

CHAPTER 7: COUNTY MANAGEMENT

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Editor's Note:

Formerly known as Department of Business and Community Services, separated and abolished by Ord. 1061, eff 7/1/2005, into Department of County Management (Chapter 7) and Department of Community Services (Chapter 27)

Former §27.001 combined with 7.001 by Ord. 971 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget purposes); Leg.Hist: (Ord. 956, Amended, 01/18/2001; Ord. 951, Amended, 12/11/2000; Ord. 948, Amended, 07/27/2000; Ord.927, passed, 03/04/1999; ' 90 Code, § 2.30.200, 07/01/1998; Ord. 701, passed, 10/15/1991; Ord. 698, passed, 10/03/1991; Ord. 686, passed, 06/27/1991; Ord. 606, passed, 01/19/1989; Ord. 528, passed, 09/25/1986; Ord. 64, passed, 12/21/1972)

Cross-reference:

Auditor, see Charter § 8.10

Statutory reference:

Assessment of property for taxation, see ORS, Ch. 308

Collection of property taxes, see ORS, Ch. 311

County financial administration, see ORS, Ch. 279

County lands, see ORS, Ch. 275

Equalization of property taxes, see ORS, Ch. 309

Foreclosure of property tax liens, see ORS, Ch. 312

Levy of property taxes; tax reduction, see ORS, Ch. 310

Property subject to taxation; exemptions, see ORS, Ch. 307

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Public records, see ORS 192.410

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Revenue and tax laws, see ORS, Ch. 305

State Tort Claims Act, see ORS 30.260

(Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 971, Amended, 12/20/2001)

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GENERAL PROVISIONS**§ 7.001 COUNTY MANAGEMENT DEPARTMENT.**

The Department of County Management is created. The head of the department is the Director of the County Management Department (director). The department is assigned the following functions:

- (A) Plan, prepare and monitor the budget as prescribed by state law;
- (B) Accounting system and treasurer duties; financial reports, receipt, investment and expenditure of funds;
- (C) Liability insurance and property insurance;
- (D) Assessor and tax collector duties prescribed by state law;
- (E) Board of Property Tax Appeals prescribed by state law;
- (F) Marriage license and domestic partner registration services;
- (G) County recording duties prescribed by state law;
- (H) Other county clerk duties prescribed by state law.
- (I) Purchase material and supplies as prescribed by state law, and administer contracts;
- (J) Employee and human resource services;
- (K) Collective bargaining and labor relations matters;
- (L) Risk management and insurance programs;
- (M) Accounts payable, accounts receivable, payroll;
- (N) Management and disposition of tax foreclosed property; and

(O) Perform such administrative duties as delegated by Chair executive rule.

(Ord. 1178, Amended, 04/14/2011; Ord. 1166, Amended, 07/08/2010; Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Amended, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 951, Amended, 12/11/2000; ' 90 Code, § 2.30.115, 07/01/1998; Ord. 841, passed, 11/30/1995)

§ 7.002 DISHONORED CHECK FEES.

(A) For any check, draft, or order of payment in money given to the county by any person in payment of taxes or fees for any service provided by or through the county, which check, draft, or order of payment in money is dishonored for any cause, including but not limited to non-sufficient funds, closed account or no account, there shall be a fee assessed in the amount of then-current charge made to county by the bank from which the check was returned, plus an additional amount to cover internal costs, such as extra data entry, processing time, and unavailability of the revenues represented by the original check. The total amount assessed by the county for processing the dishonored check shall not exceed the amount set by resolution of the Board.

(B) At the discretion of the department which originally accepted the dishonored check, the fee assessed may be reduced to cover only the county's payment to the bank involved. The accepting department shall be responsible for the additional amount not assessed.

(C) The fee is collectible by the county in any lawful manner, including but not limited to filing of appropriate proceedings pursuant to statute, or such other means as may be legally pursued.

(' 90 Code, § 5.10.090, 07/01/1998; Ord. 791, passed, 06/16/1994; Ord. 713, passed, 03/05/1992)

§ 7.003 ACCOUNTING FEES.

