PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS 36-1

AGENDA ITEM SUMMARY

Meeting Date: June 8, 2021	[X] Consent	[] Regular	
	[] Wo	orkshop	[] Public Hearing
Department: Office of Financial N	Management and Bud	dget	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a negotiated settlement offer in the amount of \$20,000 for the full satisfaction of a code enforcement lien that was entered against Mark H. and Tonya M. Pignato on September 4, 2013.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on June 5, 2013 for the property owned by Mark H. and Tonya M. Pignato providing them until July 5, 2013 to bring their property located at 765 Whippoorwill Isle N., West Palm Beach, FL into full compliance. The property had been cited for livestock in a residential area and erecting/installing roofed, wooden cage type structure without 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 Mark H. and Tonya M. Pignato on September 4, 2013. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property on February 12, 2021 stating that the cited code violations had been fully corrected as of February 8, 2021. The total accrued lien amount through March 5th, 2021, the date on which settlement discussions began, totaled \$164,270.02. Mark H. and Tonya M. Pignato have agreed to pay Palm Beach County \$20,000 (12%) for full settlement of their outstanding Code Enforcement lien. <u>District 6</u> (SF).

Background and Justification: The violations that gave rise to this Code Enforcement lien were for livestock in a residential area and erecting/installing roofed, wooden cage type structure without obtaining required building permits. The Special Magistrate gave Mark H. and Tonya M. Pignato until July 5, 2013 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 Mark H. and Tonya M. Pignato on September 4, 2013. The Code Enforcement Division issued an Affidavit of Compliance for the property on February 12, 2021 stating the cited code violations had been corrected as of February 8, 2021. The Collections Section of OFMB was first contacted by Mr. Pignato on March 5th, 2021 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 \$20,000 to the Board for approval.

(Continued on page 3)

Attachments: none		
Recommended by:	Shunghon	5/19/2021
	Department Director	Date
Approved by:	1-	5/24/21
	County Administrator	Date /

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2021	2023	2024	2025
Capital				 	
Expenditures					}
Operating Costs					
External					
Revenues	(\$20,000)				
Program					
Income(County)					
In-Kind					1
Match(County					
NET FISCAL	(000 000)				
IMPACT	(\$20,000)		 		<u> </u>
#ADDITIONAL					
FTE			 		
POSITIONS (CUMULATIVE)					
CUMULATIVE			<u> </u>	<u> </u>	L.,
3. Recommend	led Sources of F	Tunds/Summ	ary of Fiscal It	npact:	
C. Department	al Fiscal Reviev		COMMENTS		
A. OFMB Fisca	al and/or Contr			nents:	
OFMB (I)	late 5/19/20 -5/13/21 9A 5	1921 US 5/13/2	Cont	N/A tract Dev. and C	ontrol
B. Legal Suffic	ciency:	31			
Assistant Co	ounty Attorney				

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

N/A

Department Director

Background and Justification Continued (Mark H. and Tonya M. Pignato) Page 3

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

- 1. The initial notice of violations was entered on January 31, 2013 for livestock in a residential area and erecting/installing roofed, wooden cage type structure without obtaining required building permits. A Code Enforcement Special Magistrate Hearing was held on June 5, 2013 and the Pignatos were given (30 days) until July 5, 2013 to reach compliance. During a site inspection on July 8, 2013, it appeared that the chickens were gone, but the coop remained on the property and no permit was registered with the building department.
- 2. Per Mr. Pignato, the major contributing factors that resulted in the delay for obtaining compliance were due to the death of his parents and the end of his marriage.
- 3. Mr. Pignato is currently in the midst of refinancing his home to lower the existing interest rate on the mortgage. The County's Code Enforcement lien must be satisfied before the refinancing can proceed.
- **4.** The subject property is Mr. Pignato's homestead property and the only property that he owns.
- 5. The code violations did not involve any life safety issues and did not adversely impact the neighboring property owners

An affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violations were fully corrected as of February 8, 2021 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.