

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: September 12, 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 \$5,302 for the full satisfaction of a Code Enforcement Lien that was entered against Michael G. Lincoln on August 3, 2016.

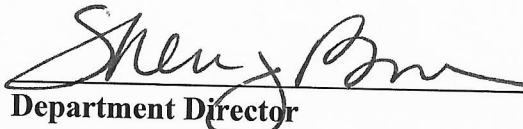
Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on May 4, 2016 on property owned by Michael G. Lincoln (Mr. Lincoln) giving him until July 3, 2016 to bring the property located at 1242 Highland Road in Lake Worth into full Code Compliance. The property had been cited for replacing a water heater without the 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 per day was imposed. The CESM then entered a claim of lien against Mr. Lincoln on August 3, 2016. Code Enforcement issued an Affidavit of Compliance for the property on June 30, 2017 stating that as of June 22, 2017 the cited code violation had been fully corrected. The total accrued lien amount on August 1, 2017, the date on which settlement discussions began, totaled \$21,206.85, of which Mr. Lincoln has agreed to pay Palm Beach County \$5,302 (25%) for full settlement of his outstanding Code Enforcement Lien. District 7 (SF).

Background and Policy Issues: The initial violation that gave rise to this Code Enforcement Lien was for installing a water heater without the required building permit. The Special Magistrate gave Mr. Lincoln until July 3, 2016 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 July 5, 2016 confirmed that the property was still not in compliance. A code lien was then entered against Mr. Lincoln on August 3, 2016. Code Enforcement issued an Affidavit of Compliance on the property on June 30, 2017 stating that as of June 22, 2017 the cited code violation had been corrected. The Collections Section of OFMB (Collections) was initially contacted by Mr. Lincoln on July 31, 2017 to discuss his outstanding code case and lien balance. Collections, after extensive review, evaluation and discussions with Mr. Lincoln, have agreed to present a proposed settlement offer in the amount of \$5,302 (25%) to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:


Department Director

8/17/17
Date

Approved by:


County Administrator

8/22/17
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>(\$5,302)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$5,302)</u>	_____	_____	_____	_____

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes X No _____
Budget Account No. Fund 0001 Department 600 Unit 6241 Object 5900

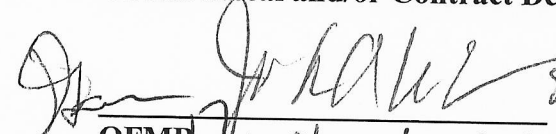
Reporting Category _____

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 8/18/17 ms 8/18 PM 8-17-17

N/A
Contract Dev. and Control

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

N/A
Department Director

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

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

1. The violation that resulted in a Code Enforcement lien being placed against Mr. Lincoln was for the installation of a water heater without the proper permit.
2. Mr. Lincoln attributed much of the delay in obtaining the permit to assisting and caring for his ill mother at the time which, with his job, consumed all of his time. Once the permit was obtained on June 22, 2017, the water heater passed inspection the first time on June 23, 2017 and a Certificate of Completion was issued by the Building Department.
3. Mr. Lincoln is currently in the process of selling his home and this proposed code lien settlement will come from the proceeds of the sale of the property.
4. The subject property is Mr. Lincoln's homestead and the only property he owns.
5. The Building Department listed the improvement value of the new water heater installation at \$700.00.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of June 22, 2017 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.