vice President as provided in § C-313 of the Home Rule Charter.

19.4.2. The President, at the stated hour for each meeting, shall call the meeting to order. He shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with parliamentary rules contained herein and in Robert's Rules of Order, unless otherwise provided by statute. Any member of the Board of Commissioners shall have the right of appeal from the decision of the presiding officer. No appeal shall be debated, and the appeal may be sustained by the majority vote of the members present.

19.4.3. If the President is absent at the designated time for any meeting, the Vice President shall call the meeting to order and preside.

19.4.4. In the absence of the President and the Vice President, the Board of Commissioners shall elect a President Pro Tem, who shall have all the powers of the President.

#### **§ 19.5. Meetings [Amended 12-6-76 by Ord No. 663; 12-21-81 by Ord. No. 979; 1-5-87 by Ord No. 1244]**

19.5.1. Regular public meetings. Regular public meetings of the Board of Commissioners shall be held in the Upper St. Clair Municipal Building or at such location as may be designated by the Board on the first Monday of each month at 7:30 p.m. prevailing time. In any month in which the first Monday is a legal holiday, a regular meeting will be held the following Tuesday, unless otherwise specified by the Board of Commissioners. Adjourned and special meetings shall be called in compliance with § C-401 of Article IV of the Home Rule Charter.

19.5.2. The information and general affairs meetings. Regular informational and general affairs (IGA) meetings of the Board of Commissioners will be held in the Upper St. Clair

Municipal Building, or at such other location as may be designated by the Board, on the last Monday of each month at 7:30 p.m. prevailing time. In any month in which the last Monday is a legal holiday, the informational and general affairs meeting will be held the following Tuesday, unless otherwise specified by the Board of Commissioners.

19.5.3. The biennial organization meeting of the Board of Commissioners, as required in Section C-313 of the Home Rule Charter shall take place at 7:30 p.m. or shortly thereafter. Upon completion of the organization of the Board, the normal order of business shall follow if a business meeting is scheduled. **[Added 1-4-93 by Ord. No. 1569]**

**§ 19.6. Order of business, agenda. [Amended 2-6-84 by Ord. No. 1073; 1-5-87 by Ord No. 1244]**

19.6.1. The Township Manager, who serves as Secretary of the Board of Commissioners,<sup>1</sup> shall prepare the agendas for all meetings of the Board of Commissioners and distribute copies of such agendas, with pertinent materials, to the Commissioners. He shall post a copy of all stated public meeting agendas in the Municipal Building at least twenty-four (24) hours in advance of such public meetings. Agendas for regular public meetings and informational and general affairs meetings will normally follow the order prescribed as follows:

19.6.1.1. Regular public meetings:

- 19.6.1.1.1. Call to order by presiding officer.
- 19.6.1.1.2. Pledge of Allegiance.
- 19.6.1.1.3. Roll call.
- 19.6.1.1.4. Review of minutes of preceding meetings.
- 19.6.1.1.5. Comments, suggestions and questions from citizens and taxpayers on matters not included on the agenda.
- 19.6.1.1.6. Unfinished business from previous meetings.
- 19.6.1.1.7. New business, including the introduction of ordinances and resolutions.
- 19.6.1.1.8. Reports.
- 19.6.1.1.9. Executive session (if necessary).

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<sup>1</sup>Editor's Note: See § C-601 of the Home Rule Charter

## 19.6.1.2. Informational and general affairs meetings:

19.6.1.2.1. Call to order by presiding officer.

19.6.1.2.2. Roll call.

19.6.1.2.3. Review of minutes of preceding meetings.

19.6.1.2.4. Informational items.

19.6.1.2.5. General affairs.

19.6.1.2.6. Executive session.

19.6.1.2.7. Comments, suggestions and questions from citizens and taxpayers on matters of concern, official action or deliberation. **[Added 9-7-93 by Ord. No. 1597]**

19.6.2. The Board of Commissioners, in accordance with the Pennsylvania Sunshine Act,<sup>2</sup> may deliberate any township business and/or take any action as permitted by the Home Rule Charter at any regular public meetings, special meetings or adjourned public meetings. Action at informational and general affairs meetings by the Board of Commissioners shall be limited to routine nonlegislative matters. No resolutions or ordinances shall be adopted at informational and general affairs meetings; however, the Board of Commissioners may enact such legislation at an informational and general affairs meeting by a motion and majority vote suspending this requirement.