The director is authorized and instructed to establish and collect fees chargeable to service districts for which the county provides accounting and related financial management services and for which the county provides automated data processing time and services, which shall be equal to the actual cost incurred by the county for providing these services as determined by the Director.

(' 90 Code, § 5.10.520, 07/01/1998; Ord. 595, passed, 10/13/1988; Ord. 105, passed, 07/10/1975)

§ 7.004 INFORMATION FEES.

For the services of the information technology services of gathering, preparing and providing requested information, a fee shall be charged which shall be equal to the actual cost of providing the services, as determined by the director. An additional amount shall be charged equal to 15% of the actual cost to defray the expenses of developing and expanding information base and access systems. The fee charged for information services to any governmental agency or unit shall be equal to the actual cost of gathering, preparing and providing the information only.

(‘ 90 Code, § 5.10.540, 07/01/1998; Ord. 595, passed, 10/13/1988; Ord. 105, passed, 07/10/1975)

§ 7.005 INTEREST FEES.

The finance division shall ensure that bills for all services performed by the county and all county accounts receivable are collected. Except where prohibited by law, contract or agreement, interest in an amount as set by resolution of the Board will be charged on all bills which remain unpaid for more than 30 days after the initial billing date.

(‘ 90 Code, § 5.10.560, 07/01/1998; Ord. 595, passed, 10/13/1988)

§ 7.006 PURCHASING AND HANDLING FEES.

To defray the expenses of the county in providing purchasing and stores services for other governmental agencies and units which do not provide reciprocal services to the county, those agencies and units shall be charged a fee in an amount set by Board resolution. No fee charged under this section shall exceed the amount allowable under any applicable contract between the county and the affected agency or unit.

(‘ 90 Code, § 5.10.040, 07/01/1998; Ord. 105, passed, 07/10/1975)

§ 7.007 CHAIR EXECUTIVE RULES.

The Chair is authorized to adopt Executive Rules or administrative procedures to implement and enforce the provisions of this code, and to carry out the Chair's duties and responsibilities under the Charter.

(S-1 2014)

Cross-reference:

Chair, see Charter § 6.10

§ 7.008 ASSESSMENT, RECORDING AND TAXATION FEES.

(A) For any printout or copy of an appraisal card for any tax account, the Division of Assessment, Recording and Taxation shall charge a fee as set by Board resolution.

(B) For the division's services in gathering, preparing or providing nonstandard information upon request, the division shall collect a fee equal to its actual cost, as determined by the director of the division.

(C) In addition, the division shall charge as set by Board resolution for copies provided by it.

(D) For a passport photo, the Division shall charge a fee as set by Board Resolution.

(E) For a waiver of the marriage three-day waiting period, the Division shall charge a fee as set by Board resolution, as authorized by ORS 205.320(9).

(F) For processing an amendment to a marriage license or state domestic partnership certificate, the Division shall charge a fee as set by Board resolution, as authorized by ORS 205.320(9).

(G) The Division shall charge a filing fee for a Board of Property Tax Appeal, as set by Board resolution.

(H) For any check, draft or order of payment in money given to the division by any person in payment of taxes or fees for any service provided hereinabove, which check, draft or order of payment in money is dishonored for any cause, including but not limited to nonsufficient funds, closed account or no account, there shall be a fee assessed as provided at § 7.002. The fee is collectible by the division in any lawful manner, including but not limited to, addition of the fee to the payer's tax account, filing of appropriate proceedings pursuant to statute or such other means as may legally be pursued.

(Ord. 1205, Amended, 12/05/2013; Ord. 951, Add, 12/11/2000)

RISK MANAGEMENT**§ 7.100- POLICY.**

The Board recognizes that a coordinated risk assessment and management, and loss prevention programs are important to the preservation of county assets, the health and safety of county employees, and the financial interest of the county's residents. Risk management includes identifying potential loss exposures, analyzing alternatives, selecting and implementing loss reduction methods, and evaluating the results. The county shall have as its objectives:

(A) The prevention of accidental loss by the creation and administration of a proactive approach to loss prevention and reduction, risk assessment and management. The county will work to create a service environment in which county employees and members of the public can enjoy safety and security while transacting county business.

