

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-2

AGENDA ITEM SUMMARY

Meeting Date: April 19, 2016

Consent
 Workshop

Regular
 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 \$5,500.00 for the full satisfaction of a Code Enforcement Lien that was entered against MOBU, LLC on September 2, 2015.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on March 4, 2015 on property owned by MOBU, LLC (MOBU) giving them until July 2, 2015 to bring the property located at 2808 Chickamauga Avenue into full Code Compliance. The property had been cited with several building permit violations and was in disrepair. 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 MOBU on September 2, 2015 An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of February 4, 2016 and that the property is in full compliance with the CESM's Order. The total accrued lien amount through February 23, 2016, the date on which settlement discussions began, totaled \$11,061.02, of which MOBU has agreed to pay the County \$5,500.00 (50%) for full settlement of their outstanding Code Enforcement Lien. District 2 (PM).

Background and Policy Issues: The violations that gave rise to this Code Enforcement Lien were for several renovations to the structure without permits and ongoing disrepair of the property. The Special Magistrate gave MOBU until July 2, 2015 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 July 8, 2015 confirmed that the property was still not in compliance and a code lien was then entered against MOBU on September 2, 2015. An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of February 4, 2016 and that the property is in full compliance with the CESM's Order. The Collections Section of OFMB (Collections) was first contacted by MOBU on February 12, 2016 to discuss the outstanding code lien balance. Collections, after extensive review, evaluation, and discussions with MOBU and Code Enforcement, has agreed to present a proposed settlement offer in the amount of \$5,500.00 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:

Elizabeth Blaser
Department Director

3/28/16
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>(\$5,500.00)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$5,500.00)</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:

[Handwritten signatures and notes]
 OFMB
 3/25/16
 3/25/16
 3/25/16
 3/25/16
 3/25/16

N/A
 Contract Dev. and Control

B. Legal Sufficiency:

[Handwritten signature]
 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. MOBU acquired the subject property on June 16, 2014 with numerous building code violations already existing on the property. Shortly after their purchase, MOBU hired a contractor on August 22, 2014 to begin the lengthy process of applying for several required building permits.
2. Since all of the additional building improvements to the property had been done without the required building permits, "as built" drawings along with an Engineer's seal certifying that the work performed either met or exceeded all applicable building codes. This ended up extending the time to achieve full code compliance as revisions to some of the plans were required by the Building Department.
3. MOBU ran into some additional and unforeseen structural issues which required additional foundation work to resolve the issues.
4. From the time the violations were first cited through obtaining full code compliance, MOBU was continuously proactive in working to get the issues resolved and they were in regular contact with their Code Enforcement Officer.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of February 4, 2016 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.