

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-2

AGENDA ITEM SUMMARY

Meeting Date: February 04, 2020

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 \$13,875 for the full satisfaction of a code enforcement lien that was entered against Julio C. Ruiz on July 7, 2004.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on April 7, 2004 for the property owned by Julio C. Ruiz giving him until June 6, 2004 to bring his property located at 4714 Alberta Ave into full code compliance. The property had been cited for 1) building structures in disrepair; 2) outside storage of construction materials, appliances, trash and debris; and 3) overgrown vegetation on the property. Compliance with the CESM's Order was not fully 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 Julio C. Ruiz on July 7, 2004. The Code Enforcement Division issued an affidavit of compliance for the property on March 11, 2005 stating that as of March 10, 2005 the cited code violations had been fully corrected. The total accrued lien amount through October 31, 2019, the date on which settlement discussions began, totaled \$27,750.49. Mr. Ruiz has agreed to pay Palm Beach County \$13,875, (50%) for full settlement of his outstanding code enforcement lien. District 7 (SF).

Background and Justification: The violations that gave rise to this code enforcement lien were for 1) building structures in disrepair 2) outside storage of construction materials, appliances, trash and debris and 3) overgrown vegetation. The Special Magistrate gave Julio C. Ruiz until June 6, 2004 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 June 8, 2004 confirmed that the trash and debris had been removed, the lawn has been mowed and an attempt to secure the vacant structure had been made, but the structure still remained as cited; the property was still not in full compliance. A code lien was then entered against Julio C. Ruiz on July 7, 2004. The Code Enforcement Division issued an affidavit of compliance for the property on March 11, 2005 stating that the cited code violations had been corrected as of March 10, 2005. Mr. Ruiz contacted the Collections Section of OFMB on October 31, 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 \$13,875 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:


Department Director

1/31/19
Date

Approved by:


County Administrator

1/13/20
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	(\$13,875)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$13,875)				
#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:

MF ^{12/31/19}
[Signature] 11/6/2020
 OFMB
[Signature] 12/31/19 *[Signature]* 11/6/19

 N/A
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature]

 Assistant County Attorney

C. Other Department Review:

 N/A
 Department Director

Background and Justification Continued (Julio C. Ruiz) Page 3

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

1. Mr. Ruiz resolved the trash, debris and overgrowth violations before the daily fines began. He also had begun working with a contractor to have the structure demolished, around June 2004, but the contractor was not able to start right away, and the soonest he could start was August 2004. In early August, the original contractor backed out. He then found a new contractor who was set to start in September 2004. Unfortunately, hurricane Frances hit South Florida on September 4, 2004, followed by Hurricane Jeanne on September 26, 2004. After a couple of months when things returned to normal his new contractor, in February 2005, began working on obtaining the building permit and the structure was completely removed by March 10, 2005.
2. The delays in obtaining full code compliance were the result of Mr. Ruiz not being able to find a contractor to demolish the structure. He did put up a fence to secure the property before the structure was ultimately removed.
3. After full code compliance was achieved on March 10, 2005, the property has been maintained, in conformity with the County's codes.
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 10, 2005 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.