

**CITY OF JOHNSTOWN, PENNSYLVANIA
ORDINANCE NO. 5210**

**INTRODUCED IN COUNCIL
September 14, 2016**

BILL NO. 29 of 2016 As Amended

AN ORDINANCE AMENDING ORDINANCE 4654, TITLED: AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER, AND OTHER MUNICIPAL OFFICIALS, PASSED FINALLY ON OCTOBER 27, 1993 AND AS AMENDED BY ORDINANCE NOS.4693, 4731, 4894, 4880, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5055, 5058, 5069, 5177, 5194, AND 5199, BY FURTHER AMENDING CERTAIN SECTIONS OF ARTICLE II – ELECTED OFFICIALS-COUNCIL ORGANIZATION AND PROCEDURES AND ARTICLE IV –CITY MANAGER TO PROVIDE UPDATED PROCEDURES AND IMPROVE EFFICIENCY IN CONDUCTING CITY BUSINESS

WHEREAS, the City Council, upon the recommendations of the Act 47 Recovery Team Coordinator, have deemed it necessary to make certain changes to the Administrative Code in order to improve the efficiency of the manner in which the City conducts its business and to update and/or clarify certain matters of procedure;

NOW, THEREFORE, Ordinance No. 4654, as amended, setting forth the Administrative Code of the City of Johnstown is hereby further amended as follows:

Section 1. Amendments to Administrative Code

Section 203(a)¹ Council Meetings

Regular Meetings. Regular meetings of Council shall be held at least once a month. ~~on the second and fourth Wednesdays of the month. However, during the months of May, June, July, August, and September, Council will meet once a month on the second Wednesday of the month.~~ All regular meetings shall commence at 7:00 6:00 p.m. prevailing time on the second Wednesday of the month unless otherwise advertised and public notice given. ~~Council shall also hold a workshop meeting prior to each regular meeting of Council. Workshop meetings shall commence at 5:00 p.m. prevailing time unless otherwise advertised and public notice given.~~ Any workshop meetings of Council shall be duly advertised with public notice given as required by law.

Section 204(a)² Council Meeting Agenda

(a) The proposed agenda for any stated Council meeting shall be prepared by the City Manager in consultation with the Mayor and shall be in the following order:

¹ Section 203(a) currently appears as Section 210.08(b) within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>.

² Section 204(a) currently appears as Section 210.09(a), Agenda of Meetings, within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>.

Delete:

- ~~(1) Invocation;~~
- ~~(2) Pledge of Allegiance;~~
- ~~(3) Roll call;~~
- ~~(4) Minutes of previous meeting;~~
- ~~(5) Courtesy of the floor;~~
- ~~(6) Report by City Manager;~~
- ~~(7) Report by City Solicitor;~~
- ~~(8) Report on prior years audit findings;~~
- ~~(9) Council Committee reports;~~
- ~~(10) Report on neighborhoods;~~
- ~~(11) Communications;~~
- ~~(12) Petitions;~~
- ~~(13) Ordinances for final passage;~~
- ~~(14) Ordinances for first reading;~~
- ~~(15) Resolutions;~~
- ~~(16) Old business;~~
- ~~(17) New business; and~~
- ~~(18) Recess~~

Add:

- (1) Call to Order;
- (2) Invocation;
- (3) Pledge of Allegiance;
- (4) Roll call;
- (5) Approval of Minutes;
- (6) Proclamations, awards, honors, resolutions of recognition;
- (7) Public Comment – Agenda Items Only (Limit 10 Minutes);
- (8) Reports;
 - a. City Manager
 - b. Mayor

- c. City Solicitor
 - d. City Engineer
 - e. Council Updates
 - f. Neighborhood Liaisons
- (9) Petitions;
 - (10) Ordinances for Final Read and Adoption;
 - (11) Ordinances for First Read;
 - (12) Resolutions;
 - (13) Motions;
 - (14) New Business;
 - (15) Old Business;
 - (16) Public Comment – Non Agenda Items (Limit 5 Minutes);
 - (17) Recess/Adjournment

Section 206³ Attendance; Quorum.

(a) Council members shall attend all meetings of Council, and as a matter of courtesy are expected to remain present until the meeting is recessed/adjourned. A member of Council or the Mayor shall forfeit his/her office upon failure to attend three consecutive meetings of Council, unless detained by sickness, prevented by necessary absence from the Municipality, or caused by other reasons excusable by the City Council.

Section 209⁴ Public Participation.

