



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Russell Watts, Treasurer-Tax Collector  
Date: November 1, 2016

Subject: Sale of Tax-Defaulted Property by the County Tax Collector

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**RECOMMENDATION(S):**

ADOPT Resolution No. 2016/614 authorizing the sale of specified tax-defaulted property at public auction, pursuant to the California Revenue and Taxation Code ("R&T") §3698, as recommended by the Treasurer-Tax Collector.

**FISCAL IMPACT:**

There is no impact to the General Fund. All costs will be recovered from the proceeds of the sale. Property or property interests that have been offered for sale at least once and where no acceptable bids have been received at the minimum price, the tax collector may offer that same property or those interests at the same or next scheduled sale at a minimum price that may be less than the amount of defaulted taxes, delinquent and redemption penalties as specified in R&T §3698.5(a)(1). Should the final selling price at public auction be less than the amount as specified in R&T §3698.5(a)(1), proceeds shall be distributed as specified in R&T §4673.1 & R&T §4674 and any remaining balance to satisfy the amounts as specified in R&T §3698.5(a)(1) may be transferred from the Tax Loss Reserve Fund. (R&T § 4703.2(c).)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **11/01/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor

Candace Andersen, District II  
Supervisor

Mary N. Piepho, District III  
Supervisor

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 1, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Brice Bins, 957-2848

cc: Brice Bins, Chief Deputy Treasurer-Tax Collector

## BACKGROUND:

The Tax Collector has the authority to sell tax-defaulted property that is subject to the power of sale (R&T §3691). Written approval of the Board of Supervisors (R&T § 3694 and 3698) is required to sell property at public auction (R&T §3692) to the highest bidder at the time and place fixed for sale (R&T §3706)

Property that has been tax-defaulted for five or more years and is subject to the Tax Collector's power to sell may be sold. All or any portion of a property may be offered for sale, without regard to its boundaries when it became subject to sale (R&T §3691).

The purpose of the sale is to collect unpaid taxes. Offering property for sale achieves this, either by collecting the unpaid taxes from the proceeds of the sale or through redemption by the assessee.

Any person or entity, including cities, taxing agencies, revenue districts and the State may purchase property at a public auction (R&T § 3691 and 3705). The only exception to eligible purchasers is the Tax Collector, who conducts the sale, or his/her employees (California Government Code § 1090).

If a parcel is redeemed before the close of business on the last business day prior to the date of sale, the power to sell is automatically nullified and the parcel will be withdrawn from the sale. If a parcel is redeemed within 90 days of the scheduled sale, \$150 will be collected to reimburse the County for costs incurred in preparing to conduct the sale (R&T § 4112). Where property or property interests have been offered for sale at least once and no acceptable bids therefor have been received at the minimum price, the tax collector may, in his or her discretion and with the approval of the board of supervisors, offer that same property or those interests at the same or next scheduled sale at a minimum price that the tax collector deems appropriate in light of the most current assessed valuation of that property or those interests, or any unique circumstance with respect to that property or those interests. (R&T § 3698.5(c)) Any parcel remaining unsold may be reoffered within a 90-day period and any new parties of interest shall be notified in accordance with R&T §3706.

## CONSEQUENCE OF NEGATIVE ACTION:

If not approved, the Annual Tax Collector's Public Auction will not proceed and property taxes will not be collected.

## ATTACHMENTS

Resolution No. 2016/614

Exhibit A