

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-62

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING BOYD, CHANDLER & FALCONER, LLP, THE CITY ATTORNEY, TO SUE FOR DISHONORED CHECKS

WHEREAS, Ms. Margarita Moreno has remitted two checks totaling \$19,452.16 for payment of sales tax, business license renewal and late renewal fee to the City of Dillingham that were dishonored by the bank for insufficient funds; and

WHEREAS, AS 09.68.115 allows the City of Dillingham to recover the amount stated in the checks plus penalties and interest due to the dishonored check; and

WHEREAS, the City's Finance Department has followed the procedures outlined in the statute by making a demand letter and allowing Ms. Moreno ample time to make the check good; and

WHEREAS, the amount of the checks exceeds the amount that the City can pursue in Small Claims Court;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that:

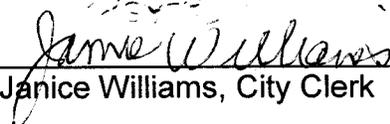
1. The City Attorney is hereby authorized to file an action against Ms. Moreno for the collection of the funds that were dishonored.

PASSED and ADOPTED by the Dillingham City Council on October 10, 2013.

SEAL:



ATTEST:


Janice Williams, City Clerk


Alice Ruby, Mayor

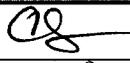
Subject: Authorize City Attorney to sure Margarita Moreno for Dishonored Checks.

Agenda of: October 10 , 2013

Council Action: This resolution is being recommended for approval.

Manager: Recommend approval.

City Manager: 
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance Director / Carol Shade		
X	City Clerk / Janice Williams		

Fiscal Note: Yes _____ No Funds Available: Yes _____ No _____

Other Attachment(s):

Summary Statement.

The Collections Technician has been trying to get Ms. Moreno to get her sales tax filings and business license renewal paid off. Over many months the staff contacted Ms. Moreno to work with her to bring her sales tax account current and finally in June Ms. Moreno sent in two checks. These checks were returned by the bank as NSF. The two checks were for \$15,503.17 and \$3,948.99 totaling \$19,452.16. The collections staff continued to try and work with Ms. Moreno to make the checks good and pay the NSF fee. Finally the Collections staff wrote a letter on June 24, 2013 giving Ms. Moreno notice that the City was proceeding per our NSF policy.

As of August 28, 2013 Ms. Moreno had not responded to our numerous requests to make these checks good. At that point we turned the situation over to our attorney. He sent a demand letter per the Alaska Statute giving Ms. Moreno an additional 15 days to respond. We still have not heard from Ms. Moreno and so we need to go to the next step which is approval of this resolution so we can have the attorney file a motion in the District Court as the amount of the checks is larger than can be filed in Small Claims Court.