

The Bylaws Committee of the Westmoreland County Tax Collection Committee met on Tuesday, December 15, 2009, at 3:38 p.m. at the City of Greensburg Council Chambers, Greensburg, PA.

**CALL TO ORDER:** The Westmoreland County Tax Collection Committee (TCC) Chairman Jim Marnell called to order the Bylaws Committee Meeting of Tuesday, December 15, 2009.

**PLEDGE OF ALLEGIANCE:** Chairman Marnell led the audience in the Pledge of Allegiance.

**ATTENDEES:**

TCC Chairperson – Joe Koluder – Derry Area School District  
TCC Vice-Chairperson – Diane Heming – Municipality of Murrysville  
TCC Secretary – Mary Perez – City of Greensburg

Bylaws Committee

Charles Horvat – Penn Township  
Linda Iezzi – South Greensburg Borough  
Jim Marnell – Ligonier Valley School District  
Susan Trout – City of Greensburg  
Tammy Tuccarello – Jeannette School District  
Allison Willis – Mt. Pleasant Area School District  
  
Michael Foreman – DCED – Center for Local Government Services  
  
M. Janet Burkardt – Attorney Ira Weiss’s office (Acting Solicitor)

Absent Bylaws Committee Members

Jude Abraham – Hempfield Area School District  
George Dunbar – Penn Township  
Thomas Logan – Hempfield Township  
Eileen M. Navish – Belle Vernon School District  
Bud Santimyer – Scottdale Borough

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Mr. Marnell called the meeting to order and called the roll.

November 2, 2009, Meeting Minutes to be Approved: There were no revisions to the November 2, 2009, Bylaws Committee Meeting Minutes. Ms. Iezzi moved to approve. Ms. Willis seconded. All present voted aye. Motion approved.

Community Input: None.

Reports or Correspondence from the Secretary: None.

Reports or Comments from TCC Members in Attendance: None.

General Business:

Mr. Koluder referenced the draft Bylaws document, as follows:

- Article I – Section 1 – Item d. – Delegate Qualifications – Mr. Koluder suggested either eliminating this section or simply state “as per Act 32”. Mr. Marnell recalled that at the November 2, 2009, Meeting, the subject of including “18 years or older” under “Delegate Qualifications” was discussed. Mr. Koluder acknowledged that this was discussed. Mr. Marnell stated that he did not have a problem with referencing “as per Act 32”. Ms. Willis expressed the dilemma that should a delegate not be re-elected to either a Municipal position e.g. Council member or a school district position e.g. School Board member, would that delegate no longer be eligible to serve on the TCC? Mr. Koluder stated that as hailed in the Bylaws, when the respective municipalities and school districts re-organize each January, they are to appoint their delegates. Mr. Marnell conveyed that in the Bylaws, it states that if a delegate is not re-appointed or re-elected, then they would no longer serve on the TCC.

Mr. Koluder noted that Bylaws Committee Member, Eileen Navish, who does not live in Westmoreland County, but works for Belle Vernon School District, conveyed that whatever the Bylaws Committee selects for the Delegate Qualifications will be fine with her.

Mr. Koluder quoted from Act 32, “The choice is strictly up to the appointing body. The delegate does not even have to be a resident of the area they represent.”

Ms. Iezzi stated that many school boards would not be happy that the TCC would select someone with less of a percentage of a vote. The suggestion was made to Ms. Iezzi to have the TCC members alternate every year. For example, every year 15 new members would be brought onto the TCC, representing each district accordingly. This would afford TCC members “equal time” in which to serve.

Mr. Koluder stated that the school districts and municipalities have the right to appoint whomever they wish.

Ms. Heming inquired that if the Bylaws were written that all TCC members have one vote, then the weighted vote, which Ms. Iezzi is referring in her scenario, would not come into play.

Ms. Iezzi clarified that the school districts, who have the majority vote, do not wish the minority members to have just as much vote as they do.

Ms. Heming stated that it needs to be made clear that some smaller municipalities receive more money than some of the school districts, so the votes are not the same.

Mr. Koluder stated that the Bylaws Committee has agreed to a basic premise: The Committee wants to maintain equal representation, whether it's based on the percentage of the vote or whether it would be something the Bylaws Committee creates: 50 percent of the control will be maintained by the school district and 50 percent would be maintained by the municipalities.

Mr. Koluder inquired if the Bylaws could state each school district could appoint a delegate to the TCC and each group of municipalities, from each district, would appoint a representative.

Ms. Heming provided a scenario: If the TCC would be comprised of 17 school districts and 17 municipalities (for a total of 34 members), and their votes are weighted by their population, then never will the municipalities gain anything. The school districts would control everything.

Mr. Koluder stated that the municipalities and school districts would have identical votes, because the school districts would have 50 percent of their vote and the municipalities would have the other 50 percent. The votes would not be weighted, but rather, one-for-one.

