

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT Wares Creek Legislative Support	TYPE AGENDA ITEM Regular
DATE REQUESTED December 15, 1998	DATE SUBMITTED/REVISED December 4, 1998
BRIEFINGS?/WHO? None	CONSEQUENCES IF DEFERRED Potential Loss of Federal Funding
DEPARTMENT/DIVISION Planning/Ecosystems	AUTHORIZED BY TITLE Carol B. Clarke, AICP Director <i>CBC</i>
CONTACT PERSON TELEPHONE/EXTENSION Charles Hunsicker ext 6823	PRESENTER/TITLE TELEPHONE/EXTENSION <i>Charles Hunsicker</i> Charles Hunsicker, Ecosystems Administrator, ext 6823

ADMINISTRATIVE APPROVAL *[Signature]*

ACTION DESIRED

INDICATE WHETHER "REPORT or "DISCUSSION, "FORM OF MOTION, or "OTHER ACTION REQUIRED:

Authorization for the County Attorney's Office to secure legislative assistance for obtaining congressional authorization and appropriations for the Wares Creek Flood Control Project.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy.)

BACKGROUND/DISCUSSION

Continued on page 2

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" @ right.

If "NO," proceed to 1A/1B below. If "YES," proceed to 2A/2B below

No

1) IF "NO" TO ABOVE.

A) PLEASE EXPLAIN BELOW: (see also folloing section 1B re: contract, agreement, lease, etc.)

Previously reviewed by CAO (see attached memo dated 2/12/96)

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT: N/A

2) IF "YES" TO FIRST QUESTION IN THIS SECTION.

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

N/A

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER MUST BE ATTACHED (if comments were verbal, so indicate.)

N/A

APPROVED IN OPEN SESSION

DEC 15 1998

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

ATTACHMENTS: (List in order as attached) CAO memo dated 2/12/96	INSTRUCTIONS TO BOARD RECORDS: None
COST Estimated \$50,000	SOURCE (ACCT# & NAME) 460 761500 533530 00000 Stormwater Utility Enterprise Fund
COMMENTS	AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT)

BACKGROUND/DISCUSSION

Continued from page 1

- **The Army Corps of Engineers has indicated that they will request appropriations to construct Wares Creek in the President's budget request for Federal Fiscal Year (FFY) 2000. FFY 2000 budgets will be approved in the 1999 Congress, with Committee Hearings typically beginning in late January - March.**
- **While the Jacksonville District's inclusion of the Wares Creek project in the FY 2000 budget request from the Administration is the necessary first step for funding, it does not guarantee inclusion in the House or Senate appropriations bill.**
- **A Wares Creek appropriation would follow from the Wares Creek authorization for 10.3 million, which was included in the 1996 Water Resource Development Act (WRDA 96). Manatee County retained the services of a Washington firm (Dutko Group) to work for passage of this authorization. Commissioners Glass and Brown appeared with staff before the House Committee on Public Works to testify in support of this authorization. This testimony played heavily into the inclusion of the Wares Creek Project in the House Bill and preservation of its position by House/Senate conferees in the final Authorization Bill.**
- **Legislative services for Wares Creek in 1996 were obtained following a recommendation and fee negotiation conducted by the County Attorney's Office and approved by the County Commission (see attached). A total of \$50,000 was spent for the firm's engagement during calendar year 1996.**
- **Staff recommends that the Board consider continuing the services of the previously selected firm to work for passage of House and Senate appropriations for the Wares Creek Project in the 1999 Congress. This firm has and will continue to work closely with County staff to develop background and should engage Commission members to participate in contacting key Congressional members in appropriations. In addition, should the Commission wish to add Federally funded greenway/trail attributes to the Wares Creek congressional authorization, these amendments will need to be carried forward in the WRDA-99 legislation.**




Office of
**MANATEE COUNTY
ATTORNEY**

February 12, 1996

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: H. HAMILTON RICE, JR., 
County Attorney

RE: WARES CREEK LEGISLATIVE SUPPORT (WATER RESOURCES DEVELOPMENT ACT RE-AUTHORIZATION BILL).

In response to the Board's direction of February 6, 1996, I have made several inquiries concerning the best available firm for assistance in connection with this matter. In addition to conferring with the firms named below, I have been in contact with representative Dan Miller's Legislative Assistant for Environmental Projects and have discussed the matter with the County's Florida State Legislative Liaison, as well as the offices of our bond attorney and special counsel's office in Tallahassee.

Through these discussions, I have learned that the list of projects may be made up this week (February 12-16). At least projects are being received by the subcommittee of the House handling the above-referenced bill. Likewise, I have determined that the amount we are able to spend for this assistance is relatively small when compared to other projects. However, the below listed firms did indicate that they would be willing to accept this employment on a "not to exceed" basis. At the time of writing this memorandum, I have not received all information from each firm contacted, but will furnish the same to you upon receipt.