(B) The protection of the county against the financial consequences of accidental losses.

(C) The preservation of the county's assets and public service capabilities from loss, destruction, or depletion.

(D) The promotion of a balanced, comprehensive and cost-effective mix of exposure identification, risk evaluation, risk treatment and program implementation and monitoring activities.

(E) The minimization of the long-term cost to the county of all activities related to the identification, prevention and control of accidental losses and their consequences.

(F) The creation of a coordinated risk management and employee health and benefits program with internal procedures for reporting of all incidents, claims and losses incurred by the county, providing a constant assessment of fluctuating exposure to loss, loss-bearing capacity and available financial resources, including insurance.

(G) For the purposes of this subchapter, "county" includes county districts, as agreed by the parties.

(Ord. 1216, Amended, 03/19/15, ' 90 Code, § 2.60.115,

07/01/1998; Ord. 904, passed, 04/25/1998; Ord. 581, passed, 06/23/1988; Ord. 381, passed, 05/19/1983)

§ 7.101 RISK MANAGEMENT FUND.

(A) *General provisions.* The county has a risk management fund (fund) created by the Board separate from the general fund. The fund was created to account for expenditures and reserves associated with the protection of the county's assets, employees, programs and operations. The fund will account for the financing administration of the workers' compensation, general liability, auto liability, property, employee medical/dental benefits, legal services, life insurance, long-term disability, retiree insurance, unemployment and insured and self-insured programs provided for in the county's budget.

(B) *Disbursements.* The following expenditures may be charged to the fund accounts:

(1) Insurance premiums for county operations;

(2) Costs and expenses related to administration, investigation, adjustment and litigation of all insured and uninsured claims, and loss arising from the county's operations;

(3) All costs for repairing and replacing personal property, money, and improvements to real property owned or leased by the county to the extent the county has contractually assumed risk of loss, where such property losses are within the coverage and retention level of insurance coverage carried by the county.

(4) Assessments, licenses, fees, and bonds related to programs funded under division (A) of this section, required by state law.

(5) Employee workers' compensation claim expenditures in accordance with applicable statutes.

(6) County risk management and legal services expenses.

(7) Loss prevention programs and projects may be funded by the fund if they:

(a) Are clearly targeted toward loss control;

(b) Reduce the costs of loss immediately;

(c) Reduce the administrative costs of the risk management program; or

(d) Are mandated by state or federal law and affect more than one department.

Capital projects are excluded unless specifically approved by the Board.

(8) County unemployment obligations and related administrative expenditures.

(9) Employee medical/dental health care claims and insurance claims, health promotion programs, and related administrative expenditures.

(10) Any other insurance or self-insurance related expenditures as deemed appropriate by the Board within standard budgetary procedures.

(11) Cost and expenses related to any legal action, matter or proceeding in any court or tribunal when authorized by the Board or delegated by Board resolution.

(C) *Fund reporting.* A report shall be provided annually to the Chair and Board on the financial status of the fund accounts.

(D) *Fund equity and cash balance.*

(1) The fund (equity and cash) balance shall be maintained at a level to pay all claims, premiums, disbursements, reserves and incurred but not reported (IBNR) claims. Amounts shall not be transferred from the fund unless a program defined by division (A) of this section is discontinued without further financial obligation or it is determined by a qualified independent actuary that the funding level may be adjusted.

(2) In order to obtain an exemption from the security deposit requirement under ORS 656.407, the worker's compensation reserves established by the actuarial evaluation performed under division (E) of this section are dedicated for payments of compensation and amounts due the state Director of the Department of Insurance and Finance. The Director of the Department of Insurance shall have first lien and priority rights to the full amount of the worker's compensation funds required to pay the present discounted value of all present and future claims under ORS, Ch. 656.

