PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

| Meeting Date: 03/09/21 | [] | Consent Workshop | Regular Public | |
|-------------------------------|----|---------------------|-----------------------|--|
| Department: | | | | |

Submitted By:

Office of Financial Management & Budget

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Resolution of the Board of County Commissioners delegating to the County Administrator or designee the authority to execute and record claims of liens against land with unpaid impact fee balances.

Summary: The adoption of the resolution delegating to the County Administrator or designee the authority to approve the execution and recordation of claims of lien for unpaid impact fees will help to eliminate delays in recording claims of lien, which maximizes the County's chances of collecting unpaid impact fee balances pursuant to these liens, and streamlines the agenda process. Countywide (CK)

Background and Justification: Article 13.A.14.B of the Unified Land Development Code provides that if through error, omission, or intent, impact fees are not paid in full, Palm Beach County may file a lien against the land containing the development for which the impact fees are due in an amount equal to the unpaid impact fee balance. Approval of this Resolution will delegate to the County Administrator or designee the authority to execute and file liens thereby contributing to the efficient administration of Article 13 and the streamlining of the agenda process.

Attachments:

A. Resolution to Delegate Authority to Execute and Record Claims of Lien

| Recommended by: | Sheng m | 3/2/2021 |
|-----------------|----------------------|----------|
| - | Department Director | Date |
| Approved By: | 1CBaller | 3/5/21 |
| | County Administrator | ' ' Date |

County Administrator

| A. F | ive ` | Year | Summary | of | Fiscal | Impact: |
|-------------|-------|------|---------|----|--------|---------|
|-------------|-------|------|---------|----|--------|---------|

| Fiscal Years | <u>2021</u> | <u>2022</u> | <u>2023</u> | <u>2024</u> | <u>2025</u> | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|--|
| Capital Expenditures | | | | | | |
| Operating Costs | | | | | | |
| External Revenues | | | | | | |
| Program Income(Count | y) | | | | | |
| In-Kind Match (County) | | | | | | |
| NET FISCAL IMPACT | 0 | | | <u> </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 Department Unit Object Reporting Category | | | | | | |

B. Recommended Sources of Funds/Summary of Fiscal Impact: There is no fiscal impact.

C. Department Fiscal Review:

Impact Fee Manager

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

12121 OFME

Contract Dev.

B. Legal Sufficiency:

for (. Koaster Assista It County

C. Other Department Review:

Department Director

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

RESOLUTION NO. R2021-___

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA DELEGATING TO THE COUNTY ADMINISTRATOR OR DESIGNEE THE AUTHORITY TO EXECUTE AND RECORD FUTURE CLAIMS OF LIEN AGAINST LAND FOR UNPAID IMPACT FEE BALANCES.

WHEREAS, Article 13 of the Unified Land Development Code (the ULDC) authorizes Palm Beach County (PBC) to file a lien for unpaid impact fees, after notice is provided, against land containing the development for which the impact fees are due in an amount equal to the amount of unpaid impact fees; and

WHEREAS, the Board of County Commissioners ("BCC") desires to delegate to the County Administrator or designee the authority to execute and record claims of lien for unpaid impact fees; and

WHEREAS, the delegation to the County Administrator or designee of the authority to execute and record claims of lien will eliminate delay caused by requiring the claims of lien to be brought before the BCC for approval, which will maximize the County's chances of collecting unpaid impact fees pursuant to these liens and is consistent with the goal of the BCC to streamline the agenda process.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that:

- 1. <u>Recitals.</u> The recitals contained above are true and correct and incorporated herein by reference.
- Delegation of Authority. The BCC hereby authorizes the County Administrator of Palm Beach County or designee to execute and record claims of lien against the land containing the development for which the impact fees are due in an amount equal to the amount of unpaid impact fees.
- 3. <u>Severability.</u> If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of remaining portions of this Resolution.
- 4. <u>Effective Date.</u> The terms of this Resolution shall take effect upon its adoption.

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| The | foregoing | Resolution | was | offered | by | Commissioner |
|----------|-------------|----------------------------------------|-----------|--------------------|----------|--------------------|
| | | 10111111111111111111111111111111111111 | _who mc | oved its adoption. | The mo | otion was seconded |
| by Com | missioner | | | _ and upon being | put to a | vote, the vote was |
| as follo | ws: | | | | | |
| | | | | | | |
| | District 3: | Dave Kerner, Mayor | | | | |
| | District 4: | Robert S. Weinroth, V | /ice Mayo | or | | |
| | District 1: | Maria G. Marino | | | | |
| | District 2: | Gregg K. Weiss | | | | |
| | District 5: | Maria Sachs | | | | |
| | District 6: | Melissa McKinlay | | | | |
| | District 7: | Mack Bernard | | | | |

The Mayor thereupon declared the Resolution duly passed and adopted this ______ day of

_____, 20_____.

APPROVED AS TO LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS

Attachment A

Joseph Abruzzo, Clerk & Comptroller

Ву:____

Deputy Clerk

By:

Chelsea J. Koester / Assistant County Attorney

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