

RESOLUTION NO. 09-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING A TWO-TIERED FEE SCHEDULE OF \$1,500 PER TRANSACTION OR THREE PERCENT OF THE PURCHASE/SALE PRICE FOR THE RECOVERY OF PERSONNEL AND OVERHEAD COSTS INCURRED BY THE CITY OF MESQUITE, TEXAS, AS TRUSTEE, IN CONNECTION WITH MAINTAINING, PRESERVING, SAFEKEEPING, MANAGING AND RESELLING TAX LIEN FORECLOSED OR SEIZED REAL PROPERTIES.

WHEREAS, with the passage of Resolution No. 05-2015, the City Council authorized the City Manager to establish a process for setting and adjusting minimum bids in the auction of tax lien foreclosed properties; and

WHEREAS, V.T.C.A., Tax Code, §34.06 and §34.21 allows the City of Mesquite (the "City"), as trustee, to recover reasonable costs for personnel (administrative) and overhead costs (paper, postage, ink cartridges, etc.), incurred by the City in connection with maintaining, preserving, safekeeping, managing and reselling tax lien foreclosed or seized real properties; and

WHEREAS, it is the desire of the City Council to streamline and promote success of the City's resale of tax lien foreclosed properties by applying a pre-determined, two-tiered fee structure comprised of \$1,500 per transaction or three percent of the purchase/sale, whichever is greater, that Dallas County established in 2011 by Court Order No. 2011-1338, attached hereto as "Exhibit "A;" and

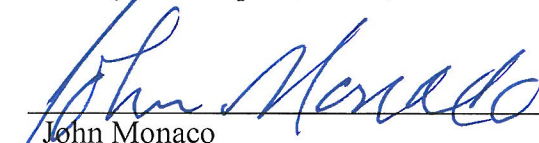
WHEREAS, exclusive of this \$1,500 fee are the fees charged by a realtor or auctioneer to dispose of the property; and

WHEREAS, said costs are reimbursed to the purchasing taxing unit first from the proceeds of a resale, to the extent funds are available.

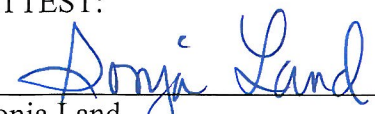
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That for the reasons set forth herein, the City hereby adopts a two-tiered fee schedule comprised of \$1,500 per transaction or three percent of the purchase/sale of tax lien foreclosed property or seized real properties, whichever is greater, as established by Dallas County.


DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 16th day of February, 2015.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

COURT ORDER

ORDER NO. 2011 1338

DATE: August 9, 2011

STATE OF TEXAS §  
COUNTY OF DALLAS §

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on the 9th day of August 2011, on motion made by John Wiley Price, Commissioner of District No. 3, and seconded by Mike Cantrell, Commissioner of District No. 2, the following order was adopted:

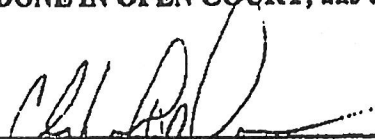
- WHEREAS, this matter was briefed to the Commissioners Court on August 2, 2011; and
- WHEREAS, Commissioners Court Order No. 2011-1098 dated June 21, 2011, approved the expansion of the County's Tax Foreclosure Resale Program ("Program"); and
- WHEREAS, expansion of the Program included a review of the Public Works Department's current processes; and
- WHEREAS, V.T.C.A, Tax Code, §34.06 and §34.21 allows Dallas County, as trustee, to recover reasonable costs for personnel (administrative) and overhead costs (paper, postage, ink cartridges, etc.), incurred by Dallas County in connection with maintaining, preserving, safekeeping, managing, and reselling tax foreclosed or seized real properties; and
- WHEREAS, under Court Order 2000-1970, recovery of administrative costs is calculated based on actual employee labor hours extracted from the Department's time recording system, plus an amount equal to 10% of said labor costs for overhead costs and divided equally among the number of properties that sold during the billing cycle; and
- WHEREAS, it is the desire of the Commissioners Court to streamline and promote success of the Program by changing the current time consuming process to a pre-determined two-tiered fee structure comprised of \$1,500 per transaction or 3% of the purchase/sale price, whichever is greater; and

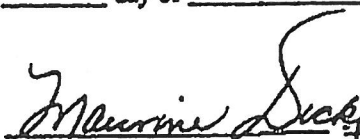
WHEREAS, said costs are reimbursed to the purchasing taxing unit first from the proceeds of a resale, to the extent funds are available; and

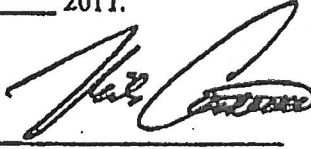
WHEREAS, this change is consistent with Vision 1, Dallas County is a model interagency partner in streamlining processes authorized by statute and in adopting reasonable fees to reimburse Dallas County for its costs in connection with the resale and management of tax properties.


IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Commissioners Court of Dallas County, Texas: (1) rescind Court Order 2000-1970 and adopt the two-tiered fee schedule of \$1,500 per transaction or 3% of the purchase/sale price, whichever is greater, for the recovery of personnel and overhead costs incurred by Dallas County, as trustee in connection with maintaining, preserving, safekeeping, managing, and reselling of struck off properties, to be effective immediately on passage of this Court Order, and (2) the Public Works Department be authorized to adjust the fee structure to account for increases in staff hourly rates due to County approved annual adjustments in employee salaries, without further action of the Commissioners Court.

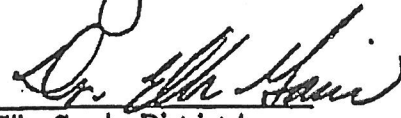
DONE IN OPEN COURT, this the 9th day of August 2011.

  
Clay Lewis Jenkins, County Judge

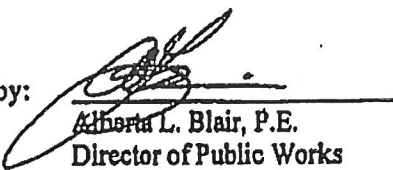
  
Maurine Dickey, District 1

  
Mike Cantrell, District 2

  
John Wiley Price, District 3

  
Dr. Elba Garcia, District 4

Recommended by:

  
Alberta L. Blair, P.E.  
Director of Public Works

*Rice*  
FAE:KAR/kar/BC  
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cc: Ryan Brown, Budget Officer  
Gordon Hikel, Civil District Attorney's Office  
John R. Ames, CTA, Tax Assessor/Collector  
Sheila Fuqua Carter, Linebarger, Goggan, Blair & Sampson, LLP