(a) (1) There is hereby established the following procedure to address a public concern to Council during the Public Comment "Courtesy of the Floor" portion of every regular and special meeting of Council:

(a) Citizens wishing to address the Council at its regular or special meetings may do so by giving notice verbally or in writing by providing their name, address, and the subject matter to be discussed to the Office of the City Manager before 4:30 p.m. on the day of the meeting at 814-553-2001 or by entering their information on the City Council form located on the podium in Council Chambers between 4:30 p.m. and the calling of the meeting to order by the presiding officer on the evening of the meeting.

(i) Citizens speaking on Agenda Issues may speak for up to ten (10) minutes at the beginning of the meeting

³ Section 206 currently appears as Section 210.10 within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>.

⁴ Section 209 currently appears as Section 210.13 within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>.

(ii) Those Citizens speaking on general matters may speak for up to five (5) minutes after the Council's action on the legislative matter is complete.

Delete:

~~(1) Requests must be submitted in writing to the Office of the City Manager no later than 12:00 p.m. on the Friday prior to an advertised Council meeting. Telephone calls made prior to this time will also be honored. Requests to speak must, at a minimum, identify the speaker, his or her address and his or her issue.~~

~~(2) Every registered request to speak on topics relevant to Council action will be included in the Council agenda.~~

~~(3) A spokesperson must be designated to address Council when a large group wishes to speak.~~

~~(4) Citizens will be granted five minutes in which to voice their issue with Council.~~

Add:

(2) Every request to speak registered by a City resident or City taxpayer will be honored by the presiding officer at the Council meeting as set forth in Section 1(a) and (b) above.

(3) When a large group wishes to speak on the same issue, a spokesperson should be designated to address Council on that issue.

(4) Any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks or who has become boisterous or who makes threats against any person or against public order and security while in the Council Chambers, shall be forthwith barred by the presiding officer from further audience at the meeting and/or removed, and further barred from attending future meetings unless granted permission by a majority vote of the Council members present.

Delete:

~~(b) Any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks or who becomes boisterous or who makes threats against any person or against public order and security while in the Council Chamber, shall be forthwith barred by the presiding officer from further audience at the meeting unless permission to continue be granted by the majority vote of the Councilmembers present.~~

Section 210⁵ Committees of Council

The Council may, at any time, provide for standing and ad hoc committees to assist with the carrying out of its function. Any such committee appointed by the Council shall thereafter report to the Council at the regular stated meetings of that body. The manner of appointment shall be specified in the motion to create the committee.

⁵ Section 210 currently appears as Section 210.14 within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>.

(Ord. 4654. Passed 10-27-93.)

Section 212(i), (j), and (o)⁶

...

(i) Enforcement of Ordinances; Procedures. When instituted, actions, prosecutions, complaints, and proceedings for the violation of the ordinances of the City and for fines, penalties and forfeitures imposed shall be instituted pursued in the corporate name of the City and be conducted in the manner prescribed by law.

~~Unless otherwise provided prescribed by law City ordinance or other applicable law, any judicial proceedings instituted for the any violation of the an ordinances of the City shall be conducted as summary offense proceedings, or proceedings for the recovery of penalties, before magisterial district judges with the same right of appeal from any final judgment entered. ~~constitute a civil violation, as defined by the laws of the Commonwealth, and shall be prosecuted in accordance with the laws of the Commonwealth and the Rules of Civil Procedure adopted by the Pennsylvania Supreme Court.~~~~

(j) Penalties. ~~A~~ ~~Except where specific penalties are provided elsewhere by ordinance or other applicable law, any person or other entity who or which shall violates any ordinance for which no penalty is otherwise specified commits a summary offense and, upon conviction, or any provision of any code or other regulation adopted by reference in an ordinance shall, upon~~ be sentenced to pay a fine of not more than one thousand civil penalty not to exceed three hundred dollars (\$1,000.00) (\$300.00) for each offense, plus costs of prosecution and attorney's fees, where authorized, or to imprisonment of not more than 90 days, or both, at the discretion of the Court. All such penalties shall be collected as provided by law.

...

(o) Actions of Council Other Than by Ordinance Adoption.

(1) Other business of Council may be undertaken by adoption of resolutions, enactment of proclamations, or approval of motions, which shall require a simple majority vote unless otherwise required by law.

Add:

(2) If a resolution, bill, ordinance, or motion is voted on by Council and fails twice within any six month period said resolution, bill, ordinance, or motion may not be brought before Council again for at least six (6) months from the last date on which it failed.

