



OFFICE OF THE COUNTY ATTORNEY

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MEMORANDUM

DATE: October 8, 2018

TO: Ava Ehde, Interim Director, Neighborhood Services Department

THROUGH: Mitchell O. Palmer, County Attorney *by WEC 10/09/18*

FROM: Alexandria C. Nicodemi, Assistant County Attorney *celcw*

RE: **Neighborhood Enhancement Grant Program;
CAO Matter No. 2018-0404**

This memorandum is in response to the above-referenced Request for Legal Services (“RLS”) in which you asked this office to review a draft ordinance regarding the Neighborhood Enhancement Grant Program. Per your Request, I reviewed the draft ordinance. I have instead prepared Resolution R-18-156 for your consideration. (See, attached.)

My comments are as follows:

1. The RLS you submitted includes a draft ordinance for this office to review. This appears to be done per the instruction found in CAO File No. 1115-048 and 1115-048-A. An ordinance is a local law enacted by a county’s governing body. Ordinances are most often used where Florida Statutes require adoption by ordinance. A resolution, on the other hand, is a statement of policy and/or procedure. Resolutions are often used to express policy positions and set forth internal county guidelines or procedures. Given that the Neighborhood Services Department (“Department”) wishes to implement a Neighborhood Enhancement Grant Program, the more appropriate document would be a resolution.
2. In response to the above comment, I have drafted Resolution R-18-156. This Resolution, once adopted, approves the creation of the Neighborhood Enhancement Grant Program

* Board Certified in Construction Law

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("Program") and delegates to the Department Director the authority to develop and maintain guidelines and procedures for the Program. Under this Resolution, it will be the duty of the Department Director to provide an annual list to the Board of County Commissioners ("Board") of all applicants eligible for the Program. The Board shall then award or deny applications based on available funding and compliance with the Program criteria.

3. The draft ordinance you submitted with the RLS, indicates that grant reimbursements will be "in accordance with the terms and procedures of the Manatee Clerk of Circuit Court." In addition to the Resolution, I have drafted a Reimbursement Agreement to be executed upon Board approval of an application for the Program. Each Reimbursement Agreement must also be approved by the Board. All reimbursements pursuant to this Program, shall be in accordance with the terms and procedures within the Reimbursement Agreement. Further, I recommend the Fact Sheet included within the RLS be revised indicating that grant funds will be reimbursed according to the Neighborhood Enhancement Grant Reimbursement Agreement.
4. Please note that the Neighborhood Enhancement Grant Reimbursement Agreement is now incorporated into the Resolution as Exhibit "B."

Subject to the inclusion of my above-mentioned comments, I have no objection from a legal standpoint to scheduling the adoption of the Resolution by the Board. I express no opinion as to the business judgment of adopting the Resolution or implementing the Agreement approved thereunder.

This completes my response to your Request for Legal Services. Please contact me if you have any questions or if I can be of further assistance.

Copies to:

Ed Hunzeker, County Administrator
Dan Schlandt, Deputy County Administrator
Cheri Coryea, Deputy County Administrator
Debbie DeLeon, Neighborhood Services Coordinator, Neighborhood Services Department