STATE OF KANSAS)
WYANDOTTE COUNTY)) SS **SPECIAL MEETING, TUESDAY, OCTOBER 26, 2021**
CITY OF KANSAS CITY, KS)

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in a Special Commission Meeting, Tuesday, October 26, 2021, with eleven members present remotely. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District (arrived at 5:05 p.m. and left before the meeting was over); Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze, Emerick Cross, Melissa Sieben, and Bridgette Cobbins, Assistant County Administrator's; Brett Deichler, Interim Unified Government Clerk; Misty Brown, Chief Counsel; Wendy Green, Assistant Counsel; Ashley Hand, Director of Strategic Communications; Alley Porter, Commission Liaison; and Jenna Hillyer, Delinquent Tax Manager.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, we have individuals attending remotely. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants in his current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

MAYOR ALVEY said I would ask the Clerk to announce the meeting and call the roll.

ROLL CALL: Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Alvey.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Tuesday, October 26, 2021, at 5:00 p.m. to be conducted virtually regarding postponement of scheduled tax sales.

.Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom. The public may also view the special session from the lobby of the Municipal Office Building.

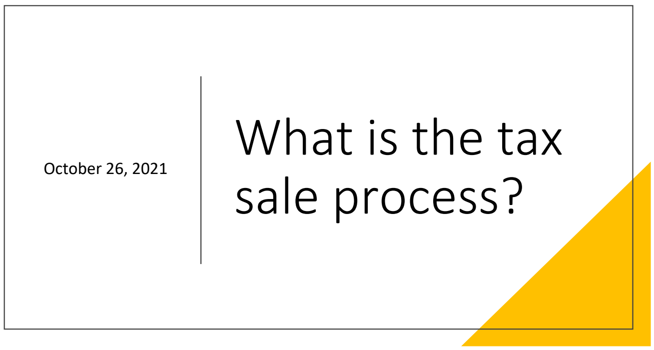
CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said as the Clerk announced, we'll consider postponing two scheduled tax sales to a future date. I'd ask Mr. Bach to make some opening remarks.

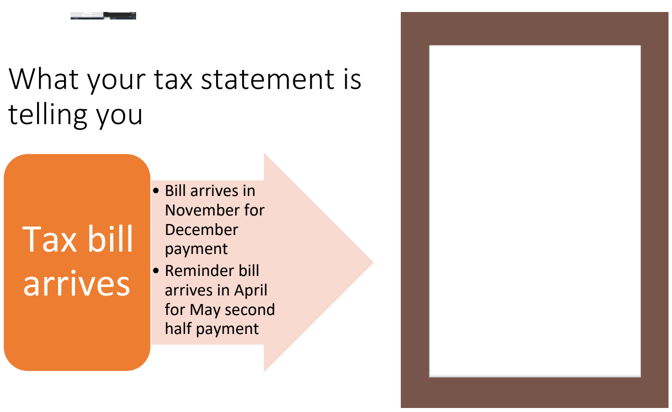
Doug Bach, County Administrator, said tonight we've been requested to come before you and present a little bit about our tax sale, what happens at those tax sales, and leading up to the process as citizens—as they are put into that or properties are put into the tax sales as we go through the year. It is in consideration of the next two tax sales, one being, it was set to happen this Thursday and the next being in January. What we would be looking at is a potential to postpone those tax sales to a date certain in April which would allow us to still move forward with those, but it would be after the winter months and will give some residents additional time to figure out how they may be able to make arrangements with the properties they have.

Mayor, if it's good with you, I would like to ask staff to come forward and present information so everyone in the public and our Commission are well aware of the detailed process that we go through each time before we ever do put a property in the tax sale. With that, I will recognize Jenna Hillyer, our Delinquent Tax Manager, along with Wendy Green who will be assisting her in this presentation from our Legal Department.

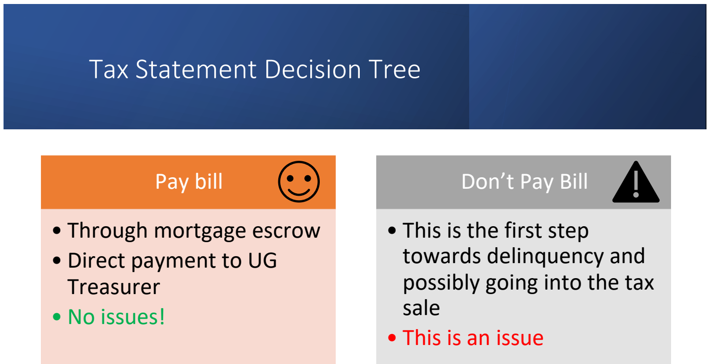
Jenna Hillyer, Delinquent Tax Manager, said we have a presentation for you tonight on what happens during a tax sale or how properties become tax sale delinquent and then are worked up for a tax sale.



