

## ATTENTION

### IN-PERSON AUDIENCES AT CITY COUNCIL MEETINGS HAVE BEEN SUSPENDED UNTIL FURTHER NOTICE

Due to Covid 19 this meeting will be conducted electronically by Zoom and Facebook. The public can join, listen and view the meeting as follows:

- City's Facebook page (<https://www.facebook.com/COB118Arizona/>). A Facebook account is not necessary.
- Zoom by calling in at 1-346-248-7799 or by the following link <https://us02web.zoom.us/j/87071357717> the meeting/webinar ID is 890 7547 1232.
- The public can submit comments that will be read at the dais by a staff member to [publiccomment@bisbeeaz.gov](mailto:publiccomment@bisbeeaz.gov). All comments shall be submitted by no later than Tuesday at noon. Citizens can also be recognized to speak during the meeting only if they sign up ahead of time at the email address above. Please indicate if you are signing up to speak under Call to the Public or a specific item number.

## AGENDA

AGENDA OF THE SPECIAL SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, TO BE HELD ON WEDNESDAY, FEBRUARY 10, 2021 AT 5:30 PM VIA ZOOM.

THE MEETING WAS CALLED TO ORDER BY \_\_\_\_\_ AT \_\_\_\_\_.

### ROLL CALL

#### COUNCIL

Councilmember Louis Pawlik, Ward III  
Councilmember Joni Giacomino, Ward II  
Councilmember Frank Davis, Ward I  
Mayor Ken Budge  
Councilmember Leslie Johns, Ward I  
Councilmember Joan Hansen, Ward II  
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

#### STAFF

Theresa Coleman, City Manager  
Ashlee Coronado, City Clerk  
Keri Bagley, Finance Director  
Joelle Landers, Personnel Director  
Jesus Haro, Public Works Director  
Albert Echave, Police Chief  
George Castillo, Fire Chief

#### CITY ATTORNEY

Joseph Estes

THE FOLLOWING ITEM WILL BE DISCUSSED AND/OR CONSIDERED AT THESE MEETINGS:

1. Discussion and possible approval to purchase tax lien certificates in amounts to exceed \$5,000 to protect the City's interest.

Theresa Coleman, City Manager

**ADJOURNMENT:**

**Individuals with hearing disabilities can contact the City Clerk's Office (520) 432-6012 to request an Assisted Listening Device, at least 24 hours before the meeting.**

**Anyone needing special accommodation to attend this meeting should contact Ashlee Coronado at (520) 432-6012 at least twenty-four hours before the meeting.**

**Public documents referred to herein may be viewed during regular business hours at the City Clerk's Office at 76 Erie Street, Bisbee.**

**Pursuant to A.R.S. § 38-431.03(A)(3), the Council may vote to enter executive session at any point during this meeting for discussion or consultation for legal advice with its attorney(s), who may appear telephonically.**



**REQUEST FOR MAYOR & COUNCIL ACTION**

**Session of: February 10, 2021**

Regular    Special

<b>DATE ACTION SUBMITTED:</b> <u>February 8, 2021</u>			
<b>REGULAR</b> <input checked="" type="checkbox"/>	<b>CONSENT</b> <input type="checkbox"/>		
<b>TYPE OF ACTION:</b>			
<b>RESOLUTION</b> <input type="checkbox"/>	<b>ORDINANCE</b> <input type="checkbox"/>	<b>FORMAL ACTION</b> <input checked="" type="checkbox"/>	<b>OTHER</b> <input type="checkbox"/>
<b>SUBJECT:</b> Discussion and Possible Approval to purchase tax line certificates in amounts to exceed \$5,000 to protect the City's interest.			

**FROM:** Theresa Coleman, City Manager / Joe Estes, City Attorney

**RECOMMENDATION:** Approve

**PROPOSED MOTION:** I move to approve the purchase of tax liens certificates in amounts to exceed \$5,000 to protect the City's interest.

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**DISCUSSION:**

The City of Bisbee has liens on real property for nonpayment of sewer and garbage fees. These liens may be foreclosed by future foreclosure actions. In order to protect the City's interest, the City Attorney has recommended that the City take proactive steps of participating in Cochise County Tax Lien Auctions.

