

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: ANDREW DEGRAFFENREIDT, CITY ATTORNEY

CC: JONATHAN E. EVANS, CITY MANAGER

DATE: JUNE 28, 2017

RE: CLARIFICATION OF THE MOTION TO REMOVE HOMESTEAD
FINES AND LIENS, THE 2-YEAR MORATORIUM AND 3% CAP,
MADE AT THE SEPTEMBER 21, 2016 - REGULAR CITY COUNCIL
MEETING

Per Councilperson Hubbard, I have been asked to clarify a Motion that was made at the Regular City Council meeting on September 21, 2016, regarding removing homestead fines and liens, the 2-year moratorium and the 3% CAP. The meeting was rather long so instead of providing the entire minutes, the pages relative to the motions were pulled for your review. You will find attached pages 64, 65 and 91 specifically, of the above referenced meeting.

The 1st motion was made (by Councilperson Hubbard), "I make a motion this evening that we release all of the liens on homesteaded property in the City of Riviera Beach and that we put a moratorium for two years before we activate any additional Code Enforcement liens. And when we do activate Code Enforcement liens, that they, they do not exceed 3% of the value of the homesteaded property". It was not seconded. Another motion was made, "I'd like to make a motion effecting homesteaded property in the City of Riviera Beach that we release all the fines and liens on the City of Riviera Beach residents homesteaded property. The process in which will be determined at a later date". It was seconded and was passed with 3 to 2 vote. What is being disputed is whether the moratorium and the 3% maximum lien amount was part of that vote. Lastly, there was a call by Mayor Masters for the second motion to go forward and for the City Clerk to read, which was never done.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Attachments

AD:syj

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 21, 2016 AT 5:30 P.M.**

(The following may contain unintelligible or misunderstood words due to the recording quality.)

[Before meeting chatter]

[Gavel]

CALL TO ORDER

CHAIR DAVIS: At this time, we're gonna call this Regular City Council meeting to order.

Roll Call

CHAIR DAVIS: Madam Clerk, roll call, please.

DEPUTY CITY CLERK BURGESS: Mayor Thomas Masters?

MAYOR MASTERS: [Pause]. Sorry. Present.

DEPUTY CITY CLERK BURGESS: Chairperson Terence Davis?

CHAIR DAVIS: Here.

DEPUTY CITY CLERK BURGESS: Chair Pro Tem KaShamba Miller-Anderson?

CHAIR PRO TEM MILLER-ANDERSON: Present.

DEPUTY CITY CLERK BURGESS: Councilperson Lynne Hubbard?

COUNCILPERSON HUBBARD: Present.

DEPUTY CITY CLERK BURGESS: Councilperson Tonya Davis Johnson?

COUNCILPERSON DAVIS JOHNSON: Here.

DEPUTY CITY CLERK BURGESS: Councilperson Dawn Pardo?

COUNCILPERSON PARDO: Present.

DEPUTY CITY CLERK BURGESS: City Manager Ruth Jones?

the renovations within the year, 12 months, on the 1201 U Avenue property, in the City of Riviera Beach.

COUNCILPERSON DAVIS JOHNSON: Thank you.

CHAIR DAVIS: Do we have a..., second still stand?

CHAIR PRO TEM MILLER-ANDERSON: Yes.

CHAIR DAVIS: Thank you.

COUNCILPERSON DAVIS JOHNSON: Thank you.

CHAIR DAVIS: Any questions?

COUNCILPERSON HUBBARD: You're welcome.

CHAIR DAVIS: Madam Clerk.

DEPUTY CITY CLERK BURGESS: Councilperson Hubbard?

COUNCILPERSON HUBBARD: Yes.

DEPUTY CITY CLERK BURGESS: Councilperson Pardo?

COUNCILPERSON PARDO: Yes.

DEPUTY CITY CLERK BURGESS: Councilperson Davis Johnson?

