

Borough of Portage
PORTAGE, PENNSYLVANIA

RESOLUTION NO 7-2021

A RESOLUTION OF THE GOVERNING BOARD OF PORTAGE BOROUGH, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO EXECUTE AN AGREEMENT WITH BERKHEIMER WHEREUNDER BERKHEIMER IS RETAINED AS THE EXCLUSIVE TAX COLLECTOR FOR THE COLLECTION OF DELINQUENT PER CAPITA TAX FOR THE TERM HEREIN DEFINED, TOGETHER WITH SUCH EXTENSIONS AS MAY BE AGREED UPON, SAID TAX ENACTMENT HAVING BEEN ADOPTED UNDER AND PURSUANT TO THE AUTHORITY OF THE PENNSYLVANIA LOCAL TAX ENABLING ACT (ACT 511, P.L. 1257).

WHEREAS, the Local Tax Enabling Act ("LTEA"), authorizes certain political subdivisions, including CLIENT, to levy, assess and collect a tax on persons residing in a taxing district, as therein with more particularity specified, generally and hereinafter referred to as the "Per Capita Tax"; and

WHEREAS, PORTAGE BOROUGH, CAMBRIA COUNTY, has levied, assessed and provided for the collection of an Per Capita Tax under the LTEA; and

WHEREAS, the LTEA, specifies that any such political subdivision may provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, BERKHEIMER has represented to PORTAGE BOROUGH, CAMBRIA COUNTY, that it is competent, experienced and qualified to perform in the capacity of Delinquent Per Capita Tax Collector for PORTAGE BOROUGH, CAMBRIA COUNTY; and

WHEREAS, PORTAGE BOROUGH, CAMBRIA COUNTY, and BERKHEIMER have negotiated an Agreement whereby and whereunder PORTAGE BOROUGH, CAMBRIA COUNTY, will appoint and/or hire BERKHEIMER to exclusively collect PORTAGE BOROUGH, CAMBRIA COUNTY'S Delinquent Per Capita Taxes;

THEREFORE, BE IT RESOLVED that:

1. PORTAGE BOROUGH, CAMBRIA COUNTY, hereby appoints BERKHEIMER as its exclusive delinquent tax collector of its Per Capita TAX for the initial term commencing July 1, 2021 and ending December 31, 2024, and any subsequent renewal terms thereafter. This appointment resolution shall be deemed to encompass any renewal terms agreed upon by the parties without further reenactment of this resolution or re-appointment.


2. Further, BERKHEIMER is authorized to retain any costs of collection incurred in recovering delinquent taxes and that are assessed to the delinquent taxpayer as allowed by law.

3. Further, PORTAGE BOROUGH, CAMBRIA COUNTY, APPROVES AND ADOPTS the Agreement negotiated with Berkheimer for the collection of the delinquent Per Capita TAX.

4. Any resolution or part of this resolution conflicting with the provisions of this resolution be and the same are hereby repealed to the extent of such conflict.

ENACTED into a RESOLUTION this 7th day of June, 2021.

By: 
George Wozniak
Council President

Attest: 
Michelle Claar
Borough Secretary