



Broward County

Legislation Text

File #: 22-942, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

A. MOTION TO ADOPT Resolution, 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.

(Per the Tuesday Agenda Memorandum, the Board's consideration of this item is based on the Resolution as revised by the Additional Material distributed under this item.)

ACTION: (T-10:31 AM) Approved Resolution No. 2022-303 as amended with Regular Meeting Additional Material, dated June 7, 2022, submitted at the request of the County Attorney.

VOTE: 9-0.

B. MOTION TO AUTHORIZE Office of the County Attorney to take all legal steps necessary on behalf of Broward County to recover all amounts owed to the County for unpaid water and wastewater service charges, together with costs, interest, and attorneys' fees, including negotiating, approving, and executing settlement agreements, subject to approval by the County Administrator of any compromise that exceeds \$25,000; and to authorize the County Administrator to approve settlements of delinquent accounts for any amount where the compromise exceeds \$25,000 and the property owner consents to connect the property to the County's water or wastewater system, as applicable.

(Per the Tuesday Agenda Memorandum, the Board's consideration of this item is based on the Resolution as revised by the Additional Material distributed under this item.)

ACTION: (T-10:31 AM) Approved as amended with Regular Meeting Additional Material, dated June 7, 2022, submitted at the request of the County Attorney.

VOTE: 9-0.

Why Action is Necessary

Board adoption of a Resolution is necessary for assessing liens against parcels or properties for unpaid water and sewer charges under 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 litigate, negotiate, and enter into settlement agreements to recover all costs related to unpaid water and sewer charges, subject to the approval of the County Administrator of any compromise that exceeds \$25,000.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

Broward County provides water and wastewater services to County residents. Several residents have accumulated substantial balances for unpaid service charges. Per Section 34-9, Broward County Code of Ordinances, and Section 153.67, Florida Statutes, outstanding balances unpaid for more than 30 days following notice of default may become liens assessed against the affected properties by adoption of a Resolution by the Board. On November 10, 2021, Broward County Water and Wastewater Services mailed default notices to the applicable property owners with delinquent accounts. While many property owners responded with payments or made payment arrangements with the agency, several remain delinquent. The accounts documented in Attachment 1 of the Resolution received a notice of default and subsequently remained unpaid for more than 30 days. These 51 accounts have a combined outstanding balance of \$257,888.47 in commodity service charges.

This item, if approved, would adopt the proposed Resolution authorizing the County to assess liens against the properties identified in Attachment 1 in the amount of the outstanding commodity charges for each property (the lien amount would be intentionally limited to only the outstanding commodity charges, and will exclude late fees). This item would also authorize the Office of the County Attorney to commence litigation to recover unpaid balances, along with late fees, attorneys' fees, and costs, and settle claims for the outstanding balances, subject to approval by the County Administrator of any reduction of total charges that exceeds \$25,000. Lastly, this item allows the County Administrator to approve settlements in any amount if the property owner agrees to connect the property to the County's system. Many residents continue to utilize septic tanks that endanger the environment and threaten public health. This will permit property owners who want to connect to the County's system, but cannot because of outstanding balances, to do so under appropriate terms, subject to the approval of the County Administrator.

Source of Additional Information

Danielle W. French, Deputy County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

The Office of the County Attorney will perform all legal work. Litigation costs (filing fees, any

deposition costs, etc.) are currently estimated at approximately \$50,000.