

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: May 7, 2019

Consent
 Workshop

Regular
 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 \$22,436 for the full satisfaction of a code enforcement lien that was entered against Linda & Michael Mignone on May 4, 2011.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on October 6, 2010 for property owned by Linda & Michael Mignone giving them until January 4, 2011 to bring their property located at 15828 92nd Way N in Jupiter into full code compliance. The property had been cited for: 1) installing/erecting a trailer/office, sheds, structures, barn, paver bricked driveway without required building permits, 2) utilizing the property for open storage, and 3) parking on a vacant property in a residential district. 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 Linda & Michael Mignone on May 4, 2011. The Code Enforcement Division issued an affidavit of compliance for the property on June 13, 2012 stating that as of June 13, 2012 the cited code violations had been fully corrected. The total accrued lien amount on July 20, 2018, the date on which settlement discussions began, totaled \$44,871.56. Linda & Michael Mignone have agreed to pay Palm Beach County \$22,436 for full settlement of their outstanding code enforcement lien. District 1 (SF).

Background and Justification: The violations that gave rise to this code enforcement lien were for: 1) installing/erecting a trailer/office, sheds, structures, barn, paver bricked driveway without required building permits, 2) utilizing the property for open storage, and 3) parking on a vacant property in a residential district. The Special Magistrate gave Linda & Michael Mignone until January 4, 2011 to bring their 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 January 7, 2011 confirmed that the property was still not in full compliance. A code lien was then entered against Linda & Michael Mignone on May 4, 2011. The Code Enforcement Division issued an affidavit of compliance for the property on June 13, 2012 stating that as of June 13, 2012 the cited code violations had been corrected. The Collections Section of OFMB was originally contacted by Mr. Mignone on July 20, 2018, to discuss a settlement. Collections, after extensive review, evaluation, and discussions with the Code Enforcement Division and the County Attorney's Office, has agreed to present the proposed settlement offer in the amount of \$22,436 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:


Department Director

4/16/19
Date

Approved by:


County Administrator

4/30/19
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures					
Operating Costs					
External Revenues	(22,436)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(22,436)				
#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

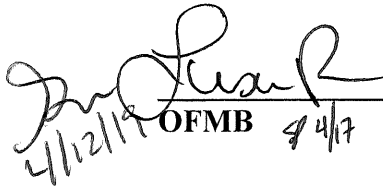
Budget Account No. Fund 0001 Department 600 Unit 6241 Object 5900

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:


4/12/19
4/4/19
ROD
4/12/19
N/A

 OFMB Contract Dev. and Control

B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

 N/A
 Department Director

Background and Justification Continued (Linda & Michael Mignone)

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

1. Mr. Mignone continued periodic contact with code enforcement as he was working to resolve the open code violations and was also in process of obtaining a zoning change for the property to a landscape nursery. He submitted the zoning change application on June 28, 2011 and his concurrency application on August 26, 2011. After he submitted all the required supplemental documents and paid the remaining balance due, he received his certificate of concurrency on June 13, 2012 and code enforcement was able to issue the affidavit of compliance. Mr. Mignone has acknowledged that he should have worked more expeditiously in resolving the code enforcement issues sooner and that he was also addressing the mortgage foreclosure which was initiated on February 28, 2011.
2. The subject violating property was eventually lost to the lender in foreclosure on December 20, 2012 (six (6) months after code compliance had been achieved).
3. Mr. & Mrs. Mignone are in the process of refinancing the senior first mortgage on their home and the proposed \$22,436 lien settlement amount will be paid from the excess proceeds.
4. The subject cross attached property is Linda & Michael Mignone's homestead property and the only one they own.
5. The 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 June 13, 2012 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.