

DEPUTY MAYOR APPOINTMENT, SECOND CLASS A CITIES
Act of Apr. 20, 1939, P.L. 29, No. 24
AN ACT

Cl. 11

Authorizing the appointment of a deputy mayor in cities of the second class A, and limiting and prescribing his powers and duties.

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

Section 1. In all cities of the second class A of this Commonwealth, the mayor thereof, in addition to the powers now possessed, is hereby authorized and empowered to designate, in writing, and file with the city clerk of said city, one of the heads of the city departments, entitled to vote as set forth in section four, except the city controller, to act as deputy mayor in case of the necessary absence of the mayor from the city, or his illness or other temporary disability. The person so designated shall be known as deputy mayor, and shall exercise all the powers and discharge all the duties of mayor, during said absence, illness or temporary disability, except the power of appointing to or discharging from office in the city government. Such head of department shall serve without additional compensation; and such deputy mayor shall give bond, to be approved by the city solicitor, in an amount equal to one-half of the bond furnished by the mayor; said bond to be deposited with the city controller. The deputy mayor shall take the same oath of office as that prescribed by law for the mayor. The premium for said bond shall be paid by said city.

Section 2. The mayor shall have the power to revoke any designation so made, at any time, without giving reasons therefor, by filing said revocation, in writing, with the city clerk.

Section 3. The mayors of cities of the second class A shall, within thirty days after the effective date of this act, designate, in writing to the city clerk, the appointment of a deputy mayor in accordance with the provisions of this act. Any person, elected mayor of a city of the second class A, or vested with the power of mayor shall, within the period of thirty days after assuming the duties of said office, file a designation in the city clerk's office, in writing, appointing a deputy mayor in accordance with the provisions of this act.

Section 4. In the event that the mayor shall fail to appoint a deputy mayor in accordance with the provisions of this act, or, in the event that the person designated by the mayor to act as deputy mayor shall, for any reason, be unable or unwilling to act as deputy mayor, then and in that event, a majority of the heads of the departments of cities of the second class A shall designate the deputy mayor, who shall exercise all the powers and discharge all the duties of mayor except the power of appointing to or discharging from office in the city government. The following department heads shall be entitled to vote: City

treasurer; city solicitor; director, department of public health; director, department of public safety; director, department of public works; and director, department of supplies. In the event of a tie vote, the president judge of the county in which said city of the second class A is situate shall vote for one of the candidates within a period of twenty-four hours after the city clerk has notified him in writing of the tie vote. For the purposes of this act, the city clerk shall act as chairman of all meetings for the purposes of designating a deputy mayor, but under no circumstances shall have the right to vote on the appointment of a deputy mayor. For the purposes of selecting a deputy mayor, four of the department heads shall constitute a quorum.

Section 5. For the purposes of this act, necessary absence from the city, illness or other temporary disability shall continue for fifteen consecutive days before the deputy mayor shall be empowered to assume the duties of office of mayor, subject however, to the provision that in the event that there shall be before the mayor an ordinance or resolution, for approval or disapproval, and that said mayor, by reason of his illness, is unable to act within the period allowed by law, then and in that event, the deputy mayor shall assume the duties of the office of mayor upon the filing with the city clerk, by the mayor's attending physician, of a statement in writing that the mayor is unable to perform the duties of his office.

Section 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 7. This act shall become effective immediately upon final enactment.