

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: October 2, 2007

Consent  
 Workshop

Regular  
 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 \$8,600.00 for the full satisfaction of a Code Enforcement Lien that was entered against Michael W. and Lisa F. Sheriff on April 23, 1998.

**Summary:** The Code Enforcement Special Master (CESM) entered an Order on January 7, 1998 giving the Sheriffs until April 7, 1998 to obtain proper building permits and inspections for an above ground pool, a wood deck that was constructed around the above ground pool, an installed barrier wall or fence around the pool, in addition to the fence which encircled the entire property, and display address numbers on the house. The barrier fence and house numbers were taken care of immediately, which only left the pool and wood deck issues remaining. 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 the Sheriffs on April 23, 1998. The cited code violations were fully corrected as of September 24, 1998. The total accumulated lien amount through October 13, 2006, the date settlement discussions began, totaled \$18,752.43, of which the Sheriffs have agreed to pay the County \$8,600.00 (45.9%) for full settlement of their outstanding Code Enforcement Lien. (District 6) (PGE)

**Background and Policy Issues:** The violations that gave rise to this code enforcement case were for an above ground pool and wood deck which were constructed without proper building permits and inspections, no barrier around the pool (there was a fence around the entire property and the required barrier wall/fence for the above ground pool was an additional requirement), and no house numbers on the house. The barrier fence and house numbers violations were corrected immediately, which left only the building permits for the pool and deck violations open. The Special Master gave the Sheriffs until April 7, 1998 to obtain full compliance or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on April 8, 1998 confirmed that the property was still not in full compliance as the pool and deck permits had not been obtained. A code lien was then entered against the Sheriffs on April 23, 1998. The Collections Section of OFMB was initially contacted by the Sheriffs back in April 2006 with regular settlement discussions beginning in October 2006. The Collections Section of OFMB, after careful review, evaluation, and discussions, agreed to present the proposed settlement offer in the amount of \$8,600.00 to the Board for approval.

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**Attachments:**

Recommended by:

  
Department Director

9/26/2007  
Date

Approved by:

  
County Administrator

9/26/07  
Date

**II. FISCAL IMPACT ANALYSIS**

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

<b>Fiscal Years</b>	<b><u>2008</u></b>	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2011</u></b>	<b><u>2012</u></b>
<b>Capital Expenditures</b>	_____	_____	_____	_____	_____
<b>Operating Costs</b>	_____	_____	_____	_____	_____
<b>External Revenues</b>	<b><u>(\$8,600)</u></b>	_____	_____	_____	_____
<b>Program Income (County)</b>	_____	_____	_____	_____	_____
<b>In-Kind Match (County)</b>	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b><u>(\$8,600)</u></b>	_____	_____	_____	_____

**# 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:**

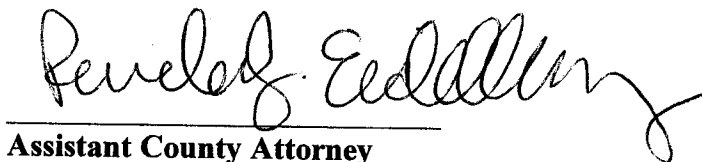
**III. REVIEW COMMENTS**

**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 Sheriffs, after their CESM hearing, immediately took care of the pool fencing and house numbers violations. The only violations that remained open were for failure to obtain permits for the construction of the pool and pool deck. The reason for the delay in obtaining the required building permits for the deck and pool was that the "as built" pool deck required engineering plans and a survey for which the Sheriffs did not have funds to hire an engineer prior to the fine start date of April 7, 1998. Once they were able to pay an engineer for the drawings, they had the plans drawn, a survey completed, applied for the required building permits on May 19, 1998 and received same on June 13, 1998. Since the CESM's Order also required them to obtain inspections and obtain a Certificate of Completion from the Building Department, this part of the process took them until September 24, 1998 to complete. The records show that they were proactively working to correct their violations and, due to some financial problems at the time, they were unable to complete everything prior to the daily fine start date.
2. The Building Department listed the value of improvements at \$1,000.
3. The subject property is the Sheriff's homestead and the only property they own.
4. The proposed settlement amount will be paid out of the proceeds from the refinancing of their home.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were corrected as of September 24, 1998 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.