

36-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 11, 2017

☒ **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 \$11,450 for the full satisfaction of a Code Enforcement Lien that was entered against Arnold Sachs on May 18, 2005.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on September 1, 2004 on property owned by Arnold Sachs giving him until March 1, 2005 to bring the property located at 16569 60th Street North in Loxahatchee into full Code Compliance. The property had been cited for the construction of a horse pole barn without the required 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 Arnold Sachs on May 18, 2005. Code Enforcement issued an Affidavit of Compliance for the property stating that as of January 27, 2017 the cited code violation had been fully corrected. The total accrued lien amount on January 27, 2017, the date on which settlement discussions began, totaled \$30,508.00, of which Arnold Sachs has agreed to pay Palm Beach County \$11,450 (37.5%) for full settlement of his outstanding Code Enforcement Lien. District 6 (SF).

Background and Policy Issues: The initial violation that gave rise to this Code Enforcement Lien was for the construction of a horse pole barn without the required building permit. The Special Magistrate gave Arnold Sachs until March 1, 2005 to bring the property into full code compliance or a fine of \$50 per day would begin to accrue. A follow-up inspection by Code Enforcement on March 9, 2005 confirmed that the property was still not in compliance. A code lien was then entered against Arnold Sachs on May 18, 2005. Code Enforcement issued an Affidavit of Compliance on the property stating that as of January 27, 2017 the cited code violation had been corrected. The Collections Section of OFMB (Collections) was initially contacted by Joann Abrams, Mr. Sachs' wife, on January 27, 2017 to discuss the outstanding code case and lien balance. Collections, after extensive review, evaluation, and discussions with Ms. Abrams, Mr. Sachs and Code Enforcement has agreed to present a proposed settlement offer in the amount of \$11,450 (37.5%) to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:


Department Director

6/16/17
Date

Approved by:


County Administrator

6/27/17
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$11,450)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$11,450)</u>	_____	_____	_____	_____

ADDITIONAL FTE POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes X No
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:

JALAL 6/19/17
 OFMB
 JAL 6/15/17
 JAL 6/19/17
 JAL 6/15/17
 JAL 6/19/17

	N/A
Contract Dev. and Control	

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

N/A

Department Director

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

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

1. Mr. Sachs' case involved some Florida Right to Farm Act nuances and requirements with regard to what type of building permit was required for a horse pole barn. Mr. Sachs, at the time, did not have the partial Ag exemption classification from the Property Appraiser, which, without it, requires a regular building structure permit. An agriculture classification only requires a flood certification building permit. Once Mr. Sachs obtained the partial Ag Exemption from the Property Appraiser and obtained the required flood certification building permit from the Building Department on January 26, 2017. The inspection on January 27, 2017 confirmed that the structure met all building requirements and passed final inspection the first time.
2. Mr. Sachs has acknowledged that he should have resolved the matter long ago. The open code lien against him, which he had forgotten about, came up in a lien search when he was attempting to sell the property. He did obtain the partial Ag exemption classification in March, 2009 from the Property Appraiser's Office, but did not get the required building permit until January 26, 2017. Once issued, the permit was completed on January 27, 2017
3. The proposed code lien settlement will be paid for from the sales proceeds of the subject property.
4. The Building Department listed the value of the horse pole barn at \$5,000.00.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of January 27, 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.