Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

	**				
Meeting Date: Apri	:======== I 3, 2012	[] []	Consent Ordinance	[X] []	Regular Public Hearing
Submitted By:	Department o Department o Division of Ar	f Public Sa	afety		
	<u>l.</u>	EXECUTI\	/E BRIEF		
	issory Note fo	r use by th	ne Division of A	4nimal	olution establishing a Care and Control in
the Division of Anim needs additional timplace, the Division nadditional time to panote, the note wou Division Director or amount is \$1,500 or moved \$1500 or me	al Care and Cone to pay the feat and increase read the fees and all the sent to resignee to ress. In proving the in medical sory note amounts	ontrol (the 'ee and redeevenue and redeem the a collection approve a diding special costs for labount excee	Division") in in- eem an animal. I reduce euthar ne animal. If the on agency. The promissory no al medical care arge animals su ds \$1,500, th	stance With nasia ine indine res ote in ine, it wo	ssory Note for use by a where an individual a promissory note in findividuals are giver vidual defaults on the olution will allow the instances where the buld not be unusual to horses. In instances unty Administrator of
resolution approved on occasion, due to redeem an animal i	standard fees o financial har n the possess / Note in instar	for service rdship an i ion of the	s to be charge individual is u Division. The	d by t nable Divisio	mmissioners has by he Division; however to pay such fees to on wishes to use the additional time to pay
Attachments:					
1) Resolution	1 .				
Recommended by:	Departi	ment Direc	n Valo		3/8//2 Date
Approved by:	Mut	The County	Neuto Administrato		3/8/12 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of F	iscal Impact				
Fiscal Years	<u>2012</u>	<u>2013</u>	2014	<u>2015</u>	<u>2016</u>
Capital Expenditures					
Operating Costs					
External Revenues		· · · · · · · · · · · · · · · · · · ·			
Program Income (County)					
In-Kind Match (County)					
Net Fiscal Impact	*				
# ADDITIONAL FTE					
POSITIONS (Cumulative)	0	0	0	0	0
Is Item Included In Current	Budget? Yes	s No _			
Budget Account No: Exp.	: Fund De : Fund De	epartment	Unit O	bject	
Kev	. ruliu De	partment	OIIII O	<u></u>	
B. Recommended Sources The fiscal impact is indet			Impact:		
C. Departmental Fiscal Rev	view: <u>Stupha</u>	né Sejroh	9 3/5/12		
	III. <u>REVI</u>	W COMMENT	<u>s</u>		
A. OFMB Fiscal and/or Cor	ntract Dev. and	Control Comm	nents:		
Maga	Sustano	A	1.1.	10 A =	
OFMB Shills	Williams		ontract Adn	ninistration	[JJ)] Q
B. Legal Sufficiency:	D.		s-21 THE DW.	rtecti	
	3/	F			
Mun 30	3/23/12				
Assistant County Attor	ney				
C. Other Department Revie	ew:				
			1		
Department Director		· · · · · · · · · · · · · · · · · · ·			
This summary is not to be	used as a basis	s for payment.			
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RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING A STANDARD FORM PROMISSORY NOTE TO BE USED BY THE DIVISION OF ANIMAL CARE AND CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County, through its Division of Animal Care and Control ("Division"), operates the Palm Beach County Animal Care and Control Shelter for lost, stray, abandoned and injured domestic animals; and

WHEREAS, The Board of County Commissioners (the "Board") has by resolution approved standard fees to be charged by the Division; and

WHEREAS, on occasion, due to financial hardship, individuals are not able to pay the fees charged by the Division to redeem an animal; and

WHEREAS, the Board wishes to adopt a standard form promissory note to be used by the Division in instances where an individual cannot afford to redeem an animal due to financial hardship.

WHEREAS, the Board wishes to allow the Division Director or designee to approve a promissory note in instances where the amount is \$1,500 or less.

