

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

3G-1

AGENDA ITEM SUMMARY

Meeting Date: December 3, 2019

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 \$21,532 for the full satisfaction of a code enforcement lien that was entered against Jose Claudio on July 6, 2011.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on March 4, 2009 for a property owned by Jose Claudio giving him until April 3, 2009 to bring his property located at 5970 Purdy Lane into full code compliance. The property had been cited for overgrown vegetation on the property. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$100 per day was imposed. The CESM then entered a claim of lien against Jose Claudio on July 6, 2011. The Code Enforcement Division issued an affidavit of compliance for the property on September 28, 2010 stating that the cited code violations had been fully corrected. The total accrued lien amount on August 9, 2019, the date on which settlement discussions began, totaled \$43,065.20. Jose Claudio has agreed to pay Palm Beach County \$21,532 (50%) for full settlement of his outstanding code enforcement lien. District 2 (SF).

Background and Justification: The violation that gave rise to this code enforcement lien was for overgrown vegetation on the property. The Special Magistrate gave Jose Claudio until April 3, 2009 to bring his property into full code compliance or a fine of \$100 per day would begin to accrue. A follow-up inspection by the Code Enforcement Division on April 8, 2009 confirmed that the property was still not in full compliance. A code lien was then entered against Jose Claudio on July 6, 2011. The Code Enforcement Division issued an affidavit of compliance for the property on September 28, 2010 stating that the cited code violations had been corrected. The Collections Section of OFMB was contacted by Jose Claudio's attorney on August 9, 2019, 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 \$21,532 to the Board for approval.

(Continued on page 3)


Attachments: none

Recommended by:


Department Director

11/7/19
Date

Approved by:


County Administrator

11/12/19
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures					
Operating Costs					
External Revenues	(\$21,532)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$21,532)				
#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

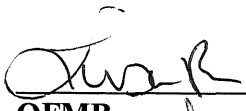
Budget Account No. Fund 0001 Department 600 Unit 6241 Object 5900

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

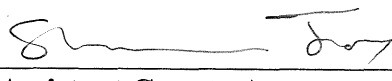
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Jm
10/17/19

 OFMB *ROD 11/7/19*

 N/A
 Contract Dev. and Control

B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

 N/A
 Department Director

Background and Justification Continued (Jose Claudio) Page 3

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

1. The violation that gave rise to this code enforcement lien being placed against Jose Claudio was for overgrown vegetation on the investment property he previously owned. During the time of the violations, the subject property was in the midst of a bank foreclosure and Mr. Claudio filed for personal bankruptcy during the same time period. The subject property was eventually lost in foreclosure on June 8, 2010 which stopped the daily accruing fines against Mr. Claudio.
2. The County's code lien, as a result of the lien's cross-attachment effect, is clouding the title of Mr. Claudio's homestead property and the only property he owns. Mr. Claudio is currently in the process of refinancing his home for which the proposed code lien settlement will be paid from the refinancing proceeds.
3. Mr. Claudio walked away from the violating property when it was being foreclosed and it remained vacant the entire time that the bank's foreclosure on the property was on-going. He wrongfully assumed that the Bank would intercede and maintain the property while it was in foreclosure.
4. The subject 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 September 27, 2010 and the property was 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.