

RESOLUTION: 11-2023

ADOPTED: SEPTEMBER 13, 2023

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND FISCAL OFFICER TO EXECUTE A DELINQUENT DEBT COLLECTION AGREEMENT WITH THE OHIO ATTORNEY GENERAL

WHEREAS, pursuant to R.C. 131.02, Council for the Village of Kirkersville, would like the Ohio Attorney General to undertake the collection of delinquent debt owed to the Village (i.e., criminal court costs so long as the defendant is not incarcerated on the date the debt is certified); and

WHEREAS, to qualify as a collectable debt, the debt must be more than \$100.00 and less than ten years old; and

WHEREAS, the Mayor's Court Clerk reviewed the outstanding court balances and believes there is collectable debt. She and the Solicitor believe using the Ohio Attorney General to collect outstanding criminal costs would be beneficial to the Village; and

WHEREAS, according to R.C. 109.08, the Ohio Attorney General collection cost is 10%. Under the terms of the Agreement, the Attorney General will pass all Attorney General collection costs on to the debtor as an additional obligation of debtor; and

WHEREAS, Council for the Village of Kirkersville may require each account certified to the Attorney General bear interest (hereinafter "AGI") at the annual rate established by the Tax Commissioner under R.C. 5703.47. Upon recovery, AGI is paid to the Village of Kirkersville, not the Attorney General; and

WHEREAS, under the terms of the Agreement, the Ohio Attorney General may hire third-party vendors to collect claims for the Village and pay such third-party vendors for their services ("TPV Fees") from funds collected by them. Under the terms of the Agreement, the Attorney General will pass all TPV Fees on to debtors as an additional obligation of the debtors; and

WHEREAS, under the terms of the Agreement, the Ohio Attorney General may appoint special counsel to collect claims for the Village and pay such special counsel for their services ("Special Counsel Fees") from funds collected by them. Under the terms of the Agreement the Attorney General will pass all Special Counsel Fees on to debtors as an additional obligation of the debtors.

NOW, **THEREFORE, BE IT RESOLVED** by the Council of the Village of Kirkersville, County of Licking, State of Ohio:

SECTION 1: The Mayor and Fiscal Officer are hereby authorized and directed to execute a Delinquent Debt Collection Agreement, in substantially the same form and content as the agreement attached hereto as Exhibit A and incorporated herein by reference, with the Ohio Attorney General, for the collection of criminal court costs so long as the defendant is not incarcerated on the date the debt is certified and the debt is less than 10 years old.

SECTION 2: Council for the Village of Kirkersville wants each account certified to the Attorney General to bear interest (“AGI”) at the annual rate established by the Tax Commissioner under R.C. 5703.47.

SECTION 3: The Mayor and Fiscal Officer are hereby authorized and directed to execute all other documents necessary to engage the Ohio Attorney General to collect outstanding and unpaid criminal court costs so long as the defendant is not incarcerated on the date the debt is certified and the debt is less than 10 years old.

SECTION 4: All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.

SECTION 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 6: This resolution shall take effect at the earliest time allowed by law.

Passed in Council this 13 day of September 2023

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Terry Ashcraft, Mayor

ATTEST: \_\_\_\_\_  
Shirley Roskoski, Clerk of Council

APPROVED:

Approved as to form this 30<sup>th</sup> day of May 2023:



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Brian M. Zets  
Village Solicitor