Section 215(a)(5)⁷ Limitations on Powers of Council and Individual

⁶ Section 212(i), (j), and (o) currently appear as Section 210.16(i), (j), and (o) within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>

Councilmembers.

Delete:

~~(5) Individual members of Council making inquiries and request for information and copies of official City records made to the Office of the City Manager and/or the Office of the City Clerk, shall be provided to the requesting Councilperson such information and records without delay. Request may be made vocally or in writing, with the City Manager or City Clerk authorized to require a written request at their discretion.~~

~~(a) Any requested information or City records requested by any individual member of Council, shall be made available, if desired, at the same time be given to all members of City Council.~~

~~(b) No request shall be made or granted for information or city records pertaining to personnel information of any employee, litigation proceedings or collective bargaining issues.~~

~~(c) No request shall be made or granted for information which requires the holding of an "Executive Session" of the City Council.~~

~~(d) No request shall be made or granted for any information or records involving the official actions of the Johnstown Police Department in the performance of the duties of law enforcement.~~

~~(e) Requested information and records shall be provided to requesting Councilpersons no later than fifteen days, from date of request.~~

~~—(f) In the event that a requested information and records is not provided in the required fifteen day period, the City Manager or City Clerk shall in writing, notify Johnstown City Council as to the reason, and the expected date when materials will be provided~~

Add:

(5) In the event an individual member of Council has requested access to, inspection of, and/or copies of City information and/or records and has not received a response, the Council member shall make any/all such further requests in accordance with the requirements of Pennsylvania's Right to Know Law, 65 P.S. §§67.101 et. seq. on a City Right to Know form.

Section 405⁸ Acting City Manager.

⁷ Section 215(a)(5) currently appears as Section 210.19(e) within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>

⁸ Section 405 currently appears as Section 223.06 within the version of the Administrative Code published on the

At any time the City Manager is unable to perform the duties of that office, whether because of absence or disability, he or she may delegate such authority to another City employee, subject to prior approval by Council.

Add:

In the event the City Manager position is deemed vacant without any such authority having been previously delegated as described in the preceding sentence, a majority of the members of Council may appoint an Acting City Manager at any time during which the City Manager position remains vacant, for any reason,

Section 2

This Ordinance shall become effective immediately upon final passage.

Section 3

Any/all ordinances, parts of ordinances, resolutions, and parts of resolutions not in accord with this Ordinance are hereby repealed insofar as and to the extent that they conflict with this Ordinance.

Section 4

Any/all other provisions of Ordinance 4654, as amended, setting forth the Administrative Code for the City of Johnstown, that are not referenced herein remain in full force and effect.

ORDAINED and ENACTED by the City Council of the City of Johnstown, County of Cambria, the Commonwealth of Pennsylvania on this 26th day of Oct., 2016.

PASSED FINALLY IN COUNCIL:

October 26, 2016

by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock. (5)

Nays: Mrs. Stanton, Mr. Williams. (2)



Frank Janakovic, Mayor

Pete Vizza, Deputy Mayor

ATTEST: Melissa Komar, Interim City Manager

I do hereby certify that the foregoing is a true and correct copy of Ordinance. **5210** as the same was adopted by the City Council and signed by the Mayor and/or Deputy Mayor of the City of Johnstown, Pennsylvania.



Melissa Komar, Interim City Manager

City of Johnstown
Cambria, County, Pennsylvania
ORDINANCE NO. 5211 of 2016

BILL NO. 37 OF 2016

Introduced in Council
October 12, 2016

AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GUARANTEED REVENUE NOTE IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,090,300.00, FOR PURPOSES OF:

THE PROJECT IS LOCATED WITHIN THE 8th WARD SANITARY STORM SEWER SEPARATION PHASE AREAS OF THE CITY OF JOHNSTOWN. THE EXISTING SANITARY SEWER SYSTEM IS MORE THAN 80 YEARS OLD CONSISTING OF VITRIFIED CLAY PIPE COLLECTION LINES THAT ARE ALLOWING GROUNDWATER (INFILTRATION) TO ENTER THE SYSTEM THROUGH NON-GASKETED PIPE JOINTS AND PIPE FAILURES. ADDITIONALLY, SURFACE WATER (INFLOW) ENTERS THE SANITARY SEWER SYSTEM BY WAY OF CONNECTIONS BETWEEN THE SANITARY AND STORM SEWERS THAT WERE MADE TO ALLEVIATE STORM SEWER BACK-UPS. THE GOAL OF THIS PROJECT IS REHABILITATION OF THE 8th WARD SANITARY STORM SEWER PHASE TO REMOVE INFILTRATION & INFLOW TO THE SANITARY SEWER SYSTEM BY REHABILITATING THE COLLECTION LINES AND ELIMINATING INTERCONNECTIONS BETWEEN THE SANITARY AND STORM SEWER SYSTEMS.

