

BOROUGH OF PARKSIDE

ORDINANCE NO. 573

AN ORDINANCE OF THE BOROUGH OF PARKSIDE, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE PARKSIDE BOROUGH CODE OF ORDINANCES AT CHAPTER 8 TO PROVIDE FOR THE CREATION OF A CIVIL SERVICE COMMISSION

WHEREAS, The Borough Council of the Borough of Parkside, Delaware County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Borough to expand its police force; and

WHEREAS, 8 Pa.C.S.A. § 1172, et seq., authorizes Borough Council to establish, by ordinance, a Civil Service Commission for the examination of police officers and other functions, as designated by the Borough Code.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Council of the Borough of Parkside, as follows:

SECTION 1. Creation of Chapter 8.

§ 8-1. Establishment.

Pursuant to the authority set forth under 8 Pa.C.S.A. § 1172, et seq., there is hereby established a Civil Service Commission for the Borough of Parkside, which shall be known as the "Borough of Parkside Civil Service Commission."

§ 8-2. Composition; Terms; Vacancies.

The Commission shall consist of three commissioners who shall be qualified electors of the Borough and shall be appointed by the Borough Council initially to serve for the terms of two, four and six years. As terms expire, the members of the Commission shall each be appointed for terms of six years. When a vacancy occurs on the Commission for any reason, said vacancy shall be filled by the Borough Council for the unexpired term within the period of 30 days after the vacancy occurs.

§ 8-3. Alternates.

Borough Council may appoint up to three alternate members in addition to the three regular members of the Commission. Each alternate member shall be a qualified elector of the Borough and shall serve a term of six years. Alternate members may participate in all proceedings and discussions of the Commission

to the same and full extent as provided by law for Commission members, but may only cast a vote if designated as a voting alternate member pursuant to Section 1174 of the Borough Code

§ 8-4. Oaths and Affirmations.

Each member of the Commission, before entering upon the discharge of the duties of office, must take an oath or affirmation of office pursuant to the Section 1141 of the Borough Code.

§ 8-5. Incompatible Offices.

No regular or alternate member of the Commission may hold an elective or appointed office under the federal government, this commonwealth or any political subdivision of the commonwealth, except that one member of the Commission may be a member of the Borough Council and one member may be a member of the teaching profession.

§ 8-6. Compensation.

No member of the Commission may receive any compensation for their duties on the Commission.

§ 8-7. Organization of Commission; Quorum.

The Commission first appointed shall organize within 10 days of its appointment and shall elect one of its members as the Chair and one member as the Secretary. The Commission shall, thereafter, meet and organize on the first Monday of each even-numbered year. The Secretary of the Commission shall give each Commission member 24 hours' notice in writing of each and every meeting of the Commission. Two members of the Commission shall constitute a quorum, and no action of the Commission shall be valid unless it shall have the concurrence of at least two members. All Commission meetings, aside from reorganization meetings, shall be held on an as-needed basis and shall be scheduled by the Chair of the Commission.

§ 8-8. Rules and Regulations of the Commission.

The Commission shall have the authority pursuant to Section 1176 of the Borough Code to prescribe, amend and enforce rules and regulations for its function. Said rules and regulations and modifications shall be made available by the Borough for public distribution or inspection. The rules and regulations or any amendments must be approved by Borough Council before their effective date. No rule or regulation may be annulled, amended or supplemented to without prior approval of Borough Council.

§ 8-9. Borough Obligations to the Civil Service Commission.

A. To ensure the reasonable and proper function of the Commission, the Borough shall provide to the Commission the following:

- (1) Clerical assistance that is necessary for the work of the Commission.
 - (2) Suitable and convenient room for the use of the Commission.
 - (3) Stationery, postage, printing, and supplies.
 - (4) The services of a solicitor for the Commission to be appointed by the Commission and paid by the Borough.
- B. Prior approval by Borough Council is required for an expenditure of funds in connection with the Commission.

§ 8-10. Powers and Duties of the Civil Service Commission.

- A. At the request of Borough Council, the Commission shall examine applicants for positions and promotions in the police force and provide Borough Council with an Eligibility List, as provided by the Borough Code, for the hiring of those positions.
- B. The Commission shall make rules and regulations, to be approved by Borough Council as above provided, providing for the examination of applicants for positions and promotions in the police force and shall prescribe the minimum qualifications of all applicants to be examined and the passing grades.
- C. The Commission shall have the sole authority to conduct investigations concerning all matters in connection with the administration and enforcement of the civil service provisions of this chapter and rules and regulations adopted thereunder and of the civil service provisions of the Borough Code of the Commonwealth of Pennsylvania. The Chairman of the Commission shall have the authority to administer oaths and affirmations in connection with such investigations.
- D. The Commission shall have the authority to issue subpoenas over the signature of the Chairman to compel the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry.
- E. The Commission shall have jurisdiction over all hearings related to suspension, removal or reduction in rank, as requested by the person subject to such action.

§ 8-11. Prior Employees Exempted.

All appointments to the police force, including the Chief of Police or equivalent official, prior to the creation of the Commission shall continue to hold their positions and shall not be required to take any examination under the provisions of this chapter, except as may be required for promotion, provided

that, this section shall not be construed to apply to persons employed temporarily in emergency cases.

SECTION 2. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Borough's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 16 day of November 2022, by the Parkside Borough Council.

**BOROUGH OF PARKSIDE
BOROUGH COUNCIL**

[Seal]

Attested by:


ANNA GUY
President

KIMBERLY ROMAN
Mayor



