

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-3

AGENDA ITEM SUMMARY

Meeting Date: December 8, 2020

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 \$30,000 for the full satisfaction of a code enforcement lien that was entered against Matthew C. Murphy & Britni C. Murphy on June 6, 2018.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on October 6, 2017, for the property owned by Matthew C. Murphy & Britni C. Murphy providing them until April 2, 2018 to bring their property located at 9025 159th Ct N. Jupiter, FL into full compliance. The property had been cited for parking more than seven (7) vehicles on a residential lot; stored equipment or materials outside of the dwelling including driveways; erecting/installing Chickee Hut without first obtaining required building permits and erecting/installing shed without first obtaining required building permit. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$250 per day was imposed. The CESM then entered a claim of lien against Matthew C. Murphy & Britni C. Murphy on June 6, 2018. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property on July 9, 2020 stating that the cited code violations had been fully corrected as of August 27, 2018. The total accrued lien amount through July 30, 2020, the date on which settlement discussions began, totaled \$46,973.04, of which Mr. & Mrs. Murphy have agreed to pay Palm Beach County \$30,000, (64%) for full settlement of their outstanding Code Enforcement lien. District 1 (SF).

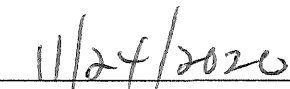
Background and Justification: The violations that gave rise to this Code Enforcement lien were for parking more than seven (7) vehicles on a residential lot; stored equipment or materials outside of the dwelling including driveways; erecting/installing Chickee Hut without first obtaining required building permits and erecting/installing shed without first obtaining required building permit. The Special Magistrate provided Matthew C. Murphy and Britni C. Murphy until April 2, 2018 to bring their property into full code compliance or a fine of \$250 per day would begin to accrue. The Code Enforcement Division issued an Affidavit of Compliance for the property on July 9, 2020 stating the cited code violations had been corrected as of August 27, 2018. The Collections Section of OFMB was first contacted by Greg Taylor, Esq. on July 30, 2020, to discuss a settlement Collections, after extensive review, evaluation, and discussions with Code Enforcement Division and the County Attorney's Office, has agreed to present the proposed settlement offer in the amount of \$30,000 to the Board for approval.

(Continued on page 3)

Attachments: none

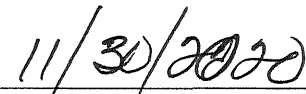
Recommended by:


Department Director


Date

Approved by:


County Administrator


Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures					
Operating Costs					
External Revenues	(\$30,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$30,000)				
#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:

Robert Rawer 11/24/2020
 OFMB
REC 11/20/20
AP 11/24
NY 11/20/20

 N/A
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature]

 Assistant County Attorney

C. Other Department Review:

 N/A
 Department Director

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

1. Matthew & Britni Murphy were cited for parking more than seven vehicles (7) on a residential lot; stored equipment or materials outside of the dwelling including driveways; erecting/installing a Chickee Hut without first obtaining required building permits and erecting/installing a shed without first obtaining required building permit. According to Mr. Murphy the original Chickee was built by Native Americans; during that time a permit was not required if built by Native Americans. Since he was running a home business, he was under the impression that he could park many cars on the property. He never had any prior issues with Code Enforcement and he thought it was permitted in Jupiter Farms.
2. The delay on obtaining compliance was due to all of the Chickee companies doing repairs from the previous year's hurricane throughout the State. (Irma 2017).
3. Mr. Murphy was proactive. In August 2018, the Murphys contracted with Monster Tiki to remove, obtain permit and replace the Chickee according to the county guidelines. By September, the shed was removed from the property.
4. The Murphys are in the process of selling the property. The proceeds from the sale of the property are sufficient to pay the proposed code lien settlement amount.
5. An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of August 27, 2018 and the property is in full compliance with the CESM's Order. Further, the cited violations 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.