

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

3G-3

AGENDA ITEM SUMMARY

Meeting Date: December 17, 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 \$50,000 for the full satisfaction of a code enforcement lien that was entered against the late Philip Castronova on July 6, 2011.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on March 2, 2011 for property owned by the late Philip Castronova giving him until May 1, 2011 to bring his property located at 6768 Turtle Point Drive into full code compliance. The property had been cited for three (3) expired building permits that needed to be reactivated or obtain new permits and have final inspections performed. 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 Philip Castronova on July 6, 2011. The Code Enforcement Division issued an affidavit of compliance for the property on June 12, 2019 stating that as of June 12, 2019 the cited code violations had been fully corrected. The total accrued lien amount on June 30, 2019, the date on which settlement discussions began, totaled \$148,326.07. The heirs of the late Mr. Philip Castronova have agreed to pay Palm Beach County \$50,000, (33.7%) for full settlement of his outstanding code enforcement lien. District 3 (SF).

Background and Justification: The violations that gave rise to this code enforcement lien were for three (3) expired building permits that needed to be reactivated or obtain new permits and have final inspections performed. The Special Magistrate gave Philip Castronova until May 1, 2011 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 May 5, 2011 confirmed that the property was still not in full compliance. A code lien was then entered against Philip Castronova on July 6, 2011. The Code Enforcement Division issued an affidavit of compliance for the property on June 12, 2019 stating that as of June 12, 2019 the cited code violations had been corrected. The Collections Section of OFMB was originally contacted by the heirs attorney on June 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 \$50,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:


Department Director

11/25/19
Date

Approved by:


County Administrator

12/11/19
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	(50,000)				
Program Income(County)					
In-Kind Match(County					
NET FISCAL IMPACT	(50,000)				
#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:

 11/25/19
OFMB 11/21/19 RAB 11/25 11/25 11/25

N/A
Contract Dev. and Control

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

N/A
Department Director

Background and Justification Continued (Philip Castronova)

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

1. A violation for the installation of lights without a required building permit was resolved on March 1, 2011 the day before the CESM hearing. The violations for the three (3) expired building permits which were originally obtained by the late Mr. Castronova as an owner/builder, still remained as cited. Two (2) of the three (3) expired building permit violations were completed within thirty (30) days after the CESM ordered compliance date leaving the one permit for the structure addition open. The remaining unresolved parts of this expired permit were for electrical and mechanical inspections that were finally completed on June 12, 2019.
2. After Mr. Castronova's death, the realtor that was hired by the estate to sell the property worked closely with code enforcement and the building division to obtain the required building permits and to get the open code violations closed. The expired 2003 building addition permit was reactivated on April 22, 2019 with final inspections being completed and a certificate of occupancy being issued on June 12, 2019.
3. The subject property was Mr. Castronova's Homestead property and the only property he owned.
4. The proceeds from the sale of this property are sufficient to pay the proposed lien settlement amount.
5. The Building Division listed the total value of the improvements at \$28,400.
6. 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 12, 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.