

RESOLUTION NO. 2019-169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER OF COCONUT CREEK TO EXECUTE THE FIRST AMENDMENT TRANSPORTATION SURTAX INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY, THE BROWARD METROPOLITAN PLANNING ORGANIZATION, AND THE CITY OF COCONUT CREEK RELATING TO THE COUNTY'S ONE CENT TRANSPORTATION SURTAX LEVY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the transportation surtax ballot measure was approved by the voters on November 6, 2018; and

WHEREAS, on August 21, 2018, the County approved and executed the Transportation Surtax Interlocal Agreement (ILA) between Broward County, the Metropolitan Planning Organization (MPO); and

WHEREAS, the City of Coconut Creek approved and executed the ILA on September 27, 2018; and

WHEREAS, the City and the County desire to amend the ILA to add clarity and address maintenance projects; and

WHEREAS, the City of Coconut finds it to be in the best interests of our residents, businesses, and visitors to execute the First Amendment Transportation Surtax ILA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the City Commission has reviewed and approves the attached First Amendment of the Transportation System Surtax ILA between Broward County, the Metropolitan Planning Organization, and the City of Coconut Creek.

Section 2: That the City Manager of Coconut Creek is hereby authorized to execute the attached First Amendment to the Transportation System Surtax ILA between Broward County, the Metropolitan Planning Organization, and the City of Coconut Creek.

Section 3: That pursuant to Section VI. of the Transportation System Surtax ILA, the City Clerk is directed to return the executed First Amendment to the Transportation System Surtax ILA to Broward County and to scan and email a copy of said ILA to the County and MPO recipients listed in Section XVI of the ILA.

Section 4: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

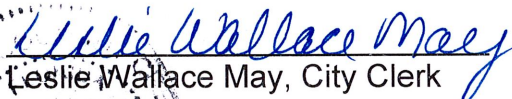
Section 5: That this resolution shall be in full force in effect immediately upon its adoption.

Adopted this 11th day of July, 2019.

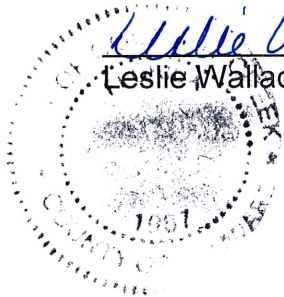


Sandra L. Welch, Mayor

Attest:



Leslie Wallace May, City Clerk



Welch Aye
Sarbone Aye
Tooley Aye
Belvedere Aye
Rydell Aye

WSS:ae

\\pdcl\data\Development Services\Common\Documents\PLANNING & ZONING\Project Coordinator\Resolutions\RES 2019-169 First Amendment Transportation Surtax Interlocal Agreement.docx

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

This is the First Amendment (the "First Amendment") to the Transportation System Surtax Interlocal Agreement, entered into by and between Broward County, a political subdivision of the State of Florida (the "County"), the Broward Metropolitan Planning Organization, duly organized and existing under Section 339.175, Florida Statutes (the "MPO"), and the municipalities that have formally approved the Interlocal Agreement (collectively the "Municipalities") that was executed by the County on August 29, 2018 (the "Interlocal Agreement").

Recitals

- A. The transportation surtax ballot measure was approved by the voters on November 6, 2018, and the Parties desire to enter into this First Amendment to address the issues specified below.
- B. The Parties acknowledge that, under the Interlocal Agreement, the MPO is required to review, rank, and prioritize Submitted Municipal Projects based on each project's ability to alleviate traffic congestion and enhance connectivity. Because municipal rehabilitation and maintenance projects (involving the maintenance and rehabilitation of roads, sidewalks, bike paths, drainage, etc.) may not promote connectivity or alleviate traffic congestion, the amendments stated below, among other things, are intended to increase the likelihood that such projects will receive funding earlier in the Transportation Surtax Program.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Except as expressly modified herein, all terms and conditions of the Interlocal Agreement remain in full force and effect. Amendments made to the Interlocal Agreement by this First Amendment are indicated by use of strikethroughs to indicate deletions and underlining to indicate additions, unless otherwise stated. Terms used herein but not defined herein shall have the meaning ascribed to such terms in the Interlocal Agreement.
2. Section II, titled "Applications for Funding," is hereby amended to read as follows:

