

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

3G-2

AGENDA ITEM SUMMARY

Meeting Date: August 16, 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 \$7,500.00 for the full satisfaction of a Code Enforcement Lien that was entered against Kelly D. & Kevin Reed on February 7, 2009.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on October 1, 2008 on property owned by Kelly D. & Kevin Reed (the Reeds) giving them until December 30, 2008 to bring the property located at 234 Sleepy Hollow Drive into full Code Compliance. The property had been cited for the installation of storage sheds, an above ground swimming pool and a fence without the proper permits. 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 Reeds on February 7, 2009. An Affidavit of Compliance was issued by Code Enforcement on November 13, 2013 stating that the cited code violations were fully corrected as of November 8, 2013 and that the property was in full compliance with the CESM's Order. The total accrued lien amount through February 11, 2014, the date on which settlement discussions began, totaled \$110,792.79, of which the Reeds have agreed to pay the County \$7,500.00 for full settlement of their outstanding Code Enforcement Lien. District 2 (PM).

Background and Policy Issues: The violations which gave rise to this Code Enforcement Lien were for the installation of storage sheds, an above ground swimming pool and a fence without the proper permits. The Special Magistrate gave the Reeds until December 30, 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 January 8, 2009 confirmed that the property was still not in compliance and a code lien was then entered against the Reeds on February 7, 2009. An Affidavit of Compliance was issued by Code Enforcement on November 13, 2013 stating that the cited code violations were fully corrected as of November 8, 2013 and that the property was in full compliance with the CESM's Order. Collections, after extensive review, evaluation, and discussions with the Reeds and Code Enforcement, has agreed to present a proposed lien settlement offer in the amount of \$7,500.00 to the Board for approval.

(continued on page 3)


Attachments: none

Recommended by:


Department Director

7/26/16
Date

Approved by:


County Administrator

8/1/16
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>(\$630.00)</u>	<u>(\$2,520.00)</u>	<u>(\$2,520.00)</u>	<u>(\$1,830.00)</u>	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$630.00)</u>	<u>(\$2,520.00)</u>	<u>(\$2,520.00)</u>	<u>(\$1,830.00)</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

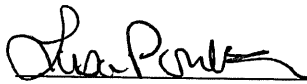
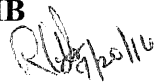
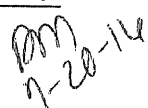
Reporting Category _____

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:


Lisa Pender 7/26/16
 OFMB

 7-20-16
N/A
Contract Dev. and Control

B. Legal Sufficiency:


Philip Magennis
 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 above ground pool and pool barrier (fence) permits were initially applied for on December 5, 2005 and issued on January 13, 2006. The permit became inactive due to no inspection activity and was subsequently renewed on April 27, 2009. No further inspections occurred and the permit again became inactive on May 4, 2010. The permit for the shed was initially applied for on April 28, 2009, four (4) months after the CESM compliance date, and issued on May 18, 2009. This permit also became inactive due to no inspection activity. The Reeds did make good faith attempts by applying for and getting the permits, but fell short in getting the building inspections for these items which had already been built on the property.
2. The above ground pool was removed in the Fall of 2009. The Reeds subsequently applied for new building permits for the shed and fence on November 8, 2013, which were issued on the same day with inspections and Certificate of Completion being issued on November 13, 2013. Had the Reeds obtained the shed permit and renewed the expired pool and fence barrier permit sooner, they would have not accrued the large code lien that is on their property. The shed and fence were found to have been in compliance with the applicable building codes.
3. The subject property is the Reed's homestead and the only property that they own.
4. The Reeds will begin paying the County monthly installments in the amount of \$210.00 until such time they have paid off the proposed settlement amount. The County's code lien will remain intact on the property until the full settlement, if approved, has been received.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of November 8, 2013 and that the property was 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.