

Act 37 of 2014 Major Changes to the Borough Code

- A trustee of a charter school, similar to that of a school director, would now be ineligible for elected borough office.
- A vacancy by resignation from a borough office is only created after a written resignation is accepted by council through a majority vote of a quorum at a public meeting, which is required to take place within 45 days; if council does not accept the resignation within the allotted time, and the resignation is not withdrawn by the resignee, a resignation will be deemed effective after 45 days.
- At the request of PSAB, a prohibition on elected or appointed borough officials from being compensated for serving on a board, commission, or an agency created by the borough is removed (for example, a member of council serving on a municipal authority board).
- In addition to current restrictions found in Section 1104 (f), subsection (3) is added to prohibit a borough resident from seeking elected borough office when that resident is employed as a police officer or firefighter in a municipality that has a contract with the borough to provide police or fire services.
- Restores pre-Act 43 language that was inadvertently removed that again would give council the right to determine employment hours for police officers.
- Authorizes an increase, from 5 percent to 25 percent, in the operating reserve fund to be maintained from of the estimated revenues of the Borough's general fund, which would be available for use, in addition currently authorized purposes, to counterbalance potential budget deficits resulting from increases in anticipated costs for goods or services.
- Clarifies that resolutions may not be used to levy assessments against benefited property for public improvements. (The word "resolution" is removed from the pertinent sentence.) Such assessments will now be accomplished through the passage of an ordinance which gives more transparency to the process. See substantive change reference. According to the Legislative Reference Bureau, as a matter of statutory construction, requiring assessments for public improvements to be imposed by ordinance is prospective. Any assessment that had been previously imposed by resolution under current law would be valid.
- At the request of PSAB, removes subsection (b) of Section 2708, added by Act 43, which restricts council from delegating the power to maintain accounts and expend funds to the recreation board.

- Specifies that proposed borough ordinances are to be maintained in the borough office or place where borough records are kept rather a vague reference to keeping such proposed ordinances in a “place in the borough.”
- Language is added that would permit boroughs, as an option, to electronically submit copies of adopted ordinances to the county law library or the office in the county where ordinances are retained providing the county has a method available for such storage. An ordinance stored electronically must be able to be accessed by the public during regular business hours. In addition, the borough would be required to retain a printed copy of the e-mail and ordinance transmitted to the county.