FIXING THE FORM, DATES, INTEREST, AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTATION WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO INCUR AND EXCLUDE ADDITIONAL DEBT OF THE GOVERNMENTAL UNIT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; PROVIDING FOR THE AUTHORIZED SIGNATORIES AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

WHEREAS, it is necessary that the indebtedness of the City of Johnstown, Cambria County, Pennsylvania ("Local Government Unit") be increased for the following purpose; The project is located within the 8th Ward Sanitary Storm Sewer Phase areas of The City of Johnstown. The existing sanitary sewer system is more than 80 years old consisting of vitrified clay pipe collection lines that are allowing groundwater (infiltration) to enter the system through non-gasketed pipe joints and pipe failures. Additionally, surface water (inflow) enters the sanitary sewer system by way of connections between the sanitary and storm sewers that were made to alleviate storm sewer back-ups. The goal of this project is rehabilitation of the 8th Ward Sanitary Storm Sewer Phase lines to remove infiltration & inflow to the sanitary sewer system by rehabilitating the collection lines and eliminating interconnections between the sanitary and storm sewer systems;

WHEREAS, the Local Government Unit has received preliminary realistic cost estimates from professional consultants indicating the sum of \$5,090,300.00, will be needed to complete the project;

WHEREAS, the Pennsylvania Infrastructure Investment Authority (“PENNVEST”) has approved funding for the Project, subject to the approval of debt proceedings.

WHEREAS, the Local Government Unit shall file debt proceedings with the Department of Community and Economic Development to qualify the indebtedness hereafter authorized as self- liquidating debt; and

WHEREAS, provided the debt related to the project qualifies as self-liquidating, as aforesaid, the proposed increase of debt, together with the Local Governmental Unit’s non-electoral indebtedness and its lease rental indebtedness presently outstanding, will not cause the limitations of the Local Governmental Unit’s debt incurring power, pursuant to constitutional and statutory authority, to be exceeded.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the City of Johnstown City Council, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. It is necessary that the indebtedness of the City of Johnstown, Cambria County, Pennsylvania, be increased for the purpose of constructing the Project;

SECTION 2. The period of useful life of the improvements for which this obligation is to be issued is set forth in **EXHIBIT A**.

SECTION 3. Said indebtedness shall be incurred as non-electoral debt and shall be evidenced by one guaranteed revenue note, in fully registered form, in a sum not to exceed \$5,090,300.00, (the “PENNVEST Guaranteed Revenue Note”) bearing interest at a rate of 1.000% per annum for the years 1-5 during the interest only period and the first five years of principal amortization and 1.000% for the remainder of the five or more year term for a total of twenty years. The form of the PENNVEST Guaranteed Revenue Note is set forth in **EXHIBIT A**.

SECTION 4. The PENNVEST Guaranteed Revenue Note is being issued as provided in the Act of the General Assembly of the Commonwealth of Pennsylvania approved the 28th day of April, 1978, being Act 52 of 1978 Session and known as the Local Government Unit Debt Act (the “Act”). The Authority shall begin principal amortization of the PENNVEST Note on the

earlier of: (i) three (3) months after the estimated date of completion of the Project, (ii) the first day of the calendar month following actual completion of the Project, or (iii) three (3) years from the date of settlement. Notwithstanding the foregoing, principal amortization on the PENNVEST Note shall not be deferred beyond the later of two (2) years from the date of settlement or one (1) year after completion of the Project in accordance with Section 8142© of the Act. As of the date of this Ordinance, the projected estimated date of completion of the Project is five or more years.

The Local Government Unit reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payments dates thereof, without notice or penalty.

The principal and interest of the PENNVEST Guaranteed Revenue Note shall be payable at the office of the sinking fund depository selected for the Note as hereinafter provided.

