

CITY OF WILLIAMSPORT, PA RESOLUTION

RESOLUTION # 8967

DATE 1-9-20

TITLE

A RESOLUTION OF THE GOVERNING BOARD OF THE CITY OF WILLIAMSPORT, LYCOMING COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT ATTORNEY JENNIFER W. BROWN OF FLAMM WALTON HEIMBACH AS ITS ALTERNATE TAX HEARING OFFICER UNDER AND PURSUANT TO §333.10 AND §349.09 OF THE CITY OF WILLIAMSPORT CODIFIED ORDINANCES AND THE LOCAL TAXPAYER BILL OF RIGHTS FOR THE EXPRESS PURPOSE OF ADJUDICATING APPEALS THEREUNDER IN THE EVENT THAT THE TAX HEARING OFFICER IS UNABLE TO SERVE.

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 **City of Williamsport, Lycoming County**, to levy, assess and collect certain local taxes on taxpayers, for general revenue producing measures; and

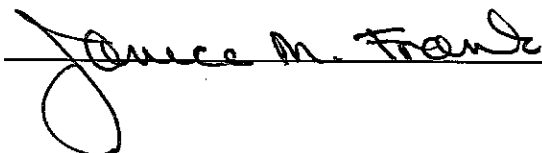
WHEREAS, **City of Williamsport, Lycoming County**, by resolution and/or ordinance, has levied, assessed and provided for the collection of the **Business Privilege, Mercantile, and Local Services Taxes**; and

WHEREAS, Act 50 of the 1998 General Assembly of the Commonwealth of Pennsylvania, enacted May 5, 1998, and effective, in part, January 1, 1999, known as the "Local Taxpayers Bill of Rights," requires political subdivisions levying, collecting and assessing taxes of the nature and kind aforementioned to establish an administrative process to receive and make determinations on petitions from taxpayers relating to the assessment, determination, or refund of such tax, including without limitation, the appointment of a Tax Hearing Officer by a political subdivision to hear and decide such an appeal; and

WHEREAS, under section 8432 of such Act of 1998, a political subdivision shall adopt regulations governing practice and procedure under the Local Taxpayers Bill of Rights;

THEREFORE, BE IT RESOLVED, **City of Williamsport, Lycoming County**, hereby appoints **Attorney Jennifer W. Brown of Flamm Walton Heimbach** as its **Alternate Tax Hearing Officer**. Terms and compensation of this appointment are outline in the attached engagement agreement.

Approved



City Clerk



President

Flamm Walton Heimbach

A T T O R N E Y S A T L A W

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December 3, 2019

Via email (Treasurer@cityofwilliamsport.org) and First Class U.S. Mail

Nicholas Grimes
Williamsport Treasurer & Tax Collector
City of Williamsport
245 West Fourth St.
Williamsport, PA 17701

**Re: Engagement of Flamm Walton Heimbach PC
Alternate Local Tax Hearing Officer**

Dear Mr. Grimes:

I am very pleased that City of Williamsport has retained me and my firm, Flamm Walton Heimbach PC ("FWH") to serve as Alternate Local Tax Hearing Officer. This letter is written in compliance with the Pennsylvania Code of Professional Responsibility applicable to attorneys in Pennsylvania and describes the basis on which FWH will provide legal services as hearing officer and how FWH will be compensated for its services.

We will do our utmost to serve you diligently and effectively. I will have primary responsibility to serve as alternate hearing officer, to attend hearings and to research and draft decisions on local business tax appeals. I reserve the right to utilize other attorneys, legal assistants and law clerks in our office to assist me, in the best exercise of my professional judgment. If at any time you have questions or concerns, please contact me at once.

All charges for professional services rendered will be made on a time basis. Statements for services rendered to the City are based on the product of the hours worked multiplied by the hourly rates for the attorneys, legal assistants and law clerks who performed the services.

I am happy to offer significantly discounted rates for municipal clients. The discounted municipal rate for attorneys, including for travel time, is \$275.00 per hour and for paralegals is \$175.00 per hour. These rates may be modified by us from time to time.

FWH will not bill for postage, long distance telephone charges, internal photocopying or facsimile transmissions. However, FWH will bill for tolls, parking, overnight mailings and outside messengers.

FWH's statements are generally prepared once a month and mailed during the month following the month in which services are rendered and/or costs advanced. FWH expects payment within thirty (30) days of the statement date. Thereafter, a finance charge of 1.5% per month, which is an annual percentage rate of 18%, may be imposed on the outstanding balance.

Any attempt by FWH to collect fees and/or any and all disputes concerning fees shall be decided by common-law arbitration pursuant to 42 Pa. C.S.A. Section 7341 et seq. Arbitration shall be conducted by way of an informal conference before a panel of three attorneys from the Fee Dispute Committee of the Montgomery Bar Association as selected by the Chairman of that Committee. The parties hereto agree that the decision of a majority of the members of the panel shall be final and binding and may not be appealed to any court.

The City will have the right to terminate our services as alternate hearing officer at any time subject to FWH being compensated for services rendered. We will have the same right, and, at our sole option, we may discontinue services if invoices are not paid on a current basis.

If the above is acceptable, please indicate the City's agreement by dating and signing a copy of this letter, where indicated below, and returning the executed copy to me. Enclosed is a self-addressed envelope for your use in returning the signed copy.

Should you have any questions, please feel free to call me. I and the other members of FWH look forward to providing you with the highest quality legal services in a timely and professional manner.

Very truly yours,


Jennifer W. Brown

THIS WILL ACKNOWLEDGE THAT THE UNDERSIGNED HAS READ THE FOREGOING ENGAGEMENT LETTER, UNDERSTANDS IT, AND AGREES TO RETAIN THE LAW FIRM OF FLAMM WALTON HEIMBACH, PC, PURSUANT TO ITS TERMS AND CONDITIONS.

CITY OF WILLIAMSPORT

Dated: 1-9-20

AGREED: Wenk Slaughter, Mayor
By: Derek Slaughter

Harvard A. Reading
City Controller

James Frank
City Clerk