RESOLUTION 13-118

A RESOLUTION OF THE CITY OF WESTFIELD AUTHORIZING CHARGE OFFS

WHEREAS, The City of Westfield, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and,

WHEREAS, the Council has the duty and authority to maintain and operate the various departments of the City and to undertake all due efforts to collect fees for the services rendered by the City; and,

WHEREAS, despite all due efforts, certain amounts cannot be collected and must be accounted for to maintain the utmost fiscal integrity in the funds.

NOW, THEREFORE, BE IT RESOLVED by the Westfield City Common Council meeting in session as follows:

Section 1. That the Council has been advised of the efforts undertaken to collect all accounts due and owing to the various departments of the City of Westfield and find that certain ones are delinquent despite all due efforts to collect them.

Section 2. That the accounts outlined and described by Exhibit "A" are hereby found to be uncollectable at this time and the Council authorizes that they be charged off. Any amounts collected from this time forward shall be deposited in the regular course of business and the responsible entity properly credited.

Section 3. This Resolution shall be in full force and effect immediately.

ALL OF WHICH IS RESOLVED THIS _____DAY OF _____2013.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
Jim Ake	Jim Ake	Jim Ake
_____	_____	_____
Steven Hoover	Steven Hoover	Steven Hoover
_____	_____	_____
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
_____	_____	_____
Charles Lehman	Charles Lehman	Charles Lehman
_____	_____	_____
Robert J. Smith	Robert J. Smith	Robert J. Smith
_____	_____	_____
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
_____	_____	_____
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

_____

Cindy J. Gossard, Clerk Treasurer

I hereby certify that RESOLUTION 13-118 was delivered to the Mayor of Westfield

on the _____ day of _____, 2013, at _____ ____ m.

_____
Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE RESOLUTION 13-118

this _____ day of _____, 2013.

_____
J. Andrew Cook, Mayor

I hereby VETO RESOLUTION 13-118

this _____ day of _____, 2013.

_____
J. Andrew Cook, Mayor

ATTEST:

_____
Cindy J. Gossard, Clerk Treasurer

This document prepared by
Brian J. Zaiger, Esq.
KRIEG DEVAULT, LLP
(317) 238-6266

Exhibit A

Memo

To: **Council**

From: **Todd Burtron; Jason Lemons**

Re: **Summary for Charge Write-Offs**

Please consider approval to write-off the utility charges as shown in the attached list of accounts. In summary, the total amounts for 2013, 2012 & 2011 are shown below.

YEAR	TOTAL AMOUNT	REASON FOR WRITE-OFF
2013	$3,118.14	Property Sold, Unable to Collect
2012	$6,378.44	Property Sold, Foreclosure, Sheriff Sale, Unable to Collect
2011	$1,520.98	Builder Bankruptcy, Property Sold, Sheriff Sale, Deceased Homeowner- Home Torn Down, Unable to Collect
GRAND TOTAL	**$11,017.56**	

Please consider approval to write-off the Fire Dept. & EMS 2013 charges as shown in the following list.

Pt#	Amount Billed	Approve for write-off	Reason for Write-off
2993	$525.00	$175.00	Living of Social security and has no extra money
200900351	$448.00	$448.00	Bankruptcy process/Nunn's Office
200900290	$532.00	$240.00	Stopped making payments
200900245	$424.00	$274.00	Works for the Chamber/Only made one payment
200801059	$548.00	$30.00	Didn't make last payment
200801008	$548.00	$80.48	Issues w/insurance/secondary didn't pay
200800141	$440.00	$58.91	Insurance issues/mother was very helpful
U113417	$565.00	$565.00	On active Duty/ lives w parents/No job
200800223	$440.00	$299.20	Settlement/Mother of five w no job
	Total:	**$2,170.59**	

