

36-2

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 10, 2018

☒ 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 \$11,376 for the full satisfaction of a code enforcement lien that was entered against Pedro L. Castillo on March 2, 2016.

**Summary:** The Code Enforcement Special Magistrate (CESM) entered an Order on December 2, 2015 for property owned by Pedro L. Castillo (Mr. Castillo) giving him until January 31, 2016 to bring his property located at 14747 Orange Boulevard in Loxahatchee into full code compliance. The property had been cited for installing accessory structures and a fence without the proper 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 Mr. Castillo on March 2, 2016. The Code Enforcement Division issued an affidavit of compliance for the property on January 18, 2017 stating that as of January 17, 2017 the cited code violations had been fully corrected. The total accrued lien amount on May 3, 2018, the date on which settlement discussions began, totaled \$22,752.64, of which Mr. Castillo has agreed to pay Palm Beach County \$11,376 (50%) for full settlement of his outstanding code enforcement lien. District 6 (SF).

**Background and Justification:** The initial violation that gave rise to this code enforcement lien was for installing accessory structures and a fence without the proper building permits. The Special Magistrate gave Mr. Castillo until January 31, 2016 to bring the property into full code compliance or a fine of \$50 per day would begin to accrue. A follow-up inspection by the Code Enforcement Division on February 2, 2016 confirmed that the property was still not in compliance. A code lien was then entered against Mr. Castillo on March 2, 2016. The Code Enforcement Division issued an affidavit of compliance for the property on January 18, 2017 stating that as of January 17, 2017 the cited code violations had been corrected. The Collections Section of OFMB was originally contacted by Mr. Castillo's representative on February 13, 2017 to discuss settlement of the code lien. Collections, after extensive review, evaluation, and discussions with the Code Enforcement Division and Mr. Castillo's representative, has agreed to present a proposed settlement offer in the amount of \$11,376 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:

Department Director

Date

Approved by:

County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures					
Operating Costs					
External Revenues	(\$11,376)				
Program Income(County)					
In-Kind Match(County					
NET FISCAL IMPACT	(\$11,376)				
#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:

*Handwritten notes:*  
6/25/18  
OFMB  
6/26/18  
6-25-18  
RAJ  
6/26/18  
6/26/18

N/A   
Contract Dev. and Control

B. Legal Sufficiency:

*Signature*  
Assistant County Attorney

C. Other Department Review:

N/A   
Department Director

## **Background and Policy Issues Continued (Pedro L. Castillo)**

### **Page 3**

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

1. The violations that resulted in a code enforcement lien being placed against Mr. Castillo was for installing accessory structures and a fence without the proper building permits. In an attempt to try to keep the accessory structure, Mr. Castillo began the process of applying for an agricultural exemption classification to alleviate the permit issues.
2. When it was determined that Mr. Castillo did not qualify for an agricultural exemption classification he tried to obtain the required building permits but ran into obstacles and decided to demolish the accessory structures rather than moving forward with permits.
3. Mr. Castillo kept in contact with the respective Code Officer throughout the entire case.
4. Mr. Castillo has acknowledged that he should have moved along quicker in resolving the matter and has agreed to the proposed settlement offer.
5. The building code violations did not present any life safety issues.

An affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violations were fully corrected as of January 17, 2017 and the property is in full compliance with the CESM's Order.

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.