

**From:** Andrew Hand  
**To:** [Troy Slattery](#)  
**Cc:** [Dawn Bowne](#); [Jan Smith](#)  
**Subject:** RE: Radio Contact  
**Date:** Friday, December 09, 2016 9:12:07 AM  
**Attachments:** [image001.png](#)

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After reviewing pertinent AG opinions on the matter, it is my conclusion that the 1% sales tax may be used to finance the radio purchase (so long as the radios have a life expectancy of 5 or more years) as long as the contract for radios is entered into after referendum approval of the surtax – which is of course the case here.

AGO 1992-08 and 1988-46 stand for the premise that local government infrastructure surtax proceeds may be used only to service new bond indebtedness and may not be used to service or refund indebtedness incurred prior to referendum approval of the surtax. Although, the opinions regard bond indebtedness which is clearly not the subject of the proceeds here, the timing limitation of the use of proceeds is limited to debts incurred after referendum approval.

Since the AG has stated that the limitation applies to debts incurred after referendum approval rather than the levy date of the surtax, it my opinion that since the surtax referendum has been approved – the funds can be used to finance the radios that are the subject of a contract entered into after the referendum approval of the surtax, but which contract was entered into prior to the surtax levy date (in this case January 1, 2017).

Best Regards,



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**From:** Troy Slattery [mailto:[TSlattery@dunnellon.org](mailto:TSlattery@dunnellon.org)]  
**Sent:** Thursday, December 8, 2016 5:51 PM  
**To:** Andrew Hand <[ahand@shepardfirm.com](mailto:ahand@shepardfirm.com)>  
**Cc:** Dawn Bowne <[dbowne@dunnellon.org](mailto:dbowne@dunnellon.org)>; Jan Smith <[jsmith@dunnellon.org](mailto:jsmith@dunnellon.org)>  
**Subject:** Radio Contact

Hello Sir,

This is Chief Slattery Dunnellon Fire Rescue. I have spoken with Robert Webb with Tri-Co and he has informed me that Marion Co. did sign and entered into their contract dated Dec. 6<sup>th</sup>, 2016 to purchase the new radios using the 1% sales tax. I then called Division Chief Craig Damien of Marion Co. Fire Rescue and he advised me that the contract was reviewed and approved by their legal and purchasing departments.

The two in their legal department are Elizabeth Ault and Guy Minter. David Ellspermann with the Clerk of courts was in on the purchasing group.

Robert Webb also said that Motorola may be reluctant to change the date of the contract to Jan. 1<sup>st</sup> because it puts them into the new year. We may lose some of the offered discounts as a result.

Craig Damien thinks that this may be why Motorola deferred the first year payment.

I hope to get in contact with Marion's Legal department tomorrow. I hope this information helps.

If you have any further questions please feel free to call me on my cell any time day or night.

Respectfully,

T.D. Slattery

Fire Chief

Dunnellon Fire Rescue

Cell # 352-445-1150

Office # 352-465-8595

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