

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

361

AGENDA ITEM SUMMARY

Meeting Date: December 19, 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 \$10,000.00 for the full satisfaction of a Code Enforcement Lien that was entered against Clifton Lirette on December 22, 1998.

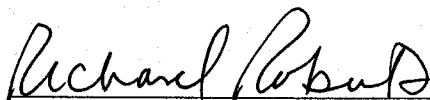
**Summary:** The Code Enforcement Special Master (CESM) entered an Order on October 7, 1998 giving Clifton Lirette until December 6, 1998 to remove the dilapidated mobile homes, inoperative vehicles, trailers, recreational vehicles, trash and debris, and appliances from his property, and cease the sale of mobile homes on the property. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$100.00 per day was imposed. The CESM then entered a claim of lien against Mr. Lirette on December 22, 1998. The cited code violations were fully corrected as of February 15, 2006. The total accumulated lien amount through February 28, 2006, the date settlement discussions began, totaled \$386,153.98, of which Mr. Lirette has agreed to pay the County \$10,000.00 (2.6%) for full settlement of his outstanding Code Enforcement Lien. (District 6) (PM)

**Background and Policy Issues:** The initial violations that gave rise to this code enforcement case were for the storage of mobile homes, inoperative vehicles, trailers, recreational vehicles, trash, debris, and appliances, and the sale of mobile homes on the property. The Special Master gave Mr. Lirette until December 6, 1998 to obtain compliance or a fine of \$100.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on December 9, 1998 confirmed that the property was still not in compliance. A code lien was then entered against Mr. Lirette on December 22, 1998. The Collections Section of OFMB was contacted in 2005 regarding a settlement of the outstanding code lien by a friend of Mr. Lirette who had become aware of the code violations. The friend has been instrumental in getting the code violations corrected, and has been assisting the Florida Department of Children and Families in their investigation into the possible exploitation of Mr. Lirette by the individual who placed trailers and equipment on Mr. Lirette's property. The Collections Section of OFMB, after careful review, evaluation, and discussions, agreed to present the proposed settlement offer in the amount of \$10,000.00 to the Board for approval.

(Continued on Page 3)

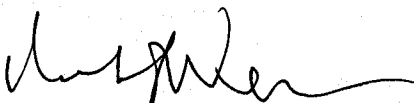
Attachments:

Recommended by:

  
Department Director

12/13/06  
Date

Approved by:

  
County Administrator

12/13/06  
Date

**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>(\$10,000)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>(\$10,000)</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:**

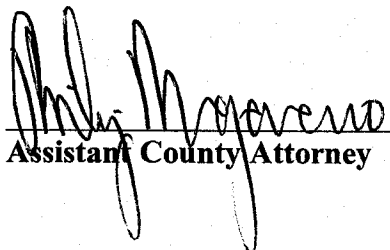
**C. Departmental Fiscal Review:**

**III. REVIEW COMMENTS**

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

 _____ OFMB	N/A _____ Contract Dev. and Control
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**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

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

**Background and Policy Issues Continued**  
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The mitigating factors considered during our review and evaluation are as follows:

1. Mr. Lirette is an elderly gentleman who has suffered at least two strokes and has been confined to a wheelchair for the past 10 years. He allowed the manager of a Ft. Lauderdale mobile home park, who had befriended him, to temporarily place mobile homes on his property for sale, as the mobile home park from which they came had been sold for the expansion of Ft. Lauderdale Airport. The agreement was that the mobile homes would be there for only a short while and that in exchange for the "temporary" storage, Mr. Lirette would be provided with a nice trailer to live in on his property. Mr. Lirette had no money to clean up his property and those who promised to help him abandoned their trailers, equipment, and debris on his property. In August 2005, a friend who has known Mr. Lirette for over 20 years became aware of the code problems and took action to get the property cleared. He also contacted the Florida Department of Children and Families for assistance, tracked down those who dumped the trailers and equipment on the property, and threatened them with legal action if they did not remove the items they had placed on the property. The property has been completely cleared of all violations and Code Enforcement has confirmed compliance as of February 15, 2006.
2. The subject property is the only real property Mr. Lirette owns. He is known to a number of individuals in the relatively remote area of the County because he ran a small snack stand on U.S. Highway 27 a number of years ago. Mr. Lirette's friend and new caregiver who assisted him in clearing up the violations has arranged for contractors and suppliers who have known Mr. Lirette over the years to donate materials and labor to build a small home on the property for Mr. Lirette to live in. However, the code lien needs to be cleared up before they can move forward.
3. Mr. Lirette's only source of income is social security.
4. The Property Appraiser lists the current value of this property at \$8,326.00.
5. The property is located in a remote section of the County and away from any communities. The neighboring properties are owned by FPL and the SFWMD. Therefore, although the trailers and debris were code violations, there was no negative impact to the vacant and unutilized neighboring properties or owners.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were corrected as of February 15, 2006 and that the property is in full compliance with the Code Enforcement Board's Order. Further, the cited violation 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 set of circumstances, Staff believes that the proposed settlement is fair and in the best interest of Palm Beach County.