



LEGAL REQUEST MEMORANDUM (LRM)

From: (Name) Gouin Stephanie (Dept) Administration - 1020
(Title) Executive Coordinator (Phone) (352) 438-2306
Signature Stephanie Gouin Date Friday, January 10, 2025

The Office of the County Attorney is requested to provide legal assistance as detailed in this legal request and supporting documents (attached).

Request for: ☐ New Document ☒ Review & Comment ☐ RESUBMIT LRM No. _____
☒ Approve as to Form ☐ Other

Description of Request

Please review the changes made to the Disadvantaged Business Enterprise (DBE) Program for the Marion County Airport. Also, please provide guidance regarding who has signature authority.

For more information or discussion, contact: ☒ Same as above
(Name) _____ (Title) _____ (Phone) _____
Last First

Agenda Item? ☐ Yes ☐ No

Agenda Deadline Date for **Legal**: _____ Agenda Deadline Date for **Admin**: _____ Agenda Date: _____

Note: Please allow a MINIMUM of 5 working days BEFORE deadlines for LRM to be completed.

DO NOT COMPLETE - Office of the County Attorney use ONLY

LRM No. 2025-24

Assigned to: ☐ Matthew Guy Minter, County Attorney ☐ Dana E. Olesky, Chief Asst. County Attorney ☒ Thomas Schwartz Asst. County Attorney ☐ Valdoston Shealey Asst. County Attorney

Outcome:

Date Received:

Approve as to form. See attached Memo on signature authority.

RECEIVED

By Marion County Attorney- AT at 8:44 am, Jan 13, 2025

Attorney Signature: Thomas Schwartz Date 1/13/25

Staff Signature: Ashlyn Guck 1/13/24 Completed Returned: ☐ Department ☒ Admin ☐

MEMORANDUM

TO: Stephanie Gouin

FROM: Tom Schwartz

DATE: January 13, 2025

SUBJECT: Disadvantaged Business Enterprise (DBE) Program for Marion County Airport

I'm in receipt of LRM No. 2025-24 requesting my review of the proposed changes to Marion County Airport's submission to the U.S. Department of Transportation (DOT) respecting the Airport's DBE Program under 49 CFR Part 26. I've reviewed the document and its legally sufficient.

As to signature authority for signing the DBE Policy Statement and Attachment 9's State of Florida UPC Agreement, I will revert to my opinion from last year's DBE submission, to wit: Section 2 of Ordinance 21-10 deals with signature authority for grants with certain threshold amounts from certain designated grantor organizations – and the FAA is one of them. For the FAA, the County Administrator, Assistant County, Fire Chief, Executive Director or Director as designated by the County Administrator and in consultation with BOCC Chairman, may sign and submit grant applications up to \$10M. Section 3 of the referenced Ordinance further provides that advance Board approval will be required if there's an indemnification clause (in the grant) or there's undefined levels of long-term service commitments on the part of the County. In my view, the DBE Program and its UPC agreement is open-ended on service commitments and provides for ongoing fees and related costs (membership, training, etc.), all of which would necessarily require advance Board consideration and approval.

In my view, Ordinance 21-10 requires the BOCC's advance approval for the DBE Program submission and related UPC agreement.