Applications for Funding. All municipal projects included within the Regional Mobility & Transportation Enhancements Surtax Initiative, which ~~will be~~ were considered by the County Commission on September 13, 2018 (the "Current Municipal Projects"), shall be deemed to have been properly submitted by the Municipalities to the County consistent with Section 31½-75(h), Broward County Code of Ordinances, and are not required to be resubmitted. There are seven hundred nine (709) Current Municipal Projects (this number includes 506 municipal roadway and safety projects and 203 municipal maintenance and rehabilitation projects), with an estimated cost of \$2.8 billion (including the City Project Contingency and Community Bus Service). The Parties acknowledge that in any given year the County may,

Approved BCC 6/11/19, 8/1
Submitted By County Attorney
RETURN TO DOCUMENT CONTROL

but is not obligated to, fund more than the ten percent (10%) commitment (inclusive of Community Bus Service funding) provided for in Section V.D. of the Interlocal Agreement.

All of these The 506 municipal roadway and safety projects have been submitted to the MPO for review, ranking, and prioritization, consistent with Section IV below. Consistent with the Interlocal Agreement entered into between the MPO and the County on April 16, 2019, an application process will be established by the Transportation Surtax-funded MPO staff to allow Municipalities to submit applications for new or amended projects, beyond the 506 Submitted Municipal Projects currently in the Plan to be prioritized based on their ability to enhance connectivity and alleviate traffic congestion. Transportation Surtax-funded MPO staff will accept, review, evaluate, and recommend existing and new municipal projects to be contained in a Five-Year Plan, due to be submitted by Transportation Surtax-funded MPO staff to County staff no later than July 2020.

The County will develop a prioritization process for municipal rehabilitation and maintenance projects that allows Municipalities to submit new or amended rehabilitation and maintenance projects beyond the 203 currently contained in the Transportation Surtax Plan. The prioritization process for municipal rehabilitation and maintenance projects will acknowledge the age and condition of facilities while striving to achieve geographic and equitable distribution of Transportation Surtax Proceeds countywide to benefit all who participate in paying the surtax. The process will be presented to stakeholders and the County Commission prior to implementation. New or amended rehabilitation and maintenance project applications will be accepted from Municipalities by County staff through an annual process that will be developed and presented to Municipalities.

3. Section III, paragraph G is hereby amended to read as follows:

G. Road Improvements – New roads, widening, Resurfacing and road repairs of existing roads, pavement markings, signage, guardrails, ADA accommodations, and traffic calming projects are eligible. High-end decorative lighting, decorative road signage, brick pavers, and similar items are not eligible.

4. Section IV, titled “MPO Review and Ranking,” is hereby amended to read as follows:

MPO Review and Ranking. For all Current Municipal Projects and all future municipal projects submitted to the MPO (collectively, “Submitted Municipal Projects”), the Transportation Surtax-funded MPO staff agrees to review, rank, and prioritize the current and future projects (including the 506 projects currently in the plan that do not involve rehabilitation and maintenance) based upon each project’s ability to alleviate traffic congestion and enhance connectivity. The 203 rehabilitation and maintenance projects (involving the maintenance or rehabilitation of roads, sidewalks, bike paths, bridges, etc.) currently in the plan will not be subject to MPO ranking and prioritization and will be eligible for funding from available Transportation Surtax Proceeds after the MPO submits its recommendations for projects that alleviate traffic congestion and improve connectivity. The parties hereto acknowledge that the MPO might lacks adequate resources and time to review, rank, and

prioritize the Submitted Municipal Projects prior to calendar year 2020. The impact of this is addressed in Section V below. The MPO's obligation under this paragraph shall be subject to: (a) the County and the MPO entering into an agreement for the County to fund, from Transportation Surtax Proceeds (as defined below), the MPO's actual, reasonable costs of meeting this obligation; and (b) the County, and the MPO, ~~and with Municipalities being represented through their representation on the MPO Board~~ representing a majority of the population of Broward County entering into a separate agreement to establishing in writing the methodologies and criteria pursuant to which the MPO will review, rank, and prioritize the applicable projects. The Parties agree that prioritization will be informed by each project's ability to alleviate traffic congestion and improve connectivity, but also acknowledge that Transportation Surtax-funded MPO staff may properly consider shovel-readiness, construction work planned in the vicinity of a proposed project, corridor delivery timing, and other existing conditions that allow surtax revenues to be utilized responsibly, efficiently, and with the least interruption to residents and businesses.