The firms are:

DUTKO GROUP. I spoke with the head of this firm, Daniel Dutko, upon the recommendation of and introduction by attorney Kenneth J. Plante, of Carlton, Fields (formerly General Counsel for Florida Department of Environmental Protection). The Dutko Group is well-connected to both sides of the aisle, one

of the partners being very close to the Administration and another being very close to the House Speaker and the Majority Leader. Ms. Danielle Doane, Congressman Miller's Legislative Assistant for Environmental Projects, states unequivocally that the Dutko Group has unlimited entree to the subcommittee which will be naming these projects.

HILL and KNOWLTON. This, too, is a well-known firm. Jeffrey B. Trammell, Senior Vice President with whom I spoke, was referred to me by Betty Steffens, our Legislative Liaison. Mr. Trammell is a Floridian and has worked as a Legislative Assistant for a Florida Congressman and knows the membership and staff of the Florida delegation well. (He is brother to Robert Trammell, currently serving in the Florida House of Representatives.) Congressman Miller's office notes that Hill and Knowlton are well-known and well-connected.

GREENBERG TRAUERIG. Special Bond Counsel Steve Sanford put me in touch with Howard A. Vine and the Greenberg firm is known in the lobby community for the most part in connection with matters relating to health care.

Insofar as I am able to determine, none of these firms represents another client that would be in conflict with their representation of this County, except to note that Jeffrey Trammell of Hill and Knowlton does represent Broward County in connection with a beach renourishment project which may be a part of this legislation.

Accordingly, I recommend that the Board authorize the County Attorney to enter into negotiations to secure an engagement letter with the Dutko Group in an amount not to exceed Twenty Thousand and no/100 Dollars (\$20,000.00) and, if unable to reach an agreement, then with the firm of Hill and Knowlton.

More time may be needed, but expedited treatment is necessary. We would not go wrong with either of these firms.


HHR:s

Attachments

cc/att: Ernie Padgett, County Administrator

MANATEE COUNTY GOVERNMENT

MEMORANDUM

DATE: December 15, 1998
TO: Carol B. Clarke, Planning Dept. Director
FROM: Maria Prieto, Administrative Agenda Coordinator 
SUBJECT: **AGENDA UPDATE FOR 12/15/98 MEETING**

AO98-60162

CHANGES to 12/15/98 AGENDA

34. **Wares Creek Legislative Support:** the County Attorney's Office has prepared a supplemental agenda memorandum (ATTACHED)
35. **Children's Services Dedicated Millage** is to be deferred to 1/5/99

/mp

cc: Board Records
Board of County Commissioners
Teddy N. Williams, Jr., County Attorney
James W. Seuffert, FMD Director
Joanne Yahres, Planning Dept.
The Bradenton Herald & The Sarasota Herald-Tribune
Reading File, Counter Copy & Office Copy

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

#34

SUBJECT	Wares Creek Legislative Support	TYPE AGENDA ITEM	Regular
DATE REQUESTED	December 15, 1998	DATE SUBMITTED/REVISED	December 14, 1998
BRIEFINGS?/WHO?	None	CONSEQUENCES IF DEFERRED	Potential loss of federal funding
DEPARTMENT/DIVISION	Planning/Ecosystems	AUTHORIZED BY TITLE	Carol B. Clarke, A.I.C.P. <i>CBC</i> Director
CONTACT PERSON TELEPHONE/EXTENSION	Charles Hunsicker Ext. 6823	PRESENTER/TITLE TELEPHONE/EXTENSION	Charles Hunsicker <i>CH</i> Ecosystems Administrator Ext. 6823

ADMINISTRATIVE APPROVAL



ACTION DESIRED

INDICATE WHETHER ¹REPORT or ²DISCUSSION, ³FORM OF MOTION, or ⁴OTHER ACTION REQUIRED:

Authorization for the County Attorney to execute an engagement letter with the Dutko Group, Inc., in the amount of \$60,000.00 for continuing legislative services for the Wares Creek project.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy.)

BACKGROUND/DISCUSSION

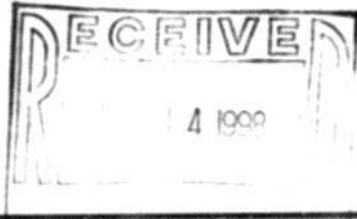
- This is intended to supplement the material already distributed as agenda item #34.
- Section 3-103(5) of the Manatee County Procurement Code provides contracting for professional services by negotiation with organizations selected or recommended by the County Administrator or his designee on the basis of experience and skill.
- The County has previously been well represented by the Dutko Group, Inc., they are familiar with the requirements of the County and the Wares Creek project, and the County Administrator recommends continuing with this organization.
- Authorization in the manner provided herein will enable the County to proceed with this program and have the legislative support team in force the first of the year.

