

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

36-3

AGENDA ITEM SUMMARY

Meeting Date: November 17, 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 \$75,000 for the full satisfaction of a code enforcement lien that was entered against John Dvoracek on May 22, 2007.

**Summary:** The Code Enforcement Special Magistrate (CESM) entered an order on November 1, 2006, for the property owned by John Dvoracek providing him until March 1, 2007 to bring his property located at 5563 State Road 7, Lake Worth, FL into full compliance. The property had been cited for property maintenance, building disrepair, overgrown vegetation, trash/debris and inoperative and/or unlicensed vehicles. 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 John Dvoracek on May 22, 2007. 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 May 21, 2019. The total accrued lien amount through September 04, 2020, the date on which settlement discussions began, totaled \$725,133.41. The heirs of late John Dvoracek have agreed to pay Palm Beach County \$75,000, (10%) for full settlement of their outstanding Code Enforcement lien. District 6 (SF).

**Background and Justification:** The violations that gave rise to this Code Enforcement lien were for property maintenance, building disrepair, overgrown vegetation, trash/debris and inoperative and/or unlicensed vehicles. The Special Magistrate provided John Dvoracek until March 1, 2007 to bring their property into full code compliance or a fine of \$50 per day would begin to accrue. A code lien was then entered against John Dvoracek on May 22, 2007. The Code Enforcement Division issued an Affidavit of Compliance for the property on May 21, 2019 stating the cited code violations had been corrected. The Collections Section of OFMB was first contacted by Anthony Arsaly of Arsaly LLC representing Dvoracek Estate and Heirs on September 9, 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 \$75,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:

  
Department Director

10/28/2020  
Date

Approved by:

  
County Administrator

10/30/2020  
Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures					
Operating Costs					
External Revenues	(\$75,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$75,000)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

Is Item Included In Current Budget? Yes X No       
 Does this item include the use of federal funds? Yes      No X

Budget Account No. Fund 0001 Department 600 Unit 6241 RSRC 5900

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review:**

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**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

*Joe Martin 10/29/20*  
 OEMB  
*10/28* *RAJ 10/28/20* *AP MYD 10/27/20*  
*10/28*

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 (John Dvoracek) Page 3**

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

1. The violation that resulted in a Code Enforcement lien being placed against Mr. Dvoracek was for property maintenance, building disrepair, overgrown, trash/debris and inoperative and/or unlicensed vehicles.
2. Mr. Dvoracek initially cleared the building issue around June 2007, but the remaining violations were still remain on the property. A follow-up inspection on June 23, 2020 revealed that the property was in full compliance as of May 21, 2019.
3. On May 22, 2009, Mr. Dvoracek passed away, the property was passed into his five (5) children, who have been responsible for the property ever since and no other violations have been registered.
4. The heirs of late John Dvoracek are currently in the process of selling this property and the proceeds from the sale will be sufficient to pay this proposed Code Lien Settlement.
5. An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of May 21, 2019 and the property is in full compliance with the CESM's Order. Further, the cited violation did not involve 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.