Transportation Surtax-funded MPO staff will work with the County to develop an annual process that allows municipalities to submit eligible projects for MPO review, ranking, and prioritization. This application process will provide an option for Municipalities to "swap out" one or more of their existing eligible projects with a new project of similar cost, with the County's written consent. This process will be available commencing with the February 2021 annual municipal projects evaluation cycle.

The County, through the Mobility Advancement Plan's administration, will prepare a budget, annually, to be approved in the normal course of the County's budget process, which includes municipal projects that have been prioritized by the Transportation surtax-funded MPO staff and approved as eligible for funding by the Independent Transportation Surtax Oversight Board. Municipalities will be notified by the MPO and the County individually, and collectively, at each stage of the budget processes so they are full, participating partners and will have a heightened comfort level regarding a five-year project and revenue forecast.

5. Section VI, titled "Conditions Precedent to Effectiveness of this Agreement; Joining After the Agreement Becomes Effective," is hereby deleted in its entirety.
6. The Parties hereto represent and acknowledge that the Village of Lazy Lake is the only municipality that has not approved the Interlocal Agreement and therefore is the only municipality that is currently not entitled to receive Transportation Surtax Proceeds, commencing with the initial distribution thereof.
7. This First Amendment represents the final and complete understanding of the Parties regarding the subject matter of the items addressed herein, and together with the remainder of the Interlocal Agreement, supersedes all prior and contemporaneous negotiations and discussions regarding that subject matter. There is no commitment, agreement, or understanding concerning the subject matter of this First Amendment that is not contained in this written document or the Interlocal Agreement.

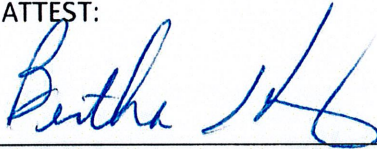
8. The effective date of this First Amendment shall be the date of complete execution by the County, the MPO, and such Municipalities that, at the time the amendment is being considered, both (i) constitute a majority of the Municipalities that are parties to the Interlocal Agreement, and (ii) cumulatively represent more than fifty percent (50%) of the County's total population. The MPO's written approval of this First Amendment is required because it modifies express obligations of the MPO.
9. This First Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same agreement.

[Remainder of this page is intentionally blank]

IN WITNESS WHEREOF, the Parties have made and executed this First Amendment on the respective dates under each signature: BROWARD COUNTY, by its Board of County Commissioners, signing by and through its Mayor or Vice-Mayor, duly authorized to execute same by Board action (Agenda Item 81) on the 11th day of June, 2019; the MPO signing by and through its authorized officer or official, duly authorized to execute same by official action taken on the date identified on its signature page; and each Municipality signing by and through its authorized officer or official, duly authorized to execute same by official action taken on the date identified on its signature page.

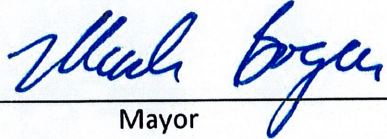
BROWARD COUNTY

ATTEST:

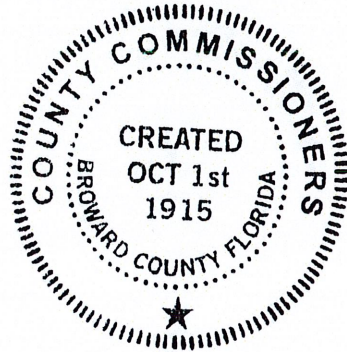


Broward County Administrator, as
ex officio Clerk of the Broward County
Board of County Commissioners

