



THE SUNRISE CITY
FORT PIERCE
CITY ATTORNEY'S OFFICE *Florida*

Received

OCT 30 2019

City of Fort Pierce
City Manager's Office

TO: Jennifer D. Robinson, Executive Assistant to City Manager
FROM: Pete Sweeney, City Attorney
RE: Proposed FPRA Resolution for Sale of VCTC Certificate
RLS File: 19-288
DATE: October 29, 2019

I have reviewed the Request for Legal Services related to the proposed FPRA Resolution for sale of VCTC Certificate. It is approved as to Form and Correctness and I have signed in the appropriate signature spaces. I note that the proceeds of the proposed sale are not earmarked in this resolution; the decision to allocate the proceeds from the proposed sale can be addressed subsequent to the sale, from a legal perspective.

Should you have any questions, please don't hesitate to contact the City Attorney's Office via phone or email.

Thank you,

PS/mm

cc: Nicholas C. Mimms, P.E., City Manager
Linda Cox, City Clerk

OIC
H
10/30/19



RECEIVED
OCT 25 2019
City Attorney

CITY ATTORNEY USE ONLY

Date Received:	
Assigned To:	
File:	19-288
Due Date:	
Hours:	

REQUEST FOR LEGAL SERVICES

To: CITY ATTORNEY

SUBMITTED BY: JENNIFER D. ROBINSON, EXECUTIVE ASSISTANT TO CITY MANAGER *JDR*

CITY MANAGER AUTHORIZATION: NICHOLAS C. MIMMS, P.E., CITY MANAGER *NCE*

RE: PROPOSED FPRA RESOLUTION FOR SALE OF VCTC CERTIFICATE

DATE: OCTOBER 25, 2019

Service Required: (please circle or underline)

<u>Review Documents</u>	Draft Document	Written Opinion Requested
Attend Meetings	<u>Advise</u>	Other:

Upon review and/or "Approval as to Form and Correctness," the Department submitting the RLS is responsible for placement of any related item on a Commission or Board Agenda.

- Brief statement of the nature of the request or problem:** Request review of proposed FPRA resolution authorizing the sale of Voluntary Cleanup Tax Credit Certificate Number 1005.
- Discussion of the implications and the possible impact if not apparent from preceding information:** N/A
- Time considerations and their significance:** Proposed resolution is scheduled for approval at the November 12, 2019 Special FPRA meeting.
- Are City funds required? If so, list approvals obtained for expenditure of funds:** No
- Factual background:** At the October 21, 2019 meeting, the FPRA Board directed staff to proceed with the sale of the final bonus Voluntary Cleanup Tax Credit Certificate Number 1005 in the amount of \$500,000 from the Florida Department of Environmental Protection for the remediation of the former H.D. King Plant site.

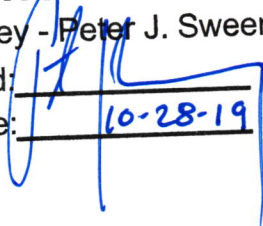
6. List and/or attach all related documents and known authorities (e.g., statute, ordinance, resolution, administrative code, legal case, RFP, bidder's response, contract, lease, letter, memorandum, prior legal opinion, deed, etc.):

- Proposed FPRA resolution
- VCTC Certificate Number 1005

7. Identify prior legal assistance on this or a related matter and the attorney who handled it:

8. If this is a request for review of a contract, provide the following: **N/A**

- a. List of individuals who have read and approved the business terms and conditions of the contract and confirmed the ability to carry out the terms of the contract as they apply to the City: (This office is not responsible for reviewing either the accuracy or value of the business terms and conditions or product specifications of the contract as agreed upon between the department and contractor. However, this office is available to negotiate the terms as desired by the City upon request.)
- b. Insurance requirements that differ from the City's template insurance terms: (The department should consult with the Risk Manager for each contract to determine whether there are any special insurance requirements.)

CITY ATTORNEY USE ONLY			
Routed for Review	Date	Response Deadline	Response
			<p>Approved as to Form & Correctness City Attorney - Peter J. Sweeney Signed:  Date: <u>10-28-19</u></p>

FPRA RESOLUTION NO. 19-03

A RESOLUTION OF THE FORT PIERCE REDEVELOPMENT AGENCY AUTHORIZING THE SALE OF THE VOLUNTARY CLEAN UP TAX CREDIT CERTIFICATE ON THE OPEN MARKET AND EXECUTION OF ALL DOCUMENTS NECESSARY AND INCIDENT TO SUCH SALE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fort Pierce Redevelopment Agency ("Agency") is a dependent special district of the City of Fort Pierce, established pursuant to sections 163.356 et seq., Florida Statutes, and Chapter 2, Article XVI (Redevelopment Agency) of the Code of Ordinances of the City of Fort Pierce; and

WHEREAS, the Fort Pierce Redevelopment Agency is participating in the Voluntary Cleanup Tax Credit Program as part of the remediation of the former H.D. King Plant site and is in possession of the following Voluntary Cleanup Tax Credit Certificate issued to the Agency pursuant to section 376.30781, Florida Statutes, as follows: Certificate Number 1005 in the amount of \$500,000.00; a copy is attached for identification as Exhibit "A"; and

WHEREAS, the use of proceeds from the open market sale of the above described tax credit Certificate is lawful and consistent with the purposes specified in section 220.1845 and section 376.30781, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE FORT PIERCE REDEVELOPMENT AGENCY AS FOLLOWS:

SECTION 1. It is hereby ascertained, determined and declared that the Agency sell the above-described Voluntary Cleanup Tax Certificate on the open market for the highest and best price and in accordance with all requirements of the Florida Statutes and other applicable provisions of law.

SECTION 2. That the Agency Chair, Agency Director, Agency Secretary, and Agency Counsel are hereby authorized to execute and deliver such documents, Certificate, opinions, or other items and to take such other action as is necessary for the full, functional, and complete performance of the matters and things set out herein and authorized by this Resolution.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted this _____ day of
November 2019.

FORT PIERCE REDEVELOPMENT AGENCY

Linda Hudson
Chairperson

ATTEST:

Linda W. Cox, Agency Secretary

Approved as to Form and Correctness:

Peter J. Sweeney, Esq.
Agency Counsel

E101044

Voluntary Cleanup Tax Credit Certificate

This certificate is issued pursuant to Section 376.30781, Florida Statutes (F.S.), to Fort Pierce Redevelopment Agency, # 59-6000322, in the amount of \$500,000.00, to be applied toward Corporate Income Tax pursuant to s. 220.1845, F.S.

Tax credit certificates are transferable pursuant to Section 220.1845, F.S. A tax credit certificate holder seeking to transfer the certificate to one or more individuals or entities shall submit the original certificate to the Department's Division of Waste Management in Tallahassee along with a signed and notarized letter authorizing the transfer. The letter shall state the name, address, telephone number, and FEID or Social Security number, as applicable, of each transferee, and it shall indicate the portion (in whole or in units of no less than 25%) to be transferred. Such transferred credits may not be transferred again, although they may succeed to a surviving or acquiring entity after merger or acquisition.

Certificate Number:	<u>1005</u>
FDEP Fiscal Year Issued:	<u>2019-2020</u>
Calendar Year:	<u>2018</u>
Site Type:	<u>BF</u>
FDEP Facility ID#:	<u>BF561101001</u>
VCTC Application #:	<u>971</u>

Tim J.
Bahr
Issued by: _____
(Authorized FDEP signature)

Digitally signed by
Tim J. Bahr
Date: 2019.07.25
13:15:52 -04'00'