

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING A CERTAIN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY AND THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, WHICH AGREEMENT SETS FORTH THE PROCEDURES TO BE USED FOR COORDINATING THE PREPARATION AND ADOPTION OF COMPREHENSIVE PLAN TRANSPORTATION ELEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town is required to adopt a Transportation Element, to replace the existing Traffic Circulation Element, as part of the 1995 Evaluation and Appraisal report process; and

WHEREAS, the preparation of the Town's element must be coordinated with the Broward County Transportation Element and the Metropolitan Planning Organization; and

WHEREAS, the Florida Department of Community Affairs has requested Broward County municipalities to commit to a submittal window for the Transportation Element; and

WHEREAS, the Town of Davie, through coordination with the League of Cities Technical Advisory Committee, Broward County and Department of Community Affairs, has developed a form agreement between Broward municipalities, Broward County and the Department of Community Affairs to formalize coordination during the preparation and adoption of Transportation Elements.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The form interlocal agreement attached hereto as Exhibit "A" is hereby approved. The Town Attorney is authorized to make minor revisions to this form as appropriate prior to execution by the Mayor.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 1999

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM

PZ 03-02-99

3/17/99 COUNCIL AGENDA ITEM

TO: Robert Rawls, Interim Town Administrator

FROM: Jeff Katims, AICP, Planner II

THRU: Mark A. Kutney, Development Services Director

DATE: March 12, 1999

RE: Resolution approving Comprehensive Plan Transportation Element Agreement

The attached Resolution authorizes the appropriate Town officials to execute a form agreement between the Town, Broward County and the Florida Department of Community Affairs (DCA). The agreement is essentially a memorandum of understanding to demonstrate that the Town intends to submit its Transportation Element no later than July, 1999, and agrees to coordinate the preparation and adoption of the element with the Metropolitan Planning Organization. The agreement also formalizes methodologies and approaches to technical issues that the planning staffs from Broward County, its municipalities and DCA have agreed upon after extensive coordination via the League of Cities Technical Advisory Committee (LOC-TAC). Staff expects all League of Cities member municipalities in Broward County which coordinate through the TAC to execute this agreement.

The Town is required to submit a new Transportation Element to DCA as part of the 1995 Evaluation and Appraisal Report process. Staff will bring the element to Council for transmittal to DCA in June, 1999, in compliance with the submittal date stipulated in the agreement.

AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 1999 between and among the PARTIES, to wit, State of Florida municipal corporations, hereinafter referred to as "MUNICIPALITY;" Broward County, a charter county of the State of Florida, hereinafter referred to as "COUNTY;" and the Florida Department of Community Affairs, the state land planning agency, hereinafter referred to as "DCA."

WHEREAS, Chapter 163, Part II, Florida Statutes (F.S.) establishes the Local Government Comprehensive Planning and Land Development Regulation Act (Act); and

WHEREAS, the Act authorizes the DCA to promulgate administrative rules to implement the Act, enables the DCA to enter into Agreements, mandates that local governments adopt a Comprehensive Plan, provides for local government Comprehensive Plans to be periodically reviewed through the Evaluation and Appraisