



Office of

Consent Agenda 3/9/2021

**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: The Board of County Commissioners

THROUGH: Dylan Reingold, County Attorney

FROM: Susan J. Prado, Assistant County Attorney

DATE: March 2, 2021

SUBJECT: Settlement of ERU Account with Cookies & Crackers, Corp.

On January 8, 2019, the Indian River County Board of County Commissioners (the "Board") adopted Ordinance No. 2019-002, which allowed for an amnesty period for certain property owners to become current on outstanding ERUs, and for the utilities director to release service availability charges for ERUs reserved for future use and associated delinquency charges if the customer paid 10% of the amount owed, including all charges, penalties and interest, and executed the agreement for release of ERUs. The Board also tasked the County Attorney's Office with filing for foreclosure on any accounts that did not take advantage of the available options. In preparation of filing for foreclosure on the last remaining large ERU account, there was a good faith pre litigation negotiation with the account holder, Cookies & Crackers, Corp. The total balance due on the account is \$261,734.01. This consists of \$163,059.32 for service availability and \$98,674.69 for penalties and interest. The Utilities Director and the County Attorney's Office support the settlement of the County's acceptance of a payment of \$220,000, which will result in the waiver of \$41,734.01 in penalties and interest.

RECOMMENDATION:

Authorize the Utilities Department to accept payment in lieu of pursuing foreclosure, as well as release any liens on the account pertinent to the ERU balance, and authorize the County Attorney's Office to prepare and execute any other documents that may be necessary to effectuate the settlement of the outstanding ERU account.

cc: Vincent Burke – Utilities Director
Cindy Corrente – Utilities Finance Manager