

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

363

AGENDA ITEM SUMMARY

Meeting Date: July 11, 2023

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 \$30,000 for the full satisfaction of a code enforcement lien executed against Jean R. Tournesy and Kemeisha Clarke on August 2, 2017.

Summary: The Code Enforcement Special Magistrate (CESM) executed an order on March 3, 2017 for the property owned by Jean R. Tournesy and Kemeisha Clarke giving them until April 30, 2017 to bring their property located at 17184 75th Place N., Loxahatchee, Florida into full code compliance. The property was cited for a storage building installed without a building permit, two expired permits, and several accessory structures in disrepair. Compliance with the CESM's order was not achieved, and a fine of \$50 per day was imposed. The CESM executed an order imposing a code lien against Jean R. Tournesy and Kemeisha Clarke on August 2, 2017. The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on April 19, 2023. The total fine on May 4, 2023 was \$109,020.80, the date on which settlement discussions began. Jean R. Tournesy and Kemeisha Clarke have agreed to pay Palm Beach County \$30,000 (28%) for full settlement of their outstanding code enforcement lien. District 6 (RS)

Background and Justification: The property was cited for a storage building installed without a building permit, two expired permits, and several accessory structures in disrepair. The notice of violation was executed on July 11, 2016 with a compliance date of September 12, 2016. Compliance was later extended to October 19, 2016 due to the owner's inability to reach the Code Officer who had left employment with the County. A site visit on October 19, 2016 revealed that the property was still in violation.

The hearing was originally scheduled for January 12, 2017 but was postponed to March 01, 2017 due to a change in the owner's mailing address. The CESM gave Mr. Tournesy and Ms. Clarke until April 30, 2017 to bring the property into full code compliance or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on May 5, 2017 confirmed that the property was still not in compliance. An order imposing a code lien was executed on August 2, 2017 and was recorded on September 29, 2017.

Mr. Tournesy and Ms. Clarke are in the process of selling the property and contacted the Collections Section of OFMB on May 4, 2023 to discuss settlement of the code lien. Mr. Tournesy and Ms. Clarke understand that they should have handled the matter in a timely manner to avoid the fines but placed the repairs on hold due to financial hardship. This is a non-homestead property.

Settlement offers that reduce any debt amount due to Palm Beach County by more than \$2,500 require the approval of Board, per Countywide PPM# CW-F-048.

Attachments: none

Recommended by:


Department Director

6/12/2023
Date

Approved by:


County Administrator

6/14/23
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures					
Operating Costs					
External Revenues	(30,000)				
Program Income (County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(30,000)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

Is Item Included In Current Budget? Yes No
 Does this item include the use of federal funds? Yes No

Budget Account No.: Fund 0001 Department 640 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:

ASD De 6/12/23
 OFMB
 [Signature] 6/12/23
 JAMB

 N/A
 Contract Dev. and Control

B. Legal Sufficiency: [Signature] 6/12/23

[Signature] 6/12/23
 Assistant County Attorney

C. Other Department Review:

 N/A
 Department Director

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