

COUNTY OF MENOMINEE
AMENDED
ORDINANCE NO. 2015-64 A1



SALE OF TAX DELINQUENT REAL ESTATE

The Menominee County Board of Supervisors hereby ordain as follows:

- 1. TITLE.** This ordinance shall be entitled, "Sale of Tax Delinquent Real Estate".
- 2. PURPOSE.** The purpose of this ordinance is to specify the manner in which Menominee County will sell properties it has acquired through tax foreclosure proceedings.
- 3. AUTHORITY.** This ordinance is enacted pursuant to authority granted to the County by Wisconsin Statutes 75.69.
- 4. DEFINITIONS.** As used in this ordinance, the following words and terms shall have the following meanings:
 - 4.1 "Board" means the County Board of Supervisors.
 - 4.2 "Committee" means the Personnel and Finance Committee.
 - 4.3 "Family" means the mother, father, spouse, children (including adopted, foster and step children), brother, sister, grandchildren, grandparents, current son-in-law, current daughter-in-law, current father-in-law, and current mother-in-law.
 - 4.4 "Tribe" means the Menominee Indian Tribe of Wisconsin.
- 5. PROCEDURE FOR SALE OF FORECLOSED PROPERTIES**
 - 5.1 First Attempt to Sell Foreclosed Properties
 - A. All properties acquired by the County through tax foreclosure proceedings shall be advertised by publication of a Class 3 notice in a qualified newspaper as provided for in Chapter 985 of the Wisconsin Statutes.
 - B. The notice shall include:
 - (1) Deadline date and time to submit a sealed bid;
 - (2) Address and office of where sealed bids are to be submitted;
 - (3) Information about the property for sale, to include the parcel number, legal description, physical address, and appraised value;
 - (4) A statement that no bid less than the appraised value will be considered;
 - (5) Date and time of the public bid opening;
 - (6) Such other information, terms and conditions as the Board may prescribe, such as requiring the use of a bid form and agreement, amount of any bid security to be provided, etc.;

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- C. At a minimum, the notice shall provide the public fourteen (14) days advance notice of the deadline to submit sealed bids.
- D. The Treasurer's Office shall publicly open all sealed bids at the appointed date and time. The purpose of the public bid opening is to reveal the name(s) of the bidders and the bid amounts. It is not to serve as a forum for determining the winning bid.
- E. The Treasurer's Office shall prepare and forward a separate list for each property containing names of the bidders and bid amounts, and copies of the bid form and agreement to the Committee. The Treasurer's Office shall identify on the list(s) any bids that do not meet the bid requirements (e.g., fail to include the bid security, are not on the bid form and agreement, or do not meet the appraised value of the property).
- F. Within forty-eight (48) hours of the bid opening, the Treasurer's Office shall submit a copy of the list to the Chairperson's Office of the Tribe if the property for sale contains a deed restriction granting the Tribe a 10-day waiver option. The Treasurer shall also inform the Tribe of when the Committee is expected to act on the bid.
- G. The Committee shall award the bid in the following order of precedence:
 - (1) Family members of the former property owner shall receive first preference regardless of any higher bid, provided that their bid is equal to or greater than the appraised value;
 - (2) The highest bid, if that bid is equal to or greater than the appraised value.
- H. Final acceptance of a bid is contingent upon the Tribe not exercising any 10-day waiver option it might have. If the property contains a deed restriction granting the Tribe a 10-day waiver option:
 - (1) The Clerk shall inform the Tribal Chairperson's Office of the bid award within twenty-four (24) hours of the award;
 - (2) The Tribe shall have ten (10) days after receiving the Clerk's notice to either match or exceed the bid;
 - (3) If the Tribe opts to match or exceed the bid, the Tribe shall be awarded the property.
- I. The Committee shall reject all bids that are less than the appraised value, or that do not adhere to the bid notice instructions.
- J. Acceptance of the bids by the Committee is final and is not subject to concurrence by the Board.

