

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

36-2

AGENDA ITEM SUMMARY

Meeting Date: April 07, 2020

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 \$13,000 for the full satisfaction of a code enforcement lien that was entered against the late Ancelmo Nieves Vera on August 6, 2008.

**Summary:** The Code Enforcement Special Magistrate (CESM) entered an order on February 6, 2008, for the property owned by the late Ancelmo Nieves Vera providing him until June 6, 2008 to bring his property located at 5986 Buccaneer Trail, West Palm Beach into full compliance. The property had been cited for accessory structure/addition without required permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$75 per day was imposed. The CESM then entered a claim of lien against Ancelmo Nieves Vera on August 6, 2008. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property on August 29, 2009 stating that the cited code violations had been fully corrected. The total accrued lien amount through January 24, 2020, the date on which settlement discussions began, totaled \$24,715.03. The heirs of the late Ancelmo Nieves Vera have agreed to pay Palm Beach County \$13,000, (53%) for full settlement of his outstanding code enforcement lien. District 2 (SF).

**Background and Justification:** The violations that gave rise to this code enforcement lien were for accessory structure/addition without required permits. The Special Magistrate provided Ancelmo Nieves Vera until June 6, 2009 to bring his property into full code compliance or a fine of \$75 per day would begin to accrue. A code lien was then entered against Ancelmo Vera on August 6, 2008. The Code Enforcement Division issued an affidavit of compliance for the property on August 29, 2009 stating that the cited code violations had been corrected as of August 29, 2009. The Collections Section of OFMB was first contacted by the heirs on January 24, 2020, to discuss a settlement. Collections, after extensive review, evaluation, and discussions with Code Enforcement Division and the County Attorney's Office, has agreed to present the proposed settlement offer in the amount of \$13,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:

  
Department Director

3/17/2020  
Date

Approved by:

  
County Administrator

3/26/2020  
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	(\$13,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$13,000)				
#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:**

Robert Brown 3/18/2020  
 OFMB 3/17/20 3/18 MJD 3/17/20  
 \_\_\_\_\_ 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 (Ancelmo N. Vera) Page 3**

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

1. The cited violation was for addition to the structure without required building permit. He was given until June 6, 2008 to comply or a daily fine in the amount of \$75 per day would begin to accrue. During the open violation period, Mr. Vera was dealing with some serious health issues. According to his heirs he had two strokes that left him partially paralyzed. During that same period he was becoming very forgetful and was unable to keep up with daily activities.
2. The delays in obtaining code compliance were the results of his health deterioration. According to the heirs (with supporting documentations), he was in early stage of dementia and was also dealing with Parkinson's disease. He was unable to care for himself and his property. In addition to his health, Mr. Vera's primary language was Spanish. He did not comprehend the content of all the documents mailed to him and was not aware of a daily fine.
3. On April 29, 2008 an affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violations were fully corrected and the property is in full compliance with the CESM's Order.
4. In January 2018, Ancelmo Nieves Vera succumbed after a long battle with health issues. The successors are in the process of selling the property for an amount of \$25,000; almost the equivalent of the lien amount.
5. The subject code violations did not present any life safety issues.

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.