



# LEGAL REQUEST MEMORANDUM (LRM)

To: ☐ Matthew Minter, County Attorney ☐ Dana E. Olesky, Chief Asst County Attorney ☐ Elizabeth Alt, Sr Asst County Attorney ☒ Russell Ward, Asst County Attorney ☐ William Harris, Asst County Attorney

From: (Name) Couillard Jim (Dept) Parks & Recreation - 6120  
 (Title) Director (Phone) 671-8559  
 Signature [Signature] Date Friday, April 30, 2021

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 see the attached description of request.

### Additionally attached:

1. Resolution - Authority to Execute Agreement
2. Exhibit A (Public Transportation Grant Agreement)
3. Resolution - Repayment to Fees Fund
4. Resolution 20-R-243

For more information or discussion, contact: ☒ Same as above

(Name) \_\_\_\_\_ (Title) \_\_\_\_\_ (Phone) \_\_\_\_\_  
 Last First

COMPLETION IS REQUESTED BY: \_\_\_\_\_ (specific date) \_\_\_\_\_ ASAP

Please allow for a MINIMUM of five (5) working days from receipt of LRM:

Agenda Item? ☒ Yes ☐ No

Agenda Deadline Date: Friday, May 7, 2021 Agenda Date: Tuesday, May 18, 2021

LRM No. 2021-346 DO NOT COMPLETE - Office of the County Attorney use ONLY

Outcome:

Date Received:

see comments attached.  
~~Resolutions~~  
Approved as to form.

Attorney Signature: [Signature] Date 5/5/21

Staff Signature: [Signature] Returned: ☒ Department ☐ Admin ☐ Procurement  
 Completed

5/5/2021

## Ward, Russell

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**From:** Cooper, Laura  
**Sent:** Tuesday, May 4, 2021 4:51 PM  
**To:** Ward, Russell  
**Cc:** Couillard, Jim; Mears, Kelsey  
**Subject:** RE: LRM 2021-346 Airport agreement

Hi Russell,

As a follow up to our conversation with Kelsey, the grant agreement is for a higher dollar amount than what it will cost to complete the project. Here is a breakdown of the grants:

437011 SJPA1 \$766,568  
437011 SJPA 2 no dollar change, brought agreement to 2020 ( Quad Box to T-Hangar)  
438430 Public Transportation Grant Agreement (to be signed by BCC) \$1,500,00

Thank you for all of your help wit this!

**Laura Cooper**  
*Administrative Services Coordinator*  
**Parks & Recreation**  
*"It Starts in Parks!"*

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Marion County Board of County Commissioners  
111 SE 25 Ave, Ocala, FL 34471  
Main: 352-671-8560

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**From:** Ward, Russell <Russell.Ward@marionfl.org>  
**Sent:** Tuesday, May 4, 2021 12:53 PM  
**To:** Cooper, Laura <Laura.Cooper@marionfl.org>  
**Cc:** Couillard, Jim <jim.couillard@marionfl.org>  
**Subject:** RE: LRM 2021-346 Airport agreement

Thank you Laura,

I just need to account for where in the agreements FDOT agrees to pay \$2,203,938.40 towards a total project cost of \$2,813,923, with the County paying \$609,985. I am walking through what they say and just want to make sure I get them right.

Exhibit A to the Resolution, the FDOT Public Transportation Grant Agreement, which appears to be dated 02/20, states:

1. On page 3, Section 9.b., that FDOT agrees to participate up to a maximum amount of \$1.5M.
2. On page 20, the schedule of financial assistance states that FDOT's contribution will be \$1.5M with a \$375K local contribution for a total project cost of \$1.875M.
3. On page 38, it says the award amount is for \$1.5M and that the award amount may change with amendments.

The FDOT Public Transportation Supplemental Joint Participation Agreement, dated 11/17/2020, and referencing a Joint Participation Agreement entered into on 1/25/2017, states:

1. On page 1, that FDOT wishes to participate in the project for a total FDOT share of \$766,568.
2. On page 2, that the revised total cost of the project is \$958,210 and the department's share is increased to \$766,568.
3. On Page 4, these same numbers for total project cost and FDOT share are provided and the County's share is noted as \$191,642.

If these documents are referencing 1 grant, they only appear to commit FDOT to provide \$1.5M in funding. If they reference 2 separate grants agreements that are both for separate grants from FDOT for this project, they add up to an FDOT share of \$2,266,568 and a total project cost of \$2,833,210, both of which are higher than what the resolutions say FDOT is providing.

So there are 2 separate Public Transportation grants from FDOT:

1. The 38 page Public Transportation Grant Agreement is for a new grant FDOT wants to give the County. This document is what requires a resolution to authorize the Chairman to execute.
2. The 4 page Public Transportation Supplemental Joint Participation Agreement Number 2 is an amendment to a separate existing grant agreement and is provided for reference. There is no change required to that agreement and those funds are already allocated for this project.

Is this an accurate understanding of the agreements? I see a number of numbers on each heading. Do any of these clarify that these agreements are 2 separate agreements, with the obligations of FDOT to provide the funding under the 11/17/2020 supplemental agreement being distinct and separate from their obligation to provided funding under the proposed 2021 grant agreement?

So if that is right, we do not think we will need more funding, but if necessary, we could provide matching funds to get a contribution from FDOT of up to \$2,266,568. Is that correct?

Thank you for taking the time to explain all this to me. I just want to be 100% certain that these agreements accurately reflect our intentions.

