

3G-4

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 17, 2022

Consent

Regular

Workshop

Public Hearing

Department: Office of Financial Management and Budget

I. EXECUTIVE BRIEF

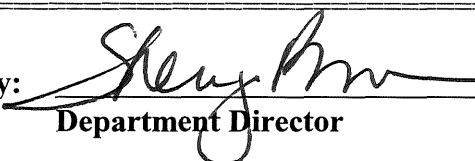
Motion and Title: Staff recommends motion to approve: a negotiated settlement offer in the amount of \$9,634 for the full satisfaction of a code enforcement lien that was entered against Richard Brophy and Sandra Brophy on February 1, 2017.

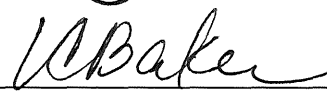
Summary: The Code Enforcement Special Magistrate (CESM) entered an order on September 7, 2016 for the property owned by Richard Brophy and Sandra Brophy providing them until December 6, 2016 to bring their property located at 17371 W. Sycamore Dr., Loxahatchee, FL into full compliance. The property had been cited for 1) expired permits; 2) construction work without obtaining inspections; and 3) erecting/installing shed 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 Richard Brophy and Sandra Brophy on February 1, 2017. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property on November 21, 2019 stating that the cited code violations had been fully corrected as of November 19, 2019. The total accrued lien amount through March 14, 2022, the date on which settlement discussions began, totaled \$64,228.43. Richard Brophy has agreed to pay Palm Beach County \$9,634 (15%) for full settlement of their outstanding Code Enforcement lien. District 6 (SF).

Background and Justification: The violations that gave rise to this Code Enforcement lien were for 1) expired permits; 2) construction work without obtaining inspections; and 3) erecting/installing shed without first obtaining required building permits. The Special Magistrate provided Richard Brophy and Sandra Brophy until December 6, 2016 to bring their property into full code compliance or a fine of \$50 per day would begin to accrue. The Code Enforcement Division issued an Affidavit of Compliance for the property stating the cited code violations had been corrected as of November 19, 2019. The Collections Section of OFMB was first contacted by Richard Brophy on March 14, 2022 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 \$9,634 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:  4/15/2022
Department Director Date

Approved by:  4/21/22
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs					
External Revenues	(\$9,634)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$9,634)				
#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:

4/18/22 *OFMB* *4/13/22* *4/18/22* *4/13/22*

N/A
Contract Dev. and Control

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

N/A
Department Director

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

Background and Justification Continued (Richard Brophy and Sandra Brophy) Page 3

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

1. Mr. & Mrs. Brophy were issued a notice of violation on April 27, 2016 per subject violations. They were not present at the Code Enforcement Hearing. The CESM order required full compliance by December 6, 2016.
2. Mr. Brophy attributed much of the delay in reaching compliance to his illness. During the time of the violations, he suffered from a heart attack and spent several days in the hospital. He has acknowledged that he should have moved quicker in order to avoid the code fines, but it was financially impossible to complete the project and resolve the violations.
3. The subject property is the Brophy's homestead property and the only one they own. They are currently in the process of refinancing their mortgage and need the County's code lien released before the refinancing process can be completed.
4. An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of November 19, 2019 and that the property was 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.