



Broward County

Legislation Details (With Text)

File #: 20-336 **Version:** 1

Status: Agenda Ready

In control: County Attorney

On agenda: 2/25/2020 **Final action:** 2/25/2020

Title: A. MOTION TO ADOPT Resolution 2020-071, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AUTHORIZING THE ASSESSMENT OF LIENS PURSUANT TO SECTION 153.67, FLORIDA STATUTES, AND SECTION 34-9 OF THE BROWARD COUNTY CODE OF ORDINANCES, AGAINST THE AFFECTED PARCELS AND PROPERTIES FOR UNPAID WATER AND WASTEWATER ACCOUNTS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

ACTION: (T-10:32 AM) Approved.

VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.

B. MOTION TO AUTHORIZE Office of the County Attorney to take all necessary actions to collect unpaid balances on water and wastewater accounts on behalf of Broward County, including commencing litigation against the account owners to collect all amounts due to the County (including interest, attorneys' fees, and costs), and negotiating, approving, and executing settlements of the unpaid amounts as appropriate, subject to approval by the County Administrator of any reduction in total charges that exceeds \$25,000; and to authorize the County Administrator to approve settlements of unpaid water and wastewater accounts where the reduction in total charges exceeds \$25,000, including de minimis settlements for residential accounts in exchange for connection of the property to the County's water or wastewater system, as applicable.

ACTION: (T-10:32 AM) Approved.

VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Copy of Proposed Resolution

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

A. MOTION TO ADOPT Resolution 2020-071, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY,

FLORIDA, AUTHORIZING THE ASSESSMENT OF LIENS PURSUANT TO SECTION 153.67, FLORIDA STATUTES, AND SECTION 34-9 OF THE BROWARD COUNTY CODE OF ORDINANCES, AGAINST THE AFFECTED PARCELS AND PROPERTIES FOR UNPAID WATER AND WASTEWATER ACCOUNTS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

ACTION: (T-10:32 AM) Approved.

VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.

B. MOTION TO AUTHORIZE Office of the County Attorney to take all necessary actions to collect unpaid balances on water and wastewater accounts on behalf of Broward County, including commencing litigation against the account owners to collect all amounts due to the County (including interest, attorneys' fees, and costs), and negotiating, approving, and executing settlements of the unpaid amounts as appropriate, subject to approval by the County Administrator of any reduction in total charges that exceeds \$25,000; and to authorize the County Administrator to approve settlements of unpaid water and wastewater accounts where the reduction in total charges exceeds \$25,000, including de minimis settlements for residential accounts in exchange for connection of the property to the County's water or wastewater system, as applicable.

ACTION: (T-10:32 AM) Approved.

VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.

Why Action is Necessary

Board adoption of a Resolution is necessary for the assessment of liens against the parcels or properties of account holders of unpaid water and sewer charges, pursuant to Section 34-9 of the Broward County Code of Ordinances.

What Action Accomplishes

Adopts the proposed Resolution and authorizes the Office of the County Attorney to commence litigation and, subject to the approval of the County Administrator over certain amounts, negotiate and settle unpaid water and sewer accounts.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

Broward County provides water and wastewater services to many residents of the County. Certain residents have delinquent accounts. In accordance with Section 34-9 of the Broward County Code of Ordinances ("Code"), notices of default were provided to the delinquent account holders. The accounts listed in Attachment 1 to the proposed Resolution remain unpaid more than thirty (30) days after the notices of default. The total unpaid amount (not including late fees) of the delinquent

accounts listed in Attachment 1 is \$352,400.96.

Pursuant to Section 153.67, Florida Statutes, and Section 34-9 of the Code, after adoption of an appropriate Resolution, the County may assess liens against the affected real property of the account holders in the amount of the unpaid balances and all accrued interest if the balances remain unpaid for thirty (30) days after notice of default.

This item, if approved, would adopt the Resolution contemplated by Section 34-9 of the Code authorizing the County to assess liens in the amount of the unpaid commodity charges (not including late fees) against the affected real property owned by the delinquent account holders. This item would also authorize the Office of the County Attorney to commence litigation to recover the total unpaid balances (including both commodity charges and late fees), plus attorneys' fees and costs, negotiate and settle claims for the unpaid balances, and execute any associated settlement agreements, subject to approval by the County Administrator of any reduction of total charges that exceeds \$25,000. The County Administrator's settlement authority would specifically include authority to settle the unpaid accounts of residential properties for de minimis amounts in exchange for connection of the property to the County's system.

Source of Additional Information

Mark A. Journey, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

All legal work will be performed by the Office of the County Attorney. Litigation costs (filing fees, deposition costs, expert fees, etc.) are currently estimated at approximately \$50,000-\$100,000.