

Gerri Lopez

From: William Clague
Sent: Friday, May 31, 2019 2:17 PM
To: Karen Stewart
Cc: Mitchell Palmer; Alex Nicodemi; Gerri Lopez; Juliet Shepard
Subject: RE: EDAVTE Application and Agreement; RLS-2019-0152
Attachments: EDTE Ordinance Amendment Notice.doc; EDTE Ordinance Amendment v2.doc; EDTE Resolution Amendment v2.doc

Karen:

Per our discussion this afternoon, attached are redlined revisions of the Ordinance and Resolution reflecting the following changes:

1. I have incorporated the changes requested in our meeting;
2. I have also changed the Code section numbers in the Ordinance after checking them against the version on municode;
3. I have provided an ordinance number and a resolution number.
4. I have provided a form of notice for advertising of the Ordinance for the 06/18/19 BCC regular meeting.

Please let me know if you have any additional questions or concerns.

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From: William Clague
Sent: Friday, May 3, 2019 4:06 PM
To: Karen Stewart <karen.stewart@mymanatee.org>
Cc: 'Mitchell Palmer (mitchell.palmer@mymanatee.org)' <mitchell.palmer@mymanatee.org>; Alex Nicodemi <alex.nicodemi@mymanatee.org>; Gerri Lopez <gerri.lopez@mymanatee.org>; Juliet Shepard <juliet.shepard@mymanatee.org>
Subject: EDAVTE Application and Agreement; RLS-2019-0152

Karen:

Pursuant to the above Request for Legal Services you have asked for the advice and assistance of this Office in preparing a draft ordinance and draft resolution to allow the County to waive certain application requirements for an economic development ad valorem tax exemption (EDAVTE). I provide the following advice in response:

1. The RLS was provided in follow up to a previous RLS response (RLS-2019-0009) in which we advised that Article XIV, Chapter 2-29 of the County's Code of Ordinances (Code) may be amended to allow the County to waive the requirement to provide sales information as part of an EDAVTE application.
2. Attached are a draft ordinance and draft resolution changing Code Sections 2-2-156 and 2-2-157, as well as the Manatee County Economic Development Policy Guidelines, to allow for such flexibility.

3. Note, too, that I have made several changes to better conform these Code Sections to Florida Statute 196.1995. The current Code Sections are modelled after an ordinance of another County, and in our view, do not sufficiently adhere to the Statute. (It is legally necessary to better distinguish between statutory EDAVTE requirements and local EDAVTE requirements, because the statutory requirements cannot legally be waived by the County.)
4. Please review the draft documents carefully in light of your substantial experience managing the EDAVTE program, and let me know if the changes work from a practical standpoint. Once we are both comfortable with the final forms, I will provide an ordinance number and a resolution number, and a draft notice for advertising of the ordinance.

Subject to the resolution of the issues identified above, I have no objection from a legal standpoint to the ordinance and resolution being scheduled and advertised for consideration by the Board. I express no opinion as to the business judgment of adopting either document.

This concludes my response to the RLS.

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