

36-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 13, 2018

Consent
 Workshop

Regular
 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 \$5,000 for the full satisfaction of a Code Enforcement Lien that was entered against Trevor and Karen Kennedy on March 15, 2017.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on November 2, 2016 for property owned by Trevor and Karen Kennedy (the Kennedys) giving them until January 31, 2017 to bring their property located at 5515 Colbright Road in Lake Worth into full Code Compliance. The property had been cited for electrical alterations to a barn structure on the property 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 per day was imposed. The CESM then entered a claim of lien against the Kennedys on March 15, 2017. Code Enforcement issued an Affidavit of Compliance for the property on October 16, 2017 stating that as of October 12, 2017 the cited code violation was fully corrected. The total accrued lien amount on January 15, 2018, the date on which settlement discussions began, totaled \$13,108.55, of which the Kennedys have agreed to pay Palm Beach County \$5,000 (38%) 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 electrical alterations to a barn structure on the property without the proper permits. The Special Magistrate gave the Kennedys until January 31, 2017 to bring their property into full code compliance or a fine of \$50 per day would begin to accrue. A follow-up inspection by Code Enforcement on February 3, 2017 confirmed that the property was still not in compliance. A code lien was entered against the Kennedys on March 15, 2017. Code Enforcement issued an Affidavit of Compliance for the property on October 16, 2017 stating that as of October 12, 2017 the cited code violation was corrected. The Kennedys originally contacted the Collections Section of OFMB in October, 2017 to discuss a settlement of their Code Lien. Collections, after extensive review, evaluation, and discussions with Code Enforcement and the Kennedys, have agreed to present a proposed settlement offer in the amount of \$5,000 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:


Department Director

2/12/18
Date

Approved by:


County Administrator

2/22/18
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$5,000)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$5,000)</u>	_____	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No **X**
 Does this item include the use of federal funds? Yes _____ No **X**

Budget Account No:
 Fund **0001** Agency **600** Organization **6241** Object **5900**

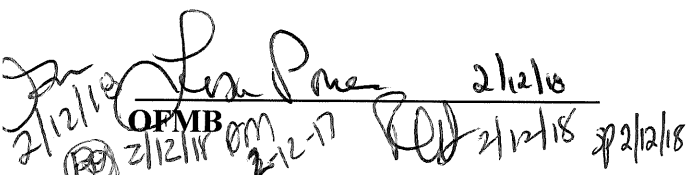
Reporting Category _____

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:


 _____ **N/A**
 Contract Dev. & Control

B. Legal Sufficiency



 Assistant County Attorney

C. Other Department Review

_____ Department Director

Background and Policy Issues Continued (Trevor & Karen Kennedy)

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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 Trevor and Karen Kennedy (the Kennedys) was for the alteration of electrical service to a barn structure on their property without the proper permits. A CESM hearing was held on November 2, 2016 and the Kennedys were given until January 31, 2017 to achieve compliance. The Kennedys purchased the property with the existing alterations and although they may have had legal remedies available to them against the former owner after the sale of the property, the former owners had already relocated to Argentina.
2. In February of 2017 Mr. Kennedy informed Code Enforcement of financial difficulties he was encountering due to being unemployed since September of 2015. Mr. Kennedy stated that he would have to borrow approximately \$5,000 to hire an electrical contractor to complete the work and obtain the required permits to resolve the electrical violation. Mr. Kennedy was able to receive a personal loan in March of 2017 and he immediately hired an electrical contractor. Once the permit was issued the electrical work passed final inspection the first time.
3. Code Enforcement confirmed that Mr. Kennedy was working continuously to get the violation resolved and kept in contact with his assigned Code Officer. In March of 2017, Mr. Kennedy found employment in Tampa and was commuting back and forth weekly to make sure progress continued. In September of 2017 there was another unexpected delay with the electrical contractor being unable to complete the work due to Hurricane Irma.
4. The violating property is the Kennedy's homestead property and the only property they own. The proposed code lien settlement will be paid from the proceeds of the sale of the property.

Code Enforcement issued an Affidavit of Compliance stating that the cited code violation was fully corrected as of October 12, 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.