

Lee County Board of County Commissioners
Agenda Item Summary

20040045
Blue Sheet No.

1. **REQUESTED MOTION:**

ACTION REQUESTED: In the lawsuit of Mary H. Rutledge, et al. vs. Lee County, Case No. 98-9112 CA, approve negotiated settlement, waive interest and penalties, lien fees and accept principal amount of \$1,817.69 in full satisfaction of Solid Waste Assessments for years 1989-1998.

WHY ACTION IS NECESSARY: Settlement of litigation must be approved by Board of Commissioners.

WHAT ACTION ACCOMPLISHES: Resolves lawsuit challenging validity of Lee County Ordinance 86-14, as amended; and its application to property owned by Plaintiff.

2. **DEPARTMENTAL CATEGORY:**
COMMISSION DISTRICT #

A12A

3. **MEETING DATE:**

01-27-2004

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:**

This lawsuit was filed to challenge the validity of the Solid Waste Collection Ordinance (Lee County Ordinance 86-14, as amended). Plaintiff contends that ordinance is invalid as pertains to Plaintiffs' property because Plaintiff has never utilized waste collection. Assessments for years 1989-1998 went unpaid during the pendency of this lawsuit. Under the negotiated settlement Lee County will accept the entire principal amount of \$1,817.69 in full payment of past due assessments, and to waive accrued interest, late charges, and lien fees. Plaintiff agrees to dismiss the legal challenge to the ordinance. Both parties will bear their own costs and attorneys' fees.

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
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>[Signature]</i> 1/14/04	OM <i>[Signature]</i> 1/14/04	RISK <i>[Signature]</i> 1/14/04	GC <i>[Signature]</i> 1/14/04	<i>[Signature]</i> 1-14-04

10. **COMMISSION ACTION:**

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
1-13-04 2:45pm

RECEIVED BY *[Signature]*
COUNTY ADMIN:
1/13/04
2:45pm 567
COUNTY ADMIN
FORWARDED TO: *[Signature]*
1-14-04
NOON