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**FISCAL IMPACT:** TBD

**DEPARTMENT LINE ITEM ACCOUNT:** 54-10-12002

**BALANCE IN LINE ITEM IF APPROVED:**

**Prepared by:** Ashlee Coronado  
Ashlee Coronado  
City Clerk

**Reviewed by:** Theresa Coleman  
Theresa Coleman  
City Manager

A	B	C	D	E	F	G	H	I	J	K	L	M
ACCT #	LAST NAME	FIRST NAME	ADDRESS	AMOUNT \$	DATE	LIEN #	OTHER LIENS	TAX DUE	VALUATION	SENIOR LIENS		
1												
2	WIMBERLY	RONALD	214 DOUGLAS ST	\$ 553.65	4/14/2020	2020-07267		\$ 1,649.08	\$ 137,342.00	none found		
3	DOUGHTY	SHIRLEY	202 SAN JOSE DR	\$ 2,268.61	4/14/2020	2020-07268		Sold at Auction				
4	EDGERTON	FRANCINE	312 SHATTUCK ST	\$ 11,020.32	4/24/2020	2020-08108	2006-42312 ; 2009-13289; 2011-15627	\$ 1,606.70	\$ 77,784.00	none found		
5	HUERENA	JOSEFINA	452 SANTA CRUZ DR.	\$ 7,691.41	5/26/2020	2020-10160	2009-24296; 2011-15149	Taxes Current				
6	THOMAS	EDWARD L	108 D STREET	\$ 7,918.27	5/26/2020	2020-10161		\$ 391.75	\$ 53,759.00	none found		
7	THOMAS	EDWARD L	106 D STREET	\$ 8,187.98	5/26/2020	2020-10162		\$ 395.72	\$ 41,822.00	none found		
8	THOMAS	EDWARD L	55 COCHISE ROW	\$ 6,284.75	6/11/2020	2020-11511	2015-05457	\$ 533.30	\$ 52,997.00	none found		
9	CARPENTER	JESSE JAMIES	201 OK ST	\$ 3,643.42	6/11/2020	2020-11513		\$ 1,007.39	\$ 57,119.00	none found		
10	STAR	COLLEEN	4 OLD DOUGLAS ST	\$ 6,016.39	7/15/2020	2020-14216	070515272; 2010-08688; 2016-07645	\$ 793.43	\$ 56,180.00	none found		
11	ROCHA	MICHAEL & DULCE	302 A STREET	\$ 2,825.35	7/30/2020	2020-15597	2017-09869	\$ 509.99	\$ 30,070.00	none found		
12	ALVAREZ	JESUS	507 MAYER AVE	\$ 5,600.09	9/16/2020	2020-19948	2017-05034	\$ 1,625.94	\$ 11,617.00	none found		
13	THOMAS	EDWARD	73 PITTSBURGH AVE	\$ 6,767.32	10/6/2020	2020-21902		\$ 213.07	\$ 27,719.00	none found		
14	HOWELL AVE LLC		11 HOWELL AVE #1	\$ 14,494.12	10/6/2020	2020-21908		Senior Lien	\$ 2,198,411.00	\$ 3,232,000.00		
15	PARDEE	COLLEEN KAYE	506 MANICE ST	\$ 2,816.21	10/6/2020	2020-21913		\$ 825.66	\$ 116,894.00	none found		
16	SKY	JON	429 D LAUNDRY HILL	\$ 2,543.67	12/10/2020	2020-27744		\$ 311.81	\$ 48,659.00	\$ 190,000.00		
17	VALENCIA	PATRICIA	613 B SANTA CRUZ	\$ 1,666.08	1/7/2021	2021-00422	2015-17807	\$ 808.08	\$ 69,586.00	AHCCS		
18	ROMER	BRUCE	118 BREWERY AVE	\$ 2,493.15	1/7/2021	2021-00427		\$ 580.84	\$ 40,099.00	none found		
19	DANGLER	MARY J	711 SHATTUCK ST.	\$ 2,456.71	1/7/2021	2021-00429		\$ 1,668.39	\$ 140,802.00	\$ 292,500.00		
20	TOTAL			\$ 95,247.50				\$ 11,272.07				

