

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: June 15, 2021

☒ 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 \$25,000 for the full satisfaction of a code enforcement lien that was entered against Walter F. Lange on February 20, 2009.

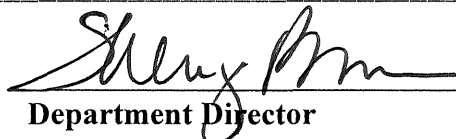
**Summary:** The Code Enforcement Special Magistrate (CESM) entered an order on October 1, 2008 for the property owned by Walter F. Lange providing him until November 30, 2008 to bring his property located at 8729 Pinion Dr., Lake Worth, FL into full compliance. The property had been cited for keeping/allowing chickens/roosters and/or farm animals in a residential zoning district. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$100 per day was imposed. The CESM then entered a claim of lien against Walter F. Lange on February 20, 2009. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property on May 4, 2010 stating that the cited code violations had been fully corrected as of April 30, 2010. The total accrued lien amount through December 3, 2020, the date on which settlement discussions began, totaled \$116,051.54, of which Mr. Lange has agreed to pay Palm Beach County \$25,000 (22%) for full settlement of his outstanding Code Enforcement lien. District 6 (SF).

**Background and Justification:** The violations that gave rise to this Code Enforcement lien were for keeping/allowing chickens/roosters and/or farm animals in a residential zoning district. The Special Magistrate provided Walter F. Lange until November 30, 2008 to bring his property into full code compliance or a fine of \$100 per day would begin to accrue. The Code Enforcement Division issued an Affidavit of Compliance for the property on May 4, 2010. The Collections Section of OFMB was first contacted by John M. Jorgensen, Esquire, on December 3, 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 \$25,000 to the Board for approval.

(Continued on page 3)

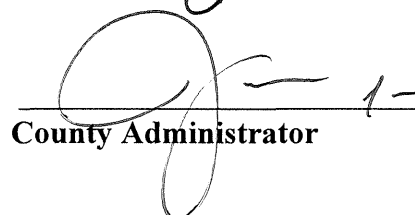
Attachments: none

Recommended by:

  
Department Director

5/19/2021  
Date

Approved by:

  
County Administrator

5/28/21  
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	(\$25,000)				
Program Income(County)					
In-Kind Match(County					
NET FISCAL IMPACT	(\$25,000)				
#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:

Joe Monte 5/26/21  
OFMB gt 5-26-21 LM 5/26  
RAJ 5/19/21 MYJ 5/19/21

N/A   
Contract Dev. and Control

B. Legal Sufficiency:

  
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. The violations that resulted in a code lien being placed on the property were for keeping/allowing chickens/roosters and/or farm animals in a residential zoning district. On October 1, 2008, the Special Magistrate granted Mr. Lange 60 days to resolve his code violations. On December 3, 2008, Code Enforcement completed a follow-up inspection of the property and found that the animals were still present.
2. According to Mr. Lange, he was not aware that having chickens on his property was a violation; in fact, similar properties in the Acreage allowed fowls. He reported that he was in the process of buying a property in Mount Dora, Florida around the time that he was found to be in violation. He was planning to move to his new home which he believed would resolve the violations. The closing was scheduled for December 2008, but there were delays because the transaction involved a short sale. Eventually, Mr. Lange closed on January 2009 and moved to his new property with his chickens.
3. Mr. Lange acknowledges that he should have moved more swiftly in resolving the cited code violations to avoid the significant code lien that is currently on the property, but he failed to contact Code Enforcement in January 2009 to request an inspection. He left a note at the property's entrance letting them know that the chickens/roosters were no longer on the property. He was under the impression that his note was sufficient to close out the violations. Over a year later, during a site visit of the property on April 30, 2010, the Code Officer found no signs of the animals on the premises.
4. An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations had been fully corrected as of April 30, 2010 and the property is in full compliance with the CESM's Order. Furthermore, the cited violations did not involve any life/safety issues.
5. Mr. Lange is in the process of selling his investment property and he is currently under contract. The settlement, if approved, will be paid from the proceeds of the sale.

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.