

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-2

AGENDA ITEM SUMMARY

Meeting Date: March 13, 2018

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 \$27,321 for the full satisfaction of a Code Enforcement Lien that was entered against Tyrone Sanders on November 4, 2009.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on June 3, 2009 for property owned by Tyrone Sanders (Mr. Sanders) giving him until September 1, 2009 to bring his property located at 4271 Whispering Pines Road in West Palm Beach into full Code Compliance. The property had been cited for building alterations and renovations without the required building permits. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$75 per day was imposed. The CESM then entered a claim of lien against Mr. Sanders on November 4, 2009. Code Enforcement issued an Affidavit of Compliance for the property on April 6, 2016 stating that as of April 5, 2016 the cited code violations had been fully corrected. The total accrued lien amount on November 8, 2017, the date on which settlement discussions began, totaled \$273,210.19, of which Mr. Sanders has agreed to pay Palm Beach County \$27,321 (10%) for full settlement of his outstanding Code Enforcement Lien. District 2 (SF).

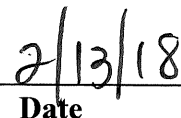
Background and Policy Issues: The initial violation that gave rise to this Code Enforcement Lien was for building alterations and renovations on his property without the required permits. The Special Magistrate gave Mr. Sanders until September 1, 2009 to bring his property into full code compliance or a fine of \$75 per day would begin to accrue. A follow-up inspection by Code Enforcement on September 10, 2009 confirmed that the property was still not in compliance. A code lien was then entered against Mr. Sanders on November 4, 2009. Code Enforcement issued an Affidavit of Compliance for the property on April 6, 2016 stating that as of April 5, 2016 the cited code violation had been corrected. The Collections Section of OFMB was initially contacted by Mr. Sanders in February, 2016 and then again on November 8, 2017, when all parties met to discuss settlement of his Code Lien. Collections, after extensive review, evaluation, and discussions with Code Enforcement and Mr. Sanders, have agreed to present a proposed settlement offer in the amount of \$27,321 to the Board for approval.

(continued on page 3)

Attachments: none

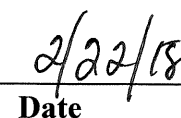
Recommended by:


Department Director


Date

Approved by:


County Administrator


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>(\$27,321)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$27,321)</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

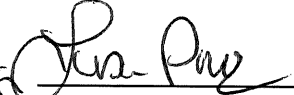
Reporting Category _____

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

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

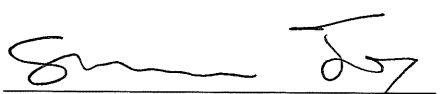
A. OFMB Fiscal and/or Contract Dev. and Control Comments:


OFMB 2/13/18
 2/13/18 2/13/18 2/13/18
 @2/13 RAD PM
 2-13-18

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 (Tyrone Sanders)

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

1. Mr. Sanders purchased the subject property which was listed as a rental property, on December 11, 2007. On June 9, 2008 Code Enforcement issued a Notice of Violation for alterations and renovations to the dwelling without the proper permits, which were discovered after PBSO had gone into the property with a search warrant for the tenant. Code Enforcement and PBSO have a working relationship when dealing with such matters, in that PBSO refers property addresses to Code Enforcement to perform inspections of the properties involving possible criminal activity. The inspection of this property revealed that alterations and renovations had been done to the property without the required building permits. The unpermitted work that had been done was found to have all been done before Mr. Sanders' ownership.
2. Mr. Sanders, upon receiving notice, immediately began working with the Zoning Division to have the property's zoning changed from single family residential to a multifamily for the triplex. The zoning for the property could not be changed and therefore only one (1) tenant could legally rent the property. The tenant, who was not paying rent, was arrested and the property remained vacant up to the date that the bank received the property by foreclosure on April 29, 2015.
3. Code Enforcement confirmed that Mr. Sanders kept in regular contact with them and was continuously working to get the required building permits, but was experiencing financial problems as there was a mortgage but no rental income. Mr. Sanders then suffered a stroke in early 2012 which took him nearly two (2) years to fully recover.
4. Since the property was a rental property, all building permits and work to correct the code violations required a licensed contractor which Mr. Sanders could not afford.
5. Mr. Sanders has another property which he is trying to sell and the proceeds from the sale of that property will provide the funds to pay this proposed lien settlement.

An Affidavit of Compliance was issued by Code Enforcement stating that the cited code violation was fully corrected as of April 5, 2016 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.