

No. 2002-17

AN ACT

SB 768

Amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," further providing for borough councils' and mayors' salaries.

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

Section 1. Sections 1001 and 1025 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, amended October 31, 1995 (P.L.346, No.58), are amended to read:

Section 1001. Organization of Council; Quorum; Compensation; Eligibility.—The borough council shall organize on the first Monday of January of each even-numbered year, by electing one of their number as president and one of their number as vice-president, who shall hold such offices at the pleasure of the council. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. Any action taken by any borough council at any time between 12:01 o'clock ante meridian on January 1 of an even-numbered year and the organization of council in that year shall be subject to reconsideration by the new council at any time within ten days after such organization. The council may at the organization meeting elect such other officers as may be provided for by law or ordinance, or as may be deemed necessary for the conduct of affairs of the borough and may transact such other business as may come before the meeting. The president, and during his absence or incapacity the vice-president, shall preside over the meetings of council and perform such other duties as are prescribed by this act or by ordinance. A majority of the membership of council then in office shall constitute a quorum. Councilmen may receive compensation to be fixed by ordinance at any time and from time to time as follows: In boroughs with a population of less than five thousand, a maximum of eighteen hundred seventy-five dollars (\$1875) a year; in boroughs with a population of five thousand or more but less than ten thousand, a maximum of two thousand five hundred dollars (\$2500) a year; in boroughs with a population of ten thousand or more but less than fifteen thousand, a maximum of three thousand two hundred fifty dollars (\$3250) a year; in boroughs with a population of fifteen thousand or more but less than twenty-five thousand, a maximum of four thousand one hundred twenty-five dollars (\$4125) a year; in boroughs with a population of twenty-five thousand or more but less than thirty-five thousand, a maximum of four thousand three hundred seventy-five dollars (\$4375) a year; and in boroughs with a population of thirty-five thousand or more, a maximum of five thousand dollars (\$5000) a year. Such salaries shall be

payable monthly or quarterly for the duties imposed by the provisions of this act. ***Benefits provided to members of council under section 1202(37) shall not be considered pay, salary or compensation, but payment for all or a part of the premiums or charges for the benefits shall be in accordance with section 1202(37).***

The population shall be determined by the latest available official census figures. In no case shall the compensation for any councilman exceed that of the mayor in any given borough: Provided, however, That wherever the mayor's compensation exceeds that authorized by this section for councilmen, the president of council may receive compensation not to exceed that of the office of mayor.

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

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

APPROVED—The 22nd day of March, A.D. 2002.

MARK S. SCHWEIKER