Mr. Horvat stated that, as an example, Manor Borough has three school districts and Delmont Borough has two. The TCC would have a hard time convincing Delmont to give up their vote. Mr. Horvat has been contacted by Delmont Borough and they stated that Greensburg-Salem and Franklin Regional are the two school districts that serve Delmont. Manor Borough is served by Hempfield Township, Penn-Trafford, and Norwin school districts.

Ms. Willis offered that to have a TCC comprised of 34 members, it would be cumbersome to have that large of a group consistently meet to make decisions. Therefore, she suggested having the smallest group possible, with the members rotating, so that the vote is not weighted.

Mr. Koluder questioned: How would the TCC convey to the 17 school districts and the rest of the municipalities who they should appoint? Ms. Iezzi responded with whatever number of members would be on the Operating Board e.g. nine, those nine would meet twice a year. The following year, nine different people would comprise the Operating Board. Each year, the entire 86 member delegation of the TCC would meet and from those, a number would comprise the Operating Board. Each member would get one vote.

Mr. Koluder clarified that the 86 delegates would meet once and choose the Operating Board. Mr. Koluder suggested an Operating Board of ten (10) members: 5 representatives from the school districts and 5 representatives from the municipalities.

Ms. Heming inquired if there will be officers on the Operating Board, in addition to the other members? Ms. Heming suggested having three officers and seven delegates on the Operating Board.

Ms. Willis reiterated that the 86 delegates would select the ten (10) members of the Operating Board. (The Operating Board would be comprised of five school districts and five municipalities, each having an equal vote). Of the ten-member Operating Board, three members would be selected as the officers. Mr. Koluder agreed with this scenario.

Ms. Heming stated that the officers wouldn't need to vote, unless there would be six members in attendance or a vote ended in a tie.

Mr. Koluder clarified that the officers and structure remains the same for Year 2010, but at the reorganization meeting in January 2011, the new structure and Bylaws would go into effect.

Ms. Willis inquired how ties would be handled, if the Operating Board is comprised of ten members. Mr. Koluder said the issue would be addressed in the Bylaws.

Ms. Heming stated that every municipality and school district should have an equal vote.

General discussion ensued on the subject of an Operating Board member leaving the Board either by not being re-elected or re-appointed to their office in their respective school district or municipality or by simply resigning e.g. moving out of the area and how to fill the vacancy. The Bylaws Committee agreed by consensus that if the vacancy was created on the school district side, then the four remaining school district representatives on the Operating Board should meet and appoint a new member to the Operating Board. Conversely, if the vacancy was created on the municipal side, then the four remaining municipal representatives on the Operating Board should meet and appoint a new member to the Operating Board. The suggestion was made to have alternates for each member of the Operating Board, in case of a vacancy occurring.

General discussion ensued on the fair representation of school districts and municipalities. For example: For Franklin Regional School District, if the Municipality of Murrysville and Delmont Borough were chosen as municipal representatives on the Operating Board, there would effectively be a controlling force for the Franklin Regional School District, as both those municipalities are included in that school district. There must be balanced, equal representation, which should be reflected in the Bylaws accordingly. Ms. Iezzi reiterated that there should be alternating representatives, so one area (school district) is not always controlling the vote.

Ms. Heming clarified that the weighted vote should be used in instances of buying a building, incurring debt, or selecting the tax collector i.e. major decisions. In response to this topic, Ms. Trout stated that the Bylaws Committee needs to decide what the major decisions will be for the entire 86-delegation (the TCC) and the Operating Board.

The Bylaws Committee agreed by consensus, as follows:

- The Bylaws will become effective in January 2011.

- Bylaws – Article I – Section 1 – Voting and Alternate Delegates: The entire 86-member delegation will be named the Tax Collections Committee (TCC). This verbiage was reflected accordingly in Section 1.
- Bylaws – Article I – Section 1 – Item d. – Section 1 shall read as follows:  
**Delegate Qualifications: All delegates appointed to the Board will be eighteen (18) years of age or over, and a resident of Westmoreland County, PA.**
- Bylaws – Article I – Section 2 – Section 2 shall read as follows: “TCC Meetings: The TCC will hold an annual reorganization meeting on a date and at a time established by the TCC, or by the Chairperson, in the absence of TCC action as set forth in Article II, Section 3. Special meetings will be called by the Secretary upon request received from any officer or any 5 delegates”.
- Bylaws – Article I – Section 4 – Meeting Conduct – “TCC” was inserted accordingly throughout section.
- Bylaws – Article I – Section 5 – Title to read, “ Vote Weight/Votes Required for Action on Matters of Major Decisions as provided for in Section 7”.
- Bylaws – Article I – Section 5 – Sentence on data provided by the Pennsylvania Department of Community and Economic Development to read, “Annually, the Pennsylvania Department of Community and Economic Development will assist **the** TCC’s Certified Public Accountant with data to be used to calculate the weight of each delegate’s vote...”
- Bylaws – Article I – Section 6 – Section title revised to read, “Operating Board General Powers and Duties.” Within Section 6, Operating Board and TCC were inserted accordingly to reflect references to the proper authority. Also, in Item b. – the word “Treasurer” was inserted in the first line, “At each regular Operating Board meeting, the Treasurer will present...”
- Bylaws – Article I – Section 7 – Major Decisions – Board Powers Retained and Not Delegated – First paragraph, TCC was inserted as follows: “The TCC shall not delegate authority to act on, and only the TCC shall have authority to act on, any Major Decision. “
- Bylaws – Article I – Section 7 – Item c. – Insert “Operating Board” as follows: “Approval to borrow money or otherwise incur debt not provided for in a budget approved by the Operating Board.”
- Bylaws – Article I – Section 7 – Item d. – Insert “Operating Board” as follows: “Appointment or removal of Operating Board officers.”

