

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1089 Session of 2009

INTRODUCED BY ARGALL, RAFFERTY, WARD AND ALLOWAY,
SEPTEMBER 17, 2009

REFERRED TO LOCAL GOVERNMENT, SEPTEMBER 17, 2009

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," in powers
4 and duties of elected borough officials, further providing
5 for powers of council, for salary of mayor limited, for
6 general powers of mayor and for duties of mayor.

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

9 Section 1. Section 1005 of the act of February 1, 1966 (1965
10 P.L.1656, No.581), known as The Borough Code, is amended by
11 adding paragraphs to read:

12 Section 1005. Powers of Council.--The council of the borough
13 shall have power:

14 * * *

15 (10) To consider, advise upon and consent by majority vote
16 upon any litigation proposed to be filed by the mayor in the
17 mayor's official capacity or on behalf of the borough.

18 (11) To take additional action, by and through the
19 solicitor, by way of mediation or through the filing of
20 litigation, to seek additional reimbursement from the mayor in

1 the mayor's personal capacity for expenses of litigation which
2 are initiated by the mayor without the advice and consent of the
3 council and which expenses exceed the amount withheld from the
4 mayor's salary as provided in section 1025(b).

5 Section 2. Section 1025 of the act, amended March 22, 2002
6 (P.L.207, No.17), is amended to read:

7 Section 1025. Salary of Mayor Limited.--(a) The salary of
8 the mayor shall be established by ordinance and shall not
9 exceed, in boroughs with a population of less than five
10 thousand, a maximum of two thousand five hundred dollars (\$2500)
11 a year; in boroughs with a population of five thousand or more
12 but less than ten thousand, a maximum of five thousand dollars
13 (\$5000) a year; in boroughs with a population of ten thousand or
14 more but less than fifteen thousand, a maximum of seven thousand
15 five hundred dollars (\$7500) a year. In any borough with a
16 population in excess of fifteen thousand, the salary of the
17 mayor shall not exceed five hundred dollars (\$500) per annum per
18 thousand population or fraction thereof, the population to be
19 determined by the latest official census figures. Such salaries
20 shall be payable monthly or quarterly for the duties imposed by
21 the provisions of this act. Benefits provided to the mayor under
22 section 1202(37) shall not be considered pay, salary or
23 compensation, but payment for all or a part of the premiums or
24 charges for the benefits shall be in accordance with section
25 1202(37).

26 (b) If the mayor initiates litigation in the mayor's
27 official capacity without the formal advice and consent of the
28 borough council, expenses incurred by the borough in the
29 litigation may be withheld from the salary of the mayor up to
30 the maximum provided in subsection (a).

1 Section 3. Section 1028(a) of the act, amended November 29,
2 2004 (P.L.1337, No.170), is amended and the section is amended
3 by adding a subsection to read:

4 Section 1028. General Powers of Mayor.--(a) The mayor shall
5 have power:

6 (1) To administer oaths and affirmations in matters
7 pertaining to borough affairs.

8 (2) To initiate litigation in the mayor's official capacity
9 or on behalf of the borough, after receiving the advice and
10 consent of the borough council.

11 * * *

12 (c) The terms of a proclamation issued under subsection (b)
13 and initiated in the form of litigation may only be enforced
14 after the mayor receives the advice and consent of the borough
15 council.

16 Section 4. Section 1029 of the act, amended May 9, 1980
17 (P.L.120, No.47) and December 12, 1980 (P.L.1194, No.220), is
18 amended to read:

19 Section 1029. Duties of Mayor.--[It] (a) Subject to the
20 provisions in subsection (b), it shall be the duty of the mayor:

21 (1) To preserve order in the borough, to enforce the
22 ordinances and regulations, to remove nuisances, to exact a
23 faithful performance of the duties of the officers appointed,
24 and to perform such other duties as shall be vested in his
25 office by law or ordinance.

26 (2) Except as provided in section 1006(3), to sign such
27 papers, contracts, obligations and documents as may be required
28 by law.

29 (3) To keep correct accounts of all moneys received by him,
30 to render to the council at least once a month an itemized

1 statement of all such moneys so received since the last such
2 statement, with the date at which and the purpose for which and
3 the names of the persons from whom the same was received, and to
4 pay all such moneys into the borough treasury, to report to the
5 council from time to time on the state of the borough and to
6 make recommendations to the council on matters of borough
7 concern. The borough shall furnish the mayor with such books and
8 forms as are necessary for the conduct of his office. Such books
9 and forms shall be and remain the property of the borough and
10 shall be surrendered to his successor in office.

11 (b) In any case where, in the performance of the duties
12 specified in subsection (a), the mayor determines to initiate
13 litigation, the mayor may do so only after receiving the advice
14 and consent of the borough council.

15 Section 5. This act shall take effect in 60 days.