

## M E M O R A N D U M

**To:** Town Commission  
**From:** Tom Harmer, Town Manager  
**Report date:** November 28, 2022  
**Meeting date:** December 5, 2022  
**Subject:** Bay Isles Association Agreement for Traffic Control Jurisdiction

### **Recommended Action**

Authorize Manager to execute the Traffic Control Agreement with the Bay Isles Association for Traffic Enforcement.

### **Background**

In April 2022, the Town was approached by Bay Isles to explore an agreement with their Homeowners' Association (HOA) and the Town for non-criminal traffic enforcement on their private roads. As a private gated community, the Town does not provide that service currently and under Florida Statutes it requires a formal agreement approved by both the HOA Board and the governing body of the local government. This type of traffic enforcement is separate from the current level of patrol and criminal enforcement services that the Town has jurisdiction over now.

The Statute (F.S. 316.006(2)) calls out the authority and certain provisions that should be addressed in a traffic enforcement agreement on private roads. There are a number of examples of similar agreement around the State that both the HOA and Town staff have reviewed.

Over the past six months we have met and discussed the request with representatives of the Bay Isles HOC Board and agreed on an approach that is consistent with Statutory requirements. The Town Attorney drafted an agreement in the appropriate form for their HOA to review. On November 14, 2022 their Board approved and executed the Agreement and it is now before the Town Commission for review and approval.

The Agreement recognizes the Town's current service level which includes periodic law enforcement patrols through the gated community.

The Agreement would allow the Town's Police Officers to take traffic enforcement action on the private roads while patrolling the area.

The initial term of the agreement would be for 5 years and provides for termination without cause with a 90-day notice by either party. It also allows for an automatic extension at the end of the initial term under the same terms and conditions that are in effect at that time.

There is also a provision that would provide for specific traffic enforcement at the request of the HOA. That enhanced service would be scheduled if resources were available and

the Town would be compensated for that service in accordance with the prevailing rate and terms for off-duty Police Officer assignments.

The HOA is required to provide and confirm that their regulatory signs meet the required standards and provide an inventory and verification report to the Town within 10 days of the effective date of this Agreement.

The HOA also provides indemnification and insurance requirements (additional insured) pursuant to the services provided under this Agreement.

The Police Chief has participated in the discussions and reviewed the requested new level of service. The Town is prepared to implement the services in accordance with the requirement of this agreement.

### **Staff Recommendation**

Authorize Manager to execute the Traffic Control Agreement with the Bay Isles Association for Traffic Enforcement.

### **Attachments (Available in Town Clerk's Office)**

- A. Bay Isles Association Agreement for Traffic Control Jurisdiction
- B. Exhibit A

**End of Agenda Item**