SECTION 5. The PENNVEST Guaranteed Revenue Note is hereby declared to be a general obligation of the Local Government Unit. The Local Government Unit hereby covenants that it shall include the amount of debt service on the PENNVEST Guaranteed Revenue Note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts to the payment of such debt service; and shall duly and punctually pay or cause to be paid the principal of the PENNVEST Guaranteed Revenue Note and the interest thereon at the dates and places and in the manner stated in the PENNVEST Guaranteed Revenue Note according to the true intent and meaning thereof, and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the Local Government Unit is hereby irrevocably pledged.

In addition, the Local Government Unit grants to PENNVEST a lien and security interest in all other gross revenues or receipts of the Local Government Unit generated or produced from the Local Government Unit's sewer revenue system (the "System") as it now exists and upon completion of the Project, including but not limited to, a security interest in all existing and future accounts, contract rights and general intangibles arising out its operation of the System. The grant of a lien and security interest created hereby shall be evidenced in the Loan Documents entered into between the Local Government Unit and PENNVEST, as the registered owner of the PENNVEST Guaranteed Revenue Note.

Further, the Local Government Unit hereby covenants to pay in each of the following fiscal years in respect to the PENNVEST Guaranteed Revenue Note, including the principal maturity and interest are set forth and referenced herein.

SECTION 6. The PENNVEST Guaranteed Revenue Note shall be executed in the name and under the corporate seal of the Local Government Unit by the City of Johnstown City Council and attested to by the Secretary. The City of Johnstown City Council hereby authorizes and directs the Treasurer to deliver the PENNVEST Guaranteed Revenue Note to PENNVEST, and receive payment therefor on behalf of the Local Government Unit. The Solicitor and the Secretary of the Local Government Unit are authorized and directed to prepare, verify and file the debt statement required by Section 8110 of the Act and to take other necessary action, including filing any statements required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 7. In compliance with Section 8161 of the Act, the members of the governing body have determined that a private sale by negotiation rather than public sale is in the best financial interest of the Local Government Unit. Therefore, the PENNVEST Guaranteed Revenue Note in the amount not to exceed \$5,090,300.00, herein authorized to be issued and sold is hereby awarded and sold to PENNVEST (Lender) in accordance with its proposal to purchase the PENNVEST Guaranteed Revenue Note at par; provided it is dated the delivery thereof to the (Lender) and is in the form set forth in this Ordinance as well as **EXHIBIT A**; and further provided that the proceedings have been approved by the Department of Community and Economic Development if such approval is required under the provisions of the Act; and subject to such further terms and conditions set forth in the PENNVEST Funding Offer.

SECTION 8. The action of the proper officers and the advertising of a summary of this Ordinance as required by law in the Johnstown Tribune Democrat, a newspaper of general circulation, is ratified and confirmed. The advertisement in said paper of the enactment of the ordinance is hereby directed within fifteen (15) days following the day of final enactment.

SECTION 9. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED THIS 26th day of October, 2016.

ATTEST: City of Johnstown City Council

Frank Janakovic

Anthony Johncola

Richard Mock

Tom Williams

Paul Stanton

Secretary Nancy J. Cushing

Approved this 26th day of Oct., 2016.

Mayor of City of Johnstown: Frank Janakovic

PASSED FINALLY IN COUNCIL

October 26, 2016

By the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock. (5)

Nays: Mr. Williams, Mrs. Stanton. (2)

ATTEST: I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5211 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.

Melissa Komar
Melissa Komar, Interim City Manager

**CITY OF JOHNSTOWN, PENNSYLVANIA
ORDINANCE NO. 5212**

INTRODUCED IN COUNCIL

BILL NO. 38 of 2016

October 12, 2016

AN ORDINANCE IMPOSING UPON DELINQUENT TAXPAYERS THE OBLIGATION TO PAY REASONABLE COSTS INCURRED BY THE TAX COLLECTOR FOR COLLECTION OF DELINQUENT MUNICIPAL TAXES, PENALTIES AND INTEREST; REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 9818, passed finally on February 24, 2016, the City Council of the City of Johnstown authorized and directed the Interim City Manager to execute a three-year contract with turnKey Taxes relative to data conversion services and collection of delinquent municipal taxes and other revenues; and

WHEREAS, the Local Tax Enabling Act, 53 P.S. § 6924.101, et. seq., provides for the collection of certain enumerated taxes by the City of Johnstown, including penalties for the non-payment thereof, and authorizes entities to impose "reasonable costs" on delinquent taxpayers and to permit the delinquent tax collector to retain such reasonable costs; and

WHEREAS, the City of Johnstown has encountered considerable expense in collecting delinquent municipal taxes, assessments, charges, and other municipal claims; and

WHEREAS, the City of Johnstown desires to exercise all of its legal authority to encourage and facilitate the collection of delinquent municipal taxes and to eliminate the expense associated with collections by imposing reasonable costs on the delinquent taxpayer.