As I said, this is a presentation on what the tax sale process is.

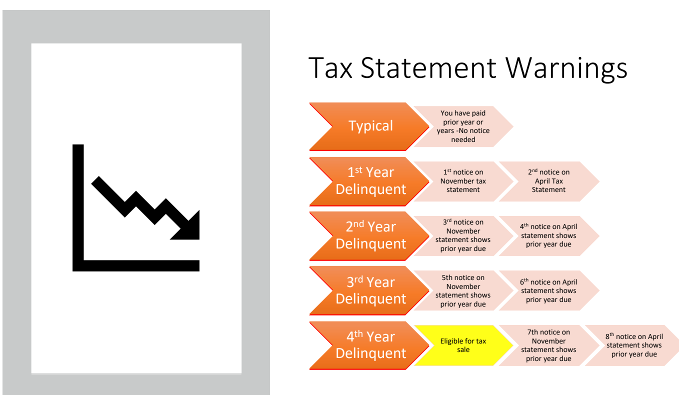


How it starts is Treasury sends out a bill twice a year. It has your current year's taxes that are owed. You get one in November for the December half amount that's due and then, again, there's another one that arrives in April for the amount that's due in May.



You have two options after you receive this bill, and one of them is to pay the bill and the other is to not pay it. If you go ahead and pay your bill, you're not in any sort of trouble. Everything goes on as normal. There's no issues with tax sales. This can happen through either your mortgage payment or you make direct payments to the Treasury.

If you don't pay the bill, this is the first step towards becoming tax delinquent which could eventually wind you up in a tax sale.



This is the amount of notices and bills that are sent out over the years before a property is tax sale eligible. There are six different bills that arrive for the property owner before the property is considered tax delinquent.

Bill has no delinquencies

This is what the bill looks like if you don't owe any taxes, any back taxes. It's a normal bill.

One year delinquent

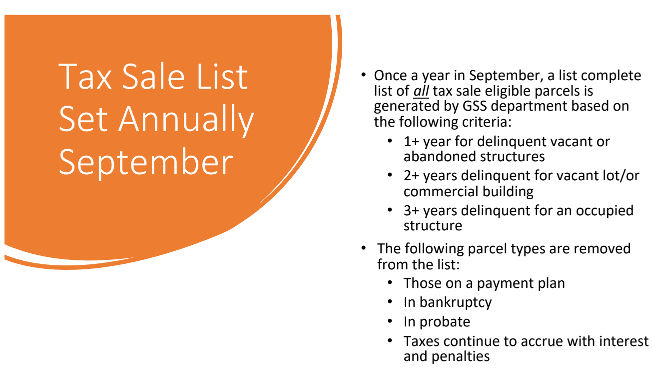
This is highlighting the years that are delinquent. So, this is one-year tax delinquent and you'll get two of these that year.

Two years delinquent

This is two years tax delinquent.

This is three or more years tax delinquent. At this point they become eligible for a tax sale and they come over from Treasury to working with Delinquent Real Estate.

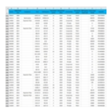
The Treasury Office publishes once a year in July the list of all of the prior taxes owed in the Wyandotte Echo.



This is how you become—this is our standard for when we determine whether or not a property is tax sale eligible. So, it's one-year tax delinquent for vacant or abandoned properties. Two years delinquent for vacant lots and commercial buildings, and three years delinquent for an occupied structure.

This does not include those that are on a payment plan or in bankruptcy or in a probate case, but if you are not part of—if you're removed, but you're still tax sale delinquent, taxes will continue to accrue with interest and penalties during that time.

Example of Tax Sale List

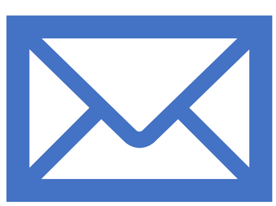


- UG Abstractors use a generated list, minus payment plans, bankruptcy and probate
- Each sale will start with up to 750 parcels and there are three sales a year
- Issues with property title can keep a property out of the sale
- There is no information on this list regarding the background of the owner or the address

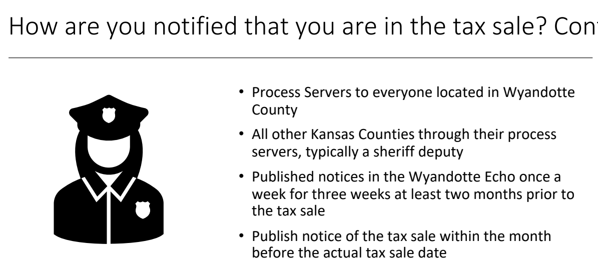
Once a year Geospatial Services produces this list for us and this is a list of all the tax sale eligible properties that are three or more years delinquent. This removes the bankruptcy, payment plans, and things like that from the list. This is the list that the abstractors begin researching the financial interests in the property and the ownership, and as you can see, there isn't any identifying information here as to name or address. This is what they get and work off of. They go through 750 of these, go into each tax sale, out of a list of—this past year's list was about 2,500 properties, so 750 of those get worked up. Not all of those make it to the sale. We're averaging about 250 that actually go to auction. The majority of those are vacant lots.

