

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-3

AGENDA ITEM SUMMARY

Meeting Date: February 7, 2017

Consent

Regular

Workshop

Public Hearing

Department: Office of Financial Management and Budget

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a negotiated settlement offer in the amount of \$14,950 for the full satisfaction of a Code Enforcement Lien that was entered against Carmella Daut & Jean Rene Pierre-Louis on July 1, 2009.

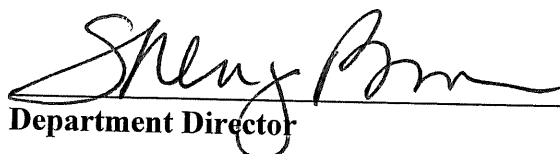
Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on January 7, 2009 on property owned by Carmella Daut & Jean Rene Pierre-Louis giving them until April 7, 2009 to bring the property located at 10 Sioux Lane in Lake Worth into full Code Compliance. The property had been cited for a porch addition to the front of the house without the required building permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50 per day was imposed. The CESM then entered a claim of lien against Carmella Daut & Jean Rene Pierre-Louis on July 1, 2009. Code Enforcement issued an Affidavit of Compliance for the property stating that as of July 19, 2010 the code violations had been fully corrected. The total accrued lien amount on January 3, 2017, the date on which settlement discussions began, totaled \$43,348.35, of which Carmella Daut & Jean Rene Pierre-Louis have agreed to pay the County \$14,950 (35%) for full settlement of their outstanding Code Enforcement Lien. District 3 (SF).

Background and Policy Issues: The initial violation that gave rise to this Code Enforcement Lien was for a porch addition to the front of the house without the required building permits. The Special Magistrate gave Carmella Daut & Jean Rene Pierre-Louis until April 7, 2009 to bring the property into full code compliance or a fine of \$50 per day would begin to accrue. A follow-up inspection by Code Enforcement on April 9, 2009 confirmed that the property was still not in compliance. A code lien was then entered against Carmella Daut & Jean Rene Pierre-Louis on July 1, 2009. Code Enforcement issued an Affidavit of Compliance for the property stating that as of July 19, 2010 the building code violation had been corrected by obtaining the required building permit. The Collections Section of OFMB (Collections) was contacted by Mr. Eyjo Gudmundsson, representative for Carmella Daut & Jean Rene Pierre-Louis on January 3, 2017 to discuss the outstanding code case and lien balance. Collections, after extensive review, evaluation, and discussions with Mr. Gudmundsson and Code Enforcement, has agreed to present a proposed settlement offer in the amount of \$14,950 (35%) to the Board for approval.

(continued on page 3)

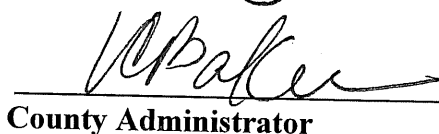
Attachments: *None*

Recommended by:


Department Director

1/26/17
Date

Approved by:


County Administrator

1/26/17
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$14,950)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$14,950)</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

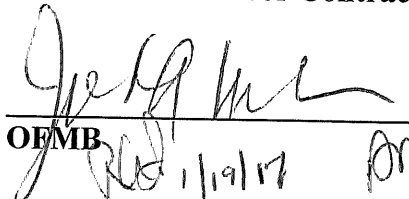
Reporting Category _____

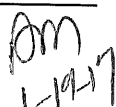
B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

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11/19/17


 OFMB


 N/A
 Contract Dev. and Control

B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

_____ N/A
 Department Director

Background and Policy Issues Continued (Carmella Daut & Jean Pierre-Louis)
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The factors considered during staff's review and evaluation of this settlement are as follows:

1. The violation which resulted in a lien being placed against Carmella Daut & Jean Rene Pierre-Louis was for a porch addition to the front of their house without the required building permit.
2. Immediately upon receiving the Notice of Violation, the owners began to take steps to pull a permit which required a variance as well as engineering drawings for the as-built addition. In the beginning, Mr. Pierre-Louis was very proactive in trying to resolve the code violation. However, there were issues with the original plans and some of the materials used which required resolution with the Building Department. The last obstacle that delayed the issuance of the permit for several months and delayed the issuance of an Affidavit of Compliance, was that they did not pick up and pay the balance due on the permit.
3. The Pierre-Louis' are in the process of selling their current home. This proposed code lien settlement will come from the proceeds of the sale of this property. The violating property at 10 Sioux lane was foreclosed by the bank on December 4, 2014.
4. The Building Department valued the porch addition at \$2,450.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of July 19, 2010 and the property is in full compliance with the CESM's Order. Further, the cited violation did not involve any life/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.