

3G-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 2, 2018

☒ **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 \$31,865.00 for the full satisfaction of a code enforcement lien that was entered against Donald Hoffman on September 16, 2015.

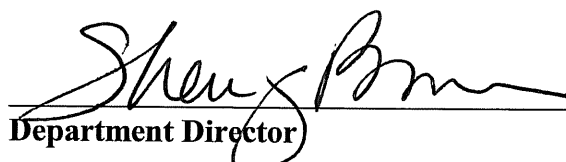
Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on June 3, 2015 for property owned by Donald Hoffman (Mr. Hoffman) giving him until August 2, 2015 to bring his property located at 6896 S Congress Avenue in Lake Worth into full code compliance. The property had been cited for operating an unlicensed business, vehicle storage and expired building permits. Only the building permit issues remained unresolved at the time of the CESM hearing. 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. Hoffman on September 16, 2015. The Code Enforcement Division issued an affidavit of compliance for the property on April 26, 2018 stating that as of April 26, 2018 the cited code violations had been fully corrected. The total accrued lien amount on June 4, 2018, the date on which settlement discussions began, totaled \$63,729.39, of which Mr. Hoffman has agreed to pay Palm Beach County \$31,865.00 (50%) for full settlement of his outstanding code enforcement lien. District 3 (SF).

Background and Justification: The violations that gave rise to this code enforcement lien were for operating an unlicensed business, vehicle storage and expired building permits. By the time of CESM Hearing on June 3, 2015, only the building permit issues remained unresolved. The Special Magistrate gave Mr. Hoffman until August 2, 2015 to bring his property into full code compliance or a fine of \$50 per day would begin to accrue. A follow-up inspection by the Code Enforcement Division on August 11, 2015 confirmed that the property was still not in full compliance. A code lien was then entered against Mr. Hoffman on September 16, 2015. The Code Enforcement Division issued an affidavit of compliance for the property on April 26, 2018 stating that as of April 26, 2018 the cited code violations had been corrected. The Collections Section of OFMB was originally contacted by Mr. Hoffman's Attorney on May 8, 2018 to discuss settlement of his code lien. Collections, after extensive review, evaluation, and discussions with the Code Enforcement Division and Mr. Hoffman's Attorney, has agreed to present a proposed settlement offer in the amount of \$31,865.00 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:


Department Director

9/25/18
Date

Approved by:


County Administrator

9/25/18
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures					
Operating Costs					
External Revenues	(\$31,865)				
Program Income(County)					
In-Kind Match(County					
NET FISCAL IMPACT	(\$31,865)				
#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 Department 600 Unit 6241 Object 5900

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:

9/20/18
9/20/18 *Ralph Lewis* *9/21/18*
OFMB *BM 9/20/18* *9/21*

N/A
Contract Dev. and Control

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

N/A
Department Director

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

Background and Policy Issues Continued (Hoffman)

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

1. The only remaining open code violations that resulted in a code enforcement lien being placed against Mr. Hoffman was for expired building permits for renovation work that had been done on the property.
2. Although Mr. Hoffman did not renew the permits in a timely manner or pursuant to the CESM ordered compliance date, once the permits were renewed by a new contractor on April 16, 2018, the Building Department inspected the work, which passed final inspections and certificates of completion were issued on April 17, 2018 and April 23, 2018, respectively.
3. The Building Division listed the value of the improvements at \$13,800.
4. The subject property is Mr. Hoffman's homestead property and the only property he owns.
5. The proceeds from the sale of this property are sufficient to pay the proposed code lien settlement amount.
6. The building code violations did not present any life safety issues.

An affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violations were fully corrected as of April 26, 2018 and the property is in full compliance with the CESM's Order.

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.