2013

Customer Name	Account #	Finaled	Wat Bal	Sewer	Storm water	Fire Protection	Other Charges	Amt Tbco	Trash - not included in Total	Comments
[redacted]	6528							0.00	386.57	No Opt out Trash exception - not receiving service
	6649							0.00	688.14	No Opt out Trash exception - not receiving service
	6647							0.00	655.09	No Opt out Trash exception - not receiving service
	6044	01/20/13	151.83	270.61	12.13	8.63		443.20	46.37	Renter moved. Property sold - unable to collect from owner
	11467	01/28/13	30.24	65.04	3.86	4.04		103.18	15.11	Property sold - unable to collect
	16042	01/31/13	0.34	1.56	0.09	0.10	68.00	70.09	0.37	Property sold - unable to collect
	15416	02/20/13	68.67	123.97	6.15	6.32		205.11	19.68	Renter moved. Property sold - unable to collect from owner
	13583	03/11/13	16.64	29.60	1.74	1.97		49.95	7.10	Renter moved. Property sold - unable to collect from owner
	2677	03/18/13	44.58			8.92		53.50		Property sold - unable to collect
	16491	06/28/13	187.27	122.74	7.22	7.78		325.01	28.67	Property sold - unable to collect
	8269	04/21/13	68.44	205.22	12.12	12.44		298.22	47.03	Property sold - unable to collect
	4167	04/22/13	206.04	404.53	8.90	9.43		628.90	33.89	Property sold - unable to collect
	6119	04/01/13	76.91	272.95	48.67	7.21	27.00	432.74		Out of business - unable to collect
	14253	04/22/13	40.86			3.21		44.07		Renter moved. Property sold - unable to collect from owner
	15296	05/02/13	54.15	70.90	3.76	4.25		133.06	15.32	Renter moved. Property sold - unable to collect from owner
	11166	05/14/13	19.88	35.83	2.11	2.38		60.20	8.59	Property sold - unable to collect
	9602	05/15/13	16.48	37.38	3.20	2.49		59.55	8.97	Property sold - unable to collect
	10158	06/14/13	55.96	138.63	8.17	8.60		211.36	31.92	Property sold - unable to collect
Totals			1,038.29	1,778.96	118.12	87.77	95.00	3,118.14	1,992.82	
								AMOUNT TO	**CHARGE OFF 2013**	

2012

Customer Name	Account #	Finaled	Wat Bal	Sewer	Storm water	Fire Protection	Other Charges	Amt Tbco	Trash - not included in Total	Comments
[redacted]	6637	01/12/12			6.37			6.37	12.26	Property sold - unable to collect
	2714	01/19/12	432.41	799.07	15.00	4.72	200.00	1,451.20		Out of business - unable to locate/collect
	7420	01/19/12	20.09			4.72		24.81	23.60	Lien collected on sewer & storm. Property sold - unable to collect
	5148	01/19/12	21.21	126.25	9.37	4.72		161.55	24.26	Renter moved. Property sold - unable to collect from owner
	7266	05/22/12	40.79			20.01		60.80		Property sold - unable to collect
	5185	05/22/12	56.40			7.57		63.97	35.53	lien colllected on sewer & storm. Property sold - unable to collect
	13487	05/31/12	26.57	61.44	3.95	3.68		95.64	15.21	Renter moved. Property sold - unable to collect from owner
	9054	07/13/12	7.83	31.43	2.02	2.02		43.30	8.07	Property sold - unable to collect
	2830	07/17/12	20.31	37.15	2.38	2.39		62.23	9.53	Renter moved. Property sold - unable to collect from owner
	5369	07/19/12	82.18	138.00	8.63	8.10		236.91	33.35	Foreclosure - sheriff sale - unable to collect
	565	07/22/12	84.75		1.12	9.52		95.39	46.16	Lien collected on sewer & storm. sheriff sale - unable to collect
	342	07/22/12	0.47			2.76		3.23	4.47	Lien collected on sewer & storm. Property sold - unable to collect
	10867	08/03/12	84.01	39.51	1.38	1.10		126.00	4.94	Property sold - unable to collect
	14402	08/09/12	15.45	72.87	4.68	4.42		97.42	17.60	Foreclosure - sheriff sale - unable to collect
	3888	08/17/12	52.29	134.68	8.44	5.15		200.56	32.61	Foreclosure - sheriff sale - unable to collect
	8020	08/22/12	8.39	32.52	7.18	4.72	19.00	71.81	72.24	Property sold to State - unable to collect
	5209	08/24/12	37.37			11.89		49.26		Renter moved. Property sold - unable to collect from owner
	4243	08/03/12	42.80	44.14	1.10	1.10		89.14	4.40	Renter moved. Property sold - unable to collect from owner
	12061	09/17/13	43.37	87.91	5.69	2.39		139.36	21.61	Renter moved. Property sold - unable to collect from owner
	1580	09/18/12	18.90	85.72	5.51	5.24		115.37	21.44	Property sold - unable to collect
	4786	09/20/12	8.81	41.43	2.66			52.90	10.63	Property sold - unable to collect
	14435	09/20/12	144.40	187.39	8.72	5.43		345.94	33.71	Renter moved. Property sold - unable to collect from owner
	13762	10/01/12	7.94	14.29	0.92	0.92		24.07	3.67	Renter moved. Property sold - unable to collect from owner
	2486	10/01/12		25.33	1.67			27.00		Property sold - unable to collect
	3026	10/05/12	96.17	149.34	7.06	6.81		259.38	27.67	Renter moved. Property sold - unable to collect from owner
	479	10/09/12	8.51	47.55	4.40	1.66		62.12	6.60	Foreclosure - sheriff sale - unable to collect
	13847	10/09/12	24.92	72.87	4.68	4.42	42.08	148.97	18.14	Renter moved. Property sold - unable to collect from owner
	4925	10/16/12	64.92	106.46	5.32	5.06		181.76	20.71	Renter moved. Property sold - unable to collect from owner
	571	10/19/12	10.67	40.00	2.57	2.58		55.82	10.27	Property sold - unable to collect
	12767	10/23/12	46.82	96.02	6.15	5.21		154.20	23.45	Renter moved. Property sold - unable to collect from owner
	14467	10/26/12			8.53			8.53	24.01	Foreclosure - sheriff sale - unable to collect
	14512	10/29/12		12.64	3.39			16.03		Property sold - unable to collect
	8325	11/01/12	39.93	108.59	9.14	6.44		164.10	26.75	Renter moved. Property sold - unable to collect from owner
	3389	11/02/12	31.74	58.58	3.76	3.77		97.85	15.03	Foreclosure - sheriff sale - unable to collect
	12279	11/08/12	87.78	157.80	7.06	4.32		256.96	28.77	Renter moved. Property sold - unable to collect from owner
	2407	11/16/12	14.86	35.72	2.29	2.30		55.17	9.17	Property sold - unable to collect
	10192	11/19/12	58.83	103.30	5.60	5.34		173.07	21.81	Property sold - unable to collect
	14473	11/26/12	60.38	147.80	17.33	5.98		231.49		Out of business - unable to locate/collect
	14241	11/27/12		9.19	4.80			13.99		Property sold - unable to collect
	4743	12/07/12	1.22	22.86	1.47			25.55	5.87	Property sold - unable to collect
	14214	12/19/12	50.77	134.30	8.64	8.10		201.81	32.61	Renter moved. Property sold - unable to collect from owner
	1532	12/21/12	27.97	44.29	2.84	2.85		77.95	11.37	Foreclosure - sheriff sale - unable to collect
	8036	12/28/13	138.20	244.12	10.37	9.02		401.71	37.55	Foreclosure - sheriff sale - unable to collect
	13901	12/28/12	34.67	102.97	6.71	3.40		147.75	25.65	Renter moved. Property sold - unable to collect from owner
Totals			2,055.10	3,653.53	218.90	189.83	261.08	6,378.44	780.72	
								AMOUNT TO	**CHARGE OFF 2012**	

