

36-1

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** January 12, 2010

☒ **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 \$15,000 for the full satisfaction of a Code Enforcement Lien that was entered against Karla Mansfield on April 7, 2004.

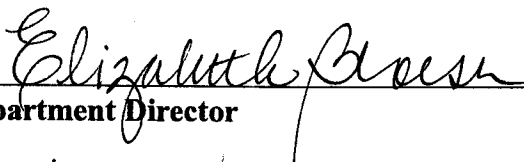
**Summary:** The Code Enforcement Special Master (CESM) entered an Order on October 1, 2003 giving Karla Mansfield until January 29, 2004 to obtain proper building permits for constructing a screen enclosure and carport or remove the unpermitted structures. Compliance with the CESM's Order was not achieved 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 Karla Mansfield on April 7, 2004. The cited code violations were fully corrected as of February 12, 2007 by removal of the structures. The total accumulated lien amount through July 10, 2009, the date settlement discussions resumed, totaled \$85,985.35, of which Ms. Mansfield has agreed to pay the County \$15,000 (17.5%) for full settlement of her outstanding Code Enforcement Lien. (District 2) (PGE)

**Background and Policy Issues:** The violations that gave rise to this code enforcement lien were the construction of a screen enclosure and carport without proper building permits. The Special Master gave Ms. Mansfield until January 29, 2004 to obtain compliance or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on February 2, 2004 confirmed that the property was still not in full compliance. A code lien was then entered against Karla Mansfield on April 7, 2004. The Collections Section of OFMB was originally contacted by Karla Mansfield in July, 2007 and most recently in July, 2009 to discuss a settlement of the 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 \$15,000 to the Board for approval.

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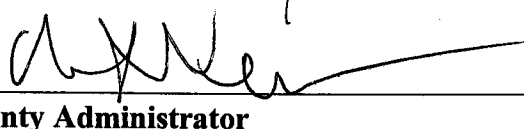
**Attachments:** N/A

**Recommended by:**

  
Department Director

12/30/09  
Date

**Approved by:**

  
County Administrator

1/5/10  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$15,000)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$15,000)</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

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

### C. Departmental Fiscal Review:

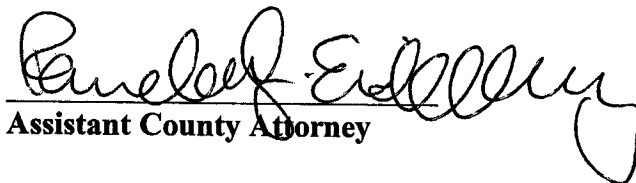
## III. REVIEW COMMENTS

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

 12-30-09  
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.

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

1. Ms. Mansfield received notice of the violation and was present at the Code Enforcement
2. Hearing for her case. The construction of the screen enclosure and carport had been done by an unlicensed contractor who allegedly told Ms. Mansfield that no building permits were required. Once the violations were cited she had two (2) options to rectify the problem; obtain the required building permits or remove the structures. Since engineering drawings were required for "as built" structures, she was unable to hire an engineer to do the plans. After trying to keep the screen enclosure and carport, ultimately she had both removed which brought the property into compliance. Had she removed the structures immediately when she could not hire an engineer, her lien would not have accrued to the very significant amount.
3. The subject property is Ms. Mansfield's homestead property and is the only property that she owns.
4. Ms. Mansfield is currently in the process of refinancing her home and needs to resolve the code enforcement lien issue. The mortgage company has confirmed that there will be sufficient proceeds from the loan to pay the proposed \$15,000 lien settlement amount.
5. The gravity of the violations, together with the fact that there were no life/safety issues involved, warrants consideration of a reduction of their substantial lien amount.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violation was corrected as of February 12, 2007 and that the property is in full compliance with the CESM's Order. Further, the cited violations 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.