

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 539 Session of
1991

INTRODUCED BY FISHER, RHOADES, ANDREZESKI, BORTNER, HELFRICK,
SCANLON AND LAVALLE, FEBRUARY 20, 1991

REFERRED TO LOCAL GOVERNMENT, FEBRUARY 20, 1991

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
19 actions or suits against the borough, or any officer thereof,

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

11 (b) In the case of a legal dispute between the mayor and
12 council, or in any other case where representation of the mayor
13 and council by the borough solicitor would create a conflict of
14 interest for the borough solicitor, the mayor is authorized to
15 employ outside counsel at borough expense, not to exceed two
16 thousand five hundred dollars (\$2,500) a year, to perform
17 necessary legal services.

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