

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-5

AGENDA ITEM SUMMARY

Meeting Date: June 21, 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 \$2,760.00 for the full satisfaction of a Code Enforcement Lien that was entered against Kenneth J. & Deborah A. Sooker on November 5, 2008.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on August 6, 2008 for property owned by Kenneth J. & Deborah A. Sooker (the Sookers) giving them until September 5, 2008 to bring the property located at 21892 High Pine Trail, Boca Raton into full Code Compliance. The property had been cited for a fence installation around a pool without a required building permit. 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 Sookers on November 5, 2008. Code Enforcement issued an Affidavit of Compliance for the property on February 4, 2016 stating that the violation had been corrected as of January 28, 2016. The total accrued lien amount through February 4, 2016, the date on which lien settlement discussions began, totaled \$209,124.61, of which the Sookers have agreed to pay the County \$2,760.00 for full settlement of their outstanding Code Enforcement Lien. District 5 (PM).

Background and Policy Issues: The initial violation that gave rise to this Code Enforcement Lien was for installing a fence around a pool without obtaining the required building permit. The Special Magistrate gave the Sookers until September 5, 2008 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 September 9, 2008 confirmed that the property was still not in compliance. A code lien was then entered against the Sookers on November 5, 2008. On February 4, 2016 an Affidavit of Compliance was issued stating that the cited code violation was corrected as of January 28, 2016 and the property was in full compliance with the CESM's Order. The Collections Section of OFMB (Collections) was contacted by Mr. Sooker on February 4, 2016 to discuss the outstanding code lien balance. Collections, after extensive review, evaluation, and discussions with Mr. Sooker and Code Enforcement, has agreed to present a proposed settlement offer in the amount of \$2,760.00 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:

For Richard Lawrence

Department Director

6/2/16

Date

Approved by:

J. Baker
County Administrator

6/8/16
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>(\$2,760.00)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$2,760.00)</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)					
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:

<p><i>Jo</i> 6-2-16</p> <p><u><i>Sheryl Br...</i></u> OFMB</p> <p><i>pm</i> 6-2-16</p>	<p><u>N/A</u> Contract Dev. and Control</p>
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B. Legal Sufficiency:

Milip...
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment

Background and Policy Issues Continued

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

1. The Sookers received the initial notice of violation on April 19, 2008 for the installation of a new fence around their pool without first obtaining the required building permit. A Code Enforcement Special Magistrate Hearing was held on August 6, 2008 and the Sookers were given until September 5, 2008 to obtain the required permit. Mr. Sooker applied for the building permit on September 26, 2008 and the permit was issued and ready for pick up on October 2, 2008. For reasons unknown, Mr. Sooker never went in to pay the remaining permit balance and obtain the permit and to have the fence inspected. On December 9, 2015, Mr. Sooker went in to renew and pick up the expired building permit for the fence, which had been installed over seven and a half (7 ½) years earlier. On January 28, 2016, the Certificate of Completion was issued by the Building Department which brought the pool barrier fence into compliance.
2. The Sookers are currently in the midst of refinancing their home to consolidate the existing two (2) senior mortgages on the property. The County's Code Enforcement lien must be satisfied before the no cash-out mortgage refinancing can proceed.
3. The subject property is the Sooker's homestead property and the only property that they own.
4. The Building Department permit listed the valuation of the new fence at \$900.00
5. In arriving at the proposed lien settlement amount, staff computed the fine days from the first day after the CESM ordered compliance date up to the date the building permit was ready to be picked up and computed accrued interest on the fine up to February 4, 2016, (the day lien settlement discussions began).
6. Mr. Sooker, although he applied for the fence permit as an owner/builder, did not thoroughly comprehend and understand his responsibility and permit requirements, even though he signed the full responsibility/knowledge clause that is contained on all building permit applications. The fence company that installed the fence is no longer in business and should have handled the building permit.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of January 28, 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.