

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

3G-2

AGENDA ITEM SUMMARY

Meeting Date: October 2, 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 \$10,000.00 for the full satisfaction of a Code Enforcement Lien that was entered against Jose R. and Sara Perez on February 4, 2004.

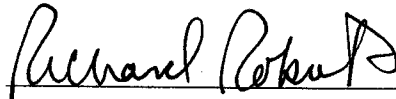
Summary: The Code Enforcement Special Master (CESM) entered an Order on September 3, 2003 giving Jose R. and Sara Perez until December 2, 2003 to remove all heavy equipment vehicles and accessories and to cease the construction storage yard on site, which is not permitted on residential property. Compliance 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 Perezes on February 4, 2004. The cited code violations were fully corrected as of July 21, 2005. The total outstanding lien amount (net of the \$2,350.00 that has been received to date) as of March 31, 2007, the date settlement discussions began, totaled \$39,507.71, of which the Perezes have agreed to pay the County a total of \$10,000.00 (25.3%) for full settlement of their outstanding Code Enforcement Lien. (District 6) (PGE)

Background and Policy Issues: The violation that gave rise to this code enforcement case was for the open storage of heavy machinery/equipment and the operation of a construction storage yard on their residential property. A follow-up inspection by Code Enforcement on December 5, 2003 confirmed that the property was still not in compliance. A code lien was then entered against Jose R. and Sara Perez on February 4, 2004. The Collections Section of OFMB was recently contacted by the Perezes and their attorney to discuss a settlement of their 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 \$10,000.00 to the Board for approval.

(Continued on Page 3)

Attachments:

Recommended by:



Department Director

9/26/07
Date

Approved by:



County Administrator

9/24/07
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | <u>2008</u> | <u>2009</u> | <u>2010</u> | <u>20011</u> | <u>2012</u> |
|--------------------------------|------------------|-------------|-------------|--------------|-------------|
| Capital Expenditures | _____ | _____ | _____ | _____ | _____ |
| Operating Costs | _____ | _____ | _____ | _____ | _____ |
| External Revenues | <u>(\$7,650)</u> | _____ | _____ | _____ | _____ |
| Program Income (County) | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match (County) | _____ | _____ | _____ | _____ | _____ |
| NET FISCAL IMPACT | <u>(\$7,650)</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:

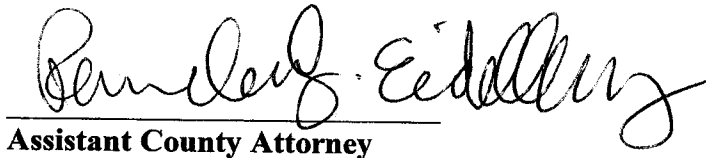


 OFMB

N/A

 Contract Dev. and Control

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. The Perezes were cited for openly storing heavy equipment/construction storage yard on their 1.4-acre property in Loxahatchee. The Perezes have owned the subject property since April, 1984 and had kept their equipment on the property since they took ownership and never had any problem or complaints from their neighbors. On May 6, 2003, while investigating an unrelated violation on another property on the same street, the Code Enforcement officer noted the pieces of heavy equipment which were being stored on the property which were prohibited in their zoning district (AR – Agricultural Residential). Subsequent to being cited for the violation, Mrs. Perez's brother was murdered and Mr. and Mrs. Perez were dealing with serious health issues. They remained in contact with their Code Enforcement officer as they were trying to find a secure location to store the equipment that Mr. Perez used in his small excavation business. Although it took Mr. Perez longer than the time that he was given by the Special Master, the series of unfortunate events going on with their family at the time required their immediate attention. Once Mr. Perez's health improved and he was able to find a secure location to keep his equipment, he immediately moved it off the property.
2. This code violation was the first and only one they have received since they have owned the property.
3. The Perezes are in the process of refinancing their home for some much needed repairs and to pay off their medical bills. The County's Code Enforcement lien has been impeding their ability to get the financing they need to repair their home, and to pay off their financial obligations.
4. The subject parcel is the Perezes' homestead property and is the only property that they own. In a meeting with staff on June 11, 2007, the Perezes stated that they did not currently have the funds to pay off the proposed settlement, but would be able to pay it from the refinancing proceeds.
5. The Perezes, who are both in their mid 60's, earn their living from the small excavation business they own. Business is very slow due to the downturn in construction.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were corrected as of July 21, 2005 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, and no complaints were filed by surrounding property owners.

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.