

RESOLUTION NO. 3923

A RESOLUTION ADOPTING A CITY OF MILES CITY INSUFFICIENT FUNDS POLICY, AND SETTING A PUBLIC HEARING THEREON.

WHEREAS, the City of Miles City finds it to be in the best interest of its operations and citizens to allow citizens to make payment to the City by checks and ACH payment, and requires an updated policy regarding the handling of insufficient funds payments to the City;

AND WHEREAS, the City is required to hold a public hearing prior to implementing a policy establishing fees, such as the administrative fee called for in the proposed policy;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The City of Miles City Insufficient Funds Policy, attached hereto as Exhibit "A," is hereby approved and adopted by the City Council.

BE IT FURTHER RESOLVED that a public hearing shall be held on said policy on the 14th day of June, 2016, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, pursuant to §7-1-4128 MCA, 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 24th day of May, 2016.


JOHN HOLLOWELL, Mayor

ATTEST:



Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 14th day of June, 2016.


JOHN HOLLOWELL, Mayor

ATTEST:


Lorrie Pearce, City Clerk

 CITY OF MILES CITY POLICY & PROCEDURES	Effective Date:	June 14, 2016
	Last Revised:	
Insufficient Funds Policy		
RESOLUTION # 3923		

POLICY STATEMENT: This policy is to help guide City staff and the general public regarding the handling of insufficient funds payments, including but not limited to checks, electronic payments, and automated clearing house (ACH) transactions.

PROCEDURE: The following rules and procedures shall be used by staff when dealing with returned payments on all utility accounts, service connection fees, and any other payment tendered to the City of Miles City.

1. Upon receiving notice from the City of Miles City's financial institution that payment cannot be processed as a result of insufficient funds, the following procedure shall be followed:

- a. The City will make reasonable effort to provide 48 hours notice of the insufficient funds payment to the customer. Said notice may include a phone call, a notice hung on the customer's door, or other reasonable means. Such notice, or attempted notice, is a courtesy to the Customer, and shall not be required by the City.
- b. If timely payment is not made to the City of Miles City's financial institution by the Customer, the City Treasurer will buy back the check from the financial institution. The Customer will then be charged a \$30.00 Administrative fee, which will be invoiced to the customer by the City Clerk. The insufficient funds payment will be treated the same as nonpayment, and the City will follow appropriate policies for termination of services, collection of debt, or other applicable policies related to such nonpayment.
- c. If a Customer has had previous instances of issuing insufficient funds payments to the City, the City reserves the right to contact the Customer's financial institution to verify that funds are available prior to accepting or processing any check, electronic payment, or ACH transaction.
- d. If a Customer has three insufficient funds payments tendered to the City within a one year period, regardless of whether payment is made prior to an

administrative fee being assessed, the Customer will be notified that the only acceptable means of payment to the City will be by cash, cashier's check, money order, or credit card. After a period of one year with no defaults on City accounts, this restriction shall be lifted. Any attempt during said period of restricted payment by the Customer to tender payment to the City by any means other than cash, cashier's check, money order, or credit card, shall be refused by the City and returned to the Customer, and shall be treated as nonpayment.

Affidavit of Publication

STATE OF MONTANA }
County of Custer } ss.

Mary Rose Bovee, being duly sworn on her oath, says that she has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State. **City of Miles City, Legal Notice. Resolution 3923.** A printed and true copy which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period and time of publication, on the following dates, May 27, 2016.

Signed Mary Rose Bovee

Subscribed and sworn to before me this 27th

day of May, 2016

Tabatha Hallman
Tabatha Hallman , Notary Public for the state of Montana, residing at Rosebud. My Commission Expires June 1, 2019.

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that the City Council of the City of Miles City at a Regular Council Meeting held on Tuesday, May 24 at 7:00 p.m., passed on first reading the following **Resolution: Resolution 3923**
The above Resolution is on file and available for public inspection at the City Clerk's Office at City Hall, 17 S. 8th Street, Miles City, Montana. You are further notified that objections to the final adoption of the Resolution will be heard by the City Council at its regularly scheduled meeting in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana, on Tuesday, June 14 at 7:00 p.m.
For information or questions you may contact the City Clerk at 234-3462.
BY ORDER OF THE CITY COUNCIL
Lorrie Pearce
City Clerk
(Published May 27, and June 3, 2016)
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