

36-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 5, 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 \$9,000 for the full satisfaction of a code enforcement lien that was entered against Fish Farm, LLC on March 15, 2018.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on August 2, 2017 for property owned by Fish Farm, LLC giving them until October 1, 2017 to bring their property located at Western Way into full code compliance. The property had been cited for installing a fence around the property 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 Fish Farm, LLC on March 15, 2018. The Code Enforcement Division issued an affidavit of compliance for the property on June 7, 2019 stating that as of May 29, 2019 the cited code violations had been fully corrected. The total accrued lien amount on June 30, 2019, the date on which settlement discussions began, totaled \$30,292.98. Fish Farm, LLC has agreed to pay Palm Beach County \$9,000, (30%) for full settlement of their outstanding code enforcement lien. District 3 (SF).

Background and Justification: The violation that gave rise to this code enforcement lien was for installing a fence around the property without first obtaining required building permits. The Special Magistrate gave Fish Farm, LLC until October 1, 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 the Code Enforcement Division on October 3, 2017 confirmed that the property was still not in full compliance. A code lien was then entered against Fish Farm, LLC on March 15, 2018. The Code Enforcement Division issued an affidavit of compliance for the property on June 7, 2019 stating that as of May 29, 2019 the cited code violations had been corrected. The Collections Section of OFMB was originally contacted by Fish Farm, LLC on June 30, 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 \$9,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:

Richard Aronne
for Sherry Brown
Department Director

10/9/19
Date

Approved by:

VC Baker
County Administrator

10/15/19
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures					
Operating Costs					
External Revenues	(\$9,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$9,000)				
#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:

John Adell
Robert Rawo 10/9/19
 OFMB 10/8/19
 10/10/19 10/9/19

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 (Fish Farm, LLC)

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

1. The violation that gave rise to this code enforcement lien being placed against Fish Farm, LLC was for a perimeter fence that was installed on the property prior to Fish Farm, LLC's ownership. After being cited, they tried to obtain the required fence permit, but found out that in order to obtain a permit for the 6 foot high perimeter fence, they would need to have either an AG Classification for the property or obtain a variance. The property previously had an AG Classification, but it had been removed by the Property Appraiser on June 13, 2018, and the owners did not file an appeal by the July 31, 2018 deadline. They did refile for the AG Classification in early 2019 and it was reinstated. Once AG Classification was obtained, they applied for the required fence permit on May 23, 2019 which was issued on May 29, 2019.
2. Once the fence permit was issued on May 29, 2019 it passed final inspection on June 10, 2019 and a certificate of completion was issued by the Building Division.
3. The perimeter fence which preceded their ownership, was found to be constructed to code and did not encroach on any neighboring properties or set-back boundaries for the subject property.
4. The Building Division listed the improvement value of the fence at \$2,000.
5. The building code violation did not involve 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 May 29, 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.