

**RESOLUTION NO.: R-2019-082**

ORIGINAL  
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*Authorizing the City Manager to Execute an Agreement between the City of Columbia and the Municipal Association of South Carolina for the Municipal Association of South Carolina to Act as Claimant Agency for the Collection of Debt on behalf of the City of Columbia in Accordance with the Setoff Debt Collection Act*

WHEREAS, the Setoff Debt Collection Act (S.C. Code Ann. §12-56-10) allows the South Carolina Department of Revenue to render assistance in the collection of debt owed to political subdivisions of the State; and,

WHEREAS, the Municipal Association of South Carolina will act as a claimant agency as provided by S.C. Code Ann. §12-56-10 for political subdivisions in South Carolina; and,

WHEREAS, the City of Columbia, South Carolina desires to participate in the Setoff Debt Collection Program of the Municipal Association; NOW, THEREFORE,


BE IT RESOLVED, by the Mayor and City Council of the City of Columbia, South Carolina this 17th day of September, 2019, that the City of Columbia, South Carolina authorizes the City Manager to enter into an agreement with the Municipal Association of South Carolina for the collection of debt owed the City of Columbia, South Carolina, on a form to be approved by the City Attorney; and,

Requested by:

City Manager \_\_\_\_\_

  
\_\_\_\_\_  
Mayor

Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Introduced: 9/17/2019

Final Reading: 9/17/2019

**AGREEMENT  
(RESOLUTION NO.: R-2019-082)**

To Authorize the Municipal Association of South Carolina to Act as Claimant Agency  
In Accordance with the Setoff Debt Collection Act

This agreement is made and entered into between the Municipal Association of South Carolina and the City of Columbia, South Carolina (the Participant).

Witnesseth: That for the consideration hereinafter set forth, the Association and the Participant Agrees that:

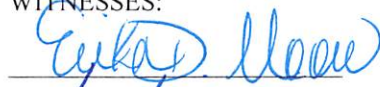

1. The Association will act as claimant agency in accordance with the Setoff Debt Collection Act (§12-56-10 et seq.).
2. The Participant will send a postage prepaid letter to each debtor at the address provided to the participant when the debt was incurred or to the debtor's last known address to inform the debtor of its intention to have the Association collect the debt owed under the Setoff Debt Collection Act. The debtor will be given thirty (30) days' notice to pay the debt or file a written protest before it is submitted to the Association. The notice to the debtor shall contain all information and be in the form required by S.C. Code Ann §12-56-62, as currently in effect or as it may be subsequently amended.
3. The Participant will establish a procedure for review of a protest in accordance with the S.C. Code Ann. §12-56-65, as currently in effect or as it may be subsequently amended.
4. The Participant will provide the Association, in a form prescribed by the Association, a certified list of claims before a designated date in December of each year.
5. The Association will compile these claims, including applicable costs and fees as charged by the Participant or by the Association, and submit them to the South Carolina Department of Revenue on or before the date required by the South Carolina Department of Revenue.
  - The South Carolina Department of Revenue will retain Twenty-five and No/100 (\$25.00) Dollars for each successful setoff to defray its collection cost. This fee is in addition to the original debt amount and to the extent such a fee is authorized by law.
  - The Association will retain Twenty-five and No/100 (\$25.00) Dollars for each successful setoff to defray its collection cost. This fee is in addition to the original debt amount and to the extent such a fee is authorized by law.
  - The Association will return all monies including any Participant cost, minus the SCDOR and MASC fee to the Participant.
6. This agreement shall remain in full force and effect until terminated by either party upon giving at least ninety (90) days' notice in writing to the other party. Any claims being processed shall remain covered by this agreement until canceled by the South Carolina Department of Revenue. The Participant shall annually certify to the Association that the Participant has complied with all requirements of the Setoff Debt Collection Act, and that the claims submitted to the Association are valid debts not subject to any pending protest or appeal.

This agreement is effective as of the date of the last signature hereinbelow.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

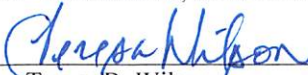
WITNESSES:

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

By: \_\_\_\_\_  
Eric Budds  
Its: Interim Executive Director  
Date: \_\_\_\_\_

CITY OF COLUMBIA, SOUTH CAROLINA

By:   
Teresa B. Wilson  
Its: City Manager  
Date: 9/25/2019

APPROVED AS TO FORM



Legal Department City of Columbia, SC