



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold County Attorney
William K. DeBraul, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney *DR*

DATE: December 18, 2018

SUBJECT: Public Hearing and Adoption of Ordinance Establishing Amnesty Program for Certain Utility Delinquency Charges

BACKGROUND.

Under section 201.08(B) of the Code of Indian River County ("Code"), service availability charges are imposed on the owner of each water and sewer Equivalent Residential Unit ("ERU") which is reserved for future use. This charge is necessary to recover to Indian River County the cost of repairing and maintaining the capacity in the water/sewer system which is reserved for the ERU.

In the 2004-2006 timeframe, several property owners acquired ERUs for planned developments. However, with the economic slowdown that followed, many of these developments were not built – leaving the property owner with ongoing service availability charges for each ERU acquired. When property owners were unable or unwilling to pay these charges, delinquency charges of \$2 and 1.5% interest were imposed monthly, pursuant to section 201.08(J)(4) of the Code. As a result, large amounts of service availability and delinquency charges are due with respect to several properties in Indian River County. There have been several limited amnesty periods that have been approved by the Indian River County Board of County Commissioners ("Board") over the past several years, during which delinquency charges have been waived if the service availability charges were paid in full.

On December 4, 2018, the Board approved the language of the draft 90-day ERU amnesty ordinance and directed staff to bring back the proposed ordinance which contains a final amnesty period to a public hearing on December 18, 2018. As with previous amnesty periods, the Utilities Department will notify owners of this new amnesty period.

RECOMMENDATION.

The County Attorney recommends that the Chairman open the public hearing, take comments from the public and then close the public hearing, and that the Board then adopt the attached proposed amnesty ordinance.

ATTACHMENT(S).

Proposed Ordinance Establishing Amnesty Program for Certain Utility Delinquency Charges