COUNCILPERSON DAVIS JOHNSON: Yes.

DEPUTY CITY CLERK BURGESS: Pro Tem Miller-Anderson?

CHAIR PRO TEM MILLER-ANDERSON: Yes.

DEPUTY CITY CLERK BURGESS: Chair Davis?

CHAIR DAVIS: Yes.

DEPUTY CITY CLERK BURGESS: Unanimous vote.

CHAIR DAVIS: Councilperson Hubbard, would you be willing to also place another motion on the floor to release the liens of all homestead properties in the City of Riviera Beach?

COUNCILPERSON HUBBARD: I would, sir. I, I make a motion this evening that we release all of the liens on homesteaded property in the City of Riviera Beach and that we put in a moratorium for two years before we activate any...

COUNCILPERSON DAVIS JOHNSON: [Inaudible].

COUNCILPERSON HUBBARD: ...additional Code Enforcement liens. And...

CHAIR DAVIS: [Inaudible]...

COUNCILPERSON HUBBARD: ...when we do activate Code Enforcement liens, that they, they do not exceed 3% of the value of the homesteaded property.

CHAIR DAVIS: Can, can we just at least get the liens and then we'll discuss the other part? The release without...

COUNCILPERSON HUBBARD: You...

CHAIR DAVIS: ...[inaudible].

COUNCILPERSON HUBBARD: The, the process you mean, in which we'll do it?

CHAIR DAVIS: Yes.

COUNCILPERSON HUBBARD: Okay.

CHAIR DAVIS: Just the homesteaded property.

COUNCILPERSON HUBBARD: Yes. I...

CHAIR DAVIS: Not commercial, not rental, just homesteaded properties.

COUNCILPERSON HUBBARD: I'd like to make a motion effecting homesteaded property in the City of Riviera Beach that we release all the fines and liens on the City of Riviera Beach residents homesteaded property. The process in which will be determined at a later date.

[Inaudible dais comment]

CHAIR DAVIS: Really quick.

MAYOR MASTERS: Do you have a second?

CHAIR DAVIS: Second for question. I'm passing the gavel to the Vice Chair. I don't know if we can release the fines but we can release the liens. Attorney

MAYOR MASTERS: I call for the previous question. [Pause]. For the motion to go forward. For the Clerk to read.

CHAIR PRO TEM MILLER-ANDERSON: [Inaudible].

MAYOR MASTERS: Madam Clerk.

DEPUTY CITY CLERK BURGESS: Councilperson Hubbard?

COUNCILPERSON HUBBARD: Yes.

DEPUTY CITY CLERK BURGESS: Councilperson Pardo?

COUNCILPERSON PARDO: Absolutely not.

DEPUTY CITY CLERK BURGESS: Councilperson Davis Johnson?

COUNCILPERSON DAVIS JOHNSON: No.

DEPUTY CITY CLERK BURGESS: Pro Tem Miller-Anderson?

CHAIR PRO TEM MILLER-ANDERSON: Yes.

DEPUTY CITY CLERK BURGESS: Chair Davis?

CHAIR DAVIS: Absolutely yes.

AUDIENCE: [Inaudible comment and clap]

DEPUTY CITY CLERK BURGESS: That motion passed with Councilperson Pardo and Councilperson Davis Johnson dissenting.

CHAIR DAVIS: But, Madam Chair?

CHAIR PRO TEM MILLER-ANDERSON: Yes.

CHAIR DAVIS: Now, everyone who came out tonight and supporting this item, please go back to your churches and tell the residents to please be here on Tuesday and get the word out that we're gonna discuss this process and we're gonna work together to get everything accomplished in this City. So, we're doing our job, we're asking you to support us through this job. So please help get the word out on Tuesday night. At what time, Ms. Jones?

CITY MANAGER JONES: 6:00 p.m.

CHAIR DAVIS: 6:00 p.m. Alright. Thank you. Alright. Now, we've gone...