

BOROUGH OF FLEETWOOD
BERKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 2024-03-11-03

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING COLLECTION OF UNPAID MUNICIPAL LIENS AND CLAIMS FOR DELINQUENT ACCOUNTS AND ADOPTING THE FEE SCHEDULE FOR ATTORNEYS' FEES AND COSTS ASSOCIATED WITH THE COLLECTION OF MUNICIPAL LIENS AND CLAIMS FOR DELINQUENT ACCOUNTS.

Borough of Fleetwood, Berks County, Pennsylvania (the "Borough") is a Pennsylvania Borough.

The Borough desires to be fair to all taxpayers and other residents of the Borough and believes that it is necessary for the Borough to recover promptly unpaid, delinquent accounts by legal proceedings, if necessary.

The Municipal Claims and Tax Liens Act, 53 P.S. §7101, *et seq.*, as amended (the "Act"), provides statutory framework for municipalities and municipal authorities to collect unpaid tax claims and municipal liens and claims.

The Act authorizes a municipality or municipal authority levying taxes, tax claims, and tax liens, municipal claims and/ or municipal liens that become delinquent (individually, an "Unpaid Municipal Claim" and collectively, "Unpaid Municipal Claims") to recover the charges, expenses, commissions and fees incurred in the collection of the Unpaid Municipal Claims (the "Collection Expenses") together with the applicable Unpaid Municipal Claims; provided that such Collection Expenses are approved by legislative action of such municipality.

Section 7106(a.1) of the Act requires that the applicable municipality or municipal authority adopt by resolution a schedule of attorneys' fees for any attorneys' fees incurred in connection with the filing, preservation and collection of any Unpaid Municipal Claim. The Borough has determined after due deliberation to adopt a fee schedule of attorneys' fees for any attorneys' fees incurred in connection with the filing, preservation and collection of any Unpaid Municipal Claim.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED, ENACTED AND ADOPTED by the Borough Council of the Borough of Fleetwood, Berks County, Pennsylvania, as follows:

SECTION 1. The Borough hereby adopts the attached Fee Schedule in connection with the filing, preservation and collection of the Unpaid Municipal Claims (the "Fee Schedule"), which Fee Schedule shall be incorporated into the Borough's general schedule of fees and may be amended from time to time by Resolution of the Borough.

SECTION 2. If any of the provisions, sections, sentences, clauses or parts of this Resolution or the application of any provision, section, sentence, clause or part hereof shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intention of the Borough Council that such remainder of the Resolution shall be and remain in full force and effect.

SECTION 3. Proper officers of the Borough are authorized and directed to execute all documents and to do all other acts as may be necessary and proper to carry out this Resolution.

SECTION 4. All Resolutions or parts of Resolutions inconsistent herewith are expressly repealed.

DULY ADOPTED as a Resolution this 11th day of March, 2024 by the Borough Council of the Borough of Fleetwood, Berks County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF FLEETWOOD
Berks County, Pennsylvania

By:  _____

(Vice) President of Council

Attest:  _____

Doreen O'Neil, Secretary of Council

Approved this 11th day of March, 2024.

By:  _____

FEE SCHEDULE

Initial review, demand letter and filing of municipal lien or claim and preparation of satisfaction of the municipal lien or claim	\$750.00
Services not covered above per hour	Approved applicable hourly rate for municipal Solicitor's firm (shareholder; associate; and paralegal)

In addition to the fees set forth above, the amount of out-of-pocket charges, costs, expenses, commissions and fees incurred in connection with the filing, preservation and collection of the Unpaid Municipal Claims, including, but not limited to, Prothonotary's fees and charges, Sheriff's fees and charges, postage expenses, title search expenses, vehicle identification number (VIN) search expenses, skip tracing and/ or other investigatory service expenses, and the costs, fees, charges and/ or expenses arising out of any payment by any credit card, debit card or any other payment medium, are hereby approved and shall be included, upon incurrence, together with the applicable Unpaid Municipal Claim.

Interest will be assessed upon the Unpaid Municipal Claims at a rate of ten percent (10%) per annum and added to the Unpaid Municipal Claims. The Borough is permitted to waive any interest on any Unpaid Municipal Claim when the Borough or any attorney and/ or third-party collector collecting the Unpaid Municipal claim believes, in its sole discretion, that such amount is *de minimis* or that the cost or burden of continuing collection outweighs the benefit of collecting the interest.