



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney 

DATE: December 14, 2018

SUBJECT: ERU Ordinance

BACKGROUND.

On December 4, 2018, the Indian River County Board of County Commissioners (BCC) voted to approve language for an amendment to section 201.09 of the Indian River County Ordinance Code (Code) to allow any customer who purchased equivalent residential units (ERUs), who has a current account for such ERUs, and has not connected to the system, to apply to the Indian River County Department of Utility Services (IRCDUS) for a refund, provided application is made within twenty-four (24) months of the payment of impact fees. The reimbursement will be based on the impact fee schedule in effect at the time of original payment. The BCC will be conducting a public hearing on this ordinance on December 18, 2018.

On December 4, 2018, the BCC also voted to approve language for another modification to section 201.09 of the Code to allow a customer who has a reserve account that is affiliated with an assessment paid in lieu of impact fees affiliated with certain voluntary assessments that were adopted by resolution between 1984 and 1989, and the reserve account is current, to apply to IRCDUS for a refund of the amount of the assessment paid, so long as the property is either undeveloped or located 200 or more feet from an existing water and/or sewer line, whichever is applicable. This modification will be heard as part of the same ordinance public hearing as referenced above.

The County Attorney's Office has finalized the draft ordinance as directed by the BCC and has noticed a public hearing on the draft ordinance for December 18, 2018.

FUNDING.

The cost of publication of the required public notice for the public hearing was \$130.35. The cost was funded from the County Attorney's Office budget within the General Fund (account number 00110214-033190).

RECOMMENDATION.

The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance.

ATTACHMENT(S).

Draft Ordinance