



## OFFICE OF THE COUNTY ATTORNEY

MITCHELL O. PALMER, County Attorney\*  
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## MEMORANDUM

DATE: May 4, 2020

TO: Clarke Davis, Deputy Director, Traffic Management, Public Works  
Department

THROUGH: Mitchell O. Palmer, County Attorney Approved by *MOP 5-5-2020*

FROM: Pamela J. D'Agostino, Assistant County Attorney Approved by *PJD 5-4-2020*

RE: **State of Florida Department of Transportation Traffic Signal  
Maintenance and Compensation Agreement – FY 20/21; CAO Matter  
No. 2020-0181**

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### **Issue Presented:**

In this Request for Legal Services (RLS), you have asked the County Attorney's Office (CAO) to review the updated Exhibit A to the Traffic Signal Maintenance and Compensation Agreement (Agreement) between the Florida Department of Transportation (FDOT) and the County for legal sufficiency.

### **Brief Answer:**

I have reviewed the updated Exhibit A as well as the Agreement. I have no objection from a legal standpoint to this matter being presented to the Board of County Commissioners of Manatee County, Florida (Board) for consideration and execution.

\* Board Certified in Construction Law

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

**Discussion:**

On May 23, 2017, the Board executed this Agreement with the FDOT for the operation and maintenance of traffic signals located on state highways within the unincorporated portions of Manatee County. The Agreement requires the County to operate and maintain the traffic signals in compliance with rules and standards of the FDOT in exchange for compensation to the County. The amount of compensation is based on a formula developed by FDOT and applied uniformly throughout the state. Pursuant to the Agreement, the parties are to update an exhibit to the Agreement (Exhibit A) annually prior to the start of the FDOT's fiscal year through an amendment to the Agreement. Exhibit A contains a list of the traffic signals and devices covered by the Agreement. Only the Board may execute such an amendment.

The FDOT has furnished staff with an updated Exhibit A for FDOT's 2020/2021 fiscal year. Staff has reviewed the changes and has found the list of inventory to be correct. Compensation rates have increased in accordance with the FDOT's compensation rate structure. I have reviewed the updated Exhibit A as well as the Agreement. There are no specific legal issues raised in this RLS.

Staff should draft a resolution for presentation to the Board that requests that the Board (1) approve this amended Exhibit A and (2) authorize the Chairperson or Vice-Chairperson to execute this amended Exhibit A.

**Conclusion:**

I have no objection from a legal standpoint to this updated Exhibit A being presented to the Board consistent with my advice above. I express no opinion as to the business judgment of accepting this updated Exhibit A. I will continue to assist staff to revise these documents if so requested. This completes my response to your RLS. Please contact me if you have any questions or if I can be of further assistance.

Copies to: Cheri Coryea, County Administrator  
John Osborne, AICP, Infrastructure and Strategic Planning Official –  
Deputy County Administrator  
Karen M. Stewart, CECD, Economic Development Official – Deputy  
County Administrator  
Chad Butzow, P.E., Director, Public Works Department  
Francisca Backenstross, Senior Administrative Specialist