BROWARD COUNTY, by and through
its Board of County Commissioners

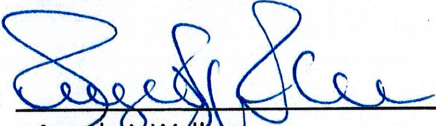
By 
Mayor

24 day of June, 2019



Approved as to form by:

Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

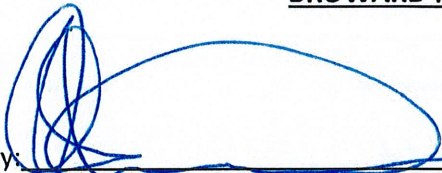
By: 
Angela J. Wallace
Deputy County Attorney

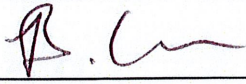
th
11 day of June, 2019

AJW
1st Amendment Transportation Surtax ILA
05/21/2019

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

BROWARD METROPOLITAN PLANNING ORGANIZATION

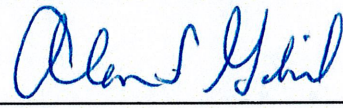
By: 
Gregory Stuart, Executive Director

By: 
Bryan Caletka, Chair

This 12th day of Sept. 2019.

This 12th day of Sept. 2019.

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE OF AND
RELIANCE BY THE BMPO ONLY:

By: 
Alan L. Gabriel, BMPO General Counsel
Weiss Serota Helfman Cole & Biermann, P.L.

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF Coconut Creek through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 11th day of July, 2019.

WITNESS:

Signature of Witness

Print of Type Name of Witness

Signature of Witness

Print of Type Name of Witness

CITY

By: Sandra L. Welch
Sandra L. Welch, Mayor

11th day of July, 2019

By: Mary C. Blasi
Mary C. Blasi, City Manager

ATTEST:

By: Leslie Wallace May
Leslie Wallace May, City Clerk

Approved as to legal form

By: Terrill C. Pyburn
Terrill C. Pyburn, City Attorney



FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF Opportunity through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 20th day of August, 2019.

WITNESS:

[Signature]
Signature of Witness

ROLANDO LAMERA JR
Print of Type Name of Witness

[Signature]
Signature of Witness

Ruth Freeston
Print of Type Name of Witness

CITY

By [Signature]
Mayor

20th day of August, 2019

By [Signature]
City Manager

ATTEST:

[Signature]
City Clerk

Approved as to legal form

[Signature]
City Attorney

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF CORAL SPRINGS through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 21st day of August, 2019.

WITNESS:

Karyn Komoff

Signature of Witness

Karyn Komoff

Print of Type Name of Witness

Debra Thomas

Signature of Witness

Debra Thomas

Print of Type Name of Witness

CITY

By [Signature]

Mayor

21st day of August, 2019

By [Signature]

Deputy City Manager

ATTEST:

[Signature]

City Clerk


Approved as to legal form

[Signature]

City Attorney

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

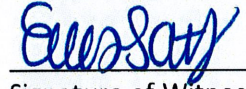
CITY OF DEERFIELD BEACH through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 6th day of August, 2019.

WITNESS:


Signature of Witness

Tracy Britten

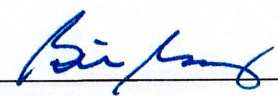
Print of Type Name of Witness



Signature of Witness

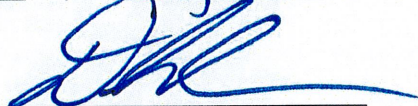
Erica Satz

Print of Type Name of Witness

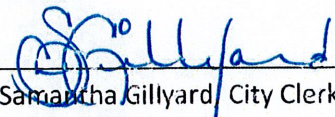
CITY
By 

Bill Ganz, Mayor

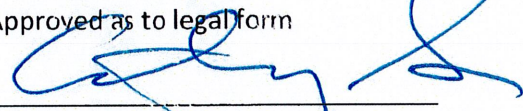
6th day of August, 2019

By 

David Santucci, Interim City Manager

ATTEST:


Samantha Gillyard, City Clerk

Approved as to legal form


Anthony Soroka, City Attorney

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF Fort Lauderdale through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 9th day of July, 2019.

