

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-2

AGENDA ITEM SUMMARY

Meeting Date: June 7, 2022

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 \$4,200 for the full satisfaction of a code enforcement lien that was entered against John and Kimari Rhoads on July 10, 2019.


Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on August 15, 2018 for the property owned by John and Kimari Rhoads providing them until February 11, 2019 to bring their property located at 10826 151st Ln N, Jupiter, FL into full compliance. The property had been cited for an exterior electric lighting lamp on the roof and a pole barn installed without a valid building permit. 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 John and Kimari Rhoads on July 10, 2019. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property on April 29, 2021 stating that the cited code violations had been fully corrected as of February 4, 2021. The total accrued lien amount through April 20, 2022, the date on which settlement discussions began, totaled \$41,676.32. Mr. Rhoads has agreed to pay Palm Beach County \$4,200 (10%) for full settlement of their outstanding Code Enforcement lien. District 1 (SF).

Background and Justification: The violations that gave rise to this Code Enforcement lien were for an exterior electric lighting lamp on the roof and a pole barn installed without a valid building permit. The Special Magistrate provided John and Kimari Rhoads until February 11, 2019 to bring their property into full code compliance or a fine of \$50 per day would begin to accrue. The Code Enforcement Division issued an Affidavit of Compliance for the property stating the cited code violations had been corrected as of February 4, 2021. The Collections Section of OFMB was first contacted by John Rhoads on April 20, 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 \$4,200 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by:  5/17/2022
Department Director Date

Approved by:  5/26/22
County Administrator 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	(\$4,200)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$4,200)				
#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:

<p>ASD 5/17/22 OFMB 5/17/22 RW 5/5/22 MG 5/17/22</p>	<p><u>N/A</u> Contract Dev. and Control</p>
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B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

N/A
 Department Director

Background and Justification Continued (John and Kimari Rhoads) Page 3

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

1. The Rhoads acquired the property in July of 2013, but the previous owners did not disclose to them that the property had unpermitted additions. In essence, the barn was constructed without a permit prior to their ownership; they did not build it. They were cited for the code violations and were given 180 days to reach compliance or they would be charged a fine in the amount of \$50 per day.
2. Mr. Rhoads has acknowledged that he should have been more proactive in reaching compliance. However, at the time he was cited, he was not residing on the property; his adult daughter was the occupant. Mr. Rhoads's daughter was constantly in communication with the Code Enforcement Officer (CEO) and undertook proactive measures to resolve the violations. Despite this, she was unable to achieve compliance in a timely manner. Time had passed, and when Mr. Rhoads took over, he submitted the plan for permit but found out the barn did not meet the property line requirement. He had to start all over which caused additional delays in resolving the problem and greater financial burdens.
3. An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of February 04, 2021 and that the property was in full compliance with the CESM's Order. Further, the cited violations did not involve any life/safety issues.
4. The property is Mr. and Mrs. Rhoads's homestead property, and the only property they own.

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.