



TO: DONNELLA CLARKE, GRANTS ADMINISTRATION MANAGER, COMMUNITY AND ECONOMIC DEV, GRANTS DIVISION

FROM: FELICIA HOLLOMAN, ASSISTANT CITY ATTORNEY **FH**

THROUGH: SARA HEDGES, CITY ATTORNEY *SH*

RE: CONSENT TO ASSIGNMENT OF GRANT - CITY OF FORT PIERCE WASTEWATER RESILIENCE AND ADAPTATION - PHASE
II - FOR EXECUTION

CAO RLS FILE: 25-147

DATE: MAY 29, 2025

I have reviewed the above request for legal services regarding the FDEP Grant and Consent to Assign for the wastewater resilience and adaptation. Both forms appear to be stock PDF forms provided by the State Department of Environmental Protection. The forms labeled "Standard Grant Agreement" and "Consent to Assignment of Grant Agreement" have previously been reviewed by this Office. The forms are approved as to form and correctness.

Please be aware of the following provisions:

- The Grantee Manager in the Standard Grant Agreement is listed as an FPUA contact rather than a contact with the City. If it is the intention of the City Grant's Department to be the contact between the FDEP and the FPUA, then a City employee should be listed instead.
- The assignment includes a provision that the City is secondarily liable for FPUA's performance. While this is a reimbursement agreement, there are provisions of the agreement requiring the FPUA to report to the FDEP that would also fall upon the City in the event the FPUA did not comply with those provisions.

To effectuate these agreements, a Resolution must be drafted and presented to the Commission for the Standard Grant Agreement first. Once the grant agreement is approved, then a separate Resolution for the Consent to Assign must be presented to the Commission.

If you have any questions, please do not hesitate to contact this Office via phone or e-mail.

Thank you.