

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2016-11

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING DMC SECTION 4.15.235, B. COSTS OF FORECLOSURE

WHEREAS, city and state law require delinquent property tax payers to pay for the costs incurred by the City to initiate and carry out real property tax foreclosure cases; and

WHEREAS, the Council adopted Ordinance No. 2016-10, at their June 16, 2016, Council meeting to establish a more consistent and easy to use system to determine the foreclosure costs that a delinquent taxpayer owes; and

WHEREAS, in order to accomplish this task, it was recommended to incorporate a flat fee of \$150.00 to cover costs incurred during the initial stages of the foreclosure process, Stage 1- between first publication of the foreclosure list and up to entry of judgment of foreclosure with the Court System; and

WHEREAS, the adopted Ordinance incorrectly stated the process would begin after the first publication of the foreclosure list in the newspaper, but the intent was to begin the foreclosure costs starting with the first publication in the newspaper;

NOW, THEREOFRE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Section 4.15.235. Section 4.15.235. B. i., of the Dillingham Municipal Code is hereby amended as follows with new language underlined and deleted language displayed as ~~strikethrough~~.

4.15.235 General foreclosure of Real Property.

B. Costs of foreclosure. It is the intent of this chapter and AS 29.45.320-.480 that the costs of carrying out the foreclosure process shall ultimately be borne by the delinquent taxpayer, not the City of Dillingham.

1. In order to accomplish the intent of this chapter and AS 29.45.320-.480, the city hereby establishes the following foreclosure cost fees, which are intended to reimburse the city for the costs of foreclosure, including but not limited to costs of publication, mailing, attorney's fees, filing and recording fees, title search, and costs incurred to comply with DMC 4.15.310(a):

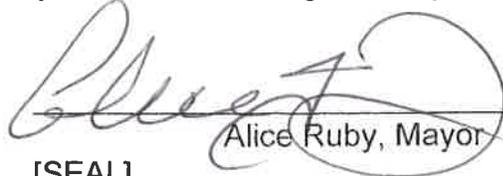
i. A flat fee of \$150 per property identified on the foreclosure list if the delinquent amount is ~~paid after~~ not paid before the first publication or

posting of the foreclosure list pursuant to DMC 4.15.200.A.2 and before judgment is entered; and

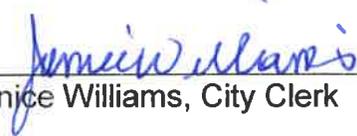
Section 2. Effective Date. This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

9/11/16


Alice Ruby, Mayor
[SEAL]

ATTEST:


Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: September 1, 2016

Attachment to:

Ordinance No. 2016-11

/ Resolution No. _____

Subject:

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING DMC SECTION 4.15.235, B. COSTS OF FORECLOSURE

City Manager: Recommend Approval

Signature: James Williams, City Clerk / Acting Mayor

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

-None

Summary Statement:

The Finance and Budget Committee was tasked with reviewing alternatives for allocating foreclosure costs to establish a more consistent and easy to use system for both City staff and taxpayers to determine the foreclosure costs that a delinquent taxpayer owes.

An ordinance was introduced at the June 2, 2016, Council meeting and adopted June 16, 2016. Unfortunately, the intent of the ordinance was incorrectly stated to read a delinquent tax taxpayer would incur a fee of \$150 after the first publication of the foreclosure list in the local newspaper, but should have read before the first publication, which would be consistent with the previous allocation of costs based on a prorata basis.

An advertisement for a Public Hearing on Ordinance No. 2016-11 was placed in the August 18 edition of the Bristol Bay Times, and will appear in the August 25 edition as required to be advertised in a local newspaper five days in advance of the public hearing, which is scheduled for September 1, 2016.

Attachment to:
Ordinance No. 2016-11 / Resolution No. _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	