

# CLINTON COUNTY BOARD OF COMMISSIONERS

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**Administrator**  
Ryan L. Wood  
**Clerk of the Board**  
Diane Zuker

## **RESOLUTION 2017-13**

### **OPPOSING THE PASSAGE AND ENACTMENT OF SENATE BILL 386 OF 2017**

**WHEREAS**, the collection of delinquent real property taxes and the administration of the delinquent tax revolving fund by the county treasurer under The General Property Tax, 1893 PA 206, as amended, MCL 211.1 to 211.157, is important in assuring that Clinton County (the "County") and local tax collecting units within the County actually receive taxes levied in a timely manner, that tax delinquent properties in the County are returned to productive use, and that a favorable credit rating for the County is maintained; and

**WHEREAS**, Senate Bill 386 of 2017, as passed by the Michigan Senate ("SB 386") would undermine the process for collecting delinquent real property taxes by: (1) increasing, litigation against the county treasurer, allowing anyone to challenge a court-ordered property tax foreclosure for eight new reasons, even a person with no legal interest in the property; (2) clouding title to court-foreclosed properties, reducing sale proceeds used to reimburse local tax collecting units for unpaid property taxes and reducing delinquent tax revolving fund revenue; and (3) creating uncertainty through retroactivity and interference with a pending case before the Michigan Supreme Court; and

**WHEREAS**, by allowing new collateral attacks on judicial foreclosure orders after the orders are final and appeal rights exhausted, SB 386 would undermine the quality of the fee simple title vested in the foreclosing governmental unit, cloud otherwise clear titles, create uncertainty, and reduce prices paid for tax-foreclosed properties at tax sales, all of which undermine the current effective tax sale and delinquent tax collection process; and

**WHEREAS**, for these reasons, the Michigan Association of Counties, the Michigan Association of County Treasurers, and the county treasurer of this County have indicated their opposition to the passage and enactment of SB 386; and

**WHEREAS**, the county treasurer has asked this Board of Commissioners to join in opposing SB 386;

**NOW, THEREFORE, BE IT RESOLVED**, the Clinton County Board of Commissioners hereby opposes the passage and enactment of Senate Bill 386 of 2017.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be transmitted to the county treasurer, each member of the Michigan State Senate and the Michigan House of Representatives representing Clinton County, and the Governor of Michigan.

## **STATE OF MICHIGAN**

## **COUNTY OF CLINTON**

I, DIANE ZUKER, Clerk of the County of Clinton do hereby certify that the foregoing resolution was duly adopted by the Clinton County Board of Commissioners at the regular meeting held September 27, 2017 and is on file in the records of this office.

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Diane Zuker, Clinton County Clerk