

RESOLUTION NO. 2010-19

A RESOLUTION OF THE GOVERNING BOARD OF EAST ROCKHILL TOWNSHIP, BUCKS 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 EARNED INCOME 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 EARNED INCOME/NET PROFITS 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, EAST ROCKHILL TOWNSHIP, BUCKS COUNTY, to levy, assess and collect a tax on salaries, wages, commissions, compensation and earned income of individuals, as therein with more particularity specified, generally and hereinafter referred to as the Earned Income Tax; and

WHEREAS, EAST ROCKHILL TOWNSHIP, BUCKS COUNTY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of such Earned Income 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, EAST ROCKHILL TOWNSHIP, BUCKS COUNTY, and Berkheimer have negotiated an Addendum to the existing Agreement between the parties, a copy of which is attached hereto and incorporated herein as Exhibit "A", setting forth the compensation to Berkheimer to collect the EARNED INCOME TAX levied by the EAST ROCKHILL TOWNSHIP, BUCKS COUNTY, for calendar year January 1, 2011 through December 31, 2011; and

WHEREAS, EAST ROCKHILL TOWNSHIP, BUCKS 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. EAST ROCKHILL TOWNSHIP, BUCKS COUNTY hereby appoints BERKHEIMER as its exclusive collector of its EARNED INCOME TAXES for the initial term

commencing **January 1, 2011, and ending December 31 2011**, 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.

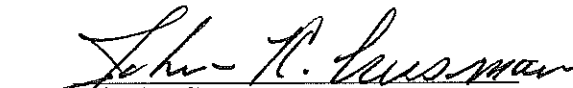
3. And further, **EAST ROCKHILL TOWNSHIP, BUCKS COUNTY**, approves and adopts the Addendum to the existing Articles of Agreement negotiated with Berkheimer for the collection of the **EARNED INCOME TAX**.

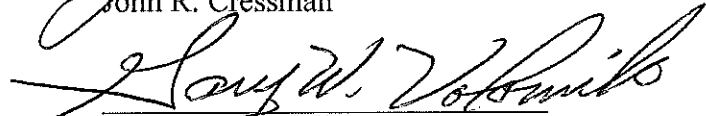
4. And further, **EAST ROCKHILL TOWNSHIP, BUCKS COUNTY** adopts and incorporates the Earned Income Tax Rules and Regulations as promulgated by Berkheimer, in their entirety.

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.

SO RESOLVED this *19* day of *October*, A.D., 2010.

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS


John R. Cressman


Gary W. Volovnik

Absent
James C. Nietupski

ADDENDUM TO ARTICLES OF AGREEMENT

THIS ADDENDUM TO ARTICLES OF AGREEMENT, entered into in duplicate this _____ day of _____, 2010, by and between **EAST ROCKHILL TOWNSHIP, BUCKS COUNTY**, hereinafter referred to as the "CLIENT," and **H.A. BERKHEIMER, INC.**, a Pennsylvania corporation, of Bangor, Northampton County, Pennsylvania, hereinafter referred to as "BERKHEIMER."

WHEREAS, the CLIENT and BERKHEIMER have entered into written Articles of Agreement, dated the 18th day of January, effective January 1, 2005 through December 31, 2009, for the collection of the earned income tax levied by CLIENT.

NOW, THEREFORE, the parties hereto, each intending to be legally bound hereby, do covenant and agree as follows:

19. AMENDED COVENANTS. The following covenants, terms and agreements made in said Articles of Agreement are amended as follows:

19.1 CLIENT does hereby designate and employ BERKHEIMER as the exclusive tax collector of the earned income tax levied by CLIENT through December 31, 2011.

Paragraph 1 of the original Articles of Agreement is hereby amended accordingly.

19.2 CLIENT agrees to compensate and reimburse BERKHEIMER in an amount equal to **One and Thirty-nine One Hundredths Percent (1.39%)** of the gross Earned Income Tax collected by BERKHEIMER, which compensation and reimbursement shall be known as "BERKHEIMER'S commission." Sterling Act credits constitute a component of tax collections. The commission represents payment for all Collector's services and materials including, but not limited to, expenses for equipment, supplies, postage and personnel, but excluding items, if any, for which the Collector is to be reimbursed as expressly stated elsewhere in this agreement. In the event the United States Postal Service increases the applicable postage rate by a cumulative total of twenty (20%) percent or more over the postal rate on the effective date of this agreement, such increased amount of postal charges shall be charged to the respective Taxing Authorities in an invoice line item no sooner than twelve (12) months after the effective date of this agreement. BERKHEIMER shall receive no additional commission on delinquent earned income collection.

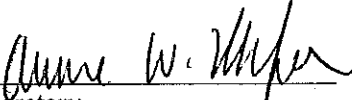
Paragraphs 3 and 11 of the original Articles of Agreement is hereby amended accordingly

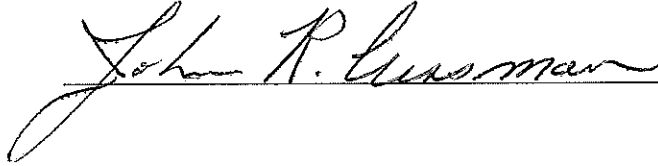
19.3 Except as modified by this Addendum, all other terms and conditions of the Agreement dated January 18, the term commencing January 1, 2005 through December 31, 2009, entered into by the parties herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be executed on the day and date set forth above.

ATTEST:

EAST ROCKHILL TOWNSHIP, BUCKS COUNTY


Secretary



ATTEST:

H.A. BERKHEIMER, INC.

Henry U. Sandt, Jr., Secretary

Patricia A. McNamara, President