

2 **RESOLUTION: Authorize a Taxation District to Waive Interest on Property Tax Payment**
3 **Installments Due on or After April 1, 2020**

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6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, in December, 2019, a novel strain of coronavirus known as COVID-19 was detected, and
8 COVID-19 has continued to spread throughout the world, including to the United States and the State of Wisconsin
9 (“COVID-19 Pandemic”); and

10 **WHEREAS**, the federal government, state governments, and local governments are working together to
11 contain the further spread of the disease and treat existing cases; and

12 **WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services declared a
13 Public Health Emergency; on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; on
14 March 12, 2020, the Governor of the State of Wisconsin declared a Health Emergency in the State; and on March 20,
15 2020, Winnebago County, through Winnebago County Executive Mark Harris, declared a local state of emergency
16 pursuant to Chapter 323, Wisconsin Statutes; and

17 **WHEREAS**, the federal government has enacted various laws and regulations in response to the COVID-19
18 pandemic including, without limitation, the Families First Coronavirus Response Act and the Coronavirus Aid, Relief,
19 and Economic Security Act; and

20 **WHEREAS**, because of the COVID-19 pandemic, on March 24, 2020, Secretary-designee Andrea Palm of
21 the Wisconsin Department of Health Services issued Emergency Order #12, Safer at Home Order (“Safer at Home
22 Order”) requiring that everyone in Wisconsin stay at their home or place of residence, except in limited
23 circumstances, until April 24, 2020; and

24 **WHEREAS**, on April 16, 2020, Secretary-designee Palm extended the Safer at Home Order, with certain
25 modifications, to May 26, 2020, pursuant to Emergency Order #28; and

26 **WHEREAS**, federal, state, local, and individual responses to the COVID-19 pandemic, and the uncertainty
27 as to the effectiveness of those responses in mitigating the duration of the COVID-19 pandemic, have created
28 economic hardship and uncertainty in the County’s business community, households throughout the County, and for
29 every County property taxpayer; and

30 **WHEREAS**, prominent economists have predicted record level unemployment rates for the coming months
31 and this prediction suggests that Winnebago County residents will also experience record-level unemployment rates
32 in the coming months, and an unprecedented number of businesses and employers throughout the State and in
33 Winnebago County have been required to suspend operations; and

34 **WHEREAS**, in response to the COVID-19 Pandemic, the various federal laws and regulations implemented
35 as a result of the COVID-19 pandemic, and the various emergency orders and regulations implemented by state and
36 local governments, on April 15, 2020, the Wisconsin Legislature enacted 2019 Wisconsin Act 185 (“Act 185”), which
37 Governor Evers signed on April 16, 2020; and

38 **WHEREAS**, Section 105(25) of Act 185 authorizes, among other things, the County to waive interest and
39 penalties on 2020 property tax installment payments due and payable after April 1, 2020, until October 1, 2020; and

40 **WHEREAS**, a resolution authorizing the above referenced waiver must also establish criteria for determining
41 hardship that would qualify a property taxpayer for the waiver; and

42 **WHEREAS**, Winnebago County’s authorization for a taxation district to implement the above referenced
43 waiver is contingent upon a taxation district adopting a resolution in similar form and content as to Winnebago
44 County’s resolution; and

45 **WHEREAS**, this Resolution (1) serves as Winnebago County’s enabling resolution for purposes of Section
46 105(25) of Act 185; (2) authorizes any taxation district located in Winnebago County to waive interest on installment
47 payments of property taxes due and payable after April 1, 2020, in a manner consistent with Act 185, provided the
48 taxation district adopts a similar resolution and otherwise satisfies all conditions precedent to waiver contained in Act
49 185 and this Resolution; and (3) declares that all property taxpayers in Winnebago County are experiencing hardship
50 as a result of the economic conditions associated with the COVID-19 pandemic, the various federal laws and
51 regulations implemented as a result of the COVID-19 pandemic, the various emergency orders and regulations
52 implemented by state and local governments, and Act 185; and