(E) An actuarial evaluation shall be performed by a qualified independent actuary on the worker's compensation retiree insurance and liability sections of the insurance fund at least once every three years. (Ord. 1024, Amended, 12/18/2003, eff. 1/18/2004; ' 90 Code, § 2.60.120, 07/01/1998; Ord. 904, passed, 04/25/1998; Ord. 725, passed, 06/25/1992; Ord. 581, passed, 06/23/1988; Ord. 381, passed, 05/19/1983)

§ 7.102 RISK MANAGEMENT FUNCTION.

(A) The Department of County Management directs and manages employee health and benefit programs for the county. The authority granted includes, but is not limited to, the following:

(1) To purchase all insurance coverage required by law and contracts, or desirable for the effective and efficient operation of county government;

(2) To consolidate insurance coverage and combine with self-insurance as is in the best interest of the county.

(B) The Department of County Management in consultation with County Attorney directs and manages all risk management and loss prevention programs for the county. The authority granted includes, but is not limited to, the following:

(1) To acquire actuarial, claims management, investigative and appraisal services for insured and self-insured program administration;

(2) To promulgate rules and procedures to govern the administration of the county's insurance and risk management activities;

(3) To administer all loss prevention activities and claims arising from county operations including, but not limited to, the county's general, auto and professional liability, property, workers' compensation, employee health care, life and disability benefits and unemployment claims;

(4) To coordinate the claims activity internally and/or with contracted claims service providers, legal counsel, department management and insurance companies;

(5) To identify loss exposures and administer programs to control and minimize losses to county assets, property, employees and the general public doing business with the county;

(6) To develop and maintain an information system for timely and accurate recording of loss experience, insurance premiums, property values, insurance fund cash flow and reserving obligations and other identified risk-related information;

(7) To develop manuals and programs for training county personnel on loss control/safety programs and activities; and

(8) To ascertain that contributions to the fund are adequate and appropriations and reserve balances are financially and actuarially sound.

(C) The Department of County Management apportions and collects from each county district, department, office, board, or commission its contribution for loss reserves, risk management and County Attorney expenses, insurance premiums, and loss expenditures. The contribution is based, wherever appropriate, upon the relative exposure and loss experience of each district, department, office, board, or commission for each aspect of risk and is maintained in the county's insurance fund and subject to annual budgetary approval.

(Ord. 1216, Amended, 03/19/2015; Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Amended, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 2.60.130, 07/01/1998; Ord. 904, passed, 04/25/1998; Ord. 725, passed, 06/25/1992; Ord. 581, passed, 06/23/1988; Ord. 381, passed, 05/19/1983)

§ 7.103 RISK ASSESSMENT AND LOSS PREVENTION.

Departments are responsible for conforming to county, state and federal safety standards. Administrators, managers, and supervisors are responsible for conducting their operations in a manner that safeguards the county's assets from loss or damage and employees from employment-related illness and injury. Each department in consultation with the Department of County Management and County Attorney will identify significant risks to the general public doing business with the county, county employees and county property. Where significant risks are identified, the Department of County Management and County Attorney will recommend remedial action. Departments will take action to reduce these exposures within available county resources. Managers are responsible for reporting all losses or claims to the Department of County Management, regardless of size of loss, in a timely manner as directed by county administrative procedures. The Department of County Management is responsible for ensuring that mechanisms exist for reporting, record keeping and follow up and that these are known throughout the county.

(Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Amended, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 2.60.140, 07/01/1998; Ord. 904, passed, 04/25/1998; Ord. 725, passed, 06/25/1992; Ord. 581, passed, 06/23/1988; Ord. 381, passed, 05/19/1983)

§ 7.104 AUTHORITY.

Authority for settlement of general liability claims and litigation against the county or its employees shall rest with the Board and may be delegated by Board resolution, except that the Sheriff shall retain all settlement authority regarding non-monetary operations issues in the Sheriff's Office.

