

Meeting Date:

Agenda Item

September 8, 2015

14

REQUESTED COMMISSION ACTION:

<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Consideration/ Discussion	<input type="checkbox"/> Presentation
---	------------------------------------	--	---	---------------------------------------

SHORT TITLE **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE CREATION OF THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION; PROVIDING AN EFFECTIVE DATE.**

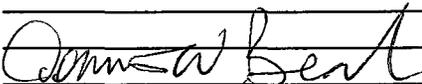
Summary of Purpose and Why:

Approving Third Amendment to the Interlocal Agreement for the creation of the Broward County Metropolitan Planning Organization

- (1) Origin of request for this action: Lamar Fisher and Charlotte Burrie
- (2) Primary staff contact: Greg Harrison Ext. 4614
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: _____

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
City Attorney	8/24/15		See City Attorney's Comm. #2015-1468
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____


 City Manager



ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
1 st Reading	1 st Reading	Results:	Results:
_____	_____	_____	_____
2 nd Reading	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

l:comsn/2015-1469

July 9, 2015

The Honorable Charlotte Burrie
Vice Mayor
City of Pompano Beach
100 W Atlantic Boulevard
Pompano Beach, FL 33060

RE: Third Amendment to the Interlocal Agreement for the Creation of the Broward Metropolitan Planning Organization

Dear Vice Mayor Burrie,

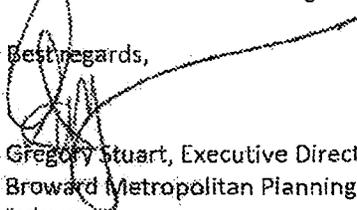
The Metropolitan Planning Organization (MPO) Board of Directors requests your governing body to schedule and adopt the attached resolution. At the April 9 2015 MPO Board Meeting, the Board approved the Third Amendment to the Interlocal Agreement for the Creation of the Broward Metropolitan Planning Organization (Agenda Item A-1).

When approved, the Third Amendment will allow the number of voting members to expand to 25 members, the maximum allowed under Florida Statute. The alternate voting members from the cities of Coconut Creek, Hallandale Beach, Margate, North Lauderdale, and Oakland Park will become full voting members as is allowed by the Interlocal Agreement. Also, the Amendment will allow for the addition of one Broward County Commissioner to the Board. The additional alternate voting members will continue to hold voting rights when one or more of the voting members are not present. Whether a voting or alternate member, all members are encouraged to participate at all meetings. Ultimately, the structure of the MPO's voting districts will not be changed as part of the Amendment and the total number of members (voting and non-voting) will increase to 38 members.

If you would like, I can arrange to meet with you along with your City Manager and Technical Coordinating Committee (TCC) Representative to coordinate placement of this item on the upcoming agenda for your Commission Meeting and discuss any questions your Commission may have.

We look forward to working with you on this effort.

Best regards,


Gregory Stuart, Executive Director
Broward Metropolitan Planning Organization

Enclosure
gs/at

- Chair**
Richard Barlow
Vice Chair
Bryan Casey
Second Vice Chair
Bruce S. Roberts
- Members/ Alternates**
Minnie Schenkow
Mark Brown
Charlotte Burrie
Yvesin Colbourne
Tom Cooper
William Dunn
Dorothy Elliott
Lobby Fuller
Terry Givens
Tom Green
Patricia Givens
Cyle Holmes
Ron Jacobs
Candy Johnson
Eva H. Jones, II
Richard J. Kaplan
Fred Lee
Lisa Maltoni
Sharon McManney
Anita A. Mohammed
Frank Oros
Debra Padro
Lamarie Rogers
David Rossini
Edward Rosenzweig
Tim Ryan
Barbara Smith
Lynne Simons
Loretta A. Smith
Gregory Smith
Lynn Vignola
Lisa Winder
Sueyly Williams
- Executive Director**
Gregory Stuart
General Counsel
Alan Good



City Attorney's Communication #2015-1468

August 24, 2015

TO: Dennis W. Beach, City Manager

FROM: Mark E. Berman, City Attorney

RE: Resolution – Third Amendment to Interlocal Agreement-Broward County Metropolitan Planning Organization

Attached please find the following captioned Resolution addressing the above-referenced matter:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE CREATION OF THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION; PROVIDING AN EFFECTIVE DATE.

Please place this matter on the September 8, 2015 City Commission Agenda. I have attached a Commission Agenda Cover Sheet for your convenience.

Should you have any questions regarding this matter, please feel free to contact me.


MARK E. BERMAN

MEB/ds
l:cor/manager/2015-1468
Attachments

RESOLUTION NO. 2015-_____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE CREATION OF THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That a Third Amendment to the Interlocal Agreement for the Creation of the Broward County Metropolitan Planning Organization, a copy of which Third Amendment is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2: That the proper City officials are hereby authorized to execute said Third Amendment.

SECTION 3: This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MB/ds
8/24/15
L:/reso/2015-460

Return Recorded Document To:
Document Prepared By:

Proposed 3.18.15

Alan L. Gabriel, Esq.
Weiss Serota Helfman Cole & Bierman, P.L.
200 East Broward Blvd., Suite 1900
Fort Lauderdale, Florida 33301

**THIRD AMENDMENT TO
INTERLOCAL AGREEMENT FOR CREATION
OF THE BROWARD METROPOLITAN
PLANNING ORGANIZATION**

Among

FLORIDA DEPARTMENT OF TRANSPORTATION [non-voting member]; the COUNTY OF BROWARD, the SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY, the MUNICIPALITIES OF CORAL SPRINGS, DAVIE, DEERFIELD BEACH, FORT LAUDERDALE, HOLLYWOOD, LAUDERHILL, MIRAMAR, PEMBROKE PINES, PLANTATION, POMPANO BEACH, SUNRISE, TAMARAC AND WESTON AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA [Voting Members]

AND THE MUNICIPALITIES OF COCONUT CREEK, COOPER CITY, DANIA BEACH, HALLANDALE BEACH, HILLSBORO BEACH, LAUDERDALE-BY-THE-SEA, LAUDERDALE LAKES, LAZY LAKE, LIGHTHOUSE POINT, MARGATE, NORTH LAUDERDALE, OAKLAND PARK, PARKLAND, PEMBROKE PARK, SEA RANCH LAKES, SOUTHWEST RANCHES, WEST PARK AND WILTON MANORS [Alternate Members], collectively known as "the Parties".