How are you notified that you are in the tax sale?

- Certified Mail to the property and mailing addresses of record
- Standard mail notice to any other mailing addresses found in Lexus/Nexus person search program used by Delinquent Real Estate for abstracting properties for the tax sale
- Certified Mail to any location outside of the State of Kansas
- All addresses for the interested parties are used for all notices (service)

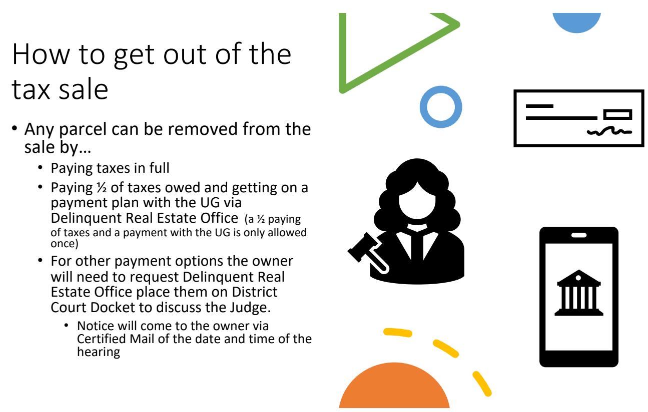


This is our process for notifying people they've been placed in the sale. We send out certified mail to everyone that's in the sale regardless of whether you live in or outside of the county or the state. Everybody gets certified mail delivered to all the addresses and interested parties associated with that property.



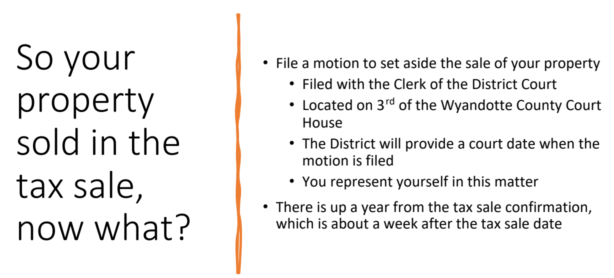
They also receive personal service if they live within Wyandotte County from our process servers which means they deliver—they hand-deliver these notices to the address and to all the interested parties that reside within Wyandotte County.

If it's outside of Wyandotte County, but still in the state of Kansas, we send those on to the process servers or Sheriff of that county for them to deliver them as well. People outside of Kansas only receive certified mail. Then, we also publish twice, two different publications. One of them runs for three weeks prior to the sale notifying people that they're in the tax sale and what properties are there.



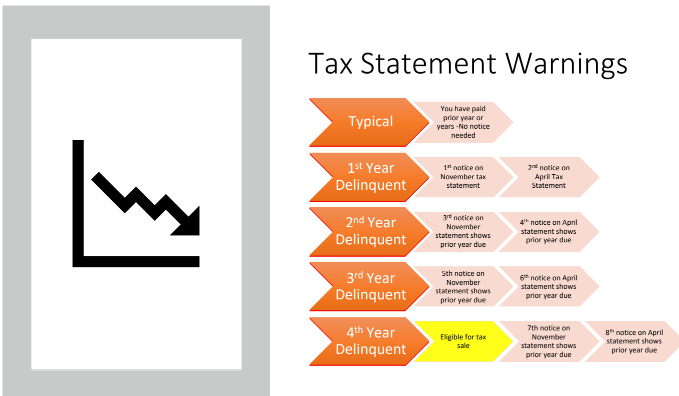
Here's the way to get out of the sale. There's several options. One is obviously paying your taxes in full and you would do that here at Delinquent Real Estate, come in and talk to us and we'll give you your option sheets on what you can do to be able to get out of the sale and then you would go down and pay in Treasury.

The second option is to pay half the amount for your taxes owed and we can place you on a payment plan if you have not been on one previously. If neither of those options work for you, you can request to go before the judge and discuss other options. We do send out a reminder a couple weeks before the docket date so people remember that they've got a date with the judge.



After the sale, if your property wasn't removed prior to it and it does sell, you have an option to file a motion to set-aside the sale of your property. You file that with the Clerk of the District Court and that's located on the third floor of the Wyandotte County Courthouse. The court will provide you with a court date when the motion is filed and you're able to represent yourself in that matter. You have up to a year to do that from the time that the sale confirmation has been sent out, which is usually about a week after the tax sale ends.

