

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

3G-6

AGENDA ITEM SUMMARY

Meeting Date: August 22, 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 \$10,000 for the full satisfaction of a code enforcement lien entered against Janusz and Urszula Nalepa on July 1, 2009.

**Summary:** The Code Enforcement Special Magistrate (CESM) executed an order on January 7, 2009 for the property owned by Janusz and Urszula Nalepa, giving them until April 7, 2009 to bring their property located at 9477 Pinto Drive, Lake Worth, FL into full code compliance. The property was cited for the installation of a fence, column, and gate without required building permits. In addition, the permit for the construction of a pool had expired.

Mr. Nalepa was present at the hearing on January 7, 2009. He was given 90 days to comply with the CESM's order, or a fine of \$50 per day would begin to accrue. A follow up inspection on April 8, 2009 confirmed that the property remained as cited. Compliance with the CESM's order was not achieved, and the daily fine was imposed. The CESM executed an order imposing a code lien against Janusz and Urszula Nalepa on July 1, 2009 and was recorded on September 10, 2009.

The Code Enforcement Division (Code Enforcement) completed six site inspections between 2008 and 2016. It issued an affidavit of compliance for the property on October 13, 2016 stating that the cited violations were corrected as of August 18, 2016, and the fines stopped. The total fines on May 23, 2023 was \$119,415.80, the date on which settlement discussions began. Urszula Nalepa has agreed to pay Palm Beach County \$10,000 (8%) for full settlement of the outstanding code enforcement lien. **District 6 (SF)**

**Background and Justification:** Mrs. Nalepa reported that her husband passed away from health complications in December 2012. At the time, the property remained out of compliance due to financial hardships. In October 2015, the property went into foreclosure. Palm Beach County was named a defendant during the foreclosure, and our interest in the property was extinguished. However, the lien remained attached to Mrs. Nalepa's name and all other properties she owned.

Mrs. Nalepa was in the process of selling a crossed-attached property when she contacted the Collections Section of OFMB on May 23, 2023 to discuss settlement of the code lien. The closing of said property concluded on May 24, 2023. The title company is currently holding the total amount of the fines (\$119,415.80) in escrow, pending Board approval of the agreed settlement amount. The cited property was a homestead property at the time of ownership.

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

7/25/2023  
Date

Approved by:

  
County Administrator

7/27/23  
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	(10,000)				
Program Income (County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(10,000)				
#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 600 Unit 6241 Object 5900

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review:**

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**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

*Supra* 7/25/23  
 7/25/23 OFMB  
 7/28/26 MFS  
 7/25/23

\_\_\_\_\_  
 N/A  
 Contract Dev. and Control

**B. Legal Sufficiency:**

*[Signature]*  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 N/A  
 Department Director

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