

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: December 1, 2015

Consent

Regular

Workshop

Public Hearing

Department: Office of Financial Management & Budget

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: a negotiated settlement agreement in the amount of \$1,933.00 for the full satisfaction of a Code Enforcement Lien that was entered against Joseph A. & Cristal L. Mazzeo.

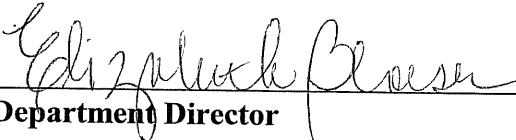
**Summary:** The Code Enforcement Special Magistrate (CESM) entered an Order on June 1, 2011 giving the Mazzeos until July 31, 2011 to obtain the required building permits for two (2) unpermitted sheds on their property. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50.00 per day was imposed. The CESM then entered a claim of lien against the Mazzeos on October 5, 2011. It was determined that the cited code violations were fully corrected as of September 22, 2011, the date the required building permits were issued. The total accumulated lien amount through June 15, 2015, the date settlement discussions began, totaled \$3,864.92, of which the Mazzeos have agreed to pay the County \$1,933.00 (50%) for full settlement of their outstanding Code Enforcement Lien. District 6 (PM).

**Background and Policy Issues:** The violation that gave rise to this Code Enforcement Lien was the constructing/installing of two (2) utility sheds without the required building permits. One of the storage sheds predated the Mazzeo's purchase of the property and the other shed, in the rear of the house, was bought and installed by the Mazzeos. Once the violations were cited, they had two options to rectify the problem; obtain the required building permits or remove the structures. Since engineering drawings are required for "as built" structures, they needed to hire an engineer to draw up plans. The Special Master gave the Mazzeos until July 31, 2011 to obtain compliance or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on August 23, 2011 confirmed that the property was still not in compliance so a code lien was then entered against the Mazzeos. On September 22, 2011 an Affidavit of Compliance was issued stating that the cited code violations were corrected and the property was in full compliance with the CESM's Order. The Collections Section of OFMB was then contacted by Joseph A. Mazzeo to discuss a settlement of the outstanding code lien balance. After careful review, evaluation and discussions, the parties agreed to present the proposed settlement offer in the amount of \$1,933.00 to the Board for approval.

(continued on page 3)

**Attachments:**

Recommended by:

  
Department Director

Date

11/9/15

Approved by:

  
County Administrator

Date

11/13/15

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$1,933)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b><u>(\$1,933)</u></b>	_____	_____	_____	_____

# ADDITIONAL FTE  
POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes \_\_\_\_\_ No X  
 Budget Account No. Fund 0001 Department 600 Unit 6241 Object 5900

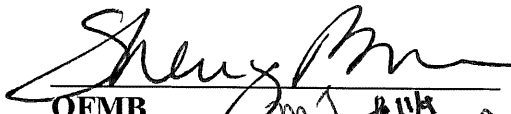
Reporting Category \_\_\_\_\_

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

**C. Departmental Fiscal Review:**

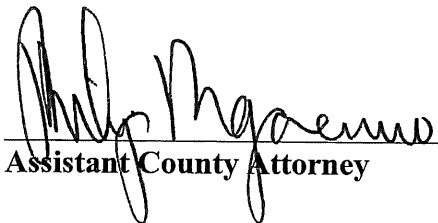
**III. REVIEW COMMENTS**

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

  
 OFMB  
 RAJ 11/6/15 11/9 #114  
 11/5-15

N/A  
 Contract Dev. and Control

**B. Legal Sufficiency:**

  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

## **Background and Policy Issues Continued**

Factors which were considered during our review and evaluation are as follows.

1. Joseph A. & Cristal L. Mazzeo (the Mazzeos) received a notice of violation on December 6, 2010. They were not present at the Code Enforcement Hearing for their case. The CESM order required full code compliance by July 31, 2011. Full code compliance was not achieved until September 22, 2011, the date the required building permits were paid for and picked up by Mr. Mazzeo, but information provided by Mr. Mazzeo's engineer confirmed that he began working with Mr. Mazzeo in late June, 2011, ahead of the CESM's ordered compliance date.
2. The subject property is the Mazzeo's homestead and the only property they own. They are currently in the process of refinancing and need the County's code lien released before the refinancing can be completed.
3. Although the Mazzeos did not achieve code compliance by the ordered date, they were taking proactive steps to resolve the issues in advance of the ordered compliance date. Mr. Mazzeo has acknowledged that he should have moved quicker in order to avoid the code fines.
4. There were no life/safety issues and the sheds passed a building inspection on the first visit.

Settlement offers of any debt, when the full amount of the debt due to the County is over \$2,500, requires the approval of the Board of County Commissioners, per Countywide PPM# CW-F-048. The total amount due to the County pertaining to this settlement 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.