

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

36-3

AGENDA ITEM SUMMARY

Meeting Date: November 21, 2006

☒ Consent

☐ Regular

☐ Workshop

☐ Public Hearing

Department: Office of Financial Management and Budget

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve a negotiated settlement offer in the amount of \$17,300.00 for the full satisfaction of a Code Enforcement Lien that was entered against Chris Rodriguez and Wanda Figueroa on February 4, 2004.

**Summary:** The Code Enforcement Special Master (CESM) entered an Order on September 3, 2003 giving Mr. Rodriguez and Ms. Figueroa until January 1, 2004 to obtain all proper building permits for the construction of a room addition and slab, shed, and the installation of a fence, which were all done without required building permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50.00 per day was imposed. The CESM then entered a claim of lien against Mr. Rodriguez and Ms. Figueroa on February 4, 2006. The cited code violations were fully corrected as of February 17, 2006, the date the last of the permits were picked up by Mr. Rodriguez. The total accumulated lien amount through August 31, 2006, the date settlement discussions began, totaled \$51,886.83, of which Mr. Rodriguez and Ms. Figueroa have agreed to pay the County \$17,300.00 (33.3%) for full settlement of their outstanding Code Enforcement Lien. (District 2) (PM)

**Background and Policy Issues:** The initial violations that gave rise to this code enforcement case were for the construction of a room addition and slab, shed, and the installation of a fence without required building permits. The Special Master gave Mr. Rodriguez and Ms. Figueroa until January 1, 2004 to obtain compliance (get all of the required building permits) or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on January 9, 2004 confirmed that the property was still not in compliance as all permits had not yet been obtained. A code lien was then entered against Mr. Rodriguez and Ms. Figueroa on February 4, 2004. The Collections Section of OFMB was recently contacted by Mr. Rodriguez and Ms. Figueroa to discuss a settlement of their outstanding code lien. The Collections Section of OFMB, after careful review, evaluation, and discussions, agreed to present the proposed settlement offer in the amount of \$17,300.00 to the Board for approval.

(Continued on Page 2)

Attachments:

Recommended by:



Department Director

11/9/06  
Date

Approved by:



County Administrator

11/13/06  
Date

The mitigating factors that were considered in getting this case resolved and closed are as follows:

1. Although Mr. Rodriquez and Ms. Figueroa should have obtained all of the required building permits much sooner than they did to avoid a substantial code lien, much of the delay was the result of not getting the required architectural plans for the "as built" structures. It should also be noted that, had Mr. Rodriquez picked up his permits (paid the applicable permit fees and obtained the permits) when they were ready on September 5, 2005, they could have substantially cut down on their number of fine days which would have reduced their lien amount.
2. From the time of the notice of violation through the time compliance with the CESM's Order was achieved, Code Enforcement's file confirms that no additional work was performed on the unpermitted improvements.
3. Mr. Rodriquez and Ms. Figueroa are in the process of refinancing their home and need to resolve their outstanding code lien. The mortgage company has confirmed that there will be sufficient proceeds to pay the proposed \$17,300.00 settlement from the loan proceeds.
4. The subject property is Mr. Rodriquez and Ms. Figueroa's homestead property and the only property that they own.
5. The gravity of the violations, together with the fact that the violations were not a nuisance to any neighbors and there were no life safety issues involved, warrants consideration of a reduction in the lien amount.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were fully corrected as of February 17, 2006 and that the property is in full compliance with the CESM's Order. Further, the cited violations did not involve any health/safety issues.

Settlement offers that reduce any debt amount due to Palm Beach County by more than \$2,500 require the approval of the Board of County Commissioners, per Countywide PPM# CW-F-048. This settlement offer exceeds the \$2,500 limit and requires Board approval.

In light of the above stated circumstances, Staff believes that the proposed settlement is fair and in the best interest of Palm Beach County.

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$17,300)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$17,300)</u>	_____	_____	_____	_____

# ADDITIONAL FTE  
POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes \_\_\_\_\_ No X  
 Budget Account No.: Fund 0001 Department 600 Unit 6241 Object 5900

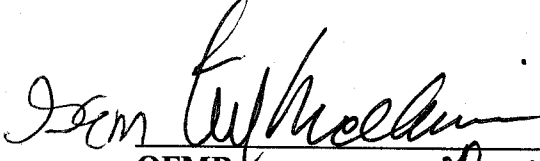
Reporting Category \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

### C. Departmental Fiscal Review:

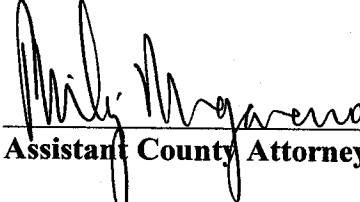
## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

  
 OFMB CN 11/9/16

N/A  
 Contract Dev. and Control

### B. Legal Sufficiency:

  
 Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
 Department Director

This summary is not to be used as a basis for payment