(Ord. 1090, Amended, 03/01/2007; Ord. 1024, Amended, 12/18/2003, eff. 1/18/2004; ' 90 Code, § 2.60.150, 07/01/1998; Ord. 904, passed, 04/25/1998; Ord. 581, passed, 06/23/1988; Ord. 381, passed, 05/19/1983)

DOMESTIC PARTNERSHIP REGISTRY**§ 7.301 PURPOSE.**

The Board of County Commissioners authorizes and establishes a voluntary program of registration of domestic partners. The domestic partnership registry is a means by which unmarried, committed couples who share a life and home together may document their relationship.

(Ord. 951, Renumbered, 11/06/2000, from 27.351; Ord. 948, Added, 07/27/2000, eff. 09/01/2000)

§ 7.302 REQUIREMENTS.

(A) To register as domestic partners, couples must sign a Certificate of Domestic Partnership declaring that:

(1) They are residing together and sharing the common necessities of life;

(2) Neither of them is married or registered as the domestic partner of any other person in any jurisdiction;

(3) Both of them are at least 18 years of age;

(4) They are not related by blood kinship closer than would bar marriage in the state of Oregon and are mentally competent to consent to contract;

(5) They are each other's sole domestic partner and intend to remain so indefinitely and are responsible for each other's common welfare.

(B) In addition, the Certificate of Domestic Partnership will include a statement by the partners that;

(1) They agree to file a Statement of Termination of Domestic Partnership Registration if the partnership is terminated (except by death) or any of the facts in (1) through (5) above change;

(2) They understand the registration of the Certificate of Domestic Partnership is evidence of a domestic partnership of continuous duration;

(3) They affirm that neither of the partners has filed a Statement of Termination of Domestic Partnership Registration within the last six months.

(Ord. 951, Renumbered, 11/06/2000, from 27.352; Ord. 948, Added, 07/27/2000, eff. 09/01/2000)

§ 7.303 PROCEDURES; FEES.

(A) The department director is authorized to adopt administrative rules or procedures and prescribe all forms required to implement the provisions of this subchapter.

(B) Fees for filing registrations and terminations and for providing other documents are imposed under this subchapter in amounts set by Board resolution.

(Ord. 951, Renumbered, 11/06/2000, from 27.353; Ord. 948, Added, 07/27/2000, eff. 09/01/2000)

§ 7.304 TERMINATION OF DOMESTIC PARTNERSHIPS.

A domestic partnership registration terminates when:

(A) One of the partner dies;

(B) One or both partners files a Statement of Termination of Domestic Partnership Registration with the county. If only one partner files a Statement of Termination of Domestic Partnership Registration, that partner must certify that the filing partner attempted to notify the other partner of the filing of the Statement of Termination of Domestic Partnership Registration by mailing a notice of such intent certified mail return receipt requested to the last known address of the other partner.

(Ord. 951, Renumbered, 11/06/2000, from 27.354 ; Ord. 948, Added, 07/27/2000, eff. 09/01/2000)

§ 7.305 PUBLIC RECORDS.

The county will maintain records of domestic partnerships that include names, dates of registering, and certificate numbers. A record of the termination of partnerships will also be recorded.

(Ord. 951, Renumbered, 11/06/2000, from 27.355; Ord. 948, Added, 07/27/2000, eff. 09/01/2000)

TAX FORECLOSED PROPERTY

(Ord. 971, Renum27.150*, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget))

§ 7.400- DEFINITIONS.

For the purpose of MCC § 7.400 to 7.425, the following definitions apply unless the context requires a different meaning:

ABANDONMENT. The subject property is not occupied by the owner or others authorized by the owner, or any entity appearing in the records of the County to have a lien or other interest in the property, for a period of six consecutive months, and the property has suffered a substantial depreciation in value or will suffer a substantial depreciation in value if not occupied.

BOARD. Board of County Commissioners of Multnomah County, Oregon.

DAYS. Calendar days unless otherwise noted.

DEPARTMENT. Multnomah County Department of County Management.

