

## Jayne Roberts

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**From:** Charlie Hunsicker  
**Sent:** Monday, October 14, 2019 5:39 PM  
**To:** Jayne Roberts  
**Subject:** FW: Beach Renourishment Projects Agreement; CAO Matter No. 2019-0485

FYI

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**From:** William Clague  
**Sent:** Monday, October 14, 2019 3:36 PM  
**To:** Charlie Hunsicker <charlie.hunsicker@mymanatee.org>  
**Cc:** Mitchell Palmer <mitchell.palmer@mymanatee.org>; Alex Nicodemi <alex.nicodemi@mymanatee.org>; Cheri Coryea <cheri.coryea@mymanatee.org>; John Osborne <john.osborne@mymanatee.org>; Karen Stewart <karen.stewart@mymanatee.org>; Jan Brewer <jan.brewer@mymanatee.org>; Juliet Shepard <juliet.shepard@mymanatee.org>  
**Subject:** Beach Renourishment Projects Agreement; CAO Matter No. 2019-0485

Charlie:

Pursuant to the above Request for Legal Services you have asked this Office to review a revised Project Partnership Agreement between the U.S. Army Corps of Engineers (USACOE) and the County for beach renourishment projects in the County.

I provide the following legal advice in response:

1. As noted in the RLS, this Office reviewed and provided comments to previous draft agreements pursuant to RLS-2019-0411. The revised agreement submitted under this RLS combines the previously reviewed agreements into a single agreement.
2. The agreement follows an established form of the USACOE. In the experience of the County, the USACOE is extremely reluctant to make substantive changes to its form agreements for capital projects.
3. The draft agreement reflects the inclusion of the changes recommended under our response to RLS-2019-0411, such that I have no additional requested changes.
4. As we have advised in similar transactions in the past, the USACOE agreement imposes significant business obligations upon the County with respect to the funded projects. Staff should carefully review the business terms to assure that the County is positioned to fully perform its obligations under the agreement. If you have questions regarding the County's obligations under the agreements, please consult directly with this Office.

Subject to the inclusion of my suggested changes, verification of the budgeting of necessary funds, and the resolution of any business issues identified by staff, I have no objection from a legal standpoint to the scheduling and approval of the agreement by the Board. I express no opinion as to the business judgment of entering into the agreement.

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

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