

MEMORANDUM

January 15, 2014

TO: Honorable Mayor and City Commissioners

FROM: Albert C. Galloway, Jr., City Attorney

VIA: Kenneth Fields, City Manager

SUBJECT: Memorandum of Understanding between AAS Foundation and the City of Lake Wales

SYNOPSIS: A finding that indemnification is appropriate and is required in order for the City to enter into the previously approved Memorandum of Understanding between the City of Lake Wales and the AAS Foundation.

RECOMMENDATION

That the City Commission make a finding that the prohibition against indemnification may be waived in order for the City to enter into the subject Memorandum of Understanding ("MOS") between AAS Foundation and the City of Lake Wales.

BACKGROUND

This matter came before the City Commission on November 5, 2013, and the MOS was approved unanimously by the Commission subject to an attempt to resolve the requirement that the City provide indemnification to the AAS Foundation and its principals. Section 1-17 of the Lake Wales Code of Ordinances prohibits indemnification unless the City Commission makes a finding that the indemnification is in the interest of the public in order to receive the benefit of the service to be provided. The service in this instance is a public/private partnership, which results in a donation that will fund a significant refurbishment of the Lincoln Avenue Park. The Foundation, through its legal counsel, was unwilling to waive the requirement for indemnification.

FISCAL IMPACT

As set forth in the agenda Memorandum previously considered and approved.

ALTERNATIVES

None that will facilitate the contemplated public/private partnership as previously approved.

ATTACHMENTS

None