CITY OF BISBEE  
BALANCE SHEET  
DECEMBER 31, 2020

SEWER FUND

ASSETS

54-1000000	CASH - COMBINED FUND	167,823.82	
54-1010111	CASH - WWP R & R RESERVE	24,195.64	
54-1012000	ACCOUNTS RECEIVABLE	366,536.54	
54-1012002	ACCTS RECEIVABLE - LIENS	1,028,616.65	
54-1012100	ALLOWANCE FOR BAD DEBTS	( 954,407.25)	
54-1013010	DUE FROM OTHER FUNDS	500,473.22	
54-1019900	CLEARING ACCT-SEWER/TRASH A/R	5,995.29	
54-1311000	CONSTRUCTION IN PROGRESS	411,168.15	
54-1312000	LAND	47,660.00	
54-1313000	LAND IMPROVEMENTS	29,410.67	
54-1313001	ACCUM DEPREC, LAND IMPRMNTS	( 11,882.12)	
54-1314000	BLDGS & BLDG IMPROVEMENTS	312,985.15	
54-1314001	ACCUM DEPREC, BLDGS & IMPRMNT	( 44,742.94)	
54-1315000	VEHICLES	396,839.15	
54-1315001	ACCUM DEPREC, VEHICLES	( 210,830.92)	
54-1316000	EQUIPMENT	1,908,327.15	
54-1316001	ACCUM DEPREC, EQUIPMENT	( 528,689.76)	
54-1317000	INFRASTRUCTURE	34,732,945.28	
54-1317001	ACCUM. DEPR. INFRASTRUCTURE	( 16,236,738.99)	
54-1317002	DEFERRED OUTFLOWS - PENSION	41,625.00	
54-1317003	DEFERRED OUTFLOWS - DEBT REFUN	134,652.45	
54-1317005	NET PENSION ASSETS	677.00	
		<hr/>	
	TOTAL ASSETS		<u>22,122,639.18</u>

LIABILITIES AND EQUITY

LIABILITIES

54-2020000	ACCOUNTS PAYABLE	130,218.02	
54-2020050	DUE TO OTHER FUNDS	451,472.00	
54-2020100	SALARIES PAYABLE	7,672.41	
54-2020200	MISCELLANEOUS (P/R) PAYABLE	4,975.03	
54-2020400	FWT/FICA PAYABLE	67.05	
54-2020800	AZ STATE RETIREMENT PAYABLE	111.61	
54-2025000	LONG TERM PENSION LIABILITY	361,137.00	
54-2027000	DEFERRED INFLOWS - PENSIONS	67,081.00	
54-2110001	WIFA DEBT - WWTP SOLAR	882,238.69	
54-2110003	WWTP REFUNDED DEBT	7,381,000.00	
		<hr/>	
	TOTAL LIABILITIES		9,285,972.81

FUND EQUITY

# Foreclosure Statutes

**Disclaimer:** The Coconino County Treasurer's Office staff cannot give legal advice. We recommend that you contact an attorney for questions.

## 42-18201. Action to foreclose right to redeem: subsequent certificates of purchase by assignment

- A. Except as provided in subsection B of this section, at any time beginning three years after the sale of a tax lien but not later than ten years after the last day of the month in which the lien was acquired pursuant to section 42-18114, if the lien is not redeemed, the purchaser or the purchaser's heirs or assigns, or the state if it is the assignee, may bring an action to foreclose the right to redeem. The action to foreclose the right to redeem shall be filed in the superior court in the county in which the real property is located and shall name the county treasurer as a party to the action. If any applicable law or court order prohibits bringing an action to foreclose the right to redeem, the limitation provided herein shall be extended twelve months following the termination of such prohibition.
- B. For a subsequent year certificate of purchase by assignment issued under section 42-18121, subsection B, at any time beginning three years after the date the subsequent year certificate of purchase was assigned but not later than ten years after the last day of the month in which the tax lien was assigned under section 42-18121, if the lien is not redeemed, the purchaser or the purchaser's heirs or assigns, or the state if it is the assignee, may bring an action to foreclose the right to redeem the lien represented by certificates of purchase acquired by assignment and held by the party that filed the action to foreclose. All certificates of purchase held by other parties remain in place. The action to foreclose the right to redeem shall be filed in the superior court in the county in which the real property is located and shall name the county treasurer as a party to the action. If any applicable law or court order prohibits bringing an action to foreclose the right to redeem, the limitation provided in this subsection shall be extended twelve months following the termination of the prohibition.

