

3G-5

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 3, 2022

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 \$19,000 for the full satisfaction of a code enforcement lien that was entered against Alejandro Saravia and Rina Soriano on July 1, 2009.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on April 1, 2009 for the property owned by Alejandro Saravia and Rina Soriano providing them until May 1, 2009 to bring their property located at 6201 Honeywood Way, Lake Worth, FL into full compliance. The property had been cited for exterior structure 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 Alejandro Saravia and Rina Soriano on July 1, 2009. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property on March 10, 2022 stating that the cited code violations had been fully corrected as of March 10, 2022. The total accrued lien amount through March 17, 2022, the date on which settlement discussions began, totaled \$356,083.86. Mr. Saravia and Mrs. Soriano have agreed to pay Palm Beach County \$19,000 (5%) for full settlement of their outstanding Code Enforcement lien. District 3 (SF).

Background and Justification: The violations that gave rise to this Code Enforcement lien were for exterior structure in disrepair. The Special Magistrate provided Alejandro Saravia and Rina Soriano until May 1, 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 March 10, 2022. The Collections Section of OFMB was first contacted by Alejandro Saravia on March 17, 2022 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 \$19,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by: Sherry Brown 4/6/2022
Department Director Date

Approved by: W. Baker 4/13/22
County Administrator 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	(\$19,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(19,000)				
#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:

Jose M. ... 4/7/22
 OFMB JA *4/6/22*
RAJ 4/5/22 *MG 4/7/22*
MG 4/5/22

 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 (Alejandro Saravia and Rina Soriano) Page 3

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

1. A notice of violation was issued on January 14, 2009 for fence in disrepair. A Code Enforcement Hearing was later held on April 1, 2009 at which Mr. Saravia & Mrs. Soriano were absent and were given until May 1, 2009 to come into compliance or a fine of \$50 per day would begin to accrue.
2. According to Mrs. Soriano, she wasn't aware that a daily fine was accruing due to the unresolved violations. However, per Code Enforcement's case notes, the property was occupied by a tenant during the Code Officer's visit on March 23, 2009. At that time, the tenant called Mrs. Soriano who advised the Code Officer (CO) to contact Mr. Soriano to further discuss the matter. The CO then called Mr. Soriano and left two voice messages with no call back. Unfortunately, 13 years have passed, and the fines have increased considerably.
3. Mrs. Soriano recently put the property up for sale and the title company made them aware of the code lien that was placed on the property.
4. Although Mr. Saravia and Mrs. Soriano did not achieve code compliance by the ordered date of May 1, 2009, they moved quickly to resolve the issue when the title company brought it to their attention.
5. An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of March 10, 2022 and that the property was in full compliance with the CESM's Order. Further, the cited violation did not involve any life/safety issues.
6. The proposed settlement will be paid from the sales proceeds which will be held in escrow pending the agenda item's approval by the Board of County Commissioners.

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.