RESOLUTION

Moved by Brownell, Seconded by Connolly that the following resolution be adopted:

WHEREAS, on March 9, 2020, Iowa Governor Kim Reynolds issued a Proclamation of Disaster Emergency declaring a State of Public Health Disaster Emergency existed throughout the entire state of Iowa due to the global pandemic referred to as COVID-19.

WHEREAS, between April 24, 2020 and July 24, 2020, Governor Reynolds issued Public Health Proclamations in response to the COVID-19 pandemic which suspended the regulatory provisions of Iowa Code Section 446.7; and

WHEREAS, Iowa Code Section 446.7 requires the Polk County Treasurer's Office to offer for public sale all parcels on which taxes are delinquent on the third Monday in June annually; and

WHEREAS, Iowa Code Section 446.7 requires that if for good cause the tax sale cannot be held on the third Monday in June, the treasurer may designate a different date in June for the sale; and

WHEREAS, as a result of the Public Health Proclamations suspending the regulatory provisions of Iowa Code Section 446.7, the Polk County Treasurer was unable to hold a tax sale at any time in June of 2020; and

WHEREAS, the Public Health Proclamation suspending the regulatory provisions of Iowa Code Section 446.7 expired on July 31, 2020; and

WHEREAS, Iowa Code Section 446.28 requires the Polk County Treasurer to hold the tax sale on the third Monday of the next succeeding month in which the required notice can be given if the tax sale is not able to be held in June; and

WHEREAS, the third Monday of the next succeeding month in which the required notice for tax sale can be given is November 16, 2020; and

WHEREAS, as of September 18, 2020, Governor Reynolds issued a Public Health Proclamation finding that a State of Public Health Disaster Emergency continues to exist throughout the State of Iowa and will remain in effect through at least October 18, 2020; and

WHEREAS, the Polk County Treasurer has indicated to the Board of Supervisors that the Polk County Treasurer's tax sale traditionally draws upwards of eight hundred people; and

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WHEREAS, Polk County, Iowa continues to experience a high volume of COVID-19 cases; and

WHEREAS, the Polk County Treasurer has found good cause to delay the tax sale due to health concerns and financial distress to Polk County residents due to the COVID-19 pandemic. See the attached Findings of the Polk County Treasurer.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. In conjunction with the Polk County Treasurer's Office, the Polk County Board of Supervisors finds that good cause exists to delay the Polk County tax sale to December due to the health and financial concerns created by COVID-19.
2. Prior to sending out the required notices for the December tax sale, the Polk County Treasurer shall reevaluate its good cause determination and inform the Board of Supervisors of its findings.
3. Nothing in this Resolution shall be interpreted to relieve delinquent property tax owners of the responsibility to pay the delinquent taxes, penalties, fees and interest that were due and accrue as otherwise provided by law, nor will this provision affect other legal processes that may be available to collect these delinquent taxes, penalties, fees and interest.
4. Nothing in this Resolution shall be interpreted to prevent the Polk County Treasurer from offering any property with delinquent taxes for sale upon the next available tax sale date.

POLK COUNTY BOARD OF SUPERVISORS:

Chairperson

RECOMMENDED FOR APPROVAL:

Mary Maloney, Treasurer
Polk County Treasurer's Office

ROLL CALL FOR ALLOWANCE

SEP 29 2020

ALLOWED BY VOTE OF BOARD

CHAIRPERSON

Steve Van Oort	~~Yea~~	Nay
Robert Brownell	~~Yea~~	Nay
Tom Hockensmith	~~Yea~~	Nay
Angela Connolly	~~Yea~~	Nay
Matt McCoy	~~Yea~~	Nay

Yea 5 Nay 0

Above tabulation made by: BD

POLK COUNTY BOARD OF SUPERVISORS
Tuesday Agenda Memorandum

Item Type & Title: **Polk County Annual Tax Sale Delay**

Agenda Date: September 29, 2020

Contact Individual: Mary Maloney

Previous Action taken by the Board:
Board/Commission Actions:

Action Requested (Recommended): Approval to delay the Polk County Annual Tax Sale until December.

Comply with Policy: Compliance with IA Code 446.7 and 446.28 and Public Health Proclamations

Background:

Due to the health and financial concerns attributable to COVID-19, the Polk County Treasurer hereby finds good cause for the Polk County Annual Tax Sale to be delayed until December. This good cause finding will be reexamined in October to determine if further delay is necessary.

Action Impact:

Fiscal Note:

Fiscal Year	Budget-ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code

Additional Fiscal Note Information (optional):

TO: Polk County Board of Supervisors, Polk County Residents and other interested parties

DATE: September 22, 2020

RE: Delay of the 2020 Polk County Annual Tax Sale

To Whom It May Concern,

Due to the health and financial concerns attributable to COVID-19, the Polk County Treasurer hereby finds good cause for the November 16, 2020 Polk County Tax Sale to be delayed to December 21, 2020. The Polk County Treasurer will re-evaluate this good cause finding on a month to month basis until such a time that the best interests of the citizens of Polk County will be served by conducting the 2020 Polk County Tax Sale.

BACKGROUND

On March 9, 2020, Iowa Governor Kim Reynolds issued a Proclamation of Disaster Emergency declaring a State of Public Health Disaster Emergency existed throughout the entire state of Iowa due to the global pandemic referred to as COVID-19. Between April 24, 2020 and July 24, 2020, Governor Reynolds issued Public Health Proclamations in response to the COVID-19 pandemic which suspended the regulatory provisions of Iowa Code Section 446.7.