## 42-18202. Notice

- A. At least thirty days before filing an action to foreclose the right to redeem under this article, but not more than one hundred eighty days before such an action is commenced or may be commenced under section 42-18101 the purchaser shall send notice of intent to file the foreclosure action by certified mail to:
  1. The property owner of record according to the records of the county recorder in the county in which the property is located or to all of the following:
    - (a) The property owner according to the records of the county assessor in the county in which the property is located as determined by section 42-13051.
    - (b) The situs address of the property, if shown on the tax roll and if different from the owner's address under subdivision (a) of this paragraph.
    - (c) The tax bill mailing address according to the records of the county treasurer in the county in which the property is located, if that address is different from the addresses under subdivisions (a) and (b) of this paragraph.
  2. The treasurer of the county in which the real property is located. The county treasurer may not accept partial payments under section 42-18056, subsection C after the date the treasurer receives a notice of action to foreclose the right to redeem.
- B. The notice shall include:
  1. The property owner's name.
  2. The real property tax parcel identification number.
  3. The legal description of the real property.
  4. The certificate of purchase number.
  5. The proposed date of filing the action.
- C. If the purchaser fails to send the notice required by this section, the purchaser is considered to have substantially failed to comply with this section. A court shall not enter any action to foreclose the right to redeem under this article until the purchaser sends the notice required by this section.

42-18203. Application of law and rules of procedure

- A. The provisions of law relating to civil actions and rules of civil procedure control the proceedings in an action to foreclose the right to redeem, including the right of appeal.
- B. In an action to foreclose the right to redeem with respect to tax liens sold on real property of minors and legally incapacitated persons, the provisions of law relating to the prosecution of civil actions against persons under those disabilities apply.

42-18204. Judgment foreclosing right to redeem: effect

- A. In an action to foreclose the right to redeem, if the court finds that the sale is valid and that the tax lien has not been redeemed, the court shall enter judgment:
  - 1. Foreclosing the right of the defendant to redeem.
  - 2. Directing the county treasurer to expeditiously execute and deliver to the party in whose favor judgment is entered, including the state, a deed conveying the property described in the certificate of purchase.
- B. After entering judgment the parties whose rights to redeem the tax lien are thereby foreclosed have no further legal or equitable right, title or interest in the property subject to the right of appeal and stay of execution as in other civil actions.
- C. The foreclosure of the right to redeem does not extinguish any easement on or appurtenant to the property.
- D. The foreclosure of the right to redeem does not extinguish any lien for an assessment levied pursuant to title 48, chapter 4, 6, 14 or 18, or section 9-276.

42-18205. County treasurer's deed: form

- A. On receiving a certified copy of a judgment foreclosing the right to redeem and a fee of fifty dollars per parcel, the county treasurer shall execute and deliver to the party in whose favor the judgment was entered a deed conveying the property described in the judgment.
- B. The deed shall include the following information:
  - 1. The date, court action number and name of the judgment.
  - 2. The name of the purchaser.
  - 3. The property description.
  - 4. The date of the conveyance.
  - 5. A formal acknowledgment by the treasurer.

42-18206. Redemption during pendency of action to foreclose

Any person who is entitled to redeem under article 4 of this chapter may redeem at any time before judgment is entered, notwithstanding that an action to foreclose has been commenced, but if the person who redeems has been served personally or by publication in the action, or if the person became an owner after the action began and redeems after a notice is recorded pursuant to section 12-1191, judgment shall be entered in favor of the plaintiff against the person for the costs incurred by the plaintiff, including reasonable attorney fees to be determined by the court..

42-18207. Prosecution of action brought by state: disposition of costs

If the state brings an action to foreclose, it shall be prosecuted by the county attorney. The costs and attorney fees awarded shall be deposited in the county general fund.

42-18127. Expiration of lien and certificate: notice: applicability

- A. If the tax lien is not redeemed and the purchaser or the purchaser's heirs or assigns fail to commence an action to foreclose the right of redemption as provided by this chapter within ten years after the last day of the month in which the lien was acquired pursuant to section 42-18114, the certificate of purchase or registered certificate expires and the lien is void.
- B. At least thirty but not more than sixty days before the expiration date, the county treasurer shall notify the purchaser by certified mail of the pending expiration. Within seven days after

expiration, the treasurer shall notify the purchaser by certified mail that the lien and certificate of purchase or registered certificate have expired.

C. This section applies to liens purchased from and after August 22, 2002.

D. This section does not apply if, at the time of expiration:

1. The parcel for which the lien was purchased is subject to a judicial proceeding or a thirty day notice pursuant to section 42-18202.
2. Other applicable law or court order prohibits the commencement of an action to foreclose the right to redeem. The expiration date of the tax lien shall be extended to twelve months following the termination of such prohibition.