

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

36-5

AGENDA ITEM SUMMARY

Meeting Date: August 21, 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 \$25,000.00 for the full satisfaction of a Code Enforcement Lien that was entered against Richard R. Reville, Jr. on January 25, 2000.

**Summary:** The Code Enforcement Special Master (CESM) entered an Order on September 1, 1999 giving Richard R. Reville, Jr. until December 30, 1999 to obtain building permits, inspections and Certificates of Completion for the installation/construction of a utility structure and a wood deck on his property, which were constructed without 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 Richard R. Reville, Jr. on January 25, 2000. The cited code violations were corrected as of May 24, 2006. The total accumulated lien amount through May 24, 2007, the date settlement discussions began, totaled \$214,264.52, of which the new property owner has agreed to pay the County \$25,000.00 (11.67%) for full settlement of the outstanding Code Enforcement Lien. (District 6) (PE)

**Background and Policy Issues:** The initial violations that gave rise to this code enforcement case were for the installation/construction of a utility structure and wood deck without proper building permits, inspections, and Certificates of Completion. The Special Master gave Mr. Reville until December 30, 1999 to obtain code compliance or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on January 3, 2000 confirmed that the property was still not in compliance. A code lien was then entered against Richard R. Reville Jr. on January 25, 2000. The collections Section of OFMB was recently contacted by Ms. Terry Tamlin, the new and current owner of the property, to discuss a settlement of the 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 \$25,000.00 to the Board for approval.

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Attachments:

Recommended by:

  
Department Director

8/7/07  
Date

Approved by:

  
County Administrator

8/7/07  
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>(\$25,000)</u>	_____	_____	_____	_____
<b>Program Income (County)</b>	_____	_____	_____	_____	_____
<b>In-Kind Match (County)</b>	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>(\$25,000)</u>	_____	_____	_____	_____

# **ADDITIONAL FTE POSITIONS (Cumulative)**

**Is Item Included In Current Budget?**    Yes     No   
**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:**

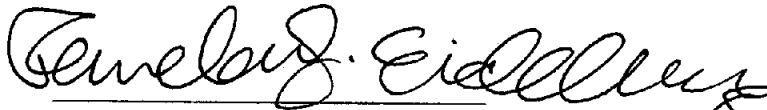
**III. REVIEW COMMENTS**

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

  
 \_\_\_\_\_  
 OFMB

N/A  
 \_\_\_\_\_  
 Contract Dev. and Control

**B. Legal Sufficiency:**

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

**C. Other Department Review:**

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

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

## Background and Policy Issues Continued

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The mitigating factors considered, during our review and evaluation, are as follows:

1. The owner at the time the violations were cited was Mr. Richard R. Reville. However, ownership of the property was being disputed by Ms. Terry Tamlin. After protracted and acrimonious litigation, Ms. Tamlin took title to the property. Ms. Tamlin immediately began working to resolve the building permit issues. The utility structure, which was one of the two originally cited violations, was removed from the property a few years ago. However, the porch building permit issue remained, and kept the property in violation. After obtaining the required building permit for the porch addition, the porch passed its final inspection and a certificate of completion was issued. Had the original property owner, Richard Reville, obtained the required permit at the time he was cited, he could have avoided the substantial lien that had accrued against the property.
2. The building department listed the value of the building improvements to the property at \$2,400.00
3. Ms. Tamlin is the sole provider for herself and her two (2) children who currently reside in the home.
4. The subject property is Ms. Tamlin's homestead property and the only property she owns.
5. Ms. Tamlin's mortgage lender has confirmed that there will be sufficient proceeds from the new mortgage loan transaction to pay the proposed \$25,000 lien settlement amount.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were corrected as of May 24, 2006 and that the subject property is in full compliance with the CESM'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 stated circumstances, Staff believes that the proposed settlement is fair and in the best interest of Palm Beach County.