**§ 19.7. Citizens' and taxpayers' right to be heard.<sup>3</sup> [Amended 1-5-87 by Ord. No. 1244; Amended 9-7-93 by Ord. No. 1597]**

A regularly stated time for public comments on matters not included in the agenda is provided in the order of business for each regular public meeting of the Board of Commissioners. On matters included in the agenda, citizens and taxpayers will be recognized for comments during the time the agenda item is under discussion. At the Informational and General Affairs Meeting public comments and questions will be accepted only as provided in Section 19.6.1.2. A citizen or taxpayer who wishes to be heard or to address the chair shall state his name and address for the record and confine himself to the question under debate. A member of the public may be asked by the President, should the orderly procedure of the meeting so require, to limit his remarks to no longer than five (5) minutes.

**§ 19.8. Rules of procedure.**

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<sup>2</sup>Editor's Note: See 65 P.S. § 261 et seq.

<sup>3</sup>Editor's Note: See also § C-408 of the Home Rule Charter.

19.8.1. All rules of procedure shall be in accordance with § C-404 of the Home Rule Charter and the current edition of Robert's Rules of Order.

19.8.2. The roll call of members shall be called alphabetically, except that the presiding officer shall be called last. All final action in adopting ordinances or resolutions shall be by roll call vote, and the vote of each Commissioner shall be entered in the minutes of the meeting.<sup>4</sup> An abstention by a member who is present at a meeting shall be considered an affirmative vote unless the member has disqualified himself from consideration of the action before discussion or vote, stating his reasons therefor.

19.8.3. No Commissioner shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion. All Commissioners shall be provided opportunity by the presiding officer to participate fully and equally on each item being discussed.

19.8.4. When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

19.8.5. When a question is under discussion, no action shall be in order except to adjourn, to lay it on the table, to call the previous question, to postpone to a certain day, to refer to a committee, to amend or to postpone indefinitely. These motions shall have precedence in the order listed.

19.8.6. Any member desirous of terminating the debate may move the previous question, in which event the presiding officer shall announce the question as "Shall the main question now be put?". If the majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Board of Commissioners to a direct vote, first upon any pending amendments and then upon the main question.

19.8.7. A motion to adjourn shall always be in order, and a motion to adjourn, to lay it on the table and a call for the previous question shall be decided without debate.

19.8.8. The Board of Commissioners may adopt, by ordinance, such other rules of procedures as may be deemed appropriate and are not in conflict with the Home Rule Charter and this Administrative Code.

## **§ 19.9. Committees.**

Standing and ad hoc committees of the Board of Commissioners may be established by the President on the majority affirmative vote of the Board of Commissioners.

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<sup>4</sup>Editor's Note: For additional provisions pertaining to the adoption of ordinances and resolutions, see Art. V of the Home Rule Charter and Ch. 31, Ordinances and Codes.

**§ 19.10. Minutes. [Added 1-5-87 by Ord. No. 1244]**

Minutes of all meetings of the Board of Commissioners and committees of the Board of Commissioners shall be kept by the stenographer assigned by the Township Manager. Minutes shall consist of a record of any vote or official action taken by the Board of Commissioners or its committees. Minutes shall indicate the legislation, action or recommendation proposed, the action taken and the results of the vote, including the vote of each participant in a roll call vote which is not unanimous. Minutes shall not contain a verbatim record of any proceeding. In the event a public hearing (where testimony is taken under oath) is held at any meeting, the testimony shall be recorded by electronic device but shall not be transcribed unless requested by any party, the Township or is required by law. If the testimony is transcribed at the request of any party, but not required by law, the party requesting the transcript shall pay the costs incurred. **[Amended 7-5-94 by Ord. No. 1635]**