If you're in a tax sale, please do call Delinquent Real Estate or reach out to us for your options. We have very helpful staff here who's trying to work with you to make sure that you are able to stay in your home or keep your property.



Here again, we have the chain of events that happen prior to being eligible for a tax sale. I will turn this over to Wendy Green who, I believe, has some updates on our current sale.

Wendy Green, Assistant Counsel, said what I really want to talk about is the numbers. In tax sale 349 we started with 707 parcels. Out of those 707 parcels as of 4:30 today, there are only 186 parcels left in the sale for Thursday and 44 of them are houses, 136 are vacant lots, two are exempt properties which means they're owned by a church but they had past due taxes before they became exempt, and four commercial properties. So, out of that 707, only 186 would have actually made the sale on Thursday and that's actually probably even higher than what it would be because we would still have tomorrow as an opportunity for people to come in and pay their taxes in full or to pay the amount that they've already been told to pay to go on a payment plan. So, they would still have tomorrow to do that by statute.

Since we flagged these properties to go into the tax sale, we have actually collected $1,057,053.83 in taxes. A lot of that happens because once people find out that their property has been flagged for tax sale, they come in and pay. So, just filing the tax sale petition actually starts to generate taxes for us. Those are the numbers for what would be the Thursdays sale.

I've also got numbers for you for the January sale in case you're wondering how that one is shaping up. That one we didn't have—we didn't start with as many parcels. We only started with 550 parcels. Out of those, as of 4:30 today, there are only 362 left, 225 are houses, 127 are vacant lots, there's one exempt property, eight commercial properties, and one property that's commercial and residential. Just by flagging those properties for sale and filing the petition, we have already brought in $482,332.35 in taxes and, again, that's the numbers for the January sale. Those numbers would go way down because they would have up until the day before the sale to pay their taxes to remove the property from the sale. Out of those 225 houses, I would guess a lot of those are people that have been on payment plans before and defaulted on their payment plans and so now they are back in a sale because of that.

With that, if anybody has any questions or, Mr. Bach, if you would like to proceed.

Mr. Bach said thank you Ms. Hillyer and Ms. Green, I appreciate the presentation. I guess in closing, and we certainly will take any questions from the Commission regarding the process that has been laid out, but it is one thing we will just stress as staff and is our job and Jenna outlined this, that we really work to be able to find a way for people to maintain their property. Our objective is to collect the taxes that are there through this in which when that happens, the resident stays or the commercial owner stays within their property and that is the end goal. If they are not and they continue to be delinquent as you see on this chart, particularly in a residential setting, that can be four years in that they haven't paid their taxes.

Sometimes when we said I think, as you said as a governing body, it's a little bit crossed over between your city or county rules. This is clearly one you do as a county. As County Commissioners, it is one of your objectives or one of your things is to collect the taxes within this county and then distribute them to all the other taxing jurisdictions within our county. It is your responsibility to do that as the elected body and that is your direction that you've given us as staff and this is the process we follow.

So, with that, if we do elect to delay or postpone the current tax sales, we would seek the governing body's direction as we good forward as there are additional things we should be doing or other paths we should be taking in order to assist our residents in paying the taxes that they will owe on their property.

With that, Mayor, I'll turn it back over to you and myself and individuals presenting are happy to answer any questions we can.

Mayor Alvey said I'm going to recognize Commissioner Townsend who has been in conversation with members of the community who have brought this issue forward.

Commissioner Townsend said first of all I want to thank the Mayor, the Administrator, all of the staff who put this special session together and took the time to make these presentations with the hope that our community would be better informed. The tax preparation or statement presentation Ms. Hillyer just made was one that was the first done—the first version of it was done in early April of this year and that was done also with the goal of educating our community about what this process is to help those who may find themselves in a delinquency situation with a path of how to get out of it and for those who may be closer to the tax sale situation options through the court system that go beyond what our staff can do with regard to making these payments.

Let me also say that as a commissioner, and with my fellow commissioners, we were tasked years ago, several years ago, with trying to clean up the city through the SOAR Program, improve areas, vacant lots, abandoned houses and not only abandoned houses, but also houses that may be inhabited, but were behind in taxes. This is a mandate that we were given years ago and so when an article came out in the *Kaw Newspaper* in April of this year, it was distressing to me to see that in the article there were allocations made that a certain area of the city was being targeted and that was as far from the truth as possible. There's no evidence then or now that's been brought up to show that one area of the city has been targeted over another.

What you will see, unfortunately, in certain areas, including the district that I represent, are more challenges for people who live in that area due to intrinsic poverty, lack of preparation to prepare for what happens to grandma's house or aunt's house after they've gone on to heaven. So, you may have occupants in these homes who are not the registered owners, but indeed, the tax bill is still coming and that's what the information's about—the presentation was about in April and today.