DIRECTOR. The Director of the Multnomah County Department of County Management or designee.

DISPOSE OF. To sell, exchange, lease, donate or to otherwise convey County property or any interest therein.

INTERESTED PARTY. Any person or entity that appears in the records of Multnomah County to have a lien or other interest in the subject property at the time the notice issues pursuant to MCC 7.423.

OWNER or FORMER OWNER. A property owner or contract purchaser of record at the time a judicial decree of foreclosure was entered as to the affected property.

PROPERTY. All property acquired by Multnomah County by foreclosure of delinquent tax liens.

RECORDS OF MULTNOMAH COUNTY.

Those records kept by Multnomah County in compliance with ORS 312.125(7).

WASTE. The destruction, material alteration or deterioration of land or improvements thereon, caused by the owner or by anyone acting under permission or control of the owner. For purposes of this definition “acting under the control of the owner” means that the owner has failed to prevent others with or without the owner’s permission from committing waste of the subject property.

(Ord. 1229, Amended, 2/18/16; Ord. 1178, Amended, 04/14/2011; Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Renum27.150-, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 971, Amended, 12/20/2001; Ord. 968, Amended, 11/08/2001; Ord. 956, Amended, 01/18/2001; Ord. 950, Added, 08/24/2000, eff. 10/01/2000)

§ 7.401 PROPERTY ADMINISTRATION AND EVALUATION.

(A) The Department shall be responsible for the inventory, management, maintenance and disposition of all tax foreclosed properties in accordance with state statutes and this subchapter.

(B) The Department may identify properties to be sold at public sale and that are deemed not available for donation to governments entities for non-housing purposes.

(C) The Department shall be responsible for a physical inspection of all properties upon conveyance to the County.

(D) At the time near the date of the pending deed for any tax foreclosed property to the County as further provided in this Subsection 7.401(D), any such tax foreclosed property reasonably appears occupied, the Department shall:

(1) At or about thirty (30) days prior to the date the deed to the County for the tax foreclosed properties is to be executed and recorded, the Department shall view said properties and evaluate if whether properties appear to be occupied.

(2) If the determination under 7.401(D)(1) is affirmative, i.e. that certain tax foreclosed property appears to be occupied, the Department shall as

promptly as possible make efforts to contact the occupants of said property to discuss the pending execution of the deed and their need to relocate from said property, and review any other available information regarding the status of the occupants.

(3) Upon the determination of occupancy as provided in 7.401(D)(1), the Department shall consult other County departments and/or community agencies engaged in housing services in the local area, and determine what, if any, the options are for relocation housing for the current occupants of the tax foreclosed properties.

(4) If occupants leave the tax foreclosed properties voluntarily at any time prior to the deed to the County being recorded, or if any occupant qualifies as the former owner and successfully completes the repurchase of the property in a timely manner acceptable to the Department, there is no need for further action under this Subsection 7.401.

(5) If neither of the events set forth in 7.401(D)(4) occur, to the extent housing options were identified as provided at 7.401(D)(3), the Department shall present the proposed relocation housing options to the occupants. If the occupants accept an option for relocation, the Department shall reasonably assist, to the extent possible, to facilitate the timely relocation of the occupants to the new housing option.

(E) Nothing in Subsection 7.401(D), nor any efforts undertaken by the County or other community agencies pursuant to said Subsection shall be deemed in any way as consent by the County to any occupancy of any tax foreclosed property; or to restrict in any way, the County's ability to pursue with the assistance of the County Attorney any available remedy (including but not limited to a Writ of Assistance) to obtain possession and control of any such property deeded to the County when such deeded property is occupied without the written consent of the County.

(Ord. 1229, Amended, 2/18/2016; Ord. 971, Renum27.151, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 950, Added, 08/24/2000, eff. 10/01/2000)

§ 7.402 REPURCHASE POLICY.

