

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-2

AGENDA ITEM SUMMARY

Meeting Date: October 20, 2020

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 \$50,505 for the full satisfaction of a code enforcement lien that was entered against Michael T. Reimer & Tracey K. Reimer on August 8, 2012.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on February 1, 2012, for the property owned by Michael T. Reimer & Tracey K. Reimer providing them until May 31, 2012 to bring their property located at 4672 Bucida Rd, Boynton Beach into full compliance. The property had been cited for erecting/installing patio/roof structure in the rear yard without obtaining required building permits. 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 Michael T. Reimer & Tracey K. Reimer on August 8, 2012. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property stating that the cited code violations had been fully corrected as of July 8, 2020. The total accrued lien amount through July 20, 2020, the date on which settlement discussions began, totaled \$202,017.35 Michael T. Reimer & Tracey K. Reimer has agreed to pay Palm Beach County \$50,505, (25%) for full settlement of their outstanding Code Enforcement lien. District 4 (SF).

Background and Justification: The violations that gave rise to this Code Enforcement lien were for erecting/installing patio/roof structure in the rear yard without obtaining required building permits. The Special Magistrate provided Michael T. Reimer & Tracey K. Reimer until May 31, 2012 to bring their property into full code compliance or a fine of \$50 per day would begin to accrue. A code lien was then entered against Michael T. Reimer & Tracey K. Reimer on August 8, 2012. The Code Enforcement Division issued an Affidavit of Compliance stating the cited code violations had been corrected as of July 8, 2020. The Collections Section of OFMB was first contacted by Mr. Reimer on July 20, 2020, 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 \$50,505 to the Board for approval.

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Attachments: none


Recommended by:


Department Director

Date

10/5/2020

Approved by:


County Administrator

Date

10/8/2020

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures					
Operating Costs					
External Revenues	(\$50,505)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$50,505)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

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

Budget Account No. Fund 0001 Department 600 Unit 6241 *RSRC* 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:

Shirley Menta 10/6/20
OFMB AP 10/5/20
pejs *Ret* 10/5/20
 _____ N/A
 Contract Dev. and Control

B. Legal Sufficiency: *MY* 10/7/20

Shirley Menta

 Assistant County Attorney

C. Other Department Review:

 N/A
 Department Director

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

1. The violation that resulted in a Code Enforcement lien being placed against Mr. & Mrs. Reimer was for erecting/installing patio/roof structure in the rear yard without first obtaining required building permits. According to Mr. Reimer, the structure in the yard was to be a free standing pagoda from Home Depot that would not need a permit. The structure that was installed was very large and was attached to the house in at least three (3) areas, requiring a permit. From the time of the first inspection in August 2011, Mr. Reimer had about 10 months to resolve his code lien issue before the daily fine began to accrue.
2. During this time in late 2011 and early 2012, Mr. Reimer was diagnosed with Glioma in the brain (type of brain tumor). He had to undergo brain surgery, followed by radiation and rehabilitation; and, therefore could not resolve the violation in a timely manner.
3. As a result of Mr. Reimer's on-going health issues, the Reimers are now forced to sell their residence in an ongoing effort to pay for medical expenses and acquire a smaller home (downsizing). Mr. Reimer needs to settle his outstanding code lien to provide the buyer clear title.
4. Mr. Reimer paid \$1,070 to get the structure removed from his property. This is his homestead property.
5. Mr. Reimer intends to pay the proposed lien settlement amount from the sale of the property.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of July 8, 2020 and the property is in full compliance with the CESM's Order. Further, the cited violation 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.