- Bylaws – Article I – Section 7 – Item i. – Insert “Operating Board” as follows: “Approval of any real estate lease to the extent the lease requires payments not provided for in a budget approved by the Operating Board.”
- Bylaws – Article I – Section 7 – Item l. – “The Tax Appeal Board appointments shall remain the responsibility of the Operating Board.”
- Bylaws – Article I – Section 8 – Item a. – “TCC” was inserted, as appropriate within the paragraph.
- Bylaws – Article II – Section 1 to read – Officers: “The Operating Board will consist of ten (10) individuals, five (5) of which represent the School Districts and five (5) representing the Boroughs, Cities, Townships, and Municipalities. No more than two (2) representatives can be from the same locality. The Operating Board...”
- Bylaws – Article II – Original Section 2 was eliminated. **Section 2. First – Board Meeting/Initial Organization/Initial Officer Election/Term of Appointment:** ~~The chair of the county commissioners or the chair’s designee, or the chief executive of the county or the chief executive’s designee, shall in 2009 convene the first meeting of the Board. At the meeting, the Board shall elect officers. Within thirty (30) days after the election of any officer, the Secretary shall notify DCED of the name and address of each officer.~~
- Bylaws – Article II – New Section 2 – Vacancies – The Bylaws Committee agreed by consensus that if the vacancy was created on the school district side, then the four remaining school district representatives on the Operating Board should meet and appoint a new member to the Operating Board. Conversely, if the vacancy was created on the municipal side, then the four remaining municipal representatives on the Operating Board should meet and appoint a new member to the Operating Board. The suggestion was made to have alternates for each member of the Operating Board, in case of a vacancy occurring.
- Bylaws – Article II – Section 3 – “Annual Operating Board Organization Meeting/Officer Election/Other Appointments” to read: “Beginning in 2011, the Operating Board will designate one of the regular Operating Board meetings as the annual organization meeting. This meeting will generally be held in January. At the annual organization meeting, the Operating Board shall elect officers. Within thirty (30) days after the election of any officer, the Secretary shall notify DCED of the name and address of each officer. At the annual organization meeting, the Operating Board...”

Revised paragraph at the end of Section 3 as follows: “Beginning in 2011, the annual organization meetings of the TCC and the Operating Board shall take place by January 31 to elect officers and conduct other business as necessary or appropriate.

- Bylaws – Article II – Section 4 – “Officer Term of Office” – Section to read:  
“The officers elected shall hold office for a term of one (1) year or until a successor has been elected, or earlier death, resignation, or removal of the officer, but no later than January 31, of each year.
- Bylaws – Article II – Section 5 – Section 5 was eliminated, as noted with strike-through. **Section 5. Removal of Officers, Agents, and Tax Appeal Board Members:** ~~Any officer, agent, or Tax Appeal Board member may be removed by the Board at any time, with or without cause. The removal shall be without prejudice to the contract rights, if any, of any person so removed. Election or appointment of any officer shall not of itself create contract rights.~~
- Each member of the Operating Board will have one vote; there will be no weighted vote.
- The ten-member Operating Board will select their own officers.
- Seven members of the Operating Board would conduct the business of that Board and vote accordingly. The three officers of the Operating Board voting only when there would be a tie.
- Beginning in 2011, the annual organization meetings of the TCC and the Operating Board shall take place by January 31 to elect officers and conduct other business as necessary or appropriate.

Mr. Koluder reiterated that the Bylaws Committee’s goal is to provide the Bylaws to the entire TCC prior to the TCC’s February 28, 2010, Meeting.

Next Meeting:

The Bylaws Committee will meet on Tuesday, January 19, 2010, at 3:30 p.m. at the City of Greensburg Council Chambers, Greensburg, PA.

There was no further business conducted by the Bylaws Committee. Mr. Koluder moved to adjourn. Ms. Iezzi seconded. All presented voted aye. The meeting adjourned at 6:10 p.m.

Respectfully submitted,

Cherie Weber, PHR  
Executive Assistant  
Municipality of Murrysville