2011

Customer Name	Account #	Finaled	Wat Bal	Sewer	Storm water	Fire Protection	Other Charges	Amt Tbco	Trash - not included in Total	Comments
[redacted]	6796	09/02/10						0.00	137.78	Property sold - unable to collect
	9013	01/05/11	6.66	27.92	5.50	1.88		41.96		Builder bankruptcy - unable to collect
	5868	01/31/11	5.14	20.35	2.75	2.36		30.60	6.03	Builder bankruptcy - unable to collect
	12123	01/31/11	10.77	16.75	2.75	2.36		32.63		Builder bankruptcy - unable to collect
	9236	02/22/11	12.09	47.87	2.75	2.36		65.07		Builder bankruptcy - unable to collect
	12124	02/22/11	11.79	46.67	2.75	2.36		63.57		Builder bankruptcy - unable to collect
	11455	02/27/11	206.47			6.60	0.00	213.07	38.75	Lien collected on sewer & storm. Sold in sheriff sale - unable to collect
	8533	04/15/11	92.48	152.25	8.81	7.08		260.62		Builder bankruptcy - unable to collect
	12466	06/01/11	1.33	26.55	3.03			30.91		Builder bankruptcy - unable to collect
	12445	06/01/11	5.31	21.02	2.75	2.36		31.44	6.23	Property sold - unable to collect
	12829	07/14/11	89.59	67.39	3.03			160.01		Builder bankruptcy - unable to collect
	12839	07/18/11	88.39	90.52	3.03	2.36		184.30		Builder bankruptcy - unable to collect
	12501	07/20/11	111.35	79.15	3.31			193.81		Builder bankruptcy - unable to collect
	2704	10/20/11	48.37	12.46	1.12	7.08		69.03	36.67	Lien collected on sewer & storm. Property sold - unable to collect
	8775	11/03/11			2.75			2.75	6.23	Property sold - unable to collect
	1857	11/29/11	53.99			7.08		61.07	28.56	deceased, home torn down. unable to collect
	11291	12/16/11	75.42			4.72		80.14	35.23	Lien collected on sewer & storm. Property sold - unable to collect
Totals			819.15	608.90	44.33	48.60	0.00	1,520.98	295.48	
								AMOUNT TO CHARGE OFF 2011		