

3G-4

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 20, 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 \$15,802 for the full satisfaction of a code enforcement lien that was entered against Paul Eykel and Mary E. Robertson on May 17, 2017.

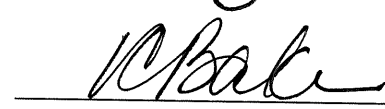
**Summary:** The Code Enforcement Special Magistrate (CESM) entered an Order on December 7, 2016 for property owned by Paul Eykel and Mary E. Robertson giving them until February 5, 2017 to bring their property located at 18100 50<sup>th</sup> Street North in Loxahatchee into full code compliance. The property had been cited for open storage of trash and debris, installing a fence without the required permits, expired electrical permit and property use violation. 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 Paul Eykel and Mary E. Robertson on May 17, 2017. The Code Enforcement Division issued an affidavit of compliance for the property on June 28, 2018 stating that as of June 27, 2018 the cited code violations had been fully corrected. The total accrued lien amount on September 4, 2018, the date on which settlement discussions began, totaled \$31,604.19, of which Paul Eykel and Mary E. Robertson have agreed to pay Palm Beach County \$15,802 (50%) for full settlement of their outstanding code enforcement lien. District 6 (SF).

**Background and Justification:** The violations that gave rise to this code enforcement lien was for open storage of trash and debris, installing a fence without the required permits, expired electrical permit and property use violation. The Special Magistrate gave Paul Eykel and Mary E. Robertson until February 5, 2017 to bring their property into full code compliance or a fine of \$50 per day would begin to accrue. A follow-up inspection by the Code Enforcement Division on February 13, 2017 confirmed that the property was still not in full compliance. A code lien was then entered against Paul Eykel and Mary E. Robertson on May 17, 2017. The Code Enforcement Division issued an affidavit of compliance for the property on June 28, 2018 stating that as of June 27, 2018 the cited code violations had been corrected. The Collections Section of OFMB was originally contacted by Ms. Eykel, on September 4, 2018, to discuss a settlement. Collections, after extensive review, evaluation, and discussions with the Code Enforcement Division, has agreed to present a proposed settlement offer in the amount of \$15,802 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:  11/5/18  
Department Director Date

Approved by:  11/13/2018  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures					
Operating Costs					
External Revenues	(\$15,802)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$15,802)				
#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

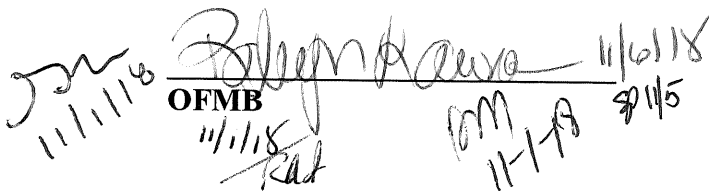
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review:**

\_\_\_\_\_

**III. REVIEW COMMENTS**

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



N/A  
 Contract Dev. and Control

**B. Legal Sufficiency:**

  
 Assistant County Attorney

**C. Other Department Review:**

N/A  
 Department Director

**Background and Policy Issues Continued (Paul Eykel and Mary E. Robertson)**

**Page 3**

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

1. On December 29, 2016, three weeks after the CESM hearing, someone set fire to the Eykel's home while Mr. Eykel was visiting family in California during the holidays. There was no insurance on the property.
2. Mr. Eykel was in regular contact with Code Enforcement throughout the process and was working closely with Code Enforcement to resolve all the issues.
3. At the time of the violations, the subject property was for sale pursuant to the divorce settlement between Mr. & Mrs. Eykel. The property was sold on June 29, 2018.
4. Three of the four violations were corrected by mid-August 2017 and only the fence permit remained unresolved. The fence was removed and full compliance confirmed as of June 27, 2018.
5. The subject property was the Eykel's homestead property and was to be sold as part of their divorce agreement.
6. The proposed settlement will be paid from the sales proceeds which are being held in escrow from the recent sale of the property.

An affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violations were fully corrected as of June 27, 2018 and the property is in full compliance with the CESM's Order.

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.