So, we as commissioners, still have that obligation to move forward with what the majority of our citizens have told us they want to see in terms of cleaning up the area. However, we are not insensitive to the plight of certain of our population who have felt for a variety of reasons that they need additional help or time to get current with their taxes and they need information and assistance in where to go and what to do.

This was brought to our attention also by a group who has been at the ground level, Groundwork, actually going door-to-door, so Groundwork's efforts has put a face on some of the situations of these individuals who need help. But the other part of that is it also presents an opportunity again for information to be passed on. People talk about moratorium on taxes. This is not a moratorium. I don't like that word. What is being proposed here, which I support, is an opportunity—well, it's a continuance, a legal action, the first of which would take place on the 28th to another time, date certain, while the obligation continues to endure and the clock is still running on what's old. It would give in this COVID environment, additional time for resources to present themselves to help individuals and right now before I forget it, I want to thank CHWC for stepping up and actually helping financially with the tax burden on some of these homeowners.

So, it would give additional time for people who find themselves in this delinquent status to work out arrangements with our Treasury or within court and not add basically to the homeless situation we find ourselves in that's been aggravated by COVID. Keep in mind as this tax information warning statement shows you, if you are delinquent in the tax sale, this had to predate COVID. Certainly COVID has not helped the situation with regard to homelessness.

That was the statement I wanted to make and maybe others as they come up, but again, I wanted to thank the Mayor, Administrator, and staff. I don't recall ever, except with the exception maybe last year and due to COVID, putting together a special session so quickly because of the gravity of the situation and I appreciate that. I appreciate the attendance of my fellow commissioners, so with that I'm going to stop and let somebody else speak, but I would support the continuance of the currently scheduled tax sale to the two dates in April of 2022 allowing for additional intervention, hopefully, for paying of the taxes and education to others about what to do if you find yourself in a delinquency.

Mayor Alvey said I want to thank Commissioner Townsend for bringing this to our attention and working with members of the community to identify the problems. When Commissioner Townsend first brought this forward, you know, I do have my concerns first that we must make sure—it doesn't do us any good for people to lose their homes due to tax. It may be necessary, it may happen, but in this instance, if there—we can take this opportunity, and I would say it's a one-time thing, to continue this, as Commissioner Townsend describes it, continue this to a later date. It gets us past the cold weather and gives opportunities for others to really come in and help folks navigate this process, but also, I think this is what Mr. Bach was asking for, we need to make sure that if there is one more step in the process, I mean, we have right in front of us the process, the five step process that lays out here in the multiple notices twice a year to give people ample notification that they are delinquent and they could be moving into a tax sale, you know, maybe there is one more step.

Maybe it is a different way to engage, but let's take that last step and provide everyone an opportunity to stay in their properties. We know we suffered for decades from disinvestment in homes that have gone into blight. I think also we're looking at some of these properties actually are rental properties and the people renting from these folks, they have no control over this. They have no legal standing in this process and if this goes to tax sale and it is bought by someone else, they could face eviction. So, I think we have to be sensitive to those things, but I think we have to have our staff look at the process to make sure that we can work through it and make sure we have people, even one more step, if necessary, to prevent this from going to tax sale. Obviously, tax sales are an expensive process even for us. The amount of personnel we use, time it takes, just to have to go through this process can be very onerous, so if we can find a way to do this, I support that. Again, thank you Commissioner Townsend for bringing this forward.

Commissioner Ramirez said thank you Commissioner Townsend for bringing this forward and giving us the opportunity to have this discussion of the governing body. Thank you to all of the community organizations who were working on this and bringing this forward to Commissioner Townsend. I do support this ordinance and what it does. Now, do I think we need to do more, yes I do, 100 %, I do believe we need to do more and how do we do that, I don't know. Us, on the Commission, we may not know, but the conversation that Commissioner Townsend has been having with these community organizations, that's what we need to do.

Yes, we send out notifications, multiple notifications throughout the year, multiple years, but what other steps are we taking, what else further are we doing to help our community members. Some of the properties aren't rental and there are homes that people have had for years and now it's going to get taken away and that exacerbates the housing insecurity we have in our community. I really do think that our Delinquent Real Estate Department really needs to create a position within the department where it engages with each property owner and provide them resources of outside. Not just resources, what we can do, but you have Groundworks, you have CHWC, you have other non-profit organizations out there that could be willing, and not could, are willing to provide those resources and services. Maybe we need to create that position within the Delinquent Real Estate Department to help that.

I know that there are hundreds and hundreds of parcels, but I just think we need to do more. I love this community. Everyone who lives here loves Wyandotte County and I want everyone to be given those opportunities to continue to live here in Wyandotte County.

Again, thank you Commissioner Townsend for bringing this forward. Thank all the community organizations out there who are continuing every day to fight and listen to our community it does mean a lot. So, I do support this, but I believe we need to do more in the future and I hope and pray that we do.

