

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 938 Session of
2011

INTRODUCED BY PIPPY, RAFFERTY, FONTANA, BAKER, GREENLEAF AND
SOLOBAY, APRIL 8, 2011

REFERRED TO LOCAL GOVERNMENT, APRIL 8, 2011

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," further
4 providing for salaried mayor not to receive fees and for
5 duties of solicitor and outside counsel.

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

8 Section 1. Section 1026 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 1026. Salaried Mayor Not to Receive Certain Fees.--
12 [Any] (a) Except as provided in subsection (b), any salary paid
13 pursuant to an ordinance shall be in lieu of all costs and fees
14 allowed a mayor. Costs and fees shall be taxed and collected by
15 the mayor and turned into the borough treasury. Any mayor, upon
16 assuming office for any elective or appointive term and at any
17 time no sooner than two years thereafter, shall be authorized to
18 elect to be paid by the fees and costs pertaining to his office
19 or by the salary fixed by ordinance for his office, and such

1 mayor shall thereupon receive as his compensation either the
2 fees and costs, or the fixed salary, as elected by him.

3 (b) Nothing in this act shall be construed to prevent a
4 mayor from receiving a monetary fee for the performance of a
5 marriage ceremony in this Commonwealth provided the fee does not
6 exceed one hundred fifty dollars (\$150) for each ceremony
7 performed. Prior to performing these ceremonies, the mayor shall
8 notify council in writing of the mayor's intention to perform
9 marriage ceremonies. The notification shall remain in effect for
10 the term of the mayor or until such time as the notification is
11 rescinded by the mayor. The mayor shall keep accurate accounts
12 of the fees received relating to the performance of marriage
13 ceremonies and provide council each quarter with a report of
14 moneys received for that period. The quarterly report shall
15 include the amount of money received, the names of persons from
16 whom money was received along with the date and the location of
17 the performed ceremony and shall be considered a public record.
18 The receipt of a fee under this subsection shall not be
19 considered a violation of 65 Pa.C.S. Ch. 11 (relating to ethics
20 standards and financial disclosure) and shall not be considered
21 compensation under this act.

22 Section 2. Section 1117 of the act, amended July 1, 1992
23 (P.L.344, No.71), is amended to read:

24 Section 1117. Duties of Solicitor; Outside Counsel.--(a) The
25 borough solicitor, when directed or requested so to do by
26 council or the mayor, shall prepare or approve such bonds,
27 obligations, contracts, leases, conveyances, ordinances and
28 assurances to which the borough or any department thereof may be
29 a party; he shall commence and prosecute all actions brought by
30 the borough for or on account of any of the estates, rights,

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

13 (b) In the case of a legal dispute between the mayor and
14 council, or in any other case where representation of the mayor
15 and council by the borough solicitor would create a conflict of
16 interest for the borough solicitor, the mayor is authorized to
17 employ outside counsel at borough expense, not to exceed [two
18 thousand five hundred dollars (\$2,500)] four thousand dollars
19 (\$4,000) in any twelve-month period, to perform necessary legal
20 services.

21 Section 3. This act shall take effect in 60 days.