

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: February 2, 2021

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 \$40,000 for the full satisfaction of a code enforcement lien that was entered against Alba Nieves on August 3, 2016.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on June 1, 2016 for the property owned by Alba Nieves providing her until July 1, 2016 to bring her property located at 4025 Browning Drive N., West Palm Beach, FL into full compliance. The property had been cited for open storage; inoperable vehicles, appliances, glass, building material, construction debris, automotive parts, tires, vegetative debris, garbage, trash or similar items and overgrown vegetation. 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 Alba Nieves on August 3, 2016. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property on July 2, 2020 stating that the cited code violations had been fully corrected as of July 1, 2020. The total accrued lien amount through August 31, 2020, the date on which settlement discussions began, totaled \$86,150, of which Mrs. Nieves has agreed to pay Palm Beach County \$40,000, (46%) 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 open storage; inoperable vehicles, appliances, glass, building material, construction debris, automotive parts, tires, vegetative debris, garbage, trash or similar items and overgrown vegetation. The Special Magistrate provided Alba Nieves until July 1, 2016 to bring her property into full code compliance or a fine of \$50 per day would begin to accrue. The Code Enforcement Division issued an Affidavit of Compliance for July 1, 2020. The Collections Section of OFMB was first contacted by Candace Medina on August 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 \$40,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:


Department Director

1/7/2021
Date

Approved by:


County Administrator

1/19/21
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	(\$40,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$40,000)				
#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 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:

Suz Monte 11/2/21
 OFMB
AP 11/7
MYD 11/7/21
AP 11/7
Raf 11/7/21

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 (Alba Nieves) Page 3

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

1. On January 04, 2016, the Code Enforcement Division received complaints regarding openly stored trash and debris, inoperable vehicles, appliances, construction materials, overgrown vegetation, and improperly parked trailer(s) at 4025 Browning Drive N., West Palm Beach. Site inspection confirmed the violations and on January 15, 2016, Notice of Violation(s) were issued and properly serviced. Three months later, the easily correctable violations remained, owner was issued a Notice of Hearing. All Code Enforcement notices were sent to the address of record listed on the Property Appraiser's records. The respondent was not present at the hearing. The case was heard before a Special Magistrate on June 1, 2016, where the Magistrate provided an additional month to bring the property into compliance.
2. Compliance for the investment property owned by Ms. Alba Nieves was not met by the deadline provided by the Magistrate Order, and a fine in the amount of \$50 per day was imposed and began to accrue.
3. The owner has acknowledged responsibility regarding the lengthy delay in correcting the code violations on her investment property. Also, the garbage and debris negatively impacted the adjacent properties during those (4) years. Mrs. Nieves has agreed to pay \$40,000 (46%) to settle her \$86,150 code lien.
4. Mrs. Nieves is in the process of selling her investment property and the proposed \$40,000 settlement amount will be paid from proceeds of the sale.
5. An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of July 1, 2020 and the property is in full compliance with the CESM's Order. Further, the cited violations 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.