Commissioner Bynum said I have two questions and two comments and so I'll ask the questions and make the comments and then let staff answer. First of all with regard to the random selection process that's used. When we pull the parcels over into the tax sale or we get the approximately 750 parcels ready, you know, when you look at the delinquent tax list you might see a property that's many, many years delinquent and yet it still sits on the list. I wonder if it's the random selection process that might leave a property like that, you know, having never gone through the sale, so that's question one.

The second question is, and the rest of the process after the tax sale, involves moving properties into our Land Bank. I've been observing our Land Bank ever since its inception. As a grassroots person I was pretty deeply involved with creating the Land Bank in the first place back in the 90's, so the Land Bank was and is a needed tool in the community to help redevelop our town. But, just because of my involvement with it and the fact that I observe it, my notion is that the great majority of properties that have been sold from the Land Bank have been sold to individuals. I'm wondering at a later date if we could get our Land Bank Administrator to run some numbers for us and bring back to us information on out of the number of Land Bank properties sold, what percentage were sold directly to individuals, other taxpaying owners in Wyandotte County. I would be very interested in that information.

Then, just two comments. One suggestion that I made as Commissioner Townsend and Johnson and I met with representatives from Groundwork Energy as well as with WyCo Mutual Aid was that prior to the delinquent tax notice being sent or even as we are notifying someone that it is now time to move their property into a tax sale, if we could develop a one-page factsheet that has information on it as to how to avoid this consequence for their property. So, you know, containing a lot of the information we saw in the slides tonight. I think that could go a long way if we just added another document to the mail as one step toward helping people not lose their homes in a tax sale.

Mayor, my last comment is, the Kansas Housing Resource Corporation currently has KERA which is Kansas Emergency Rental Assistance, but they are actively working on that same kind of assistance for homeowners including mortgage and tax assistance. I encourage us through our marketing and communication staff to watch for that information to be available and I encourage individual homeowners struggling with COVID related financial difficulties to also continue to monitor the Kansas Housing Resource Corporation website because they're working very hard to get that program up and operating and it would be a resource for any COVID related financial hardship for our folks and that is it.

Commissioner Markley said I have two questions. The first is, does it make any sense to hold the tax sale for vacant lots only or does the cost of holding the sale—what is the cost benefit for that, if Jenna or Doug or if anybody wants to address that, whether there will be any advantage there. **Mr. Bach** said I'll address that, Commissioner, because it was my first question back to staff about breaking it up and continuing forward with the tax sale. From a legal perspective, and I can let Wendy or Misty add to it if they would like to, but I'll give you the answer I received when going into it was, if we were going to postpone it, it would be our best position to postpone all the properties and treat them all the same and move them into the April tax sale date.

Commissioner Markley said okay, and then my second question is, I think we budget an anticipated amount collected. Am I right about that and how does that just—tell me how that's handled. **Mr. Bach** said we do anticipate a certain revenue flow coming in from tax sales each year, so this will be, I will say, probably the bulk, and Jenna or Wendy, you can comment on it. If you heard the numbers, you did hear the numbers that Wendy produced earlier, the bulk of the dollars that were probably coming in from this tax sale were in. So, while it will adversely impact us on the revenue flow for 2021, it would probably be a smaller percentage that will come to it and that we'll recognize from that. We are postponing to April. We are not forgiving or putting a moratorium, as Commissioner Townsend noted, we're just postponing so all these properties will continue to move in. So, our 2021-2022 numbers should remain the same as projected.

Commissioner Markley said this might be a Wendy question. They'll have to rework up all of these properties, so then we'll—will they not have to—**Ms. Green** said just by postponing and not canceling, we don't have to reserve everyone, we don't have to work everything up. Title is as of the day we filed the petition, so anybody who would take title to these properties from now on out, they take it subject to our tax sale. By just postponing the sale date, we don't have to work all of these up again. We just would have to republish notice of the sale date and I would have to file another order of sale for the sale that should happen Thursday. I haven't done any of that for the January sale yet anyway, so that's not a problem for that.

I will go ahead and answer real quick, just as Doug said, we just thought it would be inequitable to hold the sale for certain properties and not other properties and so to continue it along the lines that we have been is where we try to make these tax sales as equitable as possible. It's better either we have it or we don't have it at all. That's why we encouraged that if they were going to be postponed, postpone the sale for everything and not just certain properties.

While I'm on here, real quick, I'll answer Commissioner Bynum's question about how come there are some properties on the list that have multiple delinquent years and going back quite far and taxes due, it doesn't have anything to do with the randomness. Those will pop-up on the list every time. It's just the nature of the property. There is something significantly wrong with them. They're either undermined, they're landlocked, there's something wrong with them to where at some point we may have a tax sale with—we call it the island of misfit choice properties where there's something wrong with every single property in the sale and just put out one massive disclaimer to all the people potentially bidding that there's something wrong with every single property. Not necessarily tell them what is wrong, but just that each property has a problem. We haven't been putting those in a sale until we figure out how to adequately do that without somebody buying a property that they can't do anything with. Those will keep coming up on the list every time until we figure out what to do with them.

