

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-2

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 \$10,850 for the full satisfaction of a code enforcement lien that was entered against Joseph R. Wallace & Karen L. Wallace on May 2, 2018.


Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on December 6, 2017 for the property owned by Joseph R. Wallace & Karen L. Wallace giving them until January 5, 2018 to bring their property located at 17108 Fox Trail Lane into full code compliance. The property had been cited for overgrown vegetation throughout the property, open storage of trash and debris at the rear of the property, and vegetative debris throughout premises. 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 Joseph R. Wallace & Karen L. Wallace on May 2, 2018. The Code Enforcement Division issued an affidavit of compliance for the property on March 13, 2019 stating that the cited code violations had been fully corrected. The total accrued lien amount through August 30, 2019, the date on which settlement discussions began, totaled \$21,689.05. Mr. Wallace has agreed to pay Palm Beach County \$10,850, (50%) for full settlement of their outstanding code enforcement lien. District 6 (SF).

Background and Justification: The violations that gave rise to this code enforcement lien were for overgrown vegetation throughout the property, open storage of trash and debris at the rear of the property, and vegetative debris throughout premises. The Special Magistrate gave Joseph R. Wallace & Karen L. Wallace until January 5, 2018 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 9, 2018 confirmed that the property was still not in full compliance. A code lien was then entered against Joseph R. Wallace & Karen L. Wallace on May 2, 2018. The Code Enforcement Division issued an affidavit of compliance for the property on March 13, 2019 stating that the cited code violations had been corrected. The Collections Section of OFMB was originally contacted by Mr. Wallace's attorney on August 30, 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 \$10,850 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	(\$10,850)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$10,850)				
#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:

Jan Shuck 11/8/19
OFMB *RAJ* 11/7/19

N/A
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

N/A
 Department Director

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

1. The cited violations were for overgrown vegetation throughout the property, open storage of trash and debris at the rear of the property, and vegetative debris throughout premises. They were given until January 5, 2018 to comply or a daily fine in the amount of \$50 per day would begin to accrue. During the open violation period, the Wallaces were in the middle of contentious divorce proceedings and Mrs. Wallace, who continued to reside in the house, was to maintain the property pursuant to Court Orders, but did not. Mrs. Wallace had been ordered to vacate the property by the Court and violated several Orders that had been entered. Mr. Wallace, after Mrs. Wallace vacated the property earlier this year, and corrected the code violations within a few days.
2. The delays in obtaining code compliance were the result of Mrs. Wallace's disregard to Court Orders to vacate the premises, in order to allow Mr. Wallace access to the property to clean it and sell it. The property, once cleaned by Mr. Wallace, sold very quickly. It is currently under contract with a closing date pending.
3. The property is the Wallaces' homestead property, and the only property they own. It is being sold pursuant to Court Order. There will be sufficient proceeds from the the sale to pay the proposed lien settlement amount.
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 March 13, 2019 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.