



**BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA**

**MINUTES OF THE SPECIAL CALL  
MEETING**

**FRIDAY, JULY 24, 2015 - 9:00 A.M.**

Commission Chambers  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
[www.ircgov.com](http://www.ircgov.com)

**COUNTY COMMISSIONERS**

**DISTRICT**

Wesley S. Davis, Chairman	District 1	<b>Present</b>	Joseph A. Baird, County Administrator	<b>Present</b>
Bob Solari, Vice Chairman	District 5	<b>Present</b>	Dylan Reingold, County Attorney	<b>Present</b>
Joseph E. Flescher	District 2	<b>Present</b>	Jeffrey R. Smith, Clerk of the Circuit	
Peter D. O'Bryan	District 4	<b>Present</b>	Court and Comptroller	
Tim Zorc	District 3	<b>Absent</b>	Leona Adair Allen, Deputy Clerk	<b>Present</b>

**DVD  
TIMES**

**PACKET  
PAGES**

1. **CALL TO ORDER** 9:00 A.M.
2. **INVOCATION** Stan Boling, Community Development Director
3. **PLEDGE OF ALLEGIANCE** Dylan Reingold, County Attorney

4. **PUBLIC HEARING**

- A. Public Hearing for Adoption of Ordinance Establishing Amnesty Program for Certain Utility Delinquency Charges (memorandum dated July 10, 2015) 1-5
- **Legislative**

**PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD**

County Attorney Dylan Reingold reported that the Board had twice approved delinquency charge amnesty periods to encourage property owners to pay off their unpaid service availability charges - the first was instituted from February 14, 2012 through March 31, 2012, and the second was from April 2, 2013 through August 31, 2013. He recalled the Board's

direction on July 7, 2015, for staff to draft a third Amnesty Ordinance for a 90-day period beginning in September. Since that time, the Chairman, pursuant to his authority under Section 102.01 (5) of the Indian River County Code, called this Special Call meeting to address this issue. He said he had made the logical decision to change the Ordinance effective date from September, as it was originally decided, to today, July 24, 2015, and run it through October 31, 2015.

Commissioner O'Bryan pointed out that staff's spreadsheet on the previous amnesty showed about 17 property owners/developers had paid, and all but 3 are current, and those that are not current are only one month in arrears.

Utility Finance Manager Cindy Corrente confirmed Commissioner O'Bryan's figures, and went on to say that she believed the amnesty period had allowed some developers to become current, and some were able to sell or develop their properties, which brought funds into the utility.

Chairman Davis stressed that utility liens on properties, also known as super liens, never get cleansed through the foreclosure process, and most of the time when a property goes through a judicial sale, pending liens continue to accumulate interest, and are never resolved.

County Administrator Joseph Baird did not see the liens on the properties as a problem; he felt it would protect the public's interest in the utilities. He voiced strong opposition to customers who do not want to pay their bills, while others are being forced to carry them.

Vice Chairman Solari did not think the Public Meeting Notice or Staff Memorandum had been very clear, and requested the information be more transparent for the public in the future.

The Chairman opened the Public Hearing.

Chuck Mechling urged the Commissioners to approve the Ordinance. He felt the amnesty would help stimulate the County's economy.

There being no other speakers, the Chairman closed the Public Hearing.

Ms. Corrente reported that there are 280 reserve customers who own reserve accounts (about 1,000), and of those, only 30 have not kept up with their service availability charges.

Commissioner Flescher wanted to know if staff had a dollar amount on the accruals.

Ms. Corrente responded that there are 14 customers with significant amounts of reserves. The total charges being carried on those accounts total about \$2.9 million, of which \$1.7 million was service availability and regular charges, and the remaining \$1.2 million was in penalties. She said staff had been in communication with some of the owners, and gave examples of why some owners would have no interest in participating in the amnesty program.

Administrator Baird informed the Board that of the \$2.9 million, one owner is in litigation with the County for approximately \$1.1 million, and about \$680,000 in penalties.

Chairman Davis wanted to find an efficient way to remedy the situation, and questioned whether the Board needed to go through the process of advertising and holding a meeting every time the Board wished to waive penalties. He felt there needed to be a mechanism to pull the properties back in to make them productive.

Management and Budget Director Jason Brown said he understood the rationale for today's amnesty, but cautioned against an ongoing open policy amnesty program.

Discussion ensued as the Board discussed the results of the recession, moving forward for the purpose of economic development, the system needing discipline, current policies, the consideration of a timed mechanism concept, and the option of a payment plan.

Commissioner O'Bryan felt staff did a better job this time notifying the account holders and creating a sense of urgency for the short window of opportunity. He understood the Chairman's desire to waive the penalties and interest, and moving the properties forward, but felt the 250 customers with reserve accounts who have been paying, might quit if every time someone comes before the Board they receive amnesty. He was supportive of the Ordinance as presented, and giving it one more approval, but going forward, he would not support a full amnesty. He suggested staff look at a cap or percentage of their original charge, which might make it more palatable, but continue to have liens and charges accruing to a point.

Ms. Corrente said most of the customers who took advantage of the Amnesty Program, especially the second one, were customers that staff had been working with. She conveyed that some customers were getting somewhat behind and struggling to keep up, but it was not as if they were ignoring their obligation to the utility, they were making an effort, and the longer window helped them find other ways to finance getting caught up and back on track. She pointed out that some customers were working with conglomerate development companies, whereby Indian River County is just one little dot on their big picture, so for them to get a significant

check cut in six weeks was difficult; however, now that we are giving them a bigger window, they should have time to work with their corporations to get the funds out.

**MOTION WAS MADE** by Commissioner Flescher, **SECONDED** by Chairman Davis, to adopt **Ordinance 2015-009**, amending Section 201.08 (Rates and Charges) of Chapter 201 (County Water and Sewer Services) of the Code of Indian River County; establishing an Amnesty Program relating to delinquency charges on certain utility service availability charges; making findings and providing for severability, codification and an effective date.

Commissioner O'Bryan clarified with Attorney Reingold that the Ordinance would include, "...such delinquency charges shall be waived if the unpaid service availability charges are paid in full..." and are within the window of October 31, 2015.

The Chairman **CALLED THE QUESTION** and the Motion carried by a vote of 4-0 (Commissioner Zorc absent).

5. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 9:31 a.m.

ATTEST:

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Jeffrey R. Smith, CPA, CGFO, CGMA  
Clerk of Circuit Court and Comptroller

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Wesley S. Davis, Chairman

By: \_\_\_\_\_  
Deputy Clerk

Approved: **September 15, 2015**

Special Call/LAA/2015 Minutes