Mr. Bach said, Wendy, also with that too, if one those properties did go on a tax sale and no one purchased it, we obviously would not buy undermined property into our Land Bank. It would go back onto this list, correct, so it would continue to show up in future years. **Ms. Green** said that's correct. Yeah, if we didn't take it into the Land Bank just to put it in there and hold it so no one else could do anything with it, then yeah, it would just keep showing up on the delinquent tax sale list.

Commissioner Johnson said I do support what is being proposed by Commissioner Townsend with the caveat that as we look at whatever we're going to attempt to accomplish tonight, I've said this in conversations that we've had with the community members, that we need to look at this from a long-term perspective so that this is just not a one-time situation. The challenges that are brought up tonight are challenges that we will face as a government in the coming tax sales and I do agree with the fact that we are coming into the winter months and so we certainly don't want persons to be put out of their homes during the winter. We will face the same challenge next year in 2022 and every other year after that. So, I'd ask that as we look at solutions for tonight, they be considered from the perspective of what we do in future years as well.

The other thing that I will ask is something that has been brought to my attention and something and that I have thought about and I'd like to get some level of feedback. When we're considering tax sales and how they affect certain areas of our community, the last thing that I want is for someone that fits certain categories whether it's age or poverty or income restriction to be put out of their homes because basically the rates, their property values have gone up to a point where they can no longer afford it.

This may not be the appropriate time for that, but what I would ask, have we thought about providing some type of an abatement for community members that fit certain defined categories whether it be age or income restriction or both as a potential solution, I suppose, to making sure that we don't put those populations out of their homes because they are no longer able to afford their taxes? With that, I will yield the floor back to the staff, Mayor, or whomever would be willing to address that.

Mayor Alvey said actually there is. We're going to add I think, or propose to add, to our legislative agenda—somehow I got muted. Actually, Commissioner, we are bringing forward to the Commission for consideration support of legislation that could move through the Kansas House and Senate this year. It's called the Golden Legends that does take into account those who are on fixed income, those that are retired, that we would as a Commission support that and then any complementary ordinances we might have to pass would be considered. So, yeah, that is a discussion.

Commissioner Philbrook said I have a couple of quick questions. First, I'm going to make a statement. Thanks everybody for everybody else's questions and thanks for all the answers to them. That has helped me a lot as well. On the delinquent real estate stuff, I noticed on here it says a half paying of taxes and a payment with the UG is only allowed once. So, does that apply to people that have set up payment plans to pay and then fall off of it and don't make some payments, can they start up another payment plan or are they precluded from doing that?

Ms. Green said I'll go ahead and jump in on this one. That is for people that have never been on a payment plan before. They can pay half and we can automatically put them on the payment plan without asking the judge for approval for that. If they've been on a payment plan before and defaulted, then they have to have the judge's approval to go on a payment plan even if they've already paid—even if they can pay half of the amount down.

Secondly, if they can't pay the half amount down and they want to go on a payment plan, but they can pay some, then we would need the judge's approval to accept whatever it is that they are willing or able to pay to go on that payment plan. I have seen sometimes where he's allowed people to go on a payment plan without coming up with a down payment if they didn't think they could come up with anything, a chunk of money right away, but they could definitely make monthly payments. The reason we need them to make a down payment is it just makes it easier on the taxpayer to make their monthly payments. That makes their monthly payments a lot more manageable. These plans are only three years long, so however much they owe, only gets spread out over the three years. They don't just get one shot at it to have a payment plan. There have been people that have been on multiple payment plans.

Commissioner Philbrook said so you say their payment plan is spread out over three years. Is that what you just said? **Ms. Green** said correct. **Commissioner Philbrook** said so within that, they are paying on back taxes but they're also trying to pay on current taxes? **Ms. Green** said correct. They're required to keep their current taxes caught up. **Commissioner Philbrook** said okay, so let's say I owe, I don't know, $6,000 on back taxes and my taxes this coming year is $2,500, so I need to make those two half payments for the $2,500 plus the additional payments for my back taxes. **Ms. Green** said correct. In the months that your normal taxes, your current taxes will become due, so in December and May you just make your current tax payments. You do not have to make your monthly payment under the payment plan. **Commissioner Philbrook** said you make the current one, but what about the back taxes, don't you still have to pay on those? **Ms. Green** said not in December and May. **Commissioner Philbrook** said okay, but all the other months, right? **Ms. Green** said correct. **Commissioner Philbrook** said thank you. I know it was down in the weeds a little bit, but I really wanted to understand this a little bit better since we're dealing with folks that are on a very limited income in some cases.