5.2 Second or Subsequent Attempt to Sell Foreclosed Properties

- A. After the first attempt to sell properties acquired by the County through tax foreclosure proceedings, the County shall subsequently attempt to sell them by publication of a Class 1 notice in a qualified newspaper as provided for in Chapter 985 of the Wisconsin Statutes.
- B. The notice shall include:

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- (1) Deadline date and time to submit a sealed bid;
 - (2) Address and office of where sealed bids are to be submitted;
 - (3) Information about the property for sale, to include the parcel number, legal description, physical address, and appraised value;
 - (4) A statement that the County is attempting to sell the property at the appraised value or higher, but that it may consider a bid lower than the appraised value;
 - (5) Date and time of the public bid opening;
 - (6) Such other information, terms and conditions as the Board may prescribe, such as requiring the use of a bid form and agreement, amount of any bid security to be provided, etc.;
- C. At a minimum, the notice shall provide the public fourteen (14) days advance notice of the deadline to submit sealed bids.
- D. The Treasurer's Office shall publicly open all sealed bids at the appointed date and time. The purpose of the public bid opening is to reveal the name(s) of the bidders and the bid amounts. It is not to serve as a forum for determining the winning bid.
- E. The Treasurer's Office shall prepare and forward a separate list for each property containing names of the bidders and bid amounts, and copies of the bid form and agreement to the Committee. The Treasurer's Office shall identify on the list any bids that do not meet the bid requirements (e.g., fail to include the bid security, are not on the bid form and agreement, etc.).
- F. Within forty-eight (48) hours of the bid opening, the Treasurer's Office shall submit a copy of the list to the Chairperson's Office of the Tribe if the property for sale contains a deed restriction granting the Tribe a 10-day waiver option. The Treasurer shall also inform the Tribe of when the Committee is expected to act on the bid, and when the Board will act on the Committee's recommendation.
- G. When evaluating the bids submitted in a second or subsequent attempt to sell foreclosed properties, the Committee shall take into consideration the outstanding property taxes, special assessments, and charges including, but not limited to, interest, title fees, filing fees, disbursements and attorney's fees, and costs to secure the foreclosed properties. The Committee may reject all bids, or it may accept a bid in the following order of precedence:
- (1) Family members of the former property owner shall receive first preference regardless of any higher bid;
 - (2) The highest bid;
- H. Final acceptance of any bid is contingent upon the following:
- (1) Acceptance of the Committee's recommendation by the Board; and
 - (2) The Tribe not exercising any 10-day waiver option it might have.
- I. The Board may accept the recommendation of the Committee, may accept another bid, or it may reject all bids.

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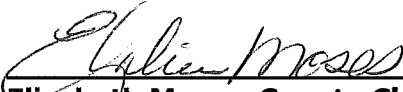
- (1) If the Board declines the Committee's recommendation and considers another bid, it shall take into consideration the outstanding property taxes, special assessments, and charges including, but not limited to, interest, title fees, filing fees, disbursements and attorney's fees, and costs to secure the foreclosed properties.
 - (2) If the Board accepts a bid less than the highest bid, it shall include a statement in its motion explaining the reasons for accepting a lower bid.
- J. If the property contains a deed restriction granting the Tribe a 10-day waiver option:
- (1) The Clerk shall inform the Tribal Chairperson's Office of the bid award within twenty-four (24) hours of the award;
 - (2) The Tribe shall have ten (10) days after receiving the Clerk's notice to either match or exceed the bid;
 - (3) If the Tribe opts to match or exceed the bid, the Tribe shall be awarded the property.
- 5.3 Failure to Pay Bid. Any person who fails to pay the bid amount within the timeframe specified in the bid notice, or bid form and agreement, shall be banned from bidding on any subsequent sale of foreclosed properties for a period of one year, and shall forfeit his or her bid security if such was required to be submitted with his or her bid.

6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

7. EFFECTIVE DATE. This ordinance shall take effect immediately upon publication and shall replace any prior ordinance as to the matters addressed herein.

***** CERTIFICATION *****

The undersigned certify that the foregoing ordinance was adopted this 20th day of April, 2017, by a vote of 7 for, 0 opposed, 0 abstentions, and 0 absent. A copy of this ordinance is available for public inspection in the office of the County Clerk, and has been properly posted and published.



Elizabeth Moses, County Chair



Sarah Lyons, County Clerk