WITNESS:

Jannette A. Johnson
Signature of Witness

Jannette A. Johnson
Print of Type Name of Witness

Donna Varisco
Signature of Witness

Donna Varisco
Print of Type Name of Witness

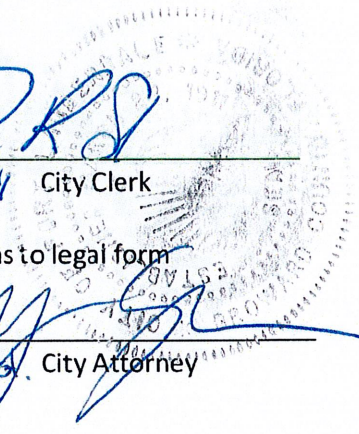
CITY
By [Signature]
Mayor

24 day of July, 2019

By [Signature]
City Manager

ATTEST:
[Signature]
Deputy City Clerk

Approved as to legal form
[Signature]
Asst. City Attorney



FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

Town of Hillsboro Beach, FL through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 2nd day of JULY, 2019.

WITNESS:

[Signature]
Signature of Witness

Daniela T. Joseph
Print of Type Name of Witness

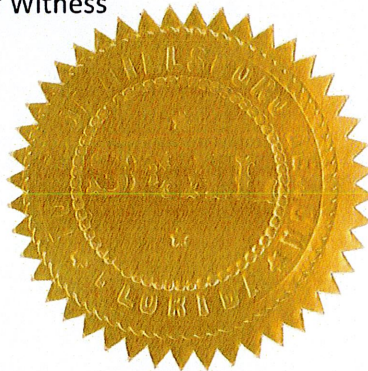
[Signature]
Signature of Witness

NICOLE SPRAHLIN
Print of Type Name of Witness

CITY
By Deborah L. Tarnat
Mayor

2nd day of JULY, 2019

By [Signature]
City Manager



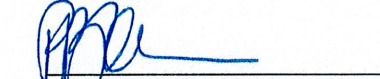
ATTEST: [Signature]
City Clerk

Approved as to legal form
[Signature]
City Attorney

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF Laud-Lakes through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 9th day of July, 2019.

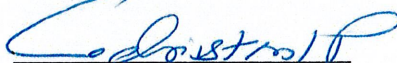
WITNESS:



Signature of Witness

Pariter Watson

Print of Type Name of Witness



Signature of Witness

LOLITA P. CADRON ATWOOD


Print of Type Name of Witness

CITY

By 

Mayor

9th day of July, 2019

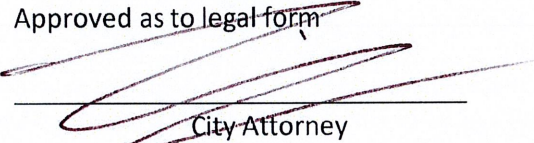
By 

City Manager

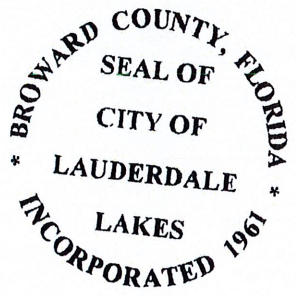
ATTEST:



City Clerk

Approved as to legal form


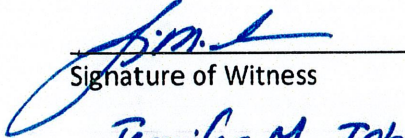
City Attorney



FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

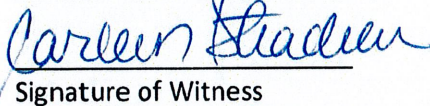
CITY OF Maryake through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 3rd day of July, 2019.

