

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: December 4, 2012

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 \$4,588.72 for the full satisfaction of a Code Enforcement Lien that was entered against Thomas & Cassandra Veit on May 19, 2008.

Summary: The Code Enforcement Special Master (CESM) entered an Order on February 6, 2008 giving the Veits until March 7, 2008 to obtain a permit for re-roofing work that was being done on their home. 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 Veits on May 19, 2008. The cited code violation was fully corrected as of June 18, 2008, the date the permit was issued. The total accumulated lien amount through October 18, 2012, the date settlement discussions began, totaled \$9,177.44 of which the Veits have agreed to pay the County \$4,588.72 (50%) for full settlement of their outstanding Code Enforcement Lien. District 2 (PGE)

Background and Policy Issues: The initial violation that gave rise to this code enforcement case was for the re-roofing of their house without a proper building permit. The Special Master gave the Veits until March 7, 2008 to obtain compliance or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on March 7, 2008 confirmed that the property was still not in compliance. A code lien was then entered against the Veits on May 19, 2008. The Collections Section of OFMB was recently contacted by a representative for the Veits to discuss a settlement of their 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 \$4,588.72 to the Board for approval.

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Attachments:

Recommended by:

Elizabeth Blasen
Department Director

11/14/12

Date

Approved by:

[Signature]
County Administrator

11/16/12

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$4,000.00)</u>	<u>(588.72)</u>	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$4,000.00)</u>	<u>(588.72)</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:

<p><u>Dem</u> OFMB <i>RAJ 11/14/12</i></p>	<p><u>N/A</u> Contract Dev. and Control</p>
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11/15/12 *11/14/12*

B. Legal Sufficiency:

Penelope Erdley
Assistant County Attorney

C. Other Department Review:

 N/A
Department Director

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

1. After receiving a letter from their homeowner's insurance carrier that they would be dropped if they did not replace the roof on their house, Mr. Veit began to do the roof work himself without a building permit. Once they were issued the Notice of Violation from Code Enforcement, he ceased doing any additional work and covered the area of the roof, which he was working on, with a tarp. Mr. Veit obtained a building permit application and tried to get some of his co-workers to assist him with completing the paperwork, but no one knew what to do. Not having enough money to hire a licensed roofing contractor, Mr. Veit eventually approached his employer about possibly getting a loan to hire a licensed roofer. Being a long term and highly valued employee, Mr. Veit's employer agreed to give Mr. Veit a loan on May 20, 2008. On June 12, 2008, Mr. Veit hired a roofing contractor who applied for the permit which was issued on June 18, 2008.
2. Although the Veits did not achieve compliance by the ordered compliance date, they did cease working on the roof and were taking proactive measures to resolve the issue.
3. The subject property is the Veits homestead property and the only property they own.
4. The Veits have agreed to make weekly payments in the amount of \$100.00 on the proposed settlement beginning on December 17, 2012 and continue until the proposed settlement amount has been paid in full.
5. The gravity of the violation, together with the fact that there was no life/safety issues involved, warrants consideration of a reduction of their outstanding code lien amount.

An Affidavit of Compliance was issued by Code Enforcement and states that the cited violation was corrected as of **June 18, 2008**, 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