



OFFICE OF THE COUNTY ATTORNEY

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MEMORANDUM

DATE: October 17, 2019
TO: Kristin Erickson, Environmental Specialist, Parks and Natural Resources Department
THROUGH: Mitchell O. Palmer, County Attorney Approved by *M. Palmer 10-17-19*
FROM: Alexandria C. Nicodemi, Assistant County Attorney Approved by *A. Nicodemi 10-17-19*
RE: **Boat Ramp Maintenance Agreement; CAO Matter No. 2019-0417**

This memorandum is in response to the above referenced Request for Legal Services in which you asked this Office to review a Memorandum of Agreement (Agreement) between Manatee County and the Florida Fish and Wildlife Conservation Commission (FFWCC) for the maintenance and improvements for various Manatee County boat ramps. There were no specific legal issues raised in this Request for Legal Services. Therefore, my review is limited to identifying legal issues that could give rise to a claim or case against the County.

Per your request, I have reviewed the Agreement and my comments are as follows:

1. In the introductory clause of the Agreement, "Manatee County Government" should be replaced with "Manatee County, a political subdivision of the State of Florida," in order to correctly identify the County as a party to the Agreement.
2. Section 1. B. 1. requires that all listed boat ramps in Attachment A, Table A, are open for the use of the general public for recreation and boating purposes. Please verify the County is in compliance with this provision before executing the Agreement.
3. Please complete the Notice provision within Section 4 of the Agreement with the appropriate contact information for the County.

* Board Certified in Construction Law

** Board Certified in City, County, & Local Government Law

4. Section 11 states that venue for resolving any disputes under the Agreement will be exclusively in Leon County. While our Office generally counsels against agreeing to venue outside of Manatee County, based on past experiences with FFWCC contracts, FFWCC will unlikely agree to change the venue.
5. Section 15 requires the County to enroll and use the Department of Homeland Security's E-Verify Employment Eligibility Verification System. Please contact the Human Resources Department to confirm it is possible to comply with this provision.
6. Finally, Manatee County Attorney's Office has adopted a standard layout for the Chairperson's signature block. The standard signature block is as follows:

MANATEE COUNTY, a political subdivision of the State of Florida

By: Its Board of County Commissioners

By: _____
Chairperson

Date: _____

ATTEST: ANGELINA COLONNESO,
CLERK OF CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

Subject to the inclusion of the minor changes noted above, including the proper identification of the County and its signature block, I find that the Agreement is in legally sufficient form for consideration by the Board of County Commissioners. I express no opinion as to the business judgment of entering into the Agreement. This concludes my response to your Request for Legal Services if you have any further questions, comments, or concerns, please feel free to contact me.

Copies to: Cheri Coryea, County Administrator
John Osborne, Deputy County Administrator
Karen Stewart, Acting Deputy County Administrator
Charlie Hunsicker, Director, Parks and Natural Resources Department