

Lee County Board of County Commissioners
Agenda Item Summary

20031451
Blue Sheet No.

1. **REQUESTED MOTION:**

ACTION REQUESTED: Approve Proposed Settlement of Cook v. Lee County,
Case No. 03-4167 CA-I which requires Lee County to refund \$6,000.00 of
escheduled replevin bond in the amount of \$7,973.44.

WHY ACTION IS NECESSARY: To resolve pending litigation

WHAT ACTION ACCOMPLISHES: Ends litigation, saves further litigation expenses, Lee County
retains \$1,973.44 in escheated funds. FUNDS ARE AVAILABLE.

2. **DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT #

A12A

3. **MEETING DATE:**

01-06-2004

4. **AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. **REQUIREMENT/PURPOSE:**

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. **REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION Litigation
- BY: Thomas L. Wright
Assistant County Attorney

7. **BACKGROUND:**

Plaintiff filed this civil suit to seek reimbursement of Replevin Bond which was forfeited to Lee County because Plaintiff did not seek timely refund. Statute requires that a timely request for refund be filed in writing. Plaintiff's request was timely but was not in writing. Instead, Plaintiff obtained a Court Order which was not signed until after expiration of period for timely request. Equities may favor Plaintiff in the litigation; but the specifics of the statutory provision were not met. Plaintiff requests refund of \$6,000.00. This will allow Lee County to retain \$1,973.44 of escheated bond. Plaintiff will file dismissal with prejudice, Both parties to bear their own costs and expenses.

Funds Available in String Account No: GC5190300100.504981
Refund Prior Year Expense

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	RISK	GC	
N/A	N/A	N/A	N/A	<i>Meredith</i>	RK 12/11	AS 12/11	BS 12/11/03	W 12-11-03	<i>[Signature]</i> 12-11-03

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN. *RK*
12/11 *9AM*
COUNTY ADMIN
FORWARDED TO: *DJ*
12/11 *5:00*

CO. ATTY.
FORWARDED
TO CO. ADMIN.
12/3/03 1:55 PM