

BOROUGH OF AVALON

RESOLUTION NO. 1067

A RESOLUTION OF THE BOROUGH OF AVALON, ALLEGHENY COUNTY, PENNSYLVANIA ESTABLISHING REASONABLE COSTS OF COLLECTION FOR DELINQUENT TAXES, AS WELL AS IMPOSING THE COST OF SUCH COLLECTION UPON THE DELINQUENT TAXPAYER, AND APPOINTING THE KEYSTONE TAX COLLECTION AGENCY AS THE ENTITY RESPONSIBLE FOR COLLECTING EARNED INCOME TAXES (EIT)

WHEREAS, the Local Tax Enabling Act of December 31, 1965, P.L. 1257 No. 511, commonly known as "Act 511," provides for the collection of certain enumerated taxes by the Borough of Avalon, including penalties for the non-payment thereof; and

WHEREAS, Act 192 of 2004 amended Act 511 by authorizing the cost of delinquent tax collection to be imposed against the delinquent taxpayer;

WHEREAS, the Borough of Avalon anticipates considerable expense in collecting its delinquent Act 511 taxes and further deems it to be in the best interest of the Borough to have the costs of these collections paid by the delinquent taxpayer;

WHEREAS, Act 32 of 2008 amended Act 511 by, among other things, requiring that each taxing body determine who will be collecting earned income taxes (EIT) for 2011 by November 1, 2010 and to notify the Department of Community and Economic Development (the "DCED") by December 1, 2010;

WHEREAS, Borough Council, at its Legislative Council Meeting of September 21, 2010, approved by Motion the appointment of the Keystone Tax Collection Agency as the entity responsible for collecting EIT beginning as early as the second quarter of 2011;

WHEREAS, Council has appointed Keystone because of its established track record in collecting EIT;

WHEREAS, Council will still have its current Tax Collector, Ed Klicker, continue to collect EIT for the first two quarters of 2011 so that there is no delay in providing the Borough with revenue from taxes collected during those quarters and where Mr. Klicker will continue to receive compensation at the current rate;

WHEREAS, Council agrees that the having Keystone begin collecting EIT as early as the second quarter of 2011 will provide that agency with sufficient time to set up its

program for collecting EIT; and

NOW, THEREFORE, be it resolved and it is hereby resolved that the Borough of Avalon Council hereby establishes the following:

- (1) From and after the enactment of this Resolution, to each delinquent Act 511 tax, levy or obligation owed to the Borough, there shall be added such costs, attorney's fees, charges and expenses incurred in the delinquent collection process. Such additional charges shall be collected in addition to all interest and penalties as are allowed by law.
- (2) Such fees and charges shall be reasonable and the same are hereby established in a cost rate schedule as attached herein and made a part hereof as Schedule "A." Said schedule of costs is hereby deemed to be reasonable, fair and necessary in order to allow the Borough to collect such sum due. This schedule may be amended from time to time by resolution of the Borough of Avalon.
- (3) The Keystone Tax Collection Agency is hereby officially appointed and empowered to collect EIT on behalf of the Borough, beginning as early as the second quarter of 2011, and is herein directed to add such costs of collection as are incurred to the extent allowed as set forth in Schedule "A." Keystone shall be entitled to retain an amount equal to such sums from delinquent collections. Such sums collected pursuant to this Resolution shall be in addition to any tax penalty, interest, or other costs already part of the delinquent account or assessment.
- (4) Any Resolution in conflict with this Resolution shall be deemed to have been repealed to the extent of that conflict. If any portion of this Resolution is deemed to be void, unenforceable or unconstitutional, then it is the intent of the Council that it would have enacted the balance of this Resolution irrespective of said invalid portion.
- (5) The Borough Manager is hereby directed to send a copy of this Resolution to the DCED, as located at the following address:

Commonwealth Keystone Building
400 North Street, Fourth Floor
Harrisburg, PA 17120-0225

The Borough Manager is also directed to send a copy to the Allegheny North Tax Collection Committee (the "ANTCC").

- (6) This Resolution shall become effective this 16th day of November 2010.

ADOPTED this 16 day of November, 2010.

ATTES

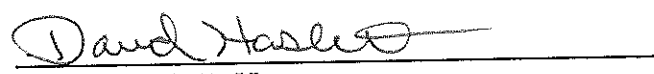


Harry Dimore
Secretary/Borough Manager



Ed Repp
President of Borough Council

THIS RESOLUTION EXAMINED AND APPROVED BY ME
this 16th day of November 2010



David Haslett, Mayor

COSTS OF COLLECTION TO BE IMPOSED AND ADDED
TO DELINQUENT TAX

TAXPAYER NOTIFICATION AND ADMINISTRATION

1)	Taxpayer late filing or underpayment notice.	\$10.00
2)	Employer late filing notice or underpayment penalty notice for quarterly or annual earned income tax or local services tax return. 10% of the tax, penalty and interest due—minimum charge \$50.00.	\$50.00
3)	Delinquent account servicing fee, including records imaging or other detailed recordkeeping, office staffing, computer equipment and software, office space, telephone, printing and imaging equipment, supplies and postage used to generate delinquent notices and to establish monthly payment plans—10% of tax, penalty and interest due—minimum charge \$50.00	\$50.00
4)	Partial payment fee—where payment received does not pay account in full.	\$3.00
5)	Fee for check returned from bank (NSF, Acct. Closed, etc).	\$29.00
6)	Notice of intent to file civil suit	\$50.00

WAGE ATTACHMENT

1)	Taxpayer notice prior to wage attachment	\$25.00
2)	Employer wage attachment notice.	\$25.00

LITIGATION

1)	Prepare Magisterial District Court complaint.	\$75.00
2)	Prepare for Magisterial District Court hearing.	\$100.00
3)	Attend Magisterial District Court trial or hearing.	\$150.00
4)	Attend Constable execution sale.	\$350.00
5)	Prepare Arbitration complaint/appeal.	\$150.00
6)	Attend Arbitration trial.	\$350.00
7)	Enter default judgment.	\$150.00
8)	Issue Sheriff Writ of Execution.	\$250.00
9)	Attend Sheriff sale.	\$250.00
10)	Non-litigation legal work.	\$70.00/hr
11)	Litigation legal work.	\$80.00/hr
12)	All other clerical work not itemized above.	\$50.00/hr