



November 14, 2023 - Regular Meeting

Subject

Authorization to retain outside counsel in the matter of Joseph McClash v. Manatee County, DOAH Case No. 23-004332GM

Category

CONSENT AGENDA

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Christopher De Carlo, Esq., Assistant County Attorney, ext. 3729

Action Requested

Authorization for the County Attorney to sign an engagement agreement to retain Gray Robinson as outside counsel to defend Manatee County and handle any proceedings related thereto in connection with a Petition for Formal Administrative Hearing styled Joseph McClash v. Manatee County, Florida Department of Administrative Hearings Case No. 23-004332GM.

Enabling/Regulating Authority

Section 125.01, Florida Statutes

Article II $\frac{1}{2}$, Chapter 2-2 of the Manatee County Code of Ordinances

Background Discussion

- Petitioner, Joseph McClash ("McClash"), filed a Petition for Formal Administrative Hearing ("Petition") with the State of Florida, Department of Administrative Hearings on November 6, 2023, Case Number 23-004332GM.
- The Petition requests an administrative hearing to challenge PA-23-06 / Ordinance No. 23-66 Comprehensive Plan Text Amendment Wetlands Protection PLN2302-0091 which approved text amendments to Manatee County's Comprehensive Plan.
- On August 17, 2023, the Board of County Commissioners held a public hearing to consider the Plan Amendment and transmit the proposed amendment to the State Land Planning Agency.
- On October 5, 2023, the Board of County Commissioners held a public hearing and voted to adopt the text amendment to the Comprehensive Plan regarding wetlands protection.
- The Petition requests a formal hearing be conducted to determine if the amendments comply with Chapter 163, Florida Statutes.

- Due to the nature of the petition and the likely timeframe for responding to the petition and/or preparing for the hearing, the CAO recommends utilizing Gray Robinson as outside counsel to represent the County.
- The CAO has sufficient funds in its outside counsel budget to cover the cost of Gray Robinson's legal services which will be monitored through the CAO.

Attorney Review

Other (Requires explanation in field below) DeCarlo
County Attorney Item

Instructions to Board Records

E-mail an approved copy of this agenda item to: Christopher De Carlo, Assistant County Attorney, christopher.decarlo@mymanatee.org and Shannon Rainwaterclark, County Attorney's Office, shannon.rainwaterclark@mymantee.org

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A