

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-2

AGENDA ITEM SUMMARY

Meeting Date: October 2, 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 \$6,000 for the full satisfaction of a code enforcement lien that was entered against Rachel & Raymond Stenersen on November 1, 2017.

Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on March 3, 2017 for property owned by Rachel & Raymond Stenersen giving them until August 28, 2017 to bring their property located at 4289 Coconut Road in Lake Worth into full code compliance. The property had been cited for installing a garage, shed & shipping container without the proper building permits. 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 Rachel & Raymond Stenersen on November 1, 2017. The Code Enforcement Division issued an affidavit of compliance for the property on April 24, 2018 stating that as of April 19, 2018 the cited code violations had been fully corrected. The total accrued lien amount on May 31, 2018, the date on which settlement discussions began, totaled \$11,995.86, of which Rachel & Raymond Stenersen have agreed to pay Palm Beach County \$6,000 (50%) for full settlement of their outstanding code enforcement lien. District 3 (SF).

Background and Justification: The initial violation that gave rise to this code enforcement lien was for installing a garage, shed & shipping container without the proper building permits. The Special Magistrate gave Rachel & Raymond Stenersen until August 28, 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 August 30, 2017 confirmed that the property was still not in compliance. A code lien was then entered against Rachel & Raymond Stenersen on November 1, 2017. The Code Enforcement Division issued an affidavit of compliance for the property on April 24, 2018 stating that as of April 19, 2018 the cited code violations had been corrected. The Collections Section of OFMB was contacted by Raymond Stenersen on May 31, 2018 to discuss settlement of their code lien. Collections, after extensive review, evaluation, and discussions with the Code Enforcement Division and Mr. Stenersen, has agreed to present a proposed settlement offer in the amount of \$6,000 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:


Department Director

9/21/18
Date

Approved by:


County Administrator

9/25/18
Date

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A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures					
Operating Costs					
External Revenues	(\$6,000)				
Program Income(County)					
In-Kind Match(County					
NET FISCAL IMPACT	(\$6,000)				
#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:


 9/20/18
 OFMB
 10m
 9-20-18 Raj 9/21/18 SP 9/21

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)

Background and Policy Issues Continued (Stenersen)

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

1. Rachel & Raymond Stenersen were cited for installing a garage, shed and shipping container without the proper building permits. In an attempt to try to keep the structures, which were on the property when the Stenersens' purchased it, Mr. Stenersen immediately hired an Engineer to obtain the required permits.
2. Complications occurred when the Engineer Mr. Stenersen hired passed away just prior to the fine start date but after the initial permit applications were submitted.
3. Mr. Stenersen ultimately had the structures demolished and/or removed as they could not meet the setback requirements.
4. Hurricane Irma made landfall on September 10, 2017, which delayed the removal process.
5. Mr. Stenersen kept in regular contact with both Code Enforcement and the Building Division. The violations would have been corrected more quickly if not for the unfortunate passing of the Engineer the Stenersen's had hired to correct the violations.
6. The subject property is Rachel & Raymond Stenersen's homestead property and the only property they own.
7. The building code violations did not present any life safety issues.

An affidavit of compliance was issued by the Code Enforcement Division stating that the cited code violations were fully corrected as of April 19, 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.