

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

3G-3

AGENDA ITEM SUMMARY

Meeting Date: March 13, 2007

☒ 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 \$15,000.00 for the full satisfaction of a Code Enforcement lien that was entered against Gail S. & Larry A. Kreielsheimer on November 21, 2001.

Summary: The Code Enforcement Special Master (CESM) entered an Order on September 5, 2001 giving the Kreielsheimers until October 5, 2001 to remove a contractor's construction trailer that was being stored on the property without an appropriate active building permit. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50.00 per day was imposed. The CESM then entered a claim of lien against the Kreielsheimers on November 21, 2001. The cited code violation was fully corrected as of October 8, 2003. The total accumulated lien amount through January 8, 2007, the date settlement discussions began, totaled \$66,321.21, of which the Kreielsheimers have agreed to pay the County \$15,000.00 (22.6%) for full settlement of their outstanding Code Enforcement Lien. (District 1) (PM)

Background and Policy Issues: The initial violation that gave rise to this code enforcement case was for keeping and storing a construction trailer on the property without having an active building permit. The Special Master gave the Kreielsheimers until October 5, 2001 to remove the construction trailer or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on October 9, 2001 confirmed that the property was not in compliance and the construction trailer was still on the property. A code lien was then entered against the Kreielsheimers on November 21, 2001. The Collections Section of OFMB was recently contacted by the Kreielsheimers to discuss a settlement of their significant outstanding code lien. The Collections Section of OFMB, after careful review, evaluation and several discussions, agreed to present the proposed settlement offer in the amount of \$15,000.00 to the Board for approval.

(Continued on Page 3)

Attachments:

Recommended by:


Department Director

3/2/07
Date

Approved by:


County Administrator

3/2/07
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$15,000.00)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$15,000.00)</u>	_____	_____	_____	_____

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes _____ No X
Budget Account No.: Fund 0001 Department 600 Unit 6241 Object 5900


Reporting Category _____

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

C. Departmental Fiscal Review:

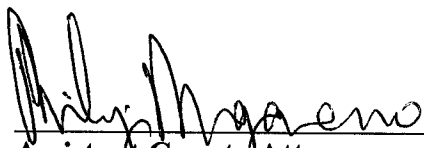
III. REVIEW COMMENTS

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


OFMB
VO
03/07/07

N/A
Contract Dev. and Control

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

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

Background and Policy Issues Continued

Page 3

The mitigating factors that were considered during our review and evaluation are as follows:

1. Mrs. Kreielsheimer received notice of the violation and was present at the Code Enforcement hearing for her case. When she was informed that she could not keep a contractor's construction trailer on the property unless there was an open and active building permit for the property, she wrongly assumed that if she obtained any type of building permit that the trailer could remain until the permit was completed. She obtained a fence permit for the back yard, but was informed that a fence permit did not meet the requirements for keeping a construction trailer on the property. Her son, Larry, said that his mother never told him about the outstanding code violation or code lien and when he later found out about the existing problem, he had the trailer removed from the premises. Had his mother not withheld the fact that the trailer that was parked on their driveway had to be removed, the problem would have been taken care of prior to the fine start date.
2. The subject property is Gail S. and her son, Larry A. Kreielsheimer's, homestead property and is the only property that they own.
3. The Kreielsheimers are currently in the process of refinancing their home and need to get the code enforcement lien issue resolved. The mortgage company has confirmed that there will be sufficient proceeds from the loan, after retaining funds for rebuilding the fire damaged unit of their duplex, paying the loan closing costs and delinquent property taxes to pay the proposed \$15,000 lien settlement amount.
4. The gravity of the violations together with the fact that there were no life/safety issues involved, warrants consideration of a reduction of the substantial lien amount.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were corrected as of October 8, 2003 and that the property is in full compliance with the Code Enforcement Special Master's Order. Further, the cited violation did not involve any health/safety issues.

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. This settlement offer exceeds the \$2,500 limit and requires Board approval.

In light of the above stated circumstances, Staff believes that the proposed settlement is fair and in the best interest of Palm Beach County.