This Third Amendment to the Interlocal Agreement For Creation Of the Broward Metropolitan Planning Organization ("Third Amendment"), entered into by and among the Parties.

RECITALS

WHEREAS, the current applicable Interlocal Agreement for the Creation of the Broward Metropolitan Planning Organization ("Interlocal Agreement") was originally entered into March 7, 2000, and recorded on April 24, 2000, in Official Records Book 30444, Page 1278, in and for Broward County, Florida; and

WHEREAS, the Addendum to the Interlocal Agreement was recorded on September 13, 2005, in Official Records Book 40489, Page 711, in and for Broward County, Florida; and

WHEREAS, the Second Amendment to the Interlocal Agreement was recorded on September 18, 2006, in Official Records Book 42777, Page 1902, in and for Broward County, Florida; and

WHEREAS, the Parties desire to increase the voting membership of the Broward Metropolitan Planning Organization from 19 voting members (with 18 alternate members) to 25 voting members (with 13 alternate members); and

WHEREAS, the membership of the Broward Metropolitan Planning Organization has been reapportioned in accordance with Section 339.175(4), Florida Statutes and the Governor of the State of Florida has been duly notified of such reapportionment; and

WHEREAS, the municipal membership of the Broward Metropolitan Planning Organization as reapportioned in accordance with Section 339.175 (4), Florida Statutes is set forth on Table 1, attached hereto and incorporated by reference; and

WHEREAS, the undersigned Parties have determined that this Third Amendment to the Interlocal Agreement is consistent with Section 339.175(10), Florida Statutes; and

WHEREAS, the Parties have determined that this Third Amendment to the Interlocal Agreement is consistent with statutory requirements set forth in Section 163.01, Florida Statutes, relating to Interlocal Agreements;

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the Parties desiring to be legally bound, do agree as follows:

1. Recitals. Each and all of the foregoing recitals are incorporated herein and acknowledged to be true and correct to the best of the Parties knowledge. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Third Amendment or the original Interlocal Agreement, as amended.
2. Additional Municipal Voting Members. Upon the Effective Date of this Third Amendment, the Municipalities of Coconut Creek, Hallandale Beach, Margate, North Lauderdale and Oakland Park all of which are currently Alternate Municipal Representatives shall be Voting Members of the Broward Metropolitan Planning Organization in their respective Districts as evidenced in Table 1, attached hereto.
3. Additional Broward County Voting Members. Pursuant to the Interlocal Agreement, the South Florida Regional Transportation Authority ("SFRTA") formally known as the Tri-County Commuter Rail Authority, is a Voting Member represented at the Broward Metropolitan Organization by a Broward County Commissioner who is a member of the SFRTA. In addition, the Broward County Board of County Commissioners currently has three (3) non-municipal representative Voting Members. Upon the Effective Date of this Third Amendment, Broward County shall have one (1) additional County Commissioner as a Voting Member. Thus, a total of five (5) Broward County Commissioners shall be Voting Members on the Broward Metropolitan Organization as evidenced in Table 1.
4. Article 3, Section 3.01, "Establishment of MPO", is hereby amended to designate the legal name of this Metropolitan Planning Organization to be the "Broward Metropolitan Planning Organization".

5. Except as amended herein all other terms and conditions of the Interlocal Agreement recorded in OR Book 30444, Page 1278; the Addendum to the Interlocal Agreement in OR Book 40489, Page 711; and the Second Amendment to the Interlocal Agreement recorded in OR Book 42777, Page 1902 shall remain in full force and effect.
6. Enforcement by Parties Hereto. In the event of any judicial or administrative action to enforce or interpret this Third Amendment, or the Interlocal Agreement, as amended, each Party shall bear its own costs and attorney's fees in connection with such proceeding.
7. Execution of Third Amendment: Use of Counterpart Signature Pages. This Third Amendment, or the Interlocal Agreement, as amended, may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.
8. Effective Date. This Third Amendment shall become effective upon its filing in the public records of Broward County.
9. Cost of Recordation. The Broward Metropolitan Planning Organization agrees to pay for any costs of recordation or filing of this Third Amendment in the public record of Broward County. The recorded or filed original, or any amendment, shall be returned to the Broward Metropolitan Planning Organization for filing in its records.

IN WITNESS WHEREOF, the undersigned parties have executed this Third Amendment To Interlocal Agreement For Creation of the Broward Metropolitan Planning Organization on the respective dates under each signature.

Signed, Sealed and Delivered in the presence of:

[Every member of the BMPO shall sign this Third Amendment with the appropriate witnesses]

[REMAINING PORTION OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

SIGNATURE PAGES FOLLOW.]

"CITY":

Witnesses:

CITY OF POMPANO BEACH

By: _____
LAMAR FISHER, MAYOR

By: _____
DENNIS W. BEACH, CITY MANAGER

Attest:

ASCELETA HAMMOND, CITY CLERK

(SEAL)

Approved As To Form:

MARK E. BERMAN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 by **LAMAR FISHER** as Mayor, **DENNIS W. BEACH** as City Manager and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number