WITNESS:



Signature of Witness

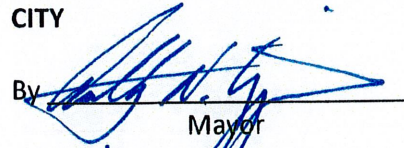
Jennifer M. Johnson
Print of Type Name of Witness



Signature of Witness

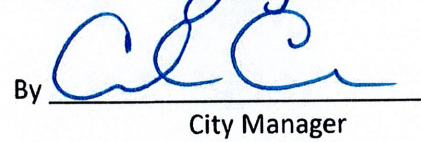
Carleen Steadman
Print of Type Name of Witness

CITY

By 

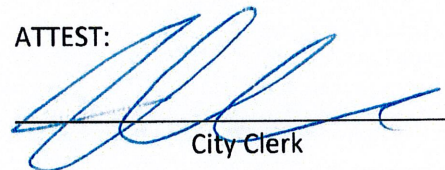
Mayor

3rd day of July, 2019

By 

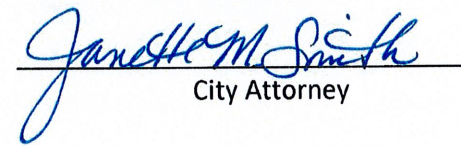
City Manager

ATTEST:



City Clerk

Approved as to legal form



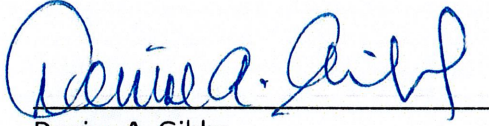
City Attorney

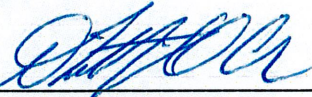
FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF MIRAMAR through its City Commission, signing by and through its City Manager authorized to execute the same by City Commission action at its properly noticed meeting on the 10 day of July, 2019.

CITY OF MIRAMAR, FLORIDA

ATTEST:



Denise A. Gibbs
City Clerk

For

By: _____
Vernon E. Hargray
City Manager

BN

Dated: 7/10/19

Approved as to legal form and
Sufficiency for the use of and reliance
By the City of Miramar only:



City Attorney
Weiss Serota Helfman Cole
& Bierman, P.L.

Notice Recipient: Vernon E. Hargray
City Manager
City of Miramar
2300 Civic Center Place
Miramar, Florida 33025
Telephone: (954) 602-3115
Vehargray@miramarfl.gov

With A Copy to: Jamie A. Cole, Esq.
City Attorney
Weiss Serota Helfman Cole &
Bierman, P.L.
200 East Broward Boulevard, Suite 1900
Fort Lauderdale, Florida 33301
Telephone: (954) 763-4242
Jcole@wsh-law.com

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF Parkland through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 10th day of July, 2019.

WITNESS:

Dava Gottlieb
Signature of Witness

Dava Gottlieb
Print of Type Name of Witness

Claudia Chabot
Signature of Witness

CLAUDIA CHABOT
Print of Type Name of Witness

CITY

By [Signature]
Mayor

10th day of July, 2019

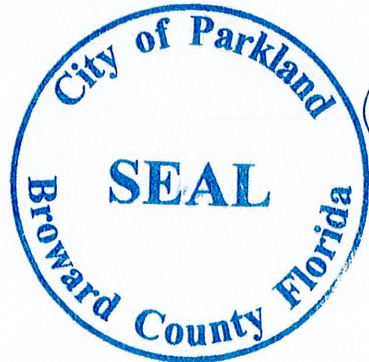
By [Signature]
City Manager

ATTEST:

[Signature]
City Clerk

Approved as to legal form

[Signature]
City Attorney



FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF Pompano Beach through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 23rd day of July, 2019.

WITNESS:

Emily A. Sargent
Signature of Witness

Emily A. Sargent
Print of Type Name of Witness

Shelley R. Bartholomew
Signature of Witness

Shelley R. Bartholomew
Print of Type Name of Witness

CITY

By [Signature]
Mayor

23 day of July, 2019

By [Signature]
City Manager

ATTEST:

[Signature]
City Clerk

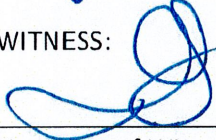
Approved as to legal form

[Signature]
City Attorney

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

TOWN OF SOUTHWEST RANCHES through its Town Council, signing by and through its Mayor, authorized to execute the same by Board action on the 22nd day of August, 2019.

