

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

3G-1

AGENDA ITEM SUMMARY

Meeting Date: June 7, 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 \$15,000 for the full satisfaction of three (3) Code Enforcement liens that were entered against Deyanira Soto on July 10, 2019 and August 7, 2019.

Summary: The Code Enforcement Special Magistrate (CESM) entered two (2) separate Orders on August 15, 2018 and October 5, 2018 for the property owned by Deyanira Soto providing her a reasonable amount of time to take certain corrective actions to bring her property located at 4981 Carver St, Lake Worth, FL into full compliance. The property had been cited for several code violations that resulted in three separate code liens. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$75 per day was imposed for each case. The CESM then entered two (2) claim of liens against Deyanira Soto on July 10, 2019 and one (1) on August 7, 2019. The Code Enforcement Division issued the final Affidavit of Compliance (AOC) for the property on February 10, 2022 stating that the cited code violations had been fully corrected. The total accrued lien amount through April 14, 2022, the date on which settlement discussions began, totaled \$198,857.44. Deyanira Soto has agreed to pay Palm Beach County \$15,000 (7.5%) for full settlement of her outstanding Code Enforcement liens. District 3 (SF).

Background and Justification: The violations that gave rise to the three (3) Code Enforcement liens were for numerous construction works without obtaining required building permits, openly stored trash and debris, and inoperative/unlicensed vehicles. On August 15, 2018, the Special Magistrate provided Deyanira Soto until August 30, 2018 to correct one of the violations and until December 13, 2018 to correct all violations or a fine of \$75 per day for each case would begin to accrue. A separate Order for additional code violations was entered on October 3, 2018 providing Ms. Soto until January 31, 2019 to bring the property into full compliance or an additional fine of \$75 per day would begin accruing as set forth in that Order. The Code Enforcement Division issued three (3) separate Affidavits of Compliance (AOC) for the property on October 28, 2019, February 12, 2021, and February 10, 2022 stating that the cited code violations had been fully corrected as of October 25, 2019, February 8, 2021, and lastly, February 10, 2022. The Collections Section of OFMB was first contacted by Deyanira Soto on April 14, 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 \$15,000 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:


Department Director

5/9/2022
Date

Approved by:


County Administrator

5/26/22
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:

ASDC DL 5/9/22 N/A
 OFMB MA 5/9/22 Contract Dev. and Control
 RW 5/5/22 MYJ

B. Legal Sufficiency: 5/4/22

[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 (Deyanira Soto) Page 3

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

1. The violations that resulted in the Code Enforcement liens being placed against Ms. Soto were for construction without first obtaining required building permits, openly stored trash and debris, and inoperative/unlicensed vehicles.
2. Ms. Soto reported that the delay in reaching compliance was due to the fact that the property was occupied by tenants with children, which caused the eviction process to take longer than usual. She could not have them removed from the property along with their belongings (unlicensed vehicles and debris).
3. When the tenants moved out of the property, Ms. Soto kept regular contact with the Code Enforcement Officer (CEO), and she was continuously working to obtain the required building permits. However, due to the pandemic, it took the Building department longer to review the plan causing additional delays in resolving the issues. In addition, around July 2020, a car crashed into the property causing major structural damage. Ms. Soto had to file an insurance claim which took almost a year to get a settlement to fix the damages caused by the accident.
4. Although Ms. Soto did not resolve the issues by the CESM's ordered compliance date, she showed due diligence in taking care of the code violations. Affidavits of Compliance were issued in 2019 and 2021 for some of the violations, and only the permits violations remained.
5. The final Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of February 10, 2022 and that the property was in full compliance with all of the CESM's Orders. 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.