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" @ right. (If "NO," proceed to 1) below; and if "YES," proceed to 2) below) N/A

- 1) IF "NO" TO ABOVE,
- A) PLEASE EXPLAIN BELOW: (see also following section 1B) re: contract, agreement, lease, etc.:
- County Attorney item _____
- B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT: N/A
- 2) IF "YES" TO FIRST QUESTION IN THIS SECTION,
- A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?
- N/A
- B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED? IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER **MUST BE ATTACHED** (If comments were verbal, so indicate.)

N/A

ATTACHMENTS: (List in order as attached) None <i>CyB memo</i>	INSTRUCTIONS TO BOARD RECORDS:
COST	SOURCE (ACCT# & NAME)
COMMENTS	AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT)



Office of
**MANATEE COUNTY
ATTORNEY**

* Board Certified City, County & Local Government Law
† Board Certified Civil Trial

Teddy N. Williams, Jr., County Attorney
Mark P. Barnebey, Chief Assistant County Attorney*
Paul G. Bangel, Senior Assistant County Attorney*
William C. Henry, Senior Assistant County Attorney for Risk Management
Patricia McVoy, Senior Assistant County Attorney*
James A. Minix, Senior Assistant County Attorney†
Mitchell O. Palmer, Senior Assistant County Attorney
Jeffrey N. Steinsnyder, Senior Assistant County Attorney*

MEMORANDUM

DATE: December 14, 1998

TO: Charles Hunsicker, Ecosystems Administrator, Planning Department

THRU: Teddy N. Williams, Jr., County Attorney *TNW 12/14/98*

FROM: Patricia McVoy, Senior Assistant County Attorney *PM 12/14/98*

RE: **Legislative Support for the Wares Creek Project
RLS-98-500; CAO File 1142-013-A**

We would recommend that your motion be revised as shown on the attached agenda memorandum. The comments shown should also be included with the agenda material you already have. I have drafted it as a supplement to your agenda package. You may use it as shown if that is acceptable with the Administrator's office.

PM/klm
Attachment – agenda memorandum

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THE DUTKO GROUP
A PUBLIC POLICY MANAGEMENT CORPORATION

PARTNERS

DANIEL A. DUTKO
STEVE PERRY
GARY J. ANDRES
ARTHUR H. SILVERMAN
MARK S. IRION
RONALD C. KAUFMAN

RETAINER AGREEMENT

Manatee County Government (the Client) hereby retains the firm of The Dutko Group, Inc. (the Firm) to be a consultant in Washington, D.C.

SERVICES

Under the terms of this agreement, the Firm will provide to the Client professional services relating to the U.S. Congress, the Executive Branch and other organizations, groups or individuals as may be beneficial to the Client, including but not necessarily limited to:

- Lobbying, and the development of legislative strategy;
- Monitoring of and advice on current or prospective legislation affecting the Client;
- Drafting of reports, analyses, testimony and proposed legislative language;
- Assisting the Client in maximizing its grass roots assets;
- Coordination with the Client's other consultants regarding Federal matters;
- Development of relations with appropriate executive agencies;
- Accessing key Executive Branch agencies;
- General Federal Government services;
- Representing the Client at meetings and events that require a presence and accompanying the Client to the meetings and events where appropriate; and
- Obtaining a FY2000 appropriation for the Wares Creek Flood Control Project.

Retainer Agreement – Manatee County Government
Page 2

TERM

This agreement shall commence January 1, 1999 and shall terminate on December 31, 1999. The contract will expire at the end of one year.

FEES AND EXPENSES

The Client agrees to pay the Firm, as compensation for the services to be performed, a retainer fee of \$60,000 billed in increments of \$5,000 a month for the period January 1, 1999 through December 31, 1999. The retainer fee includes out-of-pocket expenses.

ASSIGNMENT

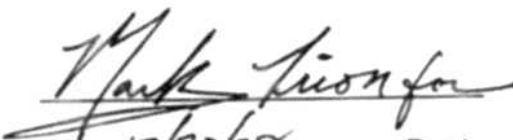
The Client is contracting hereunder for the services of the Firm. The Firm may not assign this agreement or any of its rights or obligations hereunder, without the express prior written approval of the Client.

