

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 7, 2024

- 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 \$11,513 for the full satisfaction of a code enforcement lien entered against Donald W. Miller and Prosperity Bay Village Homeowners Association, Inc. on January 15, 2020.

Summary: On July 10 2019, a Code Enforcement Special Magistrate (CESM) issued an order giving Donald W. Miller and Prosperity Bay Village Homeowners Association, Inc. until November 7, 2019 to bring the property located at 2347 Prosperity Bay Court, Palm Beach Gardens into full code compliance. Violations imposed against the property included exterior structure disrepair to both the pool retaining walls and garage door along with a boat dock, roof structure and boat lift installed without permits. Compliance with the CESM’s Order was not timely achieved, and a fine of \$75 per day was imposed. The CESM executed an order imposing a code lien against Donald W. Miller and Prosperity Bay Village Homeowner’s Association Inc. on January 15, 2020.

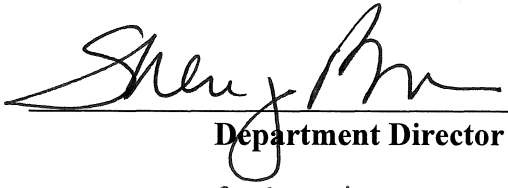
The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on January 19, 2024. Settlement discussions began on March 1, 2024, when the total accrued fines amounted to \$115,121.45. Mr. James Burns, Esq., the legal representative for Mr. Miller’s estate, has agreed to pay Palm Beach County \$11,513 (10%) for full settlement of the outstanding code enforcement lien. **District 1 (SF).**


Background and Justification: Mr. Miller purchased the property in April 2002. Almost 14 years later, the property experienced some deterioration due to poor maintenance. The Homeowners Association contacted Code Enforcement about the property. Between 2016 thru 2021, Code Enforcement visited and inspected the property five times. The violations were not cured, and the County recorded a lien against the property owner and the association.

According to the legal representative for the family, Mr. Miller was dealing with some health issues and could not resolve the violations in a timely manner and died in January 2023. The property was his homestead. The legal representative; James C. Burns, Esq., contacted the Office of Financial Management and Budget to discuss settlement of the lien. On behalf of the family, Ms. Miller agreed to pay Palm Beach County \$11,513 (10%).

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:  4/8/2024
Department Director Date

Approved by:  4/9/24
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures					
Operating Costs					
External Revenues	(11,513)				
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	(11,513)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

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

III. REVIEW COMMENTS

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

Lise Marie 4/9/2024
4/8 OFMB *PA 4/8*
JB 4/8

 N/A
 Contract Dev. and Control

B. Legal Sufficiency:

My
4/8/2024

 Assistant County Attorney

C. Other Department Review:

 N/A
 Department Director