

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: April 10, 2018

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 \$17,500 for the full satisfaction of a Code Enforcement Lien that was entered against George S. Tolmie on March 4, 2015.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on December 3, 2014 for property owned by George S. Tolmie (Mr. Tolmie) giving him until January 2, 2015 to bring his property located at 4878 Kirkwood Road in Lake Worth into full Code Compliance. The property had been cited for overgrowth of vegetation. 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 Mr. Tolmie on March 4, 2015. Code Enforcement issued an Affidavit of Compliance for the property on March 8, 2017 stating that as of March 7, 2017 the cited code violation had been fully corrected. The total accrued lien amount on December 15, 2017, the date on which settlement discussions began, totaled \$50,396.84, of which Mr. Tolmie has agreed to pay Palm Beach County \$17,500 (35%) for full settlement of his outstanding Code Enforcement Lien. District 3 (SF).

Background and Policy Issues: The initial violation that gave rise to this Code Enforcement Lien was for overgrowth of vegetation on his property. The Special Magistrate gave Mr. Tolmie until January 2, 2015 to bring his property into full code compliance or a fine of \$50 per day would begin to accrue. A follow-up inspection by Code Enforcement on January 9, 2015 confirmed that the property was still not in compliance. A code lien was then entered against Mr. Tolmie on March 4, 2015. Code Enforcement issued an Affidavit of Compliance for the property on March 8, 2017 stating that as of March 7, 2017 the cited code violation had been corrected. The Collections Section of OFMB was originally contacted by Ms. McLendon, Mr. Tolmie's Social Worker and designated Power of Attorney, in March, 2017, November, 2017 and most recently in December, 2017 to discuss settlement of his Code Lien. Collections, after extensive review, evaluation, and discussions with Code Enforcement and Ms. McLendon, have agreed to present a proposed settlement offer in the amount of \$17,500 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:


Department Director

3/5/18
Date

Approved by:


County Administrator

3/9/18
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$17,500)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$17,500)</u>	_____	_____	_____	_____
# 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 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:

John Ponder 3/6/18
OFMB 3/5/18
3/5/18
3/5/18
3/5/18

N/A
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

N/A
 Department Director

Background and Policy Issues Continued (George S. Tolmie)

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

1. The violation that resulted in a lien being placed against George S. Tolmie (Mr. Tolmie) was for the overgrowth of vegetation on his property. After being hospitalized and then sent to a rehabilitation facility in late 2016, Ms. McLendon, Mr. Tolmie's Social Worker, found the Code Enforcement papers in his house and immediately corrected the violation on March 7, 2017.
2. As a result of Mr. Tolmie's on-going health issues, he has moved out of his house and now resides in an Assisted Living Facility. Mr. Tolmie's house just recently sold and the proceeds from the sale are currently being held in escrow by the title company until his code lien issue is resolved. There are sufficient funds available from the sale to pay the proposed lien settlement.
3. Ms. McLendon is also Mr. Tolmie's Power of Attorney and has remained in close contact with Code Enforcement and OFMB Collections while assisting to get code compliance and Mr. Tolmie's property sold.
4. The subject property was Mr. Tolmie's homestead property and the only property he owns.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of March 7, 2017 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.