Russell

**Russell Ward**  
Assistant County Attorney  
County Attorney

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**From:** Cooper, Laura <Laura.Cooper@marionfl.org>  
**Sent:** Monday, May 3, 2021 12:45 PM  
**To:** Ward, Russell <Russell.Ward@marionfl.org>

**Cc:** Couillard, Jim <jim.couillard@marionfl.org>

**Subject:** RE: LRM 2021-346 Airport agreement

Hey Russell,

Thank you for taking some time to speak with me in regards to your review comments. I have an explanation for the project amounts. Here is how Kelsey explained it to me:

- The original grant amount (all the way back to 2017 when this project was for Quad Boxes) from FDOT is \$1,500,000
- The new amount they are granting us in addition to that is \$766,568
- Total that is allocated to Marion County is \$2,266,568
- However, the total project cost is less than that, we only need \$2,203,938.40

Also, I have attached the Fee Resolutions we discussed on the phone, as well as an updated version of "Authority to Execute" Resolution. I added the extra language we discussed about how the project has changed. Please let me know what you think.

Thank you,

**Laura Cooper**

*Administrative Services Coordinator*

**Parks & Recreation**

*"It Starts in Parks!"*

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**From:** Ward, Russell <Russell.Ward@marionfl.org>

**Sent:** Monday, May 3, 2021 9:54 AM

**To:** Cooper, Laura <Laura.Cooper@marionfl.org>

**Subject:** RE: LRM 2021-346 Airport agreement

Good morning Laura,

I tried calling a few minutes ago and you were not available. I should be available to speak with you until about 1:30 if you would like to let me know when you can discuss. If that does not work, I should be available after 4pm as well.

Sincerely,

Russell

**Russell Ward**

*Assistant County Attorney*

County Attorney

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**From:** Cooper, Laura <Laura.Cooper@marionfl.org>  
**Sent:** Monday, May 3, 2021 9:03 AM  
**To:** Ward, Russell <Russell.Ward@marionfl.org>  
**Subject:** FW: LRM 2021-346 Airport agreement

Good morning Russell,

Would you mind giving me a call about this when you have a few minutes? I may be able to provide some clarification to your comments on this project.

Thanks,

**Laura Cooper**  
*Administrative Services Coordinator*  
**Parks & Recreation**  
*"It Starts in Parks!"*

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**From:** Couillard, Jim <jim.couillard@marionfl.org>  
**Sent:** Friday, April 30, 2021 4:22 PM  
**To:** Cooper, Laura <Laura.Cooper@marionfl.org>  
**Subject:** FW: LRM 2021-346 Airport agreement

FYI

**Jim Couillard, PLA, ASLA**  
*Director*  
**Parks & Recreation**  
*"It Starts in Parks!"*

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111 SE 25 Ave, Ocala, FL 34471  
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**From:** Ward, Russell <[Russell.Ward@marionfl.org](mailto:Russell.Ward@marionfl.org)>

**Sent:** Friday, April 30, 2021 2:08 PM

**To:** Couillard, Jim <[jim.couillard@marionfl.org](mailto:jim.couillard@marionfl.org)>

**Subject:** LRM 2021-346 Airport agreement

Good afternoon Jim,

I did my best to get you my comments on this ASAP. Please find them attached. Apart from flagging things that I want you to be aware of in the agreement, I also had some questions about the discrepancy of the amount that FDOT is to provide and the loan of the Fee funds. In the Resolution, the FDOT share is described as being \$2.2M, but in the Agreement, as \$1.5M. I want to make sure that the numbers are right. Did I miss another agreement that adds up to those numbers?

Also, I do not see anything in the ordinance or fine resolution that restricts the use of park fee funds, but I wanted to check with you about checking the resolution creating the fee fund to make sure that there are no restrictions that would prevent loaning those funds in this way.

If you have any questions about any of my comments, please let me know.

Have a good weekend,

Russell

**Russell Ward**

*Assistant County Attorney*

County Attorney

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-----Original Message-----

**From:** [ca.copier@mcbcc1.org](mailto:ca.copier@mcbcc1.org) <[ca.copier@mcbcc1.org](mailto:ca.copier@mcbcc1.org)>

**Sent:** Friday, April 30, 2021 1:49 PM

**To:** Ward, Russell <[Russell.Ward@marionfl.org](mailto:Russell.Ward@marionfl.org)>

**Subject:** scanned document - do not reply

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The Parks and Recreation Department is submitting two draft Resolutions that are required for the continuation of the T-Hangar project at the Marion County Airport. This project has received grant funding from the Florida Department of Transportation (FDOT) in which the State pays 80% of the total project costs and Marion County pays 20%. Since the latest grant agreement was signed by the BCC in 2020, construction costs have increased and FDOT has also offered additional grant funding that would allow all 20 T-Hangars to be constructed in a single phase.

These changes require two unique Resolutions, which are detailed below:

Resolution 1:

The County Commissioners, through Resolution 20-R-243, approved a Supplemental Joint Participation Agreement with FDOT for grant funding to construct 20 T-Hangars at the Marion County Airport. This grant required Marion County to pay 20% of the total project cost. FDOT has since offered the County additional grant funding that would allow all 20 T Hangars to be constructed in a single phase. Additionally, construction costs since the agreement was initially approved have significantly increased. The additional grant funding and increase in project costs requires Marion County to enter into an additional Public Transportation Grant Agreement. One of the requirements of this Agreement is a Resolution that designates authority to the Chairman to execute said Agreement.

Resolution 2:

Marion County approved the use of an interest free loan from the Parks & Recreation Fees Fund to the Airport to meet FDOT's grant match requirements. The loan requires a repayment plan which must be approved by Resolution. This Resolution requires the loan to be paid in full by FY 30 with annual payments of \$35,000 to begin in FY 23.

*- I am not finding any ordinance  
restricting the use of these fees.  
I would like to know that the  
fee resolution does not restrict this fund.*