

36-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 16, 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 \$4,000 for the full satisfaction of a code enforcement lien that was entered against Jon Melchiori on August 26, 2008.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on May 7, 2008, for the property owned by Jon Melchiori providing him until July 7, 2008 to bring his property located at 17724 88th Road North, Loxahatchee into full compliance. The property had been cited for openly keeping/storing shipping containers without permits. 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 Jon Melchiori on August 26, 2008. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property stating that the cited code violations had been fully corrected as of April 8, 2009. The total accrued lien amount through January 31, 2020, the date on which settlement discussions began, totaled \$13,984.32. Jon Melchiori has agreed to pay Palm Beach County \$4,000, (29%) for full settlement of his outstanding Code Enforcement lien. District 6 (SF).

Background and Justification: The violations that gave rise to this Code Enforcement lien were for openly keeping/storing shipping containers without permits. The Special Magistrate provided Jon Melchiori until July 7, 2008 to bring his property into full code compliance or a fine of \$50 per day would begin to accrue. A code lien was then entered against Jon Melchiori on August 26, 2008. The Code Enforcement Division issued an Affidavit of Compliance for the property on April 22, 2009 stating that as of April 8, 2009 the cited code violations had been corrected. The Collections Section of OFMB was first contacted by Mr. Melchiori on January 31, 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 \$4,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by: Sherry Brown 5/28/2020
Department Director Date

Approved by: J. Baker 6/2/2020
County Administrator 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	(\$4,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$4,000)				
#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:

RAJ OFMB *5/26/20*
6/1/20 *MYJ* *5/26/2020*

N/A
Contract Dev. and Control

B. Legal Sufficiency:


 Assistant County Attorney

C. Other Department Review:

N/A
 Department Director

Background and Justification Continued (Jon Melchiori) Page 3

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

1. During the month of January 2008, at the request of his neighbor for help, Mr. Melchiori allowed his neighbor to move two (2) shipping containers to his property. At that time, Mr. Melchiori was unaware that his neighbor was in violation with Code Enforcement for having these containers on his property without permits. Melchiori thought he was just being a good neighbor and helping a friend.
2. After his neighbor moved these containers to the property, Code Enforcement started a case on him for the same shipping containers. He believed that his mail from Code Enforcement was deliberately being taken or misplaced to keep him from finding out about the violation from Code Enforcement and he attested that he never received mail from Code Enforcement. Notes from his case stated that notices were returned unclaimed by Post Office.
3. In April of 2009, a code officer was at Mr. Melchiori's property for a site visit and had a brief conversation with Mr. Melchiori. The officer indicated that the owner (Melchiori) seems not aware of the violations. When he asked Mr. Melchiori about the containers, he replied vaguely that they were removed a couple months ago. According to the officer it appeared that he was not aware that he had a lien accruing daily fines. The property is Mr. Melchiori's homestead.
4. Mr. Melchiori paid \$700 to get these shipping containers removed from his property to his neighbor's property. At this moment, Mr. Melchiori is in the process of refinancing his home and the lien is stopping him from closing on his transaction. The property is Mr. Melchiori's homestead property and the only property he owns.

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.