

AGENDA ITEM SUMMARY

Meeting Date: January 7, 2025

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 \$61,270 for the full satisfaction of a code compliance lien entered against Jupiter Burrito Bros, LLC on April 7, 2021.

Summary: On February 11, 2020, a Code Compliance Special Magistrate (CCSM) issued an order giving Jupiter Burrito Bros, LLC ("Jupiter Burrito") until June 4, 2020 to bring its property located at 16891 Jupiter Farms Road, Jupiter, Florida into full code compliance. The violations imposed against the property included operating without a business tax receipt and erection of a canopy structure and an entry sign with lighting without a valid building permit. Compliance with the CCSM's order was not timely achieved and a fine of \$100 per day was imposed. The CCSM executed an order imposing a code lien against Jupiter Burrito on April 7, 2021.

The Code Compliance Division (Code Compliance) issued an affidavit of compliance for the property stating the violations were corrected as of August 14, 2024. The total fine amount on August 27, 2024, the date on which settlement discussions began, amounted to \$153,174.30. Jupiter Burrito has agreed to pay Palm Beach County \$61,270 (40%) for full settlement of their outstanding code enforcement lien. **District 1 (SF)**

Background and Justification: The owner of Jupiter Burrito purchased the property in June 2018. Around August of 2019, a site inspection by the County's Building Division revealed that Jupiter Burrito was operating a mobile food truck without a business tax receipt and had erected structures that were not permitted. Upon notification of the violations, Jupiter Burrito quickly obtained a business tax receipt. A representative of Jupiter Burrito attended the hearing and was granted a 120 day extension to comply.

Attachments: None

Recommended by:


Department Director

11/25/2024

Date

Approved by:


County Administrator

12/11/24

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures					
Operating Costs					
External Revenues	(61,270)				
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	(61,270)				
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE)					

Is item included in Current Budget? Yes No
 Is this item using Federal Funds? Yes No
 Is this item using State Funds? Yes No

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:

Lucy M. [Signature] 11/26/2024
 (13) 11/22/24 OFMB GA 11/26
 @ 11/26

N/A

 Contract Dev. and Control

B. Legal Sufficiency:

MJF 11/26/24

[Signature]

 Assistant County Attorney

C. Other Department Review:

N/A

 Department Director

Background and Justification Continued

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

- A. The owner was in constant communication with the Code Compliance Officer.
- B. The delay in reaching compliance was due to other renovations to the property. The owner reported that he was told he could include all renovations under one permit, but he later learned he needed separate permits.
- C. Due to the magnitude of the renovations, Jupiter Burrito had to engage an engineer, architect, and environmental specialist and additional time was required to get through the permitting process. Around March of 2020, Jupiter Burrito was forced to close the restaurant due to COVID mandates. After six months, all permits became inactive, and Jupiter Burrito had to start over with the permitting process.
- D. In addition to the above, the Department of Health ("DOH") required Jupiter Burrito to update the septic system and drain field to meet code. This process took longer than expected, and the property could not pass the Building inspection until DOH approval was obtained.
- E. The code violations did not pose a negative or detrimental impact to the neighboring surrounding, and none of the violations involved any life and 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.

The property complied with the CCSM's order on August 14, 2024. Jupiter Burrito is in the process of selling the restaurant and contacted the Office of Financial Management & Budget. Jupiter Burrito has agreed to a settlement for \$61,270. This is not a homestead property.

Settlement offers that reduce any debt amount due to Palm Beach County by more than \$2,500 require the approval of the Board, per Countywide PPM CW-F-048.