

# **NOT APPROVED**

Mifflin County Tax Collection Committee (MCTCC)

May 4, 2016 at 5:30 P.M.

Mifflin County School District Administrative Building

## **Delegates Present:**

Holli Barger, Secretary- MCSD Alt 1, Armagh Township Alt 1

Teresa King, Brown Township

Tom Garver, Burnham Borough

Kelly Shutes, Derry Township

Lisa Swisher, Treasurer- Granville Township

Doug Kepner, Juniata Terrace Borough

Robert Long, Vice Chairman- Lewistown Borough

Pam Liddle, Lewistown Alt 1

Roland Fagan, McVeytown Borough

Autumn Fiscus, Chairman- Mifflin County School District

Sherry Miller, Oliver Township

Michelle Shirey, Union Township

## **Quorum Present? Yes**

## **Others Present:**

Dan Bradley, Young, Oakes & Brown, P.C.

Mark Remy, Solicitor

Jeffrey Snook, Solicitor

W. Keith Booher, Miffco Tax Services, Inc. (Miffco)

Betty Henry, Miffco Tax Services, Inc. (Miffco)

Debbie LeGuen, Miffco Tax Services, Inc. (Miffco)

Dianna Walter, Lewistown Borough

Frank Berrier, Lewistown Borough

Scott Welham, Lewistown Borough

Ashely Creamer

## **Proceedings:**

Meeting called to order at 5:30 P.M. by Chairman, Autumn Fiscus

## **MEETING ETIQUETTE:**

All in attendance are reminded to exercise appropriate etiquette during the meeting

## **APPROVAL OF MINUTES:**

The minutes of the April 14, 2016 meeting of the Mifflin County Tax Collection Committee Meeting were approved as submitted. Motion to approve made by Robert Long, seconded by Lisa Swisher, motion carries unanimously.

## **MEMBERSHIP:**

The committee accepts a letter from Burnham Borough listing Tom Garver as their primary candidate and Jyl Hayes as First Alternate. Motion to accept made by Lisa Swisher and seconded by Teresa King

### **AUDIT DISCUSSION:**

Dan Bradley of Young, Oakes & Brown, P.C.(YOBCO) reviews the methods used to audit Miffco Tax Service, Inc. He confirms that the audit did not cover non-EIT LTEA tax collections. YOBCO audited Miffco against DCED standards, not the Tax Collection Agreement, which would be a much more in-depth audit and audited the collection of Earned Income Taxes only. Dan explained that YOBCO is preparing to start the audit of the period ending December 31, 2015 and will need direction from the TCC to make sure the audit meets the needs of the TCC. Discussion of the definition of “delinquent EIT” ensues. Dan Bradley states that in his opinion, EIT is not delinquent within the timeframe of the contract, for example the current collections would include those dating back to 2012. Mark Remy states that EIT is delinquent when paid after the date it was due. Dan states that Miffco’s procedures are similar to Blair County which he also audits. He reminds the TCC that there were no significant findings on any of the audits he has done for Miffco. When asked by Robert Long if YOBCO could prepare an analysis of taxes collected if a definition of delinquent was provided and calculate penalty and interest, Dan replies that they are capable of and willing to do anything the TCC requests. Motion is made by Robert Long to engage YOBCO to audit non-EIT LTEA taxes for the years ending December 31, 2012 through December 31, 2015; also to engage to audit a potential overcharge of commission on delinquent Earned Income Tax; also to prepare an analysis of penalty and interest charged. Motion dies for lack of a second.

