

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

36-4

AGENDA ITEM SUMMARY

Meeting Date: March 13, 2007

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 \$24,000.00 for the full satisfaction of a Code Enforcement lien that was entered against Robert W. Miller on April 15, 1997.

**Summary:** The Code Enforcement Special Master (CESM) entered an Order on December 4, 1996 giving Robert W. Miller until April 3, 1997 to obtain building permits, inspections and Certificates of Completion for the enclosure and conversion of an existing porch into a living space and the addition of a laundry room, which were done without permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$75.00 per day was imposed. The CESM then entered a claim of lien against Robert W. Miller on April 15, 1997. The cited code violations were fully corrected as of January 28, 1999. The total accumulated lien amount through April 30, 2006, the month settlement discussions began, totaled \$87,137.52, of which Robert W. Miller has agreed to pay the County \$24,000.00 (27.5%) for full settlement of his 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 enclosure and conversion of an existing porch into a living space and the addition of a laundry room which were done without required building permits, inspections, and Certificates of Completion. The Special Master gave Mr. Miller until April 3, 1997 to obtain compliance (get required building permits, inspections, and a Certificate of Completion or a fine of \$75.00 per day would begin to accrue. A search of the Building Department's permits database by Code Enforcement on April 3, 1997, confirmed that the property was still not in compliance and that the required building permits had not been issued. A code lien was then entered against Mr. Miller on April 15, 1997. The Collections Section of OFMB was contacted by Mr. Miller's attorney in early April, 2006 to discuss a settlement of his client's outstanding code lien. The Collections Section of OFMB, after careful review, evaluation, and lengthy discussions, agreed to present the proposed settlement offer in the amount of \$24,000.00 to the Board for approval.

(Continued on Page 3)

Attachments:

Recommended by:

Richard Roberts  
Department Director

3/6/2007  
Date

Approved by:

Robert Weisman  
County Administrator

3/7/07  
Date

**II. FISCAL IMPACT ANALYSIS**

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

<b>Fiscal Years</b>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
<b>Capital Expenditures</b>	_____	_____	_____	_____	_____
<b>Operating Costs</b>	_____	_____	_____	_____	_____
<b>External Revenues</b>	<u>(\$24,000.00)</u>	_____	_____	_____	_____
<b>Program Income (County)</b>	_____	_____	_____	_____	_____
<b>In-Kind Match (County)</b>	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>(\$24,000.00)</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:**

<p><i>Joem Jambak</i>          _____          OFMB</p>	<p>3-6-07  <i>CN</i>          03/06/07</p>	<p><u>N/A</u>          _____          Contract Dev. and Control</p>
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**B. Legal Sufficiency:**

*Phil Magarino*  
 \_\_\_\_\_  
 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. The subject property was purchased from the U.S. Secretary of Veteran Affairs, which took ownership by virtue of a foreclosure action against the former owner. All of the un-permitted building work which was the basis for the code violations had been done to the property by the previous property owner who lost the property in the foreclosure. When Mr. Miller was cited by Code Enforcement, he found out through the process of his case that since the building changes that existed were done without proper building permits, he would need to hire an engineer or contractor to draw up the plans and obtain the required permits and inspections. After calling several contractors, Mr. Miller found a contractor that agreed to prepare plans for the completed "as built" improvements. The permit was applied for on March 27, 1997 with the permit being issued on May 8, 1997. After getting the permit, the contractor called for three (3) inspections (two in June 1997 and one in July 1997) which failed. After the third failed inspection, the contractor did not take expeditious actions to correct the noted building code deficiencies, leading to the subsequent inspection delays. The Certificate of Completion was not issued until January 28, 1999.
2. Mr. Miller recognizes that the property owner is completely responsible for the contractors they hire and making sure that the contractor completes the job in a timely manner. In this case, Mr. Miller found himself in a difficult situation, as finding a contractor that was willing to take the job was problematic. When he did get someone, Mr. Miller's work got a low priority from his contractor.
3. After lengthy discussions and meetings with Mr. Miller and his attorney, Mr. Miller has agreed to pay \$24,000.00 in equal monthly installments of \$1,000.00 until the proposed settlement amount is paid in full. Mr. Miller will try to pay off the proposed settlement amount as expeditiously as possible as the lien, which is attached to all of his properties, will not be released until such time as full payment is received by the County.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were fully corrected as of January 28, 1999 and that the property is in full compliance with the Code Enforcement Special Master's Order.

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.