

RESOLUTION NO. 10-2011

A RESOLUTION OF THE GOVERNING BOARD OF FAIRFIELD TOWNSHIP, WESTMORELAND 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 OFFICER FOR THE COLLECTION, ADMINISTRATION, RECEIPT AND ENFORCEMENT OF THE PROVISIONS OF THE RESPECTIVE TAX ENACTMENT OF THE GOVERNING BOARD LEVYING AND ASSESSING THE 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); AND APPROVING AND ADOPTING THE RULES AND REGULATIONS PREPARED BY BERKHEIMER TO ADMINISTER AND ENFORCE THE PER CAPITA TAX.

**WHEREAS**, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including, **FAIRFIELD TOWNSHIP, WESTMORELAND COUNTY**, to levy, assess and collect a tax on adult residents, as therein with more particularity specified, generally and hereinafter referred to as the **"Per Capita Tax;"** and

**WHEREAS**, **FAIRFIELD TOWNSHIP, WESTMORELAND COUNTY**, by Resolution #3-1973, has levied, assessed and provided for the collection of such Per Capita Tax; and

**WHEREAS**, Section 10 of said Act of 1965, 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**, **FAIRFIELD TOWNSHIP, WESTMORELAND COUNTY**, and Berkheimer have negotiated an Agreement whereby and whereunder it will hire Berkheimer to collect the PER CAPITA TAX levied by **FAIRFIELD TOWNSHIP, WESTMORELAND COUNTY**, and

**WHEREAS**, **FAIRFIELD TOWNSHIP, WESTMORELAND COUNTY**, recognizes the legal obligation and practical necessity for Berkheimer to establish and maintain consistent rules and regulations to be used in the efficient administration and collection of said taxes;

**THEREFORE, BE IT RESOLVED** that:

1. **FAIRFIELD TOWNSHIP, WESTMORELAND COUNTY** hereby **appoints BERKHEIMER** as its exclusive collector of its **PER CAPITA TAXES** for the initial term commencing **January 1, 2012** and ending **December 31, 2014**, and any subsequent renewal terms thereafter, said initial and renewal periods to include all quarterly and annual collections pertinent to the tax years therein. 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 assessed to the delinquent taxpayer as allowed by law.

3. Further, **FAIRFIELD TOWNSHIP, WESTMORELAND COUNTY** APPROVES AND ADOPTS the Agreement negotiated with Berkheimer for the collection of the PER CAPITA TAX.

4. And further, **FAIRFIELD TOWNSHIP, WESTMORELAND COUNTY** adopts and incorporates the Per Capita Tax Rules and Regulations as promulgated by Berkheimer, in their entirety.

5. 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 8<sup>th</sup> day of DECEMBER, 2011

BY: \_\_\_\_\_CHAIRMAN

CHAIRMAN \_\_\_\_\_VICE-

ATTEST: \_\_\_\_\_SUPERVISOR

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SEC-TRES