

LM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: April 19, 2016

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 \$34,500.00 for the full satisfaction of a Code Enforcement Lien that was entered against Dan D. Cooney on December 17, 1996.

**Summary:** The Code Enforcement Special Magistrate (CESM) entered an Order on October 2, 1996 on property owned by Dan D. Cooney (Mr. Cooney) giving him until December 1, 1996 to bring the property located at 5913 Orange Road into full Code Compliance. The property had been cited for constructing a shed and fence without the proper permits and inspections. 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 Mr. Cooney on December 17, 1996. Code Enforcement issued an Affidavit of Compliance for the property on July 15, 1998. The total accrued lien amount through January 27, 2016, the date on which settlement discussions began, totaled \$102,507.34, of which Mr. Cooney has agreed to pay the County \$34,500.00 (34%) for full settlement of his outstanding Code Enforcement Lien. District 2 (PM).

**Background and Policy Issues:** The initial violations that gave rise to this Code Enforcement Lien were for constructing a shed and fence without the proper permits and inspections. The Special Master gave Mr. Cooney until December 1, 1996 to obtain full code compliance or a fine of \$50.00 per day would begin to accrue. A follow up inspection by Code Enforcement on December 6, 1996 confirmed that the property was still not in compliance. A code lien was then entered against Mr. Cooney on December 17, 1996. On July 15, 1998 an Affidavit of Compliance was then 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 (Collections) was contacted by Mr. Cooney on January 27, 2016 to discuss his outstanding code lien balance. Collections, after extensive review, evaluation, and discussions with Mr. Cooney and Code Enforcement, has agreed to present a proposed settlement offer in the amount of \$34,500.00 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:

Elizabeth Blaeser  
Department Director

3/25/16

Date

Approved by:

W. Baker  
County Administrator

3/31/16

Date

**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>(\$34,500.00)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u><b>(\$34,500.00)</b></u>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>					
Is Item Included In Current Budget?	Yes _____	No <u>X</u>			
Budget Account No. Fund <u>0001</u>	Department <u>600</u>	Unit <u>6241</u>	Object <u>5900</u>		

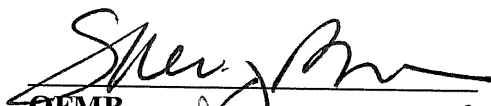
Reporting Category \_\_\_\_\_

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

**C. Departmental Fiscal Review:**

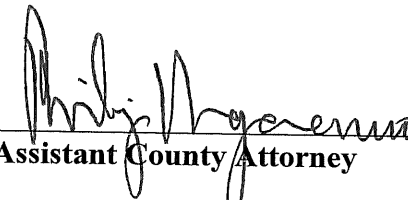
**III. REVIEW COMMENTS**

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

  
 OFMB  
 3/25/16  
 RAL  
 3/25/16  
 OM  
 3-25-16

N/A  
 Contract Dev. and Control

**B. Legal Sufficiency:**

  
 Assistant County Attorney

**C. Other Department Review:**

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

## **Background and Policy Issues Continued**

The factors considered during staff's review and evaluation of this settlement are as follows.

1. The subject rental property has a troubled past with several evictions. The tenants that occupied the property, at the time the violations were cited, had two (2) guard dogs which hindered Mr. Cooney's access to the property for him to remove the fence and shed. Once the tenants left the premises, he immediately gained access to the property and removed the fence and shed.
2. Mr. Cooney has acknowledged that he should have been more proactive in getting the tenants out sooner so he could remove the fence and shed, but there was a mortgage on the property and without the rental income he wouldn't be able to make the mortgage payments.
3. The subject property was a rental property which has remained vacant for the last couple of years. The interior of the house needs a lot of work due to destruction by the former tenants. Mr. Cooney has found a buyer that has offered to buy the property "as is" and who will renovate the interior once they take ownership.
4. The proposed settlement amount captures the total principal fine amount and all case costs. Accrued interest is the only thing being waived in this settlement.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of July 15, 1998 and that the property is in full compliance with the CESM's Order. Further, the cited violations did not involve any health/safety issues.

In light of the above stated circumstances, Staff believes that the proposed settlement is fair and in the best interest of Palm Beach County.

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.