Mayor Alvey asked, Commissioner Townsend, would you like to provide a motion? I'm sorry Wendy. Did you have something you wanted to offer?

Ms. Green said I was just going to make a comment real quick about Commissioner Johnson's question, if we could abate some taxes for certain people due to age or just due to income ability. Unfortunately, under the current law we have no ability to abate taxes for anyone. There are only a couple of situations where taxes can be abated. One is if they appeal the value of their property through the normal appeal process either a payment under protest for your spring appeals and if the value gets reduced, then the taxes that would have been collected are abated based upon the new value. Then the second thing is, if you are a non-profit organization of some sort and you apply to the Board of Tax Appeals for an exemption for the property, that goes back to the date of your first exempt use. So, in that situation, if you had taxes due while your property should have been exempt, those taxes would be abated, but those are the only two situations under the law that we are actually allowed to abate any taxes.

Commissioner Johnson said, Mayor, if I could just address that real quick here if you don't mind. **Mayor Alvey** said yes. **Commissioner Johnson** said what I was going to say is relative to what's getting ready to be proposed tonight, are we going to deal—I mean we could be dealing with this for years to come, the same very issue, so we're going to be voting on something that will be effective for this year. Do we need to talk about this further in terms of what we do for subsequent years? **Mayor Alvey** said I think that was what we have to do is ask staff to come to us with some remedies for communication so that if Groundworks is identifying people by going door-to-door, then perhaps we have to find some mechanism to achieve the same thing. I think that's what we're asking—we would be asking staff to do because we can't continue to postpone because there is some need for predictability in the process, I think, and we do have to collect the taxes. If we can tweak the process to make this—to, you know, obviate this happening in the future, then I think we can do that.

I would say that the legislation that Wendy says we don't have currently, may be coming forward during this legislative session and that we will be bringing that proposal to support that kind of legislation to the Commission in a couple of weeks or in a month, I think.

Commissioner Townsend said before the motions are made, I just wanted clarification from the Administrator if we have a date certain in April 2022 and also to clarify that the continuance from this week's already scheduled October 28 of 2021, is that the only group of identified properties that would be in this April sale or will there be another group as well just so, you know, we're clear. **Mr. Bach** said yes, we do have an identified date and we do want to affirmatively move—I mean all the properties that are identified that are in the October and the January sales and we think to meet your objective, you want to move both of those or postpone both of those to that date.

I would ask, Ms. Green, if you would read the message or the proposed motion that would appropriately take this action for the Commission.

Ms. Green said yes absolutely. It is a resolution approving the postponement of the October 2021 and January 2022 tax sales. Would you like me to either read the whereas clauses too or just actually—**Mr. Bach** said just the actual motion they need to make and to what date. **Ms. Green** said you would be moving to move the sales scheduled for October 28, 2021, to April 28, 2022, and you would be moving to take the sale scheduled for January 13, 2022, to be moved to April 28, 2022.

Commissioner Townsend said one last very important thing, I think if it hasn't been mentioned already, that counselors probably questioned as much for you on the record as anything else, by continuing the October 21 tax sale items and also the one in January 2022 to April 28, any fees, interest, penalties that is still accrued, correct? **Ms. Green** said that is correct. By law, again, we cannot waive any of those penalties or fees or stop them from accruing. **Commissioner Townsend**

said I just wanted that to be clear on the record which is why I didn't favor the term moratorium you kept, not you, but others bandied about just so it's clear on the record. Again, I want to express my appreciation to the Mayor, the Administrator, the staff who's worked hard on these under our previous direction that all of us as commissioners have been given to make our city look better. We certainly though are sensitive to situations beyond the control of some of the occupants of these homes, as the Mayor has already alluded to, like people who are renters. So we're hopeful that in this additional time these homeowners, renters who are inhabiting places that have been identified as tax sale eligible and would have been in the tax sale this coming week will work with Ms. Green, Ms. Hillyer, and other resources not only to get out of this situation, but to preclude further situations.

I would also ask any of our citizens who find themselves in a delinquency notice state to take some action. Don't do nothing. That's the worst thing that could happen and in the meantime I support Commissioner Bynum's recommendation that maybe a factsheet or, you know, here's what you do next list accompany that delinquency notice. So, this is about education and a compassionate, but one-time continuance for this.

With that, I move to accept the resolution as offered by Ms. Green to continue these tax sales to April 28, 2022.

Action: **RESOLUTION NO. R-75-21,** "A resolution approving the postponement of the October 2021 and January 2022 tax sales and be rescheduled for April 28, 2022." **Commissioner Townsend made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

MAYOR ALVEY ADJOURNED
THE MEETING AT 5:53 p.m.

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Brett A. Deichler
Interim Unified Government Clerk

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