


RESOLUTION NO. 23

2024

Introduced in Council on above date and referred to Committee on March 12, 2024

FINANCE

  
City Clerk

Scranton Pa. March 19, 2024  
Committee on Finance reports favorably on the within resolution  
  
Chair

AMENDING RESOLUTION NO. 253, 2023, FURTHER AMENDING RESOLUTION NO. 188, 2023, AND FURTHER AMENDING RESOLUTION NO. 46, 2022, ENTITLED "AMENDING NO. 175, 2021 'AUTHORIZING, EMPOWERING AND DIRECTING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO APPOINT LIAISONS BETWEEN THE CITY OF SCRANTON AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF EARNED INCOME TAX FOR THE LACKAWANNA COUNTY 'TAX COLLECTION DISTRICT', FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES' TO UPDATE CITY OF SCRANTON REPRESENTATIVES AUTHORIZED TO RECEIVE CONFIDENTIAL TAX INFORMATION" TO INCLUDE POSITION OF SENIOR ACCOUNTANT.

WHEREAS, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, 53 P.S. §6902 et seq., enacted December 31, 1965 and effective January 1, 1966, authorizes certain political subdivisions, including the City of Scranton, to 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 the Act; and

WHEREAS, the City of Scranton is a member of the Lackawanna County Tax Collection Committee ("TCC") pursuant to Act 32 of 2008; and

WHEREAS, the TCC has entered into a contractual agreement with Berkheimer of Bangor, Pennsylvania, whereby the under the TCC appointed Berkheimer to collect Earned Income Tax; and

WHEREAS, Act 511 specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality's ordinance or resolution be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, Berkheimer requires the passage of a Resolution by the City of Scranton specifying that said confidential information is needed for official purposes of absolving Berkheimer from any liability in connection with the release of said confidential information; and

WHEREAS, by Resolution No. 46 of 2022, Council passed a resolution authorizing the City of Scranton to remove Mary Jo Sheridan and allow Mitesh Patel, MAcc, CMA, City of Scranton Treasurer, to be authorized to receive confidential tax information; and

CERTIFIED COPY

 City Clerk

WHEREAS, by Resolution 188 of 2023, the City of Scranton passed a Resolution to remove the proper names, i.e., Mitesh Patel, MAcc, CMA and allow the City of Scranton Treasurer to be authorized to receive confidential tax information; and

WHEREAS, by Resolution 253 of 2023, the City of Scranton passed a Resolution to allow the Finance Director, Finance Manager, and Business Administrator off for the City of Scranton to be authorized to receive confidential tax information; and

WHEREAS, the City of Scranton also seeks to allow the Senior Accountant within the Business Administration to be authorized to receive confidential tax information; and

WHEREAS, the remaining portions of Res. No. 175, 2021 remain in place.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON that:

1. The following representative is also hereby appointed to serve as one of the City of Scranton's representatives to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for the City, as desired and deemed necessary by the City, to be used for official purposes only:

Senior Accountant

2. Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of tax for the City of Scranton, upon request, to the above-identified position and individual serving in that role therein as the authorized contact representatives.
3. The City of Scranton hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

SECTION 1. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Resolution and the effective administration thereof.

SECTION 2. This Resolution shall become effective immediately upon approval.

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, Known as the "Home Rule

Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

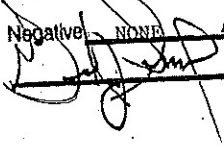
Passed by the Council

March 19, 2024

Receiving the Affirmative votes of Council Persons

KING, SCHUSTER, MCANDREW, SMURL

Negative: NONE Absent: ROTHCHILD



President

Approved 3/26/2024

Patricia A. Caputo Mayor

[Signature] City Clerk

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