

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-3

AGENDA ITEM SUMMARY

Meeting Date: April 15 , 2008

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 \$11,500.00 for the full satisfaction of a Code Enforcement Lien that was entered against Valdeci Lopes on January 18, 2006.

Summary: The Code Enforcement Special Master (CESM) entered an Order on August 3, 2005 giving Valdeci Lopes until November 1, 2005 to obtain a building permit for a screen enclosure that was built without a permit. 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 Valdeci Lopes on January 18, 2006. The cited code violations were fully corrected as of September 21, 2007. The total accumulated lien amount through October 13, 2007, the date settlement discussions began, totaled \$45,923.02, of which Valdeci Lopes has agreed to pay the County \$ 11,500.00 (25 %) for full settlement of his outstanding Code Enforcement Lien. (District 5) (PGE)

Background and Policy Issues: The initial violation that gave rise to this code enforcement case was for the construction of a screen enclosure without a proper building permit. The Special Master gave Valdeci Lopes until November 1, 2005 to obtain compliance or a fine of \$50 per day would begin to accrue. A follow-up inspection by Code Enforcement on November 3, 2005 confirmed that the property was still not in compliance. A code lien was then entered against Valdeci Lopes on January 18, 2006. The Collections Section of OFMB was recently contacted by Mr. Lopes to discuss a settlement of his outstanding code lien. The Collections Section of OFMB, after careful review, evaluation, and discussions, agreed to present the proposed settlement offer in the amount of \$11,500.00 to the Board for approval.

(Continued on Page 3)

Attachments:

Recommended by:



for Department Director

4-7-08

Date

Approved by:



County Administrator

4-8-08

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$11,500)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$11,500)</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:

N/A
Department Director

Background and Policy Issues Continued

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

1. After receiving a Notice of Violation from Code Enforcement, Mr. Lopes obtained a contractor to help him pull the required building permit for the screen enclosure that was put up on the existing and permitted concrete porch slab on his property. The contractor made application for the required permit on February 1, 2005, but the permit could not be issued because two (2) items were needed. They were: 1) HOA approval and 2) the contractor did not provide the required engineering information, which is necessary for all "as built" structures. The permit application was placed on hold on October 17, 2005, awaiting the required documents. Mr. Lopes, who was away on a temporary work assignment out of state for a few months in early to mid-2005, was told by the contractor that everything was resolved, which he believed until he went to sell his home. This was not the case and the contractor he had hired to pull the permit was no longer in business and had moved out of the area.
2. When Mr. Lopes tried to sell his home in August, 2007, he was informed by the title company that he had a code lien and that code compliance had not yet been achieved. Since he could not get an engineer to sign off on the structure, he took down the screen enclosure, which brought him into compliance as of September 21, 2007. It should also be noted that, although the screen enclosure was constructed without the proper building permit, it did withstand our busy 2005 and 2006 hurricane seasons with no damage.
3. The Building Department listed the value of the screen enclosure at \$1,800.00.
4. The subject property is Mr. Lopes' homestead and the only property he owns.
5. The attorney that is handling the sales transaction for Mr. Lopes has confirmed that there will be sufficient proceeds from the sale to pay the proposed \$11,500.00 lien settlement amount.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were corrected as of September 21, 2007, and that the 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.