

Cheryl Thompson

From: Cheryl Thompson
Sent: Wednesday, November 29, 2017 4:29 PM
To: William Clague
Subject: RE: Interlocal Agreements for Beach Security

Thank you sir!

Cheryl L. Thompson

Fiscal Analyst
Insurance Coordinator
Manatee County Public Safety
Phone (941)749-3500 x 1671
Fax (941)749-3509
cheryl.thompson@mymanatee.org

From: William Clague
Sent: Wednesday, November 29, 2017 4:28 PM
To: Cheryl Thompson
Subject: RE: Interlocal Agreements for Beach Security

Cheryl:

Looks fine to proceed.

Bill Clague
Assistant County Attorney
Manatee County, Florida
ph. 941-745-3750
fx. 941-749-3089
william.clague@mymanatee.org

From: Cheryl Thompson
Sent: Wednesday, November 22, 2017 10:06 AM
To: William Clague <william.clague@mymanatee.org>
Subject: FW: Interlocal Agreements for Beach Security

Good morning sir,

I wanted to follow up on the beach agreements to see if I had your approval to proceed. Thank you and Happy Thanksgiving.

Cheryl L. Thompson

Fiscal Analyst
Insurance Coordinator
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From: Cheryl Thompson
Sent: Thursday, October 26, 2017 2:03 PM
To: William Clague
Cc: Renee Isrel
Subject: FW: Interlocal Agreements for Beach Security

Good afternoon sir,

Attached you will find the updated draft agreement for your review. Please let me know if you have any questions and/or concerns.

Thank you,

Cheryl L. Thompson
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From: William Clague
Sent: Friday, September 15, 2017 9:02 AM
To: Renee Isrel
Cc: Mitchell Palmer; Alex Nicodemi; Dan Schlandt; Juliet Shepard; Cheryl Thompson; Robert Smith
Subject: RE: Interlocal Agreements for Beach Security

Renee:

We do need to require reports from all of the parties receiving County funds. The County is advancing funds under these agreements, something that can be done only in limited circumstances. The case law says we need to have some mechanism to verify that the funds are used for the purpose for which we are advancing them. Without some documentation of that (i.e. the reports), we could get flagged in an audit.

As far as the Anna Maria agreement, it strikes me as a bit odd that we are advancing money to the City, so that the City can turn around and give it to the Sheriff. Why not just directly add the money to the Sheriff's budget? If we are going to continue with this practice, all of Section 2.1 needs revision (not just subsection B) to reflect that the City will not be providing law enforcement services, but merely paying the Sheriff to do it. Please rewrite it in your own words to reflect the business terms, send it to me, and I will wordsmith it into "legalese" for you.

Bill Clague
Assistant County Attorney
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From: Renee Isrel
Sent: Wednesday, September 13, 2017 4:40 PM
To: William Clague
Cc: Mitchell Palmer; Alex Nicodemi; Dan Schlandt; Juliet Shepard; Cheryl Thompson; Robert Smith
Subject: Re: Interlocal Agreements for Beach Security

Bill,

Anna Maria does not have their own police department. They contract with MSO for security in the County Parks. We pay them them \$5k+ to help cover the costs. That's why we took out the section regarding City employees. If it's required we will add it back in but should it be worded differently?

We have never required reports from Holmes Beach or Anna Maria in the past since we only provide them a stipend to offset security costs. If we must require reports then we will add the section back to the agreements.

Requesting reports for MSO security to Anna Maria Island will need some discussion before we can add it to the agreement. Holmes Beach should not be an issue.

Thank you.

Renée Isrel
Public Safety Department
Chief Administrative Officer
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941.749.3509 Fax

On Sep 13, 2017, at 4:07 PM, William Clague <william.clague@mymanatee.org> wrote:

Renee:

I have had a chance to look over these agreements and have the following comments:

1. **Bradenton Beach:** This ILA follows the form previously crafted by this office, such that I have no objections to it from a legal standpoint;
2. **Holmes Beach:** This ILA generally follows the previous form. You have, however, deleted Section 2.2 requiring periodic reports of services rendered. The case law governing the use of public funds requires this section to be included in the ILA, such that I cannot sign off on it; and
3. **Anna Maria:** Like the Holmes Beach ILA, this one also omits the legally required section regarding reports. Also, you have removed Section 2.3.B. regarding the status of officers as city employees, which is important for purposes of limiting the County's liabilities. Once again, I cannot sign off on the ILA with these changes.

In the future, please provide redlining or otherwise let me know when you are making substantive changes to a CAO form so that I do not have to catch the changes myself.

Bill Clague
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From: Renee Isrel
Sent: Wednesday, August 30, 2017 12:32 PM
To: William Clague
Cc: Mitchell Palmer; Alex Nicodemi; Dan Schlandt; Juliet Shepard; Cheryl Thompson
Subject: RE: Interlocal Agreements for Beach Security

Mr. Clague,

Attached are the three interlocal agreements with the 'Island Cities' in the format you provided. We would appreciate your final review of the agreements.

Thank you,

Renee Isrel

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941.749.3509 Fax

From: William Clague
Sent: Monday, August 21, 2017 1:19 PM
To: Cheryl Thompson
Cc: Mitchell Palmer; Alex Nicodemi; Dan Schlandt; Juliet Shepard
Subject: Interlocal Agreements for Beach Security

Cheryl:

Pursuant to the above Request for Legal Services you have asked this office to review three interlocal agreements with the "Island Cities" to fund law enforcement for beach security at the County's public beach parks. I provide the following advice in response.

1. The interlocal agreements provided under the RLS reflect a form reviewed by this office in 2015, by Robert Eschenfelder. Please note, however, that I reviewed the Holmes Beach interlocal agreement in 2016, pursuant to RLS-2016-0781. Under that RLS, I made substantial revisions to the form of interlocal agreement to bring it into compliance with the practices of this office. Attached is a redlined versions of that agreement, reflecting the suggested changes I provided in my 2016 RLS response.
2. Please utilize the attached form, rather than the prior form of agreement reviewed by this office in 2015. If you would like me to review the agreements after they have been put into the proper form, please submit them to me by email (no additional RLS needed).

Subject to compliance with the advice set forth above, I have no objection from a legal standpoint to the interlocal agreements being considered by the Board.

There were no specific legal issues raised in the RLS. Therefore, I have limited my review to identifying legal issues that could give rise to claim or case against the County. I express no opinion as to the business judgment of entering into the interlocal agreements.

This concludes my response to the RLS. Please let me know if you have any questions or concerns.

Bill Clague
Assistant County Attorney
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