WHEREAS, the Board wishes to allow the County Administrator or designee to approve a promissory note in instances where the promissory note amount exceeds \$1,500.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

- 1. <u>Recitals</u>. The foregoing recitals are true and correct and are incorporated herein.
- 2. Standard Form Document. The Board hereby approves the standard form Promissory Note attached hereto and incorporated herein as Attachment "A", on behalf of the Board of County Commissioners. The County Administrator or his designee is authorized to make non-material changes to the standard form Promissory Note. The term "non-material changes" means changes that do not modify the substantive obligations in the Promissory Note. For the purpose of this Resolution, the Director of the Division of Animal Care and Control shall be considered to be the designee of the County Administrator.
- 3. **Severability**. If any section, sentence, clause, phrase or word of this resolution is held invalid or unconstitutional by and court of competent jurisdiction, then said holding shall in no way affect the remaining portions of this resolution.
- 4. <u>Effective Date</u>. This resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner					
who moved its adoption. The motion was seconded by Commissioner					
, and upon being put to a vote, the vote was as follows:					
Commissioner Shelley Vana, Chair					
Commissioner Steven L. Abrams, Vice Chair -					
Commissioner Paulette Burdick -					
Commissioner Karen T. Marcus -					
Commissioner Burt Aaronson -					
Commissioner Jess R. Santamaria -					
Commissioner Priscilla A. Taylor -					
The Chair thereupon declared the Resolution duly passed and adopted this day of, 20					
PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS					
SHARON R. BOCK, CLERK & COMPTROLLER					
By: Deputy Clerk					
APPROVED AS TO FORM AND LEGAL SUFFICIENCY By: Attorney					
County Attorney					

PALM BEACH COUNTY DIVISION OF ANIMAL CARE AND CONTROL PROMISSORY NOTE

RE:
1. Promise to pay. For value received, I, (hereinafter referred to
as "Borrower"), promise to pay to the order of Palm Beach County Board of County
Commissioners (hereinafter referred to as "Holder") the principal sum of \$ by
no later than: Payment shall be made at the Palm Beach County Division of
Animal Care and Control at 7100 Belvedere Road, West Palm Beach, Florida 33411.
2. Default. Failure of Borrower (or any person now or hereafter liable for payment of this Note) to pay the principal sum by the above-cited date shall be a default. Upon default in the payment of this Note, the unpaid principal balance on this Note shall become immediately due. While this Note is in default it shall bear interest at the rate of Eighteen (18%) percent per annum.
3. <i>Prepayment</i> . This Note may be prepaid in whole or in part at any time before due without penalty or premium.
4. Amendment. This Note may not be amended or modified except by an instrument in writing executed by both Borrower and Holder.
5. <i>Non-waiver</i> . No waiver of any provision hereof shall be effective, except by an instrument in writing executed by both Borrower and Holder.

Borrower agrees and promises to pay said agency's fee for such services.

7. Notice. If any animal owned by Borrower is impounded by Holder before this Note is paid in full, the balance of all sums owed pursuant to this Note must be paid in full immediately, in addition to any new fees and costs, before such animal will be released to the Borrower. The Borrower must pay all sums due and must redeem said animal within the timeframe provided in

Enforcement. In the event of a default, the rights of the parties under this Note shall be

enforceable in a court of competent jurisdiction. This Note shall be construed and governed under the laws of the State of Florida, and venue for any action arising under this Note shall be in Palm Beach County, Florida. In the event that legal action is instituted by the Holder to enforce the rights and obligations of the parties under this Note, the Holder shall be entitled to its reasonable attorney's fees and costs, including attorney's fees and costs for any appeal. Should this Note be placed in the hands of an agency in the business of collecting just debts, then

6.

the Palm Beach County Animal Care and Control Ordinance or such animal shall become the property of the Holder.

8. Severability. This Note is intended to be performed in accordance with, and only to the extent permitted by applicable law. If any provisions of this Note or the application hereof to any party or circumstance shall, for any reason and to any extent, be invalid or unenforceable, but the extent of the invalidity or unenforceability does not destroy the basis of the agreement between the parties as contained herein, the remainder of this Note shall be enforced to the greatest extent permitted by law.

Borrower:

Borrower's Address:	
	(Signature)
	(Print)
Borrower's Driver's License #:	Date:
Bollower's Driver's Electise #.	
Witness:	
Date:	
Witness:	
Date:	
For internal purposes only:	
In the event, this Note is \$1,500 or less, the Dir	rector of Animal Care and Control or designee
shall sign. If this Note exceeds \$1,500, the Cou	nty Administrator or designee's signature shall
be required.	
Palm Beach County	Palm Beach County
Public Safety Department	Public Safety Department
Division of Animal Care and Control	County Administrator or designee:
Director of Animal Care and Control or designee:	
Signature	Signature