

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

3G-4

AGENDA ITEM SUMMARY

Meeting Date: March 9, 2021

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 \$25,000 for the full satisfaction of a code enforcement lien that was entered against Zeida Alfonso and Jorge Alfonso on March 5, 2014.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on December 4, 2013, for the property owned by Zeida Alfonso & Jorge Alfonso providing them until January 3, 2014 to bring their property located at 5416 Cannon Way, West Palm Beach, FL into full compliance. The property had been cited for erecting/installing a shed without first obtaining required building 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 Zeida Alfonso & Jorge Alfonso on March 5, 2014. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property on May 12, 2020 stating that the cited code violations had been fully corrected as of May 12, 2020. The total accrued lien amount through November 30, 2020, the date on which settlement discussions began, totaled \$152,205.38. The heirs of the late Zeida & Jorge Alfonso have agreed to pay Palm Beach County \$25,000, (16%) 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 erecting/installing a shed without first obtaining required building permits. The Special Magistrate provided Zeida Alfonso and Jorge Alfonso until January 3, 2014 to bring their 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 the property on May 12, 2020 stating the cited code violations had been corrected as of May 12, 2020. The Collections Section of OFMB was first contacted by Neyita Fuentes-Leiva the representative for Jorge R. Alfonso & Vivian L. Alfonso-Torres on November 30, 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 \$25,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:


Department Director

Date

2/5/2021

Approved by:


County Administrator

Date

2/11/21

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures					
Operating Costs					
External Revenues	(\$25,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$25,000)				
#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:

Steve Mante 2/8/21
OFMB *AP 2/7* N/A
Raf 2/5/21 *MSJ 2/5/21* *AW 2/5*
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature]
 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 (Zeida Alfonso & Jorge Alfonso) Page 3

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

1. The violations that resulted in a code enforcement lien being placed against Mr. & Mrs. Alfonso were for erecting/installing a shed without first obtaining required building permits. Several correspondences were sent to the property with no response from the respondents.
2. The son of the owners became aware of the violations and contacted Code Enforcement on July 10, 2013. He reported that his parents were elderly and neglected to tell him about the violations. He then requested extra time in order to bring the property into full compliance. Code Enforcement allowed him an extra thirty days (30 days) by pushing the compliance date to August 7, 2013. He corrected some of the violations, but the building permit violations remained. Mr. Alfonso's son reported that his father became very ill during that time, and all their focus was shifted toward him. Mr. Alfonso passed away on April 6, 2018, after a long battle with health issue. About two (2) years later (January 2020), the mother (Mrs. Alfonso) also passed away. As a result, obtaining code compliance was delayed due to the health deterioration of both parents and subsequently their passing.
3. The heirs of Mr. and Mrs. Alfonso are in the process of refinancing the property and have agreed to pay Palm Beach County \$25,000 in exchange for a Full Release of the lien.
4. An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of May 12, 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.