

Elaine Barker

From: John Osborne
Sent: Monday, June 17, 2019 4:18 PM
To: Elaine Barker
Subject: FW: ILA with City of Palmetto for Impact Fee Collection; RLS-2018-0292
Attachments: Palmetto Educational Impact Fees ILA (CAO redline).doc

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From: William Clague <william.clague@mymanatee.org>
Sent: Wednesday, August 08, 2018 9:44 AM
To: Mark Barnebey <mbarnebey@blalockwalters.com>
Cc: John Osborne <john.osborne@mymanatee.org>; Juliet Shepard <juliet.shepard@mymanatee.org>
Subject: FW: ILA with City of Palmetto for Impact Fee Collection; RLS-2018-0292

Here it is with the attachment in Word.

From: William Clague
Sent: Wednesday, August 8, 2018 9:41 AM
To: John Osborne <john.osborne@mymanatee.org>
Cc: 'Mitchell Palmer (mitchell.palmer@mymanatee.org)' <mitchell.palmer@mymanatee.org>; Alex Nicodemi <alex.nicodemi@mymanatee.org>; Dan Schlandt <dan.schlandt@mymanatee.org>; Elaine Barker <elaine.barker@mymanatee.org>; Juliet Shepard <juliet.shepard@mymanatee.org>
Subject: ILA with City of Palmetto for Impact Fee Collection; RLS-2018-0292

John:

Pursuant to the above Request for Legal Services, you have asked this office to review the above referenced Interlocal Agreement (ILA) with the City of Palmetto (the "City") to collect educational facilities impact fees within the City's boundaries. I provide the following advice in response.

1. We received this RLS on June 4, 2018. We did not, however, receive a reviewable draft from the City until August 3, 2018, which explains the substantial delay in the response of this office.
2. The ILA follows a prior form of Interlocal Agreement with other cities. This form dates back to around 2002. Because it does not follow the current practices of the County Attorney's Office with respect to interlocal agreements, I have attached a redlined draft reflecting our standard template. This template has been accepted by all of the cities located within the County in prior transactions, such that we do not anticipate any major objections to it. With respect to impact fee collections, the attached form should also be utilized in future transactions with other cities.

3. The substantive terms of the attached draft are generally the same as those stated in the original draft sent to us for review, with some points of clarification. I have also added references to, and substantive provisions conforming the ILA to, the Florida Impact Fee Act, which was not in effect when the original template was created.

Please review the attached redlined draft and let me know if you have any requested changes. By copy of this email to legal counsel to the City, Mark Barnebey, I ask that he share the document with his client and let us know if the City has any requested changes. Provided there are no requested changes, I have no objection from a legal standpoint to the ILA 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 ILA.

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

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