

Introduced by:	Mayor
Date:	07/07/20
Action:	Adopted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2020-048**

**A RESOLUTION SUPPORTING THE ONE-TIME DISMISSAL WITHOUT
PREJUDICE OF THE 2020 ANNUAL BOROUGH FORECLOSURE ACTION FOR 2019
AND PRIOR YEARS' DELINQUENT TAXES**

WHEREAS, on February 19, 2020, the borough filed its annual tax foreclosure action in the Superior Court at Kenai, Alaska; and

WHEREAS, on March 11, 2020, Governor Dunleavy issued a statewide declaration of a public health disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic; and

WHEREAS, on March 16, 2020, the mayor issued a Disaster Emergency Declaration which was extended for 90 days by the assembly on March 17, 2020 and for an additional 90 days on June 2, 2020; and

WHEREAS, on May 18, 2020 Governor Dunleavy signed Senate Bill 241 (SB241) into law; and

WHEREAS, a strict interpretation of SB241 is that Section 13 of the uncodified act mandates an extension of time for a municipality to request judgment in its annual foreclosure action to November 15, 2020 or the date the governor declares the disaster over, whichever is earlier; and

WHEREAS, in consideration of and in recognition of financial impacts caused by COVID-19 in 2020, it is in the best interest of the public to dismiss without prejudice the 2020 annual foreclosure action; and

WHEREAS, this dismissal without prejudice will not harm borough interests; and

WHEREAS, this dismissal without prejudice will not forgive, waive, or forgo collection of any delinquent taxes for 2019 tax and prior years; and

WHEREAS, a dismissal “without prejudice” means the borough is not precluded from refiling this action on the same grounds so that the action may be decided on its merits; and

WHEREAS, the intended effect of this dismissal without prejudice is to allow delinquent property owners additional time to pay off 2019 taxes and any prior years' delinquencies, including interest and penalties; and

WHEREAS, in early 2021 the borough will publish its annual foreclosure list and proceed with its annual foreclosure action which shall include 2020 tax delinquencies, 2019 tax delinquencies, and any prior years' delinquencies, including any interest and penalties;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the assembly supports the administration's dismissal without prejudice of the 2020 annual foreclosure case filed in Kenai Superior Court, Case No. 3KN-20-00146 CI, in consideration of the impacts of COVID-19 and to allow the delinquent property owners more time to resolve 2019 and prior years' tax delinquencies.


SECTION 2. That in accordance with state statute the action will be refiled in 2021 to include 2020 tax year delinquencies, 2019 tax delinquencies, and any prior years' delinquencies to include any applicable interest and penalties.

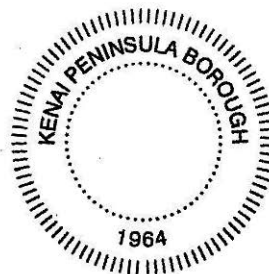
SECTION 3. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JULY, 2020.

ATTEST:


Johni Blankenship, MMC, Borough Clerk


Kelly Cooper, Assembly President



Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper
No: None
Absent: None