BE IT ENACTED AND ORDAINED, by the City of Johnstown, Cambria County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. This Ordinance shall be known as the Cost of Collections Ordinance.

Section 2. Designation of turnKey Taxes as the collector for delinquent municipal taxes and other revenues.

1) The City of Johnstown designates turnKey Taxes as its exclusive agent for purposes of collecting delinquent municipal taxes and other delinquent revenues, as well as any and all penalties, interest and costs assessed and levied pursuant to all resolutions and/or ordinances respecting said taxes, during the period specified in the parties written agreement.

2) The City of Johnstown hereby designates and authorizes turnKey Taxes, and when necessary, its legal counsel to appear before any district justice or any other appropriate court on behalf of the City of Johnstown in those cases in which turnKey Taxes determines legal action would be appropriate means of collecting the delinquent municipal taxes and any penalties, interest, costs and Reasonable Costs due and owing.

3) Because (a) the Local Tax Enabling Act, 53 P.S. § 6924.101, et. seq., authorizes the City of Johnstown to approve reasonable costs ("Reasonable Costs") which may be imposed on the delinquent taxpayer, collected and retained by the tax collector; and (b), the City of Johnstown desires to exercise all of its legal authority in accordance with the Local Tax Enabling Act to encourage the collection of delinquent taxes and to eliminate the expense associated with such collections by imposing the Reasonable Costs on the delinquent taxpayer;

As such, the City of Johnstown and turnKey Taxes agree as follows:

4) The City of Johnstown designates turnKey Taxes as its exclusive agent for purposes of collecting delinquent municipal taxes and other delinquent revenues, including all penalties, interest, costs, Reasonable Costs, attorney fees, etc. assessed and levied pursuant to the City of Johnstown's resolutions and/or ordinances during the periods to which the parties agree by written agreement.

5) The City of Johnstown approves the following Reasonable Costs to be paid to turnKey Taxes by the delinquent taxpayer:

(a) As used in this chapter:

(1) "Enforced collection proceedings" means the initiation of litigation against the delinquent taxpayer for the collection of delinquent municipal taxes before the District Magistrate or any other court.

(2) "Gross collections" shall mean the tax amount owed plus applicable penalties and interest.

(b) **Collection costs prior to enforced collection proceedings.** A sum of twenty-five percent (25%) of gross collections of all delinquent municipal taxes and other revenues plus delinquent

costs.

- (c) **Collection costs on or after enforced collection proceedings.** A sum of twenty percent (20%) of gross collections and collection costs accrued prior to enforced collection proceedings.
- (d) Said amounts set forth in paragraphs 5(b) and 5(c) above shall be deemed compensation and Reasonable Costs for services rendered by turnKey Taxes in the collection of delinquent municipal taxes and other delinquent revenues.
- (e) Such Reasonable Costs, together with and including costs, reimbursement for postage and other out-of-pocket expenses, shall be collected directly from the delinquent taxpayers in accordance with the Local Tax Enabling Act and all other applicable laws.

Section 3. Repeal of prior ordinances. Any/all ordinances, parts of ordinances, resolutions, and parts of resolutions not in accord with this Ordinance are hereby repealed insofar as and to the extent that they conflict with this Ordinance.

Section 4. Savings Clause. It is the intent of the Municipality that the provisions of this Ordinance are severable and the invalidity of any Section, subsection, clause or provision of this Ordinance shall not affect or impair the validity of any other part of this Ordinance which can be given effect without the invalid part or parts.

Section 5. Effective date. This Ordinance shall become effective immediately, or as soon as legally permissible and shall remain in effect unless and until subsequently repealed or amended.

ORDAINED and ENACTED by the City Council of the City of Johnstown, County of Cambria, the Commonwealth of Pennsylvania on this 26th day of October, 2016.

PASSED FINALLY IN COUNCIL:

October 26, 2016

by the following vote:

Yeas: Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich. (5)

Nays: Mr. Williams, Mrs. Stanton. (2)



Frank Janakovic, Mayor

Peter Vizza, Deputy Mayor

ATTEST: Melissa Komar, Interim City Manager

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5212**, as the same was adopted by the City Council and signed by the Mayor and/or Deputy Mayor of the City of Johnstown, Pennsylvania.



Melissa Komar, Interim City Manager