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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 2300** Session of  
1988

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INTRODUCED BY BUSH, HALUSKA, RAYMOND, COLAFELLA, McHALE,  
DEMPSEY, TRELLO, CHADWICK, BELARDI, STABACK, JOHNSON, FARGO,  
NOYE, DISTLER, ANGSTADT, SEMMEL, KENNEY, GLADECK, CLYMER,  
GODSHALL, SAURMAN, E. Z. TAYLOR, MERRY, BLACK AND CARLSON,  
APRIL 5, 1988

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 5, 1988

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AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),  
2 entitled "An act concerning boroughs, and revising, amending  
3 and consolidating the law relating to boroughs," authorizing  
4 the mayor to employ outside counsel where a legal dispute  
5 exists between the mayor and council.

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

8 Section 1. Section 1117 of the act of February 1, 1966 (1965  
9 P.L.1656, No.581), known as The Borough Code, is amended to  
10 read:

11 Section 1117. Duties of Solicitor; Outside Counsel.--(a)  
12 The borough solicitor, when directed or requested so to do by  
13 council or the mayor, shall prepare or approve such bonds,  
14 obligations, contracts, leases, conveyances, ordinances and  
15 assurances to which the borough or any department thereof may be  
16 a party; he shall commence and prosecute all actions brought by  
17 the borough for or on account of any of the estates, rights,  
18 trusts, privileges, claims, or demands, as well as defend all

1 actions or suits against the borough, or any officer thereof,  
2 wherein or whereby any of the estates, rights, privileges,  
3 trusts, ordinances, or accounts, of the borough, or any  
4 department thereof, may be brought in question before any court  
5 in the Commonwealth; and shall do every professional act  
6 incident to the office which he may be authorized or required to  
7 do by the council or the mayor. He shall, whenever required,  
8 furnish the council, or committees thereof, the mayor, or the  
9 head of department, with his opinion in writing upon any  
10 question of law which may be submitted by any of them in their  
11 official capacities.

12 (b) In the case of a legal dispute between the mayor and  
13 council, or in any other case where representation of the mayor  
14 and council by the borough solicitor would create a conflict of  
15 interest for the borough solicitor, the mayor is authorized to  
16 employ outside counsel at borough expense to perform necessary  
17 legal services.

18 Section 2. This act shall take effect in 60 days.