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## Article IV — The Commission

### § 13-401 Civil Service Commission

(a) **Composition; Term.** The Commission shall consist of three commissioners who shall be qualified electors of the Borough and shall be appointed by Borough Council initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

(b) **Vacancies.** Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Borough for the unexpired term within the period of thirty (30) days after such vacancy occurs.

(c) **Alternate Members.**

(1) Borough Council may appoint no more than three qualified electors of the Borough to serve as alternate members of the Commission. The term of office of the alternate members shall be six years.

(2) An alternate member may not hold another office in the Borough.

(3) An alternate may participate in any proceeding or discussion of the Commission, but may not vote as a member of the Commission unless designated as a voting alternate member under § 13-404(b).

(4) If designated to sit on the Commission under § 13-404(b) in order to provide a quorum, an alternate member shall be entitled to participate in all proceedings and discussions of the Commission to the same and full extent as provided by law for Commission members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties specified in this Chapter and as otherwise provided by law. An alternate member shall continue to serve on the Commission in all proceedings involving the matter or case for which the alternate was initially designated until the Commission has made a final determination of the matter or case.

(d) **Oath.** Each member of the Commission, before entering upon the discharge of the duties of his/her office, shall take an oath or affirmation of office under 53 PA. CONS. STAT. ANN. § 1141 (relating to form of oaths of office).

(e) **Compensation.** No civil service commissioner shall receive compensation.

### § 13-402 Offices Incompatible with Civil Service Commissioner.

No commissioner shall at the same time hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, *except* that one member of the Commission may be a member of Borough Council, and one commissioner may be a member of the teaching profession.

### § 13-403     **Organization of the Commission.**

The Commission first appointed shall organize within ten days of its appointment and shall elect one of its members as its chair, one as vice chair, and one as the Secretary. The Commission shall thereafter meet and organize on the first Monday of each even-numbered year.

### § 13-404     **Quorum, etc.**

(a) **Quorum.** Three members of the Commission shall constitute a quorum.

(b) **Designation of Alternate Members.** If, by reason of absence or disqualification of a member, a quorum is not reached, the chair shall designate as many alternate members of the Commission to sit on the Commission as may be needed to provide a quorum. Designation of an alternate member under this subsection shall be made on a case-by-case basis in rotation according to declining seniority among the alternates.

(c) **Validity of Commission Action.** No action of the Commission shall be valid unless it shall have the concurrence of at least two members.

### § 13-405     **Duties of the Chair.**

The Chair, or in his or her absence, the vice chair, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law or these Rules and Regulations.

### § 13-406     **Duties of Secretary.**

The Secretary shall carry on at the direction of the commission all official correspondence of the commission, send out all notices required by law and these Rules and Regulations, keep a record of each examination or other official action of the commission, and perform all other duties required by law or these Rules and Regulations.

### § 13-407     **Meetings.**

Except for the biennial organization meeting, all meetings shall be held either at the call of the Chair or at the call of two members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these Rules and Regulations. The Secretary shall give each commissioner 24 hours notice in writing of each and every meeting of the Commission.

### § 13-408 Clerks, Supplies, and Solicitor.

The Borough shall:

(a) Furnish to the Commission, on its requisition, clerical assistance that may be necessary for the work of the Commission.

(b) Provide a suitable and convenient room for the use of the Commission. The Commission shall order from the Borough the necessary stationery, postage, printing, and supplies.

(c) Provide the services of a solicitor for the Commission to be appointed by the Commission and paid by the Borough. The Borough may place a reasonable limit on the amount allowed each year for the services of the Commission solicitor.

(d) Through its elected and appointed officials, aid the Commission in all proper ways in carrying out the provisions of this Chapter relating to police civil service.

### § 13-409 Minutes & Records.

(a) **In General.** The Secretary shall keep minutes of the Commission's proceedings, showing the vote of each member upon each question. If a member is absent or fails to vote, the Secretary shall indicate that fact in the minutes. The Commission shall preserve its minutes and the records of examinations and other official actions. All recommendations of applicants for appointment received by the Commission shall be kept and preserved for a period of five years. Records may only be disposed of in accordance with the *Retention and Disposition Schedule for Records of Pennsylvania Municipalities* issued by the Local Government Records Committee under the authority of the Municipal Records Act, 53 PA. CONS. STAT. § 1381 *et seq.*

(b) **Public Inspection.** The records of the Commission shall be open to public inspection only to the extent required by applicable law (*see, e.g.*, Sections 1176, 1177 and 1191 of the Borough Code, 8 PA. CONS. STAT. §§ 1176, 1177, 1191, and the Right to Know Law, 65 PA. STAT. ANN. § 67.101 *et seq.*), and public inspection shall be subject to reasonable regulation. These Rules and Regulations and all modifications thereof shall be made available for public distribution or inspection.

### § 13-410 Investigations.

The Commission may conduct investigations concerning all matters touching the administration and enforcement of these Rules and Regulations. The Chair of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

### § 13-411 Subpoenas.

(a) **In General.** The Commission may issue subpoenas over the signature of the Chair to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same

as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expense of the Commission.

(b) **Borough Officers and Employees.** All officers in public service and employees of the Borough shall attend and testify when required to do so by the Commission.

(c) **Enforcement.** Subpoenas shall be enforced in accordance with applicable law. (*See, e.g., Borough Code § 1179, 8 PA. CONS. STAT. § 1179.*)

### § 13-412    **Annual Report.**

The Commission shall make an annual report to the Borough Council containing a brief summary of its work during the year. The annual report shall be available for public inspection.