Teresa King makes a motion to gather proposals from YOBCO to audit non-EIT LTEA taxes for the years ending December 31, 2012 through December 31, 2015; to audit a potential overcharge of commission on delinquent Earned Income Tax; also to prepare an analysis of penalty and interest charged. Robert Long seconds the motion. Roll call vote is taken. Motion passes unanimously

### **MIFFCO:**

Keith Booher of Miffco Tax Service, Inc. comments that interest and penalty was not capped prior to Act 32, but that at the hearing recently held, the committee agreed to cap the penalty and interest. He would like to know where the guidance is coming from to fill out the Act 32 report, he and his staff have had trouble getting help and guidance when they requested it from DCED. Autumn asks Keith if Miffco could provide a schedule of fees by the next TCC meeting. Discussion of non-EIT taxes being audited by other entities ensues. Keith reminds the TCC that Act 32 is a work in progress and that parts of the act are unclear

### **CONTRACT EXTENSION:**

Jeff Snook reviews the motions for extension of the current Tax Collection Agreement. Motion to amend the Mifflin County Tax Collection Agreement with Miffco Tax Service, Inc. to modify and revise Paragraph 3 (c) of the Mifflin County Tax Collection Agreement to thereby provide for and extend the term of the Mifflin County Tax Collection Agreement dated September 9, 2010, for a term of one (1) year beginning January 1, 2017, to end absolutely on December 31, 2017, but otherwise on the same terms and conditions, further conditioned, however, on the inclusion of a provision therein that by doing so, the TCC **does not** waive any claims, legal, equitable, or otherwise, that it may have against Miffco Tax Service, Inc., and also with the understanding that it is the intention of the TCC to attempt to further modify and clarify the existing Tax Collection Agreements by further amendment during that time period is made by Robert Long and seconded by Teresa King. Roll call vote is taken, Motion Carries unanimously.

Motion to authorize the execution of a similar extension of the Joint Tax Collection Agreements is made by Robert Long and seconded by Kelly Shutes. Roll call vote is taken, Motion Carries unanimously.

Motion to authorize the Solicitor to prepare the amendments and present the same to Miffco Tax Service, Inc., for signature is made by Robert Long and seconded by Lisa Swisher. Roll Call vote is taken. Motion carries unanimously.

Motion to authorize the appropriate officers of the TCC to execute the signed amendments, subject to review by the Solicitor is made by Robert Long and seconded by Teresa King. Roll call vote is taken, Motion Carries unanimously.

Motion to authorize the Chairman, if the signed amendments are not returned to the TCC or its agents by Miffco within fifteen (15) days of delivery to Miffco for execution, to give immediate written notice to Miffco, the Collector, to terminate all of the existing Tax Collection Agreements at the end of the current term, that is, December 31, 2016, in accordance with existing Paragraph 3 (c) of the Mifflin County Tax Collection Agreement and otherwise, and authorizing the Chairman and the Executive Committee to prepare a Request for Proposals for Tax Collector is made by Robert Long and seconded by Lisa Swisher. Roll call vote is taken, Motion Carries unanimously.

**LEWISTOWN BOROUGH REQUEST:**

Robert Long proposes that a letter be sent to Miffco outlining the known deficiencies and directing Miffco to provide all information required by Act 32. Kelly Shutes says she would like a workshop to review the letter and discuss monthly reporting and other issues before authorizing anything to be sent to Miffco. Teresa King also would like to go over the letter in detail. A Motion is made by Kelly Shutes to hold a workshop June 2, 2016 at 5:30. Roland Fagan seconds the motion, Motion carries unanimously

**MISC:**

A discussion about whether or not to form a sub-committee to review and revise the Tax Collection Agreement is tabled

**PUBLIC COMMENT:**

Frank Berrier states that the taxpayer Bill of Rights is not being sent to all taxpayers with all of their correspondence. Dianna Walter states that she reviewed 2012-2015 monthly reports for the Lewistown Borough and calculated that Miffco overcharged them \$3871, her figures were solely based on the delinquent line of the report. Scott Welham is concerned about discrepancies on the reports and the lack of electronic filing. He states that the Lewistown Borough is prepared to pull out of the TCC.

**TREASURER'S REPORT:**

Lisa Swisher submits the Treasurer's report with a current balance of \$13,992.58. She states that increased costs will require a revised budget, which she will be working on for the June meeting. Motion is made to accept the report as submitted by Sherry Miller. Michele Shirey seconds the motion, Motion carries unanimously.

With no other business before the committee, Doug Kepner makes a motion to adjourn. Lisa Swisher seconds the motion. Motion carries unanimously; meeting adjourned at 7:14 P.M.