

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-3

AGENDA ITEM SUMMARY

Meeting Date: May 5, 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 \$21,000 for the full satisfaction of a code enforcement lien that was entered against Dean A. Ernst on February 5, 2014.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on October 2, 2013 for the property owned by Dean A. Ernst giving him until December 1, 2013 to bring his property located at 4653 Holly Lake Dr., Lake Worth into full code compliance. The property had been cited for exterior structure disrepair. 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 Dean A. Ernst on February 5, 2014. The Code Enforcement Division issued an affidavit of compliance for the property on November 18, 2016 stating that as of November 17, 2016 the cited code violation had been fully corrected. The total accrued lien amount through December 10, 2019, the date on which settlement discussions began, totaled \$54,139.15. Mr. Ernst has agreed to pay Palm Beach County \$21,000, (39%) for full settlement of their outstanding code enforcement lien. District 2 (SF).

Background and Justification: The violations that gave rise to this code enforcement lien were for exterior structure disrepair. The Special Magistrate gave Dean A. Ernst until December 1, 2013 to bring his 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 December 5, 2013 confirmed that the property was still not in full compliance. A code lien was then entered against Dean A. Ernst February 5, 2014. The Code Enforcement Division issued an affidavit of compliance for the property on November 18, 2016 stating that as of November 17, 2016 the cited code violation had been fully corrected. The Collections Section of OFMB was originally contacted by Mr. Ernst on December 10, 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 \$21,000 to the Board for approval.

(Continued on page 3)

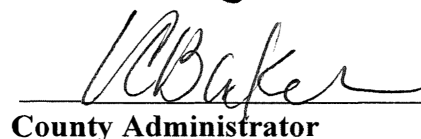
Attachments: none

Recommended by:


Department Director

3/31/2020
Date

Approved by:


County Administrator

4/2/2020
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	(\$21,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$21,000)				
#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:

[Handwritten Signature] 3/31/2020
 OFMB NYJ 3/31/2020
 Rad 3/31/20

 N/A
 Contract Dev. and Control

B. Legal Sufficiency:

/s/ Shannon Fox
 Assistant County Attorney

C. Other Department Review:

 N/A
 Department Director

(This summary is not to be used as a basis for payment)

Background and Justification Continued (Dean A. Ernst) Page 3

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

1. During 2008 through the end of 2012, Mr. Ernst was unemployed. He did not neglect his property maintenance voluntarily. His financial hardship was the main reason he could not keep up with all repairs on the property. The exterior structure was deteriorated because of poor maintenance.
2. In addition, he was behind on his HOA dues and his mortgage payments. His lender initiated foreclosure against the property.
3. He became employed at the beginning of 2013, but, could not address the repairs in a timely manner. As a result, a code violation was placed against his property for maintenance.
4. The subject code violation 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 November 17, 2016 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.