

No. 2002-28

AN ACT

SB 220

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 organization of council, quorum, voting, compensation and eligibility.

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

Section 1. Section 1001 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), is amended to read:

Section 1001. Organization of Council; Quorum; *Voting*; 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. *A member of the council shall not be disqualified from voting on any issue before the council solely because the member has previously expressed an opinion on the issue in either an official or unofficial capacity.* 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.

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 2. This act shall take effect immediately.

APPROVED—The 2nd day of April, A.D. 2002.

MARK S. SCHWEIKER