(A) *Repurchase Policy.* The County in its sole discretion may decide to sell and convey tax foreclosed property to the former record owner or contract purchaser of record (collectively referred to as "owner" for purposes of this Section). If the County does elect to sell to the owner, that party may repurchase the tax foreclosed property for cash or on contract only as provided in this section. The Director is authorized to establish rules and procedures for the implementation and enforcement of this Section.

(B) Repurchase Price

(1) The repurchase price for a cash sale shall be the sum of: (a) all the uncollected taxes as of the date the property was conveyed to the County; (b) an amount equal to taxes which would have accrued after conveyance to the County, including accrued interest and interest which would have accrued after conveyance to the County; (c) penalties; (d) municipal liens; (e) delinquent sewer liens; (f) special assessments; and (g) costs of maintenance or nuisance abatement, and administrative expenses which shall include, but not be limited to, title searches, expense of document preparation and recording fees. The Department has the discretion to require the former owner pay any municipal liens, sewer liens or special assessments (including any interests or penalties imposed) directly to the governmental entity that imposed said liens or assessments and produce proof of the satisfaction of said liens and assessments prior to obtaining the deed from the County.

(Ord. 1229, Amended, 02/18/2016; Ord. 1190, Amended, 05/03/2012; Ord. 971, Renum27.152, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 950, Added, 08/24/2000, eff. 10/01/2000)

§ 7.403 PROPERTY SALE RESTRICTIONS.

(A) All property ordered to be sold at public sale under the provisions of ORS 275.110 shall be sold by the Sheriff for not less than the minimum bid price established by resolution of the Board.

(B) Any property not sold at public sale may thereafter be sold at private sale subject to the requirements of ORS 275.200.

(Ord. 1229, Amended, 02/18/2016; Ord. 971, Renum27.153, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 968, Amended, 11/08/2001; Ord. 950, Added, 08/24/2000, eff. 10/01/2000)

REDUCED REDEMPTION AND FORFEITURE OF TAX FORECLOSED PROPERTY

(Ord. 1190, Add, 05/03/2012)

§ 7.421 FINDINGS.

(A) Properties ordered foreclosed for delinquent taxes by the court do not legally pass into County ownership for two years after date of judgment by the court pursuant to ORS 312.120, during which persons with recognized legal interests may pay all required taxes to redeem their property.

(B) During the two year redemption period, many properties are vacant, remain undeveloped or are subject to waste as defined in MCC § 7.400, resulting in significant deterioration and loss of value for the property as well as contributing to decline of neighborhoods, discouraging investment and attracting nuisances through accumulation of discarded material, occupancy by unauthorized persons and establishment of criminal enterprises.

(C) The 1989 legislature created authority for counties to enact ordinances to accelerate the expiration of the two year redemption period for tax foreclosed properties which suffer abandonment or waste and to require the tax collector to convey title to the County, permitting earlier County intervention to preserve the value of tax foreclosed property, enhancing recovery of delinquent taxes and protecting and preserving community interests.

(D) The interests of the County, through protection of the health and welfare of its residents and preserving the value of tax foreclosed properties, require that this ordinance be enacted as an emergency measure to meet and effectively deal with the problems attendant in the foreclosure of tax delinquent properties.

(Ord. 1229, Amended, 02/18/2016; Ord. 1190, Add, 05/03/2012)

§ 7.422 WASTE OR ABANDONMENT.

If the Director determines that any tax foreclosed property sold to the County pursuant to ORS 312.100, may suffer waste or abandonment during the two year statutory redemption period, the Director may require and conduct a hearing as further provided for herein to determine whether such property should be deeded to the County earlier than as provided at ORS 312.200.

(Ord. 1229, Amended, 02/18/2016; Ord. 1190, Add, 05/03/2012)

§ 7.423 NOTICE OF DIRECTOR'S HEARING.

