

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK ) ORDINANCE 534  
 )  
CITY OF TEGA CAY )

**AN ORDINANCE TO RECOVER COLLECTION OF COSTS AS A PART OF DELINQUENT DEBTS COLLECTED PURSUANT TO THE SETOFF DEBT COLLECTION ACT**

**BE IT ORDAINED** by the Mayor and City Council of the City of Tega Cay duly assembled:

**WHEREAS**, the City of Tega Cay is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the City of Tega Cay.

**WHEREAS**, “delinquent debt” is defined in the Act to include “collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;”

**AND WHEREAS**, the City of Tega Cay has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the SC Department of Revenue pursuant to the Act;

**AND WHEREAS**, the Municipal Association of South Carolina charges an administrative fee for the services it provides pursuant to the Act;

**AND WHEREAS**, the administrative fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the City of Tega Cay that arises through contract, and is therefore property considered as a part of the delinquent debt owed to the City of Tega Cay as that term is defined in the Act;

**AND WHEREAS**, the City of Tega Cay also incurs internal costs in preparing and transmitting information to the Municipal Association, which costs are also collection costs that are a part of the delinquent debt owed to the City of Tega Cay;

**AND WHEREAS**, the City of Tega Cay may desire to recover its internal costs of collection by adding such costs to the delinquent debt;

**NOW THEREFORE**, be it enacted by the Mayor and Council of the City of Tega Cay as follows:

1. The City of Tega Cay may impose a collection cost of up to \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-5610 et. Seq. This cost is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.

2. The City of Tega Cay hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the City of Tega Cay, which shall also be added to the delinquent debt and recovered from the debtor.

3. All Ordinances in conflict with this Ordinance are hereby repealed.

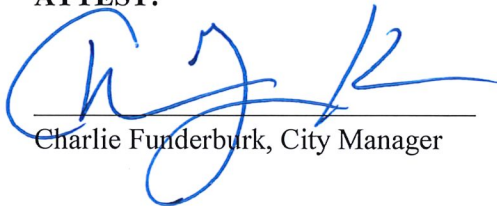
4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

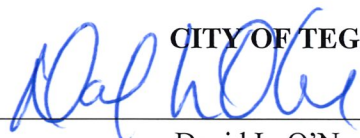
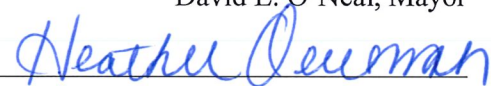
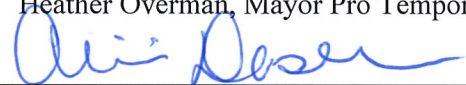

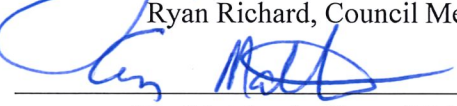
Enacted this 15<sup>th</sup> day of October 2018, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.

FIRST READING: September 17, 2018  
SECOND READING: October 15, 2018



ATTEST:

  
Charlie Funderburk, City Manager

CITY OF TEGA CAY  
  
David L. O'Neal, Mayor  
  
Heather Overman, Mayor Pro Tempore  
  
Alicia Dasch, Council Member  
  
Ryan Richard, Council Member  
  
Gus Matchunis, Council Member

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the 15<sup>th</sup> day of October, 2018.

Sylvia Szymanski

  
Municipal Clerk