

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

30-1

AGENDA ITEM SUMMARY

Meeting Date: April 18, 2023

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 \$17,802 for the full satisfaction of a code enforcement lien entered against Walter Ungermann on May 12, 2021.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on March 6, 2020 for the property owned by Mr. Walter Ungermann, giving him until July 2, 2020 to bring his property located at 11368 165th Rd N., Jupiter, Florida into full code compliance. The property was cited for the construction of a fence and gate without a valid building permit. Compliance with the CESM’s Order was not achieved, and a fine of \$50 per day was imposed. The CESM entered an order imposing a code lien against Walter Ungermann on May 12, 2021. The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on January 27, 2023. The total fine on February 24, 2023 was \$44,506, the date on which settlement discussions began. Ms. Leslie Taylor, heir of Mr. Walter Ungermann, has agreed to pay Palm Beach County \$17,802 (40%) for full settlement of the outstanding code enforcement lien. District 1 (RS).

Background and Justification: The property was cited for the installation of a fence and gate without a building permit. The CESM gave Mr. Ungermann until July 2, 2020 to bring the property into full code compliance or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on July 6, 2020 confirmed that the property was still not in compliance

According to Ms. Taylor, Mr. Ungermann was ill at the time when the property was found to be in violation. His assistant who had Power of Attorney (POA) was present at the hearing and was given 120 days to bring the property into compliance. She attempted to apply for the permit to resolve the violation, but she was unable to complete the process because the Building Division could not accept a permit application by POA. The process was paused, awaiting Mr. Ungermann’s recovery. However, he passed away on August 12, 2020. An order imposing a code lien was entered on May 12, 2021 and recorded on September 28, 2021.

Ms. Taylor is in the process of selling the property and contacted the Collections Section of OFMB on February 24, 2023 to discuss settlement of the code lien. The property became compliant with the CESM’s order on January 27, 2023. In addition, the cited violation did not involve any life or safety issues. This is a non-homestead property.

Settlement offers that reduce any debt amount due to Palm Beach County by more than \$2,500 require the approval of Board, per Countywide PPM# CW-F-048.

Attachments: none

Recommended by: Sherry Brown 3/17/2023
Department Director Date

Approved by: MBaker 3/20/23
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2023 | 2024 | 2025 | 2026 | 2027 |
|--|----------|------|------|------|------|
| Capital Expenditures | | | | | |
| Operating Costs | | | | | |
| External Revenues | (17,802) | | | | |
| Program Income(County) | | | | | |
| In-Kind Match(County) | | | | | |
| NET FISCAL IMPACT | (17,802) | | | | |
| #ADDITIONAL FTE POSITIONS (CUMULATIVE) | | | | | |

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

Budget Account No.: Fund 0001 Department 640 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:

For review Jackson 3/16/23
Lisa Matis 3/17/2023
OFMB 3/14/23

 N/A
 Contract Dev. and Control

B. Legal Sufficiency:

MYJ 3/16/23

 Assistant County Attorney
3/20/23

C. Other Department Review:

 N/A
 Department Director

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