

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: July 12, 2022

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 \$15,000 for the full satisfaction of a code enforcement lien that was entered against Daniel A. and Sueann Elefante on April 1, 2009.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on January 7, 2009 for the property owned by Daniel A. and Sueann Elefante providing them until February 6, 2009 to bring their property located at 590 Seagrape Rd, Lake Worth, FL into full compliance. The property had been cited for 1) overgrown landscape and vegetation in the front and back yards; 2) windows and doorframes in disrepair throughout the property; 3) address sign not posted; and 4) driveway in disrepair. 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 Daniel A. and Sueann Elefante on April 1, 2009. 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 December 3, 2021. The total accrued lien amount through March 30, 2022, the date on which settlement discussions began, totaled \$360,474.40. Mrs. Elefante has agreed to pay Palm Beach County \$15,000 (4%) for full settlement of their outstanding Code Enforcement lien. District 7 (SF).

Background and Justification: The violations that gave rise to this Code Enforcement lien were 1) overgrown landscape and vegetation in the front and back yards; 2) windows and doorframes in disrepair throughout the property; 3) address sign not posted; and 4) driveway in disrepair. The Special Magistrate provided Daniel A. and Sueann Elefante until February 6, 2009 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 stating the cited code violations had been corrected as of December 3, 2021. The Collections Section of OFMB was first contacted by Dylan J. Brandenburg, Esq., Legal Representative for Mrs. Elefante, on March 30, 2022 to discuss a settlement. After extensive review, evaluation, and discussions with the Code Enforcement Division and County Attorney's Office, Collections has agreed to present the proposed settlement offer in the amount of \$15,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:


Department Director

6/17/2022
Date

Approved by:


County Administrator

7/8/22
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs					
External Revenues	(\$15,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$15,000)				
#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:

Luc Mart 6/22/22
 OFMB
MG 6/16/22
MG 6/22/22

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 (Daniel A. and Sueann Elefante) 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. Elefante were overgrown landscape and vegetation in the front and back yards, broken windows and doorframes throughout the property, missing address numbers, and driveway in disrepair.
2. Mr. Elefante passed away in July of 2006 after a long battle with health issues. Upon his passing, Mrs. Elefante became the sole owner of the property. The violations originated in September of 2008.
3. When the violations began in 2008, the property was vacant. Upon inspection on May 04, 2010, the Code Officer reported that the house was occupied and majority of the violations had been corrected, except for the driveway that remained in disrepair. According to Mrs. Elefante, she renovated the property without any knowledge of the citations, and the reason the driveway was not done at the same time was due to financial hardship.
4. Mrs. Elefante reported that the tenants did not inform her of the notices posted at the location by the Code Officer. Had she been aware of the citations, she would have contacted Code Enforcement for instructions. As a result, the \$50 daily fine continued to accrue until she was made aware of the issue in November 2021. When she received information about the violations and accrued fines, she requested an inspection and obtained an Affidavit of Compliance (AOC) for the property.
5. Mrs. Elefante is an elderly widow and she uses the property as a rental; it's her main source of income. She wishes to settle the debt and obtain a release of lien for the property.
6. An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of December 3, 2021 and that the property was 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.