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#1

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, 81
Submitted By County Attorney
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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, ~~R~~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 agree~~s~~ 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~~ lack~~s~~ 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

COUNTY COMMISSIONERS
CREATED
OCT 1st
1915
BROWARD COUNTY FLORIDA

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

11th 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

This 12th day of Sept. 2019.

By: _____
Bryan Caletka, Chair

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 Opa-locka 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 of Witness

ROLANDO VANEGAS JR

Print of Type Name of Witness

Ruth Freeston

Signature of Witness

Ruth Freeston

Print of Type Name of Witness

CITY

By _____
Mayor

20th day of August, 2019

By _____
City Manager

ATTEST:

_____
City Clerk

Approved as to legal form

_____
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 Kornutt
Signature of Witness

Karyn Kornutt
Print of Type Name of Witness

Debra Thomas
Signature of Witness

Debra Thomas
Print of Type Name of Witness

CITY

By _____
Mayor

21st day of August, 2019

By _____
Deputy City Manager

ATTEST:

_____
City Clerk

Approved as to legal form

_____
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:

Jeanette A. Johnson
Signature of Witness

Jeanette A. Johnson
Print of Type Name of Witness

Donna Varisco
Signature of Witness

Donna Varisco
Print of Type Name of Witness

CITY

By _____
Mayor

24 day of July, 2019

By _____
City Manager

ATTEST:

_____
Deputy City Clerk

Approved as to legal form

_____
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 of Witness

Daniela T. Joseph
Print of Type Name of Witness

Signature of Witness

NICOLE SPRADLIN
Print of Type Name of Witness

CITY

By Deborah L. Tarnat
Mayor

2nd 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 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

Print of Type Name of Witness

Signature of Witness

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

BROWARD COUNTY, FLORIDA * SEAL OF CITY OF LAUDERDALE LAKES * INCORPORATED 1961

FIRST AMENDMENT TO TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

CITY OF Margate 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, 20 19.

WITNESS:

Signature of Witness

Jennifer M. Johnson
Print of Type Name of Witness

Carleen Steadman
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

By: For
Vernon E. Hargray
City Manager

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, 20 19.

WITNESS:

Dara Gottlieb
Signature of Witness

Dara Gottlieb
Print of Type Name of Witness

Claudia Chabot
Signature of Witness

CLAUDIA CHABOT
Print of Type Name of Witness

CITY

By _____
Mayor

10th day of July, 2019

By _____
City Manager

City of Parkland SEAL Broward County Florida

ATTEST:

_____
City Clerk

Approved as to legal form

_____
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:

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 _____
Mayor

23 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

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

Danielle Cabau

Signature of Witness

Danielle Cabau

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 _____
Daniel J. Stermer, Mayor

1st day of July, 2019

By _____
John R. Flint, City Manager

2nd day of July, 2019

ATTEST:

Patricia A Bates
Patricia A. Bates, City Clerk

Approved as to legal form:

_____
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

Deban 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

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, City Manager

ATTEST:

BY:
Faith Lombardo, City Clerk

Approved as to form:

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