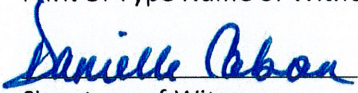
WITNESS:



Signature of Witness

Ivette Solera

Print of Type Name of Witness



Signature of Witness

Danielle Caban

Print of Type Name of Witness

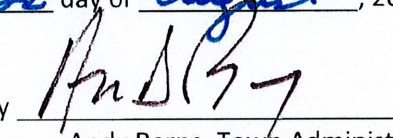
SOUTHWEST RANCHES

By

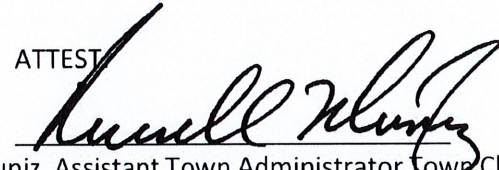

Doug McKay, Mayor

22nd day of August, 2019

By

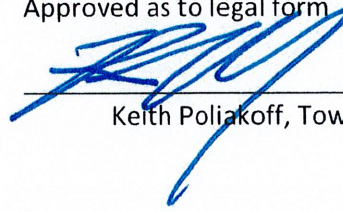

Andy Berns, Town Administrator

ATTEST



Russell Muniz, Assistant Town Administrator Town Clerk

Approved as to legal form



Keith Poliakoff, Town Attorney

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF WESTON through its City Commission, signing by and through its Mayor, authorized to execute the same by Commission action on the 1st day of July, 2019.

WITNESS:

Patricia A. Bates

Signature of Witness

Patricia A. Bates

Print of Type Name of Witness

Signature of Witness

Print of Type Name of Witness

CITY OF WESTON

By [Signature]

Daniel J. Stermer, Mayor

1st day of July, 2019

By [Signature]

John R. Flint, City Manager

2nd day of July, 2019

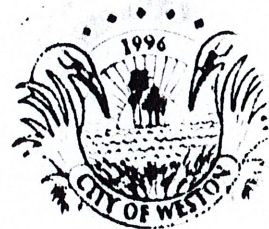
ATTEST:

Patricia A. Bates

Patricia A. Bates, City Clerk

Approved as to legal form:

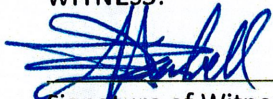
[Signature]
Jamie A. Cole, City Attorney



FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF WEST PARK through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 7th day of AUGUST, 2019.

WITNESS:



Signature of Witness

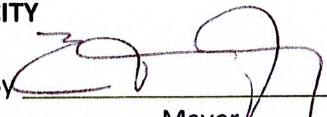
Debon L. Campbell II.

Print of Type Name of Witness

Signature of Witness

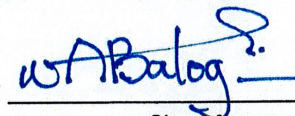
Print of Type Name of Witness

CITY

By 

Mayor

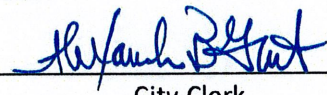
14th day of AUGUST, 2019

By 

City Manager

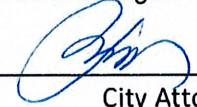
(RESOLUTION 2019-79)

ATTEST:



City Clerk

Approved as to legal form



City Attorney

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF WILTON MANORS through its City Commission, signing by and through its Mayor or Vice-Mayor, authorized to execute the same by Board action on the 23rd day of July, 2019.

WITNESS:

Patricia Staples
Signature of Witness

Patricia Staples
Print of Type Name of Witness

Johnnie Goodnight
Signature of Witness

Johnnie Goodnight
Print of Type Name of Witness

CITY

By Justin S. Flippen
Justin S. Flippen, Mayor

24th day of July, 2019

By Leigh Ann Henderson
Leigh Ann Henderson, City Manager

ATTEST:

BY: Faith Lombardo
Faith Lombardo, City Clerk

Approved as to form:

BY: Kerry L. Ezrol
Kerry L. Ezrol, Esq., City Attorney