CONFIDENTIALITY

The Firm and the Client agree that they will hold in confidence the content of this Agreement and any information whatsoever concerning the activities or business of the other, unless such disclosure is (a) mutually agreed upon in writing; (b) reasonably required in connection with the fulfillment of the disclosing party's obligations hereunder, and then is made only to the minimum extent necessary to carry out such obligations; (c) information which had generally become known to the public other than through the disclosure thereof by the disclosing party; (d) to attorneys, accountants or other professional advisors of the disclosing party under confidentiality agreements substantially identical to this one; (e) pursuant to compulsory legal processes; or (f) as required by Chapter 119, Florida Statutes.

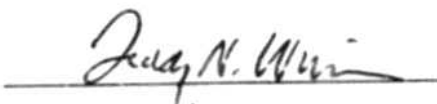
Retainer Agreement – Manatee County Government
Page 3

We the undersigned, hereby agree that these terms and conditions will govern the business relationship between the **Manatee County Government** and **The Dutko Group, Inc**



12/30/98 (Date)

Daniel A. Dutko
Chairman
The Dutko Group, Inc.
412 First Street, S.E.
Suite 100
Washington, DC 20003



1/5/99 (Date)

Teddy N. Williams, Jr.
County Attorney
Manatee County Government
1112 Manatee Avenue West
Suite 969
Bradenton, FL 34206

PA-98-06 MANATEE COUNTY GOVERNMENT AMENDMENT TO THE CAPITAL IMPROVEMENT ELEMENT OF THE MANATEE COUNTY COMPREHENSIVE PLAN, PROVIDING FOR DELETION OF FISCAL YEAR 1998, ADDITION OF FISCAL YEAR 2003, AND CHANGES TO TABLE 12-1 WITH COUNTERPART CHANGES TO TABLES 12-2, 12-3 AND 12-4 (Ordinance 98-23)

Request: Approval of an ordinance of the County of Manatee, Florida, amending The Manatee County Comprehensive Plan, Ordinance 89-01, as amended; providing for an amendment deleting fiscal year 1998 and applicable data, and adding fiscal year 2003 and applicable data to Tables 12-1, 12-2, 12-3 and 12-4 of the Capital Improvements Element; providing for an amendment to Table 12-1, Schedule of Capital Improvement Projects, FY 1998-2002, involving revisions to scope, format, time frame, costs, funding sources, and content to transportation projects, drainage projects, parks projects, sanitary sewer projects, solid waste projects, potable water projects, and mass transit projects; providing for counterpart amendments to Table 12-2, General Government Funding of Capital Improvements, FY 1998-2002; Table 12-3, Enterprise Operations Funding of Capital Improvements, FY 1998-2002; Table 12-4, Summary of Revenues and Expenditures for Capital Projects, FY 1998-2002; providing for the amendment of related information necessary to implement the changes to the capital improvements schedule; providing for severability; and providing for an effective date.

P.C.: 06/11/98 B.O.C.C.: 06/23/98, 07/07/98, 11/17/98, 12/01/98, 12/15/98
App Received: County Initiated
Type of Amendment: Text and Table (Capital Improvements Element)

RECOMMENDED MOTION:

Based upon the evidence presented and comments made at the Public Hearing, the action of the Planning Commission, upon the technical support documents and finding the request to be CONSISTENT with the provisions of Chapter 163, Florida Statutes, and The Manatee County Comprehensive Plan, and upon the comments received from the Florida Department of Community Affairs, I move to ADOPT Manatee County Ordinance 98-23 (PA-98-06).

BOARD OF COUNTY COMMISSIONERS ACTION:

On June 23, 1998, by a vote of 6-0, the Board of County Commissioners CONTINUED the public hearing for this plan amendment to July 7, 1998 at 9:00 a.m., or as soon thereafter as same may be heard.

On July 7, 1998, by a vote of 7-0, the Board of County Commissioners approved the TRANSMITTAL of this Plan Amendment to the Department of Community Affairs, and authorized the Chairman to sign the letter of transmittal.

On November 17, 1998, by a vote of 7-0, the Board CONTINUED the public hearing to December 1, 1998.

On December 1, 1998, by a vote of 6-0, the Board CONTINUED the public hearing to December 15, 1998.

PLANNING COMMISSION ACTION:

On June 11, 1998, by a vote of 5-0, the Planning Commission recommended ADOPTION of Ordinance 98-03 (Plan Amendment PA-98-02).

PUBLIC HEARING COMMENTS/CORRESPONDENCE:

There was no public comment at the June 11, 1998 Planning Commission public hearing, and no correspondence was entered into the record.

At the June 23, 1998 Board of County Commissioners public hearing, Harry Wright spoke saying he felt we need more bus shelters. No public comment at the November 17, 1998 and December 1, 1998 Board public hearings.

APPROVED BY COMMISSION:

DEC 15 1998