(A) Not less than 30 days prior to the hearing conducted by the Director, the Director shall notify or cause to be notified the owner, any interested party, and the occupants of the property, in writing and by both certified and regular first class mail, of the following:

- (1) The date, time and place of hearing;
- (2) The date of the judgment entered pursuant to ORS 312.100;
- (3) The normal date of expiration of the period of redemption under ORS 312.120;
- (4) A warning that a determination that the property suffers waste or abandonment will result in forfeiture of the remaining redemption period and issuance of a deed to the County following expiration of 30 days from the date the Board makes such final determination and that all rights of effected persons will be forfeit forever unless the property is redeemed within that 30 day period;
- (5) Legal description of the property and its tax account number; and
- (6) The name of the owner as it appears on the latest tax roll.

(B) The notice required herein shall be addressed in the following manner, as appropriate:

- (1) If the notice required under this Section is to be given to an owner, the notice shall be ad-

addressed to the owner or owners, as reflected in the county records of deeds, at the true and correct address of the owner as appearing on the instrument of conveyance under ORS 93.260 or as furnished under ORS 311.555 or as otherwise ascertained by the tax collector of the County pursuant to ORS 311.560.

(2) If the interested party to whom the notice is required to be given is a lienholder, or person or entity other than the owner, having or appearing to have a lien or other interest in the property, the notice shall be addressed to the lienholder, person or entity at the address that the County knows or after reasonable inquiry has reason to believe to be the address at which the lienholder, person or entity will most likely receive actual notice.

(3) If the interested party is lienholder which is a corporation or a limited partnership, the County shall be considered to have made reasonable inquiry if the notice is mailed to the registered agent or last registered office of the corporation or limited partnership, if any, as shown by the records on file with the Oregon Secretary of State, or if the corporation or limited partnership is not authorized to transact business in this state, to the principal office or place of business of the corporation or limited partnership.

(Ord. 1229, Amended, 02/18/2016; Ord. 1190, Add, 05/03/2012)

§ 7.424 HEARING PROCEDURES.

(A) The hearing shall be conducted in a manner calculated to permit full opportunity for the parties to present and challenge evidence and for the receipt of evidence without strict observance of formal evidentiary rules, to the end that the Director may have sufficient basis on which to recommend to the Board that forfeiture is appropriate.

(B) Parties to the hearing may appear through a representative, so long as written authorization of any non-attorney to represent the owner or lienholder is included in the record. Electronic recording of the proceeding shall be made and preserved for not less than one year after the date of the hearing.

(Ord. 1229, Amended, 02/18/2016; Ord. 1190, Add, 05/03/2012)

§ 7.425 FINAL DETERMINATION, ENFORCEMENT AND REVIEW.

(A) After the hearing, the Director shall prepare written findings regarding waste or abandonment, submit such findings and a recommendation to the Board, and set a date for Board consideration and final determination at the next available regular meeting. No further evidence shall be taken by the Board at that time, but the Board may remand to the Director should it require further investigation.

(B) If the Board adopts the recommendation of the Director to declare the property wasted or abandoned, it may then direct the tax collector to deed the property to the County not earlier than thirty (30) days from the date of the Board's determination of waste or abandonment and the declaration of forfeiture, during which period the property may be redeemed by any party otherwise authorized by law to redeem the property. The Director shall provide a copy of the findings presented at the hearing in accordance with Subsection 7.425(A) and final determination to the Owner, any interested party, and the occupants of the property by both certified and regular first class mail.

(C) Upon failure of any authorized party to redeem within 30 days after the Board acts, the tax collector shall execute and record a deed, terminating all redemption rights and cancelling all taxes and special assessments.

(D) The provisions of MCC 7.401(D) shall not apply to any property deeded to the County pursuant to this Section.

(E) Should any parties remain in possession of the property after the execution and recording of the deed as provided herein, the County shall seek possession of the property pursuant to any and all rights and remedies available to the County as authorized or provided by law.

(F) Review of the Board's decision shall be taken solely and exclusively by writ of review, pursuant to ORS 34.010 to 34.100.

(Ord. 1229, Amended, 02/18/2016; Ord. 1190, Add, 05/03/2012)

SALE OF SEIZED PERSONAL PROPERTY

(Ord. 1229, Deleted, 02/18/2016; Ord. 971, Renum27.400*,
12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget))