



## OFFICE OF THE COUNTY ATTORNEY

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### MEMORANDUM

DATE: April 19, 2018

TO: Sage Kamiya, P.E., PTOE, Deputy Director, Traffic Management, Public Works Department

THROUGH: Mitchell O. Palmer, County Attorney *MOP 4-19-18*

FROM: Pamela J. D'Agostino, Assistant County Attorney *PJD 4-19-2018*

RE: **State of Florida Department of Transportation Traffic Signal Maintenance and Compensation Agreement – Fiscal Year 2018/2019; CAO Matter No. 2018-0169**

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#### Issue Presented:

In this Request for Legal Services (RLS), you have requested review of 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 the Board for consideration and execution.

#### Discussion:

On May 23, 2017, the Board of County Commissioners of Manatee County, Florida, (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

\* Board Certified in Construction Law

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

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 2018/2019 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 amended Exhibit A being presented to the Board consistent with my advice above. I express no opinion as to the business judgment of accepting this amended Exhibit A.

I will continue to assist staff to revise these documents if so requested. This completes my response to your Request for Legal Services. Please contact me if you have any questions or if I can be of further assistance.

Copies with attachments to:

Ed Hunzeker, County Administrator  
Dan Schlandt, Deputy County Administrator  
Cheri Coryea, Deputy County Administrator  
Chad Butzow, P.E., Deputy Director, Field Operations Services, Public Works Department  
Francisca Backenstross, Senior Administrative Specialist, Public Works Department  
Aaron Burkett, Traffic Operations Division Manager, Public Works  
Department