53 **WHEREAS**, while the plain language of Section 105(25) of Act 185 allows for either a general or a “case-by-
54 case” finding of hardship to qualify for the above-referenced waiver of interest, the County intends, by this
55 Resolution, to authorize a taxation district to waive interest for all property taxpayers in the County otherwise eligible
56 for waiver under Section 105(25) of Act 185 on a finding of general hardship based upon the economic conditions
57 described in this Resolution, which the Board determines has adversely affected all taxpayers in the County; and

58 **WHEREAS**, this Resolution is not intended to be construed as authorizing any sort of “case-by-case” finding
59 of hardship by a taxation district.

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61 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that, pursuant to
62 Section 105(25) of Act 185, it hereby finds and authorizes the following:

- 63 1. Because of the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the
64 COVID-19 Pandemic, the various emergency orders and regulations implemented by state and local
65 governments, and Act 185, the Board finds that all property taxpayers are experiencing hardship as that term
66 is used in Section 105(25) of Act 185.
- 67 2. A taxation district is authorized to waive interest for property taxes payable in 2020 for an installment
68 payment that is due and payable after April 1, 2020. This Resolution authorizes a taxation district to waive
69 interest as provided in Section 105(25) of Act 185 for all property taxpayers in the taxation district such that if
70 a taxation district authorizes the waiver under Section 105(25) of Act 185, it must offer the waiver to all
71 property taxpayers in the taxation district. Notwithstanding the foregoing, nothing in this Resolution
72 authorizes a taxation district to waive interest for property taxes payable in 2020 for an installment payment
73 that was due and payable prior to April 1, 2020, except as otherwise permitted under applicable law.
- 74 3. As provided under Section 105(25) of Act 185, the County shall deviate from the settlement procedure set
75 forth in §74.29, Wis. Stat., and instead the County shall settle property taxes and interest collected on or
76 before July 31, 2020, on August 20, 2020, as provided under §74.29(1), Wis. Stats., and settle the remaining
77 unpaid taxes and interest on September 20, 2020. The August 20, 2020, settlement shall be distributed
78 proportionally to the underlying taxing jurisdictions according to payments collected on or before July 31,
79 2020.
- 80 4. Notwithstanding §74.57, Wis. Stats., the County Treasurer is authorized, but not required, to omit from the
81 tax certificate delivered to the County on September 1, 2020, all parcels of real property for which a taxation
82 district has waived interest and penalties as provided in this Resolution.

83 5. The County Treasurer is directed to consult with the Wisconsin Department of Revenue, all taxation districts
84 in the County, and Corporation Counsel regarding the implementation of this Resolution and the procedures
85 associated with, or contemplated by, this Resolution.

86 6. Other County officers are authorized and directed to assist the Treasurer in the interpretation, application,
87 and implementation of this Resolution and Section 105(25) of Act 185.

88
89 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that all actions heretofore taken
90 by the Board and other appropriate public officers and agents of Winnebago County with respect to the matters
91 contemplated under this Resolution are hereby ratified, confirmed and approved.

92
93 **Fiscal Note:** Winnebago County makes the taxation districts 'whole' each August. Therefore, the County takes on
94 the responsibility of collecting any remaining unpaid property taxes. Delaying the due date of tax
95 payments to October 1, 2020, will have a negative impact on County cash flow. In addition, the County
96 will incur a loss of investment income on cash paid out in August ahead of the October 1st collection
97 deadline. Total fiscal impact on the County is unknown at this time. However, the County has a strong
98 cash position and should be able to manage the cash flow issues.

99
100 Respectfully submitted by:
101 **STEPHANIE J SPELLMAN, District 10**
102 **MICHAEL NORTON, District 20**
103 **BRIAN DEFFERDING, District 6**
104 **STEVEN LENZ, District 7**

105 Committee Vote: _____

106 Vote Required for Passage: **Two-Thirds of Membership**

107
108 Approved by the Winnebago County Executive this _____ day of _____, 2020.

109
110 _____
111 Mark L Harris
112 Winnebago County Executive