

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2015-219

A RESOLUTION AUTHORIZING THE TAX COMMISSIONER OF CLAYTON COUNTY TO CONDUCT JUDICIAL IN REM TAX FORECLOSURES; AUTHORIZING THE TAX COMMISSIONER OF CLAYTON COUNTY TO ENTER INTO AGREEMENT(S) FOR LEGAL SERVICES WITH THE LEGAL COUNSEL OF THE TAX COMMISSIONER'S CHOICE WITH THE APPROVAL OF THE CLAYTON COUNTY STAFF ATTORNEY'S OFFICE TO CONDUCT TAX SALES, TO CONDUCT JUDICIAL AND NON-JUDICIAL TAX FORECLOSURES, TO CONDUCT FORECLOSURES OF LIENS FOR NUISANCE ABATEMENT, TO COMPLY WITH NOTICE REQUIREMENTS FOR EXCESS BID FUNDS, AND TO OVERSEE THE DISPOSITION OF EXCESS FUNDS FROM TAX SALES; ESTABLISHING THE FEE STRUCTURE FOR LEGAL SERVICES RENDERED TO THE TAX COMMISSIONER; AUTHORIZING THE CHAIRMAN AND/OR THE TAX COMMISSIONER TO EXECUTE ANY DOCUMENTS NECESSARY AND TO OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE, AND TO TRANSFER ANY REQUIRED FUNDS, ALL AS MAY BE REQUIRED; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly enacted Article 5 of Chapter 4 of Title 48 of the Official Code of Georgia, providing for use of judicial in rem tax foreclosures for delinquent taxes; and

WHEREAS, there exist parcels of land in Clayton County, Georgia upon which taxes are owed and which present collection difficulties as well as health and safety hazards to the public; and

WHEREAS, judicial in rem tax foreclosures provide an effective and efficient means of tax foreclosure designed to avoid title objections to property sold at tax sales; and

WHEREAS, it is in the best interest of Clayton County and its citizens for the Tax Commissioner to have the ability to use any and all methods available to enforce tax liens, including judicial in rem tax foreclosures; and

WHEREAS, the Tax Commissioner of Clayton County has a need for legal services to conduct tax sales, to conduct judicial and non-judicial tax foreclosures, to conduct foreclosures of liens for nuisance abatement, to comply with notice requirements for excess bid funds, and to oversee the disposition of excess funds from tax sales; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by authorizing the Tax Commissioner to enter into agreement(s) for legal services with the legal counsel of the Tax Commissioner's choice for these legal matters.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF  
CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners of Clayton County, pursuant to OCGA § 48-4-76, hereby authorize the use of the provisions of Article 5 of Chapter 4 of Title 48 of the Official Code of Georgia for collection of delinquent taxes. Specifically, the Clayton County Tax Commissioner, in addition to any other rights and remedies provided by law for the enforcement of tax liens, and as an alternate procedure to non-judicial tax foreclosures, is hereby authorized to initiate judicial in rem tax foreclosures of delinquent taxes as the Tax Commissioner deems appropriate;

Section 2. The Board of Commissioners of Clayton County authorizes The Tax Commissioner to enter into agreement(s) for legal services with the legal counsel of the Tax Commissioner's choice for the following legal matters:

- (1) tax sales,
- (2) judicial and non-judicial tax foreclosures,
- (3) foreclosures of liens for nuisance abatement,
- (4) compliance with notice requirements for excess bid funds, and
- (5) disposition of excess funds from tax sales.

Prior to the Tax Commissioner entering any agreement for these legal services, any such legal services provider(s) shall be vetted and approved by the Clayton County Staff Attorney's Office with the Clayton County Staff Attorney's Office signing off on any such agreement.

Section 3. The fees for any legal services provided pursuant to a legal services agreement with the Tax Commissioner will be capped at \$195.00 per hour for any attorney working on any matter. Further, the fees for tax sales will be capped at \$400.00 for each parcel that is scheduled for the tax sale with the number of tax sales determined by the Tax Commissioner. In all instances where attorney fees can be recovered, including but not limited to tax sales, tax foreclosures, foreclosures of liens, and disposition of excess bid funds, the legal services provider agrees that it shall seek recovery of its attorney fees, and that it will present all funds recovered to the Clayton County Finance Department for reimbursement to the County. The scope of all legal services to be provided shall be clearly defined in the written agreement for Legal Services prior to commencement of any work with the Clayton County Staff Attorney's Office signing off on any such agreement.

Section 4. The Board of Commissioners authorizes the Chairman and/or the Tax Commissioner to execute any documents necessary and otherwise perform all acts necessary to accomplish the intent of this Resolution;

Section 5. Further, the Board of Commissioners authorizes the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, and to transfer any required funds, all as may be required.

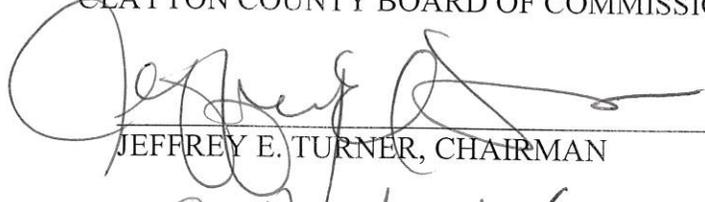
Section 6. Any and all resolutions in conflict with this Resolution are hereby repealed.

Section 7. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 18<sup>th</sup> day of August, 2015.

[signatures on following page]

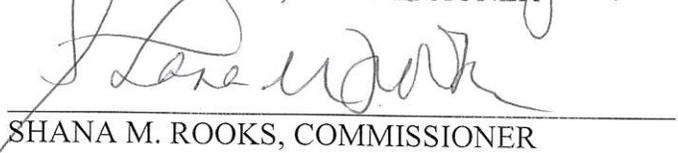
CLAYTON COUNTY BOARD OF COMMISSIONERS

  
JEFFREY E. TURNER, CHAIRMAN

  
GAIL B. HAMBRICK, VICE CHAIRMAN

  
MICHAEL EDMONDSON, COMMISSIONER

  
SONNA GREGORY, COMMISSIONER

  
SHANA M. ROOKS, COMMISSIONER

ATTEST:

  
SANDRA T. DAVIS, CLERK