

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-6

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 \$12,000.00 for the full satisfaction of a Code Enforcement Lien that was entered against Matthew T. & Patricia T. Beasley on October 19, 1998.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on July 1, 1998 on property owned by Matthew T. & Patricia T. Beasley (the Beasleys) giving them until September 29, 1998 to bring the property located at 2692 Acklins Road, West Palm Beach into full Code Compliance. The property had been cited for replacing windows and remodeling without the required building permits, inspections and Certificate of Completion. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$75.00 per day was imposed. The CESM then entered a claim of lien against the Beasleys on October 19, 1998. Code Enforcement issued an Affidavit of Compliance for the property on May 19, 2009, stating the code violations had been corrected as of May 14, 2009. The total accrued lien amount through October 9, 2015, the date on which settlement discussions began, totaled \$986,698.58, of which the Beasleys have agreed to pay the County \$12,000.00 for full settlement of their outstanding Code Enforcement Lien. District 3 (PM).

Background and Policy Issues: The initial violations that gave rise to this Code Enforcement Lien were for replacing windows and remodeling without the required building permits, inspections and Certificate of Completion. The Special Magistrate gave the Beasleys until September 29, 1998 to obtain the required building permits, inspections and Certificate of Completion, or a fine of \$75.00 per day would begin to accrue. A follow-up inspection and check of permit records by Code Enforcement on October 5, 1998 confirmed that the property was still not in compliance. A code lien was then entered against the Beasleys on October 19, 1998. On May 19, 2009 an Affidavit of Compliance was issued stating that the cited code violations were corrected as of May 14, 2009 and the property was in full compliance with the CESM's Order. The Collections Section of OFMB (Collections) was first contacted by Mr. Jason Evans, the Beasley's Attorney, on September 29, 2015 to discuss the outstanding code case and lien balance. Collections, after extensive review, evaluation, and discussions with Mr. Evans and Code Enforcement, has agreed to present a proposed settlement offer in the amount of \$12,000.00 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by: For Richard A. Lawrence 6/2/16
Department Director Date

Approved by: R. Baller 6/8/16
County Administrator 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>(\$12,000.00)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$12,000.00)</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

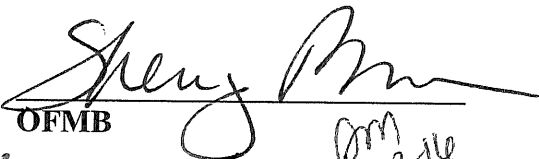
Reporting Category _____

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

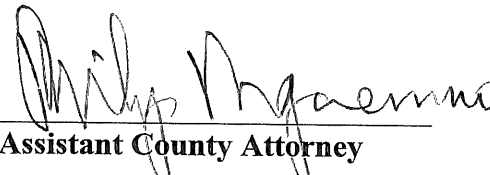
C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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


 OFMB PM 6-2-16
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 windows that were replaced were upgrades to the existing windows and were extras from a friend who owned a window company. The remodeling was for the conversion of a carport into an enclosed room. Permits were initially applied for on August 24, 1998 (5 weeks before the fines were to begin) and issued on December 15, 1998. The Beasleys did not receive a Certificate of Completion on the building permit until May 14, 2009 which was nearly eleven years after the CESM's order date to have permits, inspections and Certificate of Completion completed by September 29, 1998. The building permit was renewed on December 9, 1999 and June 12, 2000. The work that had been done was found to meet applicable building codes and the permit was completed by the Building Department on May 14, 2009. Mr. Beasley, who was a carpenter by trade before encountering medical issues, has acknowledged that he should have had the inspections done and completed to avert the large code lien that is on their home.
2. The building permit listed the valuation of the window replacements and carport remodeling at \$3,000.00.
3. The subject property is their homestead property and the only property they own.
4. The Beasleys are in the process of selling their home and the lien settlement, if approved, will be paid from the sales proceeds of the house.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of May 14, 2009 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.