

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-7

AGENDA ITEM SUMMARY

Meeting Date: September 10, 2019

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 \$4,600 for the full satisfaction of a code enforcement lien that was entered against Barbara Laurince on June 6, 2018.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on November 1, 2017 for property owned by Barbara Laurince giving her until April 30, 2018 to bring her property located at 2116 Sherwood Forest Blvd, #27, in West Palm Beach into full code compliance. The property had been cited for installing a screen room addition without first obtaining 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 Barbara Laurince on June 6, 2018. The Code Enforcement Division issued an affidavit of compliance for the property on May 2, 2019 stating that as of May 2, 2019 the cited code violation had been fully corrected. The total accrued lien amount as of May 31, 2019, the date on which settlement discussions began, totaled \$18,365.80. Ms. Laurince has agreed to pay Palm Beach County \$4,600 (25%) for full settlement of her outstanding code enforcement lien. District 2 (SF).

Background and Justification: The violations that gave rise to this code enforcement lien were for installing a screen room addition without first obtaining required building permits. The Special Magistrate gave Barbara Laurince until April 30, 2018 to bring her 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 May 1, 2018 confirmed that the property was still not in compliance. A code lien was then entered against Barbara Laurince on June 6, 2018. The Code Enforcement Division issued an affidavit of compliance for the property on May 2, 2019 stating that as of May 2, 2019 the cited code violation had been corrected. The Collections Section of OFMB was contacted by Ms. Laurince on May 31, 2019, to discuss a settlement. Collections, after extensive review, evaluation, and discussions with the Code Enforcement Division and the County Attorney's Office, has agreed to present the proposed settlement offer in the amount of \$4,600 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:


Department Director

8/20/19
Date

Approved by:


County Administrator

9/5/19
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	(4,600)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(4,600)				
#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:

DMT
8/20/19
acc
8/21/19
OFMB
Lisa R
8/21/19
8/21 8/20/19
ccw

N/A
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

N/A
 Department Director

Background and Justification Continued (Barbara Laurince)

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

1. The subject property was purchased by Ms. Laurince on August 23, 2016 as an investment property. In April 2017, shortly after her purchase, code enforcement received a complaint about a screen room enclosure constructed without a permit. It was found that the screen room enclosure had been built without a building permit, and that it predated Ms. Laurince's ownership. It then became her responsibility to resolve the building code violation by either obtaining the required permit or having the screen room structure removed.
2. Ms. Laurince did attempt to hire a contractor to assist her in resolving the issue before the fine start date, but had no success until she was able to finally hire a licensed contractor in early February 2019 to assist in getting the required permits and inspections. An application for a demolition permit was submitted to the building department on February 19, 2019 and issued on April 30, 2019. It was determined during the permit process that the unpermitted structure could not be permitted and the structure was removed, for full code compliance confirmed on May 2, 2019.
3. Ms. Laurince was no longer able to financially afford her newly acquired property and had to sell it. The funds to pay off the proposed lien settlement will come from the sales proceeds which are currently being held in escrow by the title company.
4. The Building Department listed the valuation for demolition of the screen room addition at \$600.
5. The building code violation did not present any life safety issues and did not negatively impact the neighboring units.

An affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violation was fully corrected as of May 2, 2019 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.