Iowa Code Section 446.7 requires the Polk County Treasurer's Office to offer for public sale all parcels on which taxes are delinquent on the third Monday in June annually. Iowa Code Section 446.7 requires that if for good cause the tax sale cannot be held on the third Monday in June, the treasurer may designate a different date in June for the sale. As a result of the Public Health Proclamations suspending the regulatory provisions of Iowa Code Section 446.7, the Polk County Treasurer was unable to hold a tax sale at any time in June of 2020.

The Public Health Proclamations suspending the regulatory provisions of Iowa Code Section 446.7 expired on July 31, 2020. Iowa Code Section 446.28 requires the Polk County Treasurer to hold the tax sale on the third Monday of the next succeeding month in which the required notice can be given if the tax sale is not able to be held in June. The third Monday of the next succeeding month in which the required notice for tax sale can be given is November 16, 2020.

In the July 24, 2020, Public Health Proclamation, Governor Reynolds affirmed, "Consistent with Iowa Code Section 446.28, the county treasurer shall have the sole discretion to determine if any tax sale in a county that was not held in June can be held in a particular month or must be further delayed." Pursuant to Iowa Code Section 446.28 and the July 24, 2020, Public Health Proclamation, the Polk County Treasurer makes the following good cause findings.

GOOD CAUSE FINDING BASED ON COVID-19 HEALTH CONCERNS

On September 18, 2020, Governor Reynolds issued a Public Health Proclamation finding that a State of Public Health Disaster Emergency continues to exist throughout the State of Iowa and will remain in effect through at least October 18, 2020.

As of September 20, 2020, Polk County, Iowa has reported 15,337 positive COVID-19 cases. In the seven day period between September 13, 2020 and September 19, 2020, 580 new COVID-19 cases were reported in Polk County, Iowa. Widespread community outbreak of COVID-19 is ongoing in Polk County, Iowa.

Traditionally, the Polk County Annual Tax Sale draws up to 800 participants over a one to two day period. Those participants come from within Polk County, within the State of Iowa and from states surrounding Iowa.

The September 18, 2020, Public Health Proclamation requires gatherings of more than ten people to have six feet of social distancing between each group or individual attending alone. Furthermore, the Polk County Health Department recommends six feet of social distancing between individuals not in the same group. The Centers for Disease Control classifies large, in person gatherings where it is difficult for individuals to remain spaced at least 6 feet apart and attendees travel from outside the local area as the highest risk for COVID-19 spread.

Due to the widespread community outbreak of COVID-19 within Polk County, Iowa, the large number of attendees at the Polk County Annual Tax Sale from within and without Iowa's borders, and the difficulty in finding a facility that would allow six feet social distancing to remain between 800 people, the Polk County Treasurer finds good cause to delay the 2020 Polk County Tax Sale.

GOOD CAUSE FINDING BASED ON COVID-19 FINANCIAL CONCERNS

The annual tax sale is held to sell delinquent taxes on properties which are owed by the owners. These delinquent taxes may be owed by businesses or individuals. COVID-19 has placed great financial strain on Polk County residents and businesses. This financial strain affects the ability for residents and businesses to pay their property taxes.

One indicator of the strain on residents and businesses is the unemployment rate for Polk County, Iowa. In April 2020 the unemployment rate was 12.7%. In May 2020 the unemployment was 11.8%. In June 2020 the unemployment rate was 10%. In July 2020 the unemployment was 7.7%. In August 2020 the unemployment rate was 7.1%. To contrast those figures, the unemployment rates in 2019 for those same months were 2.7% in April, 2.5% in May, 2.9% in June, 2.8% in July and 2.8% in August. (None of the preceding figures are seasonally adjusted) *See* https://www.iowaworkforcedevelopment.gov/local-area-unemployment-statistics. The increase in unemployment, in turn, affects the ability of Polk County residents and businesses to timely pay property taxes.

Furthermore, the restrictions put in place between March 2020 and October 2020 due to the spread of COVID-19 on in-person dining at restaurants, in-person shopping at malls and other businesses, limited medical services, limited business services, and restrictions on travel have caused business revenue to suffer. It is estimated that COVID-19 will cause significant economic loss throughout

Iowa, with the outcomes still undetermined. This strain, in turn, affects the ability of commercial establishments to timely pay property taxes.

COVID-19 has undoubtedly affected the financial positions of Polk County residents and businesses. For that reason, good cause exists to delay the 2020 Polk County Tax Sale on a month to month basis to give residents and businesses a chance to financially rebound from the devastating effects of COVID-19.

CONCLUSION

For the reasons stated above, the November 16, 2020, Polk County Tax Sale is delayed until December 21, 2020. This good cause finding will be reexamined in October and a new finding will be issued. This delay shall not be interpreted to relieve delinquent property tax owners of the responsibility to pay the delinquent taxes, penalties, fees and interest that were due and accrue as otherwise provided by law, nor will this provision affect other legal processes that may be available to collect these delinquent taxes, penalties, fees and interest. This delay shall not be interpreted to prevent the Polk County Treasurer from offering any property with delinquent taxes for sale upon the next available tax sale date.

Mary Maloney, Treasurer

Polk County Treasurer's Office