

RESOLUTION ARB2024-0005

Approval of Vacant Lands Bills Policy

Whereas, County entities may adopt, amend, rescind, and administer rules on matters within their respective jurisdictions, as established by the County Charter, the County Code, or general law; and

Whereas, Section 205.09(A) of the Cuyahoga County Code establishes the Cuyahoga County Administrative Rules Board; and

Whereas, per Section 113.02(G) of the Cuyahoga County Code, the Administrative Rules Board is given approval authority over rules promulgated by County entities based on a determination of: (1) whether the requesting entity has the authority to adopt, amend, or rescind the rule and (2) whether the proposed rule conflicts with the County Code; and

Whereas, the Cuyahoga County Treasurer's Office administers a Vacant Lands Bills Policy;

NOW, THEREFORE, BE IT RESOLVED BY THE ADMINISTRATIVE RULES BOARD OF CUYAHOGA COUNTY, OHIO:

Section 1. The Vacant Lands Bills Policy, as attached, is hereby enacted as part of the Cuyahoga County Administrative Code.

Section 2. The Resolution shall go into immediate effect and remain in full force and effect until rescinded by the Administrative Rules Board.

Section 3. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board and that all deliberations of this Board that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

The foregoing resolution was duly adopted on July 25, 2024.



Audrey Bucholtz
Clerk of the Board



Cuyahoga County Treasurer's Office

Policy For Expenses Related to Undeliverable Tax Bills Against Delinquent Vacant Lands

Background.

The County Treasurer has numerous statutory powers and responsibilities, two of which are relevant to this policy:

- The collection of cash owed to the County, including the collection of property taxes; and
- Cash management, with a duty to manage the assets of the County in a responsible manner.

Legal Authority and Discussion.

To fulfill these roles, the County Treasurer requires certain powers, some of which are expressly granted by statute and other implied because they are necessary to carry out the treasurer's duties.¹ An implicit power may arise where an express obligation imposed by the Ohio Revised Code ("Code") appears to require one action, but another duty requires a mutually exclusive action. In such a case, the County Treasurer must have the power to exercise reasonable discretion to resolve the conflict.

As part of the County Treasurer's property tax collection role, the Treasurer is obliged under Section 323.13 of the Code to mail tax bills to owners of record. This obligation is generally understandable and non-problematic, as it is critical to put property owners on notice of their obligation to pay. For most property owners, mailing a bill is an effective part of the County treasurer's tax collection office, because property owners will comply with their own obligation to provide a good address and the mailed bills will reach the owners and eventually result in collection of property taxes.

An issue arises, however, where property owners fail to meet their obligations, both to pay their bills and to update the County when their mailing address changes. An unknown but significant number of parcels in the County are delinquent, vacant without any improvements, and have a tax mailing address of the parcel itself. Because the address points to a vacant lot, mail delivery to that address fails, and the cost of printing and mailing a bill cannot achieve payment. Such costs are small individually, but they add up to a substantial cost in the aggregate, twice per year, every year, with no perceptible benefit to the County. Thus, blindly mailing tax bills in such cases results in significant, predictable waste.

A policy which results in significant, predictable waste runs headlong into conflict with the County Treasurer's other role as cash manager, and its attendant duty to manage the County's assets in a responsible manner. The County Treasurer is subject to an investment policy adopted by majority vote of the Investment Advisory Committee. According to the purpose statement of the policy, it is "designed to ensure the prudent management of public funds." It commands that the County Treasurer "shall act responsibly as custodian of the public trust."

Maintaining a process that requires regularly spending large amounts of public funds in a

¹ . State ex rel. Kuntz v. Zangerle, 130 Ohio St. 84, 89 (1935).

manner which the Treasurer knows will generate no public benefit is in direct conflict with the Treasurer's obligation to act as a responsible custodian of public assets.

Undeliverable Tax Bills Policy.

Therefore, in order to meet its obligation as responsible custodian of the public trust and resolve this conflict, the Treasurer hereby adopts the following policy.

For known undeliverable bills, the Treasurer shall prepare tax bills as is required, but the Treasurer shall not expend public resources to print or mail physical copies of those bills. Electronic versions of those tax bills will remain available via the County's online payment platform.

A "known undeliverable bill" is one which meets all the following criteria:

- It pertains to a parcel on the delinquent vacant lands list; and either
 - All bills mailed to the address have been returned as undeliverable for at least one year; or
 - It is addressed to the parcel itself and the parcel is unimproved and thus incapable of acting as a valid mailing address.

If the owner of the parcel provides an updated mailing address, then its bill will no longer be considered undeliverable for the purposes of this policy and will be placed back on the list of production and distribution of physical tax bills.

The Treasurer shall maintain a list of all undeliverable bills, including the parcel number, property address, the record owner's name, and the undeliverable mailing address. The list will be published on a website maintained by the County that is publicly available and searchable through widely used search engines to put property owners on notice that the County will not provide them with a physical tax bill unless they meet their obligation to update their mailing address.

Adopted July 25, 2024
Last Revised July 8, 2024