

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

3G-4

AGENDA ITEM SUMMARY

Meeting Date: August 16, 2016

☒ Consent

☐ Regular

☐ Workshop

☐ Public Hearing

Department: Office of Financial Management & Budget

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a negotiated settlement agreement in the amount of \$23,300.00 for the full satisfaction of a Code Enforcement Lien that was entered against Johnny F. Delgado on March 6, 2013.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on September 5, 2012 on property owned by Johnny F. Delgado (Mr. Delgado) giving him until January 3, 2013 to bring the property located at 4286 Clinton Boulevard, Lake Worth into full Code Compliance. The property had been cited for the conversion of a utility building into living quarters and the addition of structures to the rear of the property without first obtaining the required building permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50.00 per day was imposed. The CESM then entered a claim of lien against Mr. Delgado on March 6, 2013. Code Enforcement issued an Affidavit of Compliance for the property on November 30, 2015 stating the code violations had been corrected as of November 13, 2015. The total accrued lien amount through December 31, 2015, the month in which settlement discussions began, totaled \$65,300.29, of which Mr. Delgado has agreed to pay the County \$23,300.00 for full settlement of his outstanding Code Enforcement Lien. District 3 (PM).

Background and Policy Issues: The initial violations that gave rise to this Code Enforcement Lien was for the conversion of a utility building into living quarters and the addition of structures to the rear of the property without first obtaining the required building permits. The Special Magistrate gave Mr. Delgado until January 3, 2013 to obtain the required building permits, or a fine of \$50.00 per day would begin to accrue. A follow-up inspection and check of permit records by Code Enforcement on January 23, 2013 confirmed that the property was still not in compliance. A code lien was then entered against Mr. Delgado on March 6, 2013. On November 30, 2015 an Affidavit of Compliance was issued stating that the cited code violations were corrected as of November 13, 2015 and the property was in full compliance with the CESM's Order. The Collections Section of OFMB (Collections) was contacted by Ms. Eunice Baros, Mr. Delgado's Attorney, on December 9, 2015 to begin lien settlement discussions on her client's outstanding code case and lien balance. Collections, after extensive review, evaluation, and lengthy discussions with Ms. Eunice Baros and Code Enforcement, has agreed to present a proposed settlement offer in the amount of \$23,300.00 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:


Department Director

8/8/16
Date

Approved by:


County Administrator

8/10/16
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures					
Operating Costs					
External Revenues	(\$23,300.00)				
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	(\$23,300.00)				

ADDITIONAL FTE POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes _____ No X
 Budget Account No. Fund 0001 Department 600 Unit 6241 Object 5900

Reporting Category _____

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:

8/10/16 JALAL 8/9/16
OEMB RAB 8/8/16
8/8 8-8-16

N/A

Contract Dev. and Control

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

Background and Policy Issues Continued

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

1. Mr. Delgado received the subject property as a gift from his grandmother who had previously received it from a long time friend. Most of the building code violations that were cited preceded both Mr. Delgado and his grandmother's short term ownership.
2. Mr. Delgado, who received the property as a gift from his grandmother, was not in the area for much of the time due to Air Force Reserves duty. His father, who was handling the code matter for him, hired a contractor to assist in getting the building issues resolved but lacked the necessary finances at the time to continue with the building permit process.
3. Once Mr. Delgado was able to get the necessary funding together and obtain a new contractor, the new contractor pulled the required demolition permits to remove the unpermitted building additions. Mr. Delgado was unable to obtain "as built" building permits for the structural additions that had been made to the property, and the additions were finally removed and the house restored to its original permitted condition.
4. Mr. Delgado acknowledges that he should have moved more swiftly in resolving the code violation to avoid the significant code lien that is currently on the property. He, through his attorney, has agreed to the proposed lien settlement amount.
5. Mr. Delgado is in the process of selling the property and the house is currently under contract. The settlement, if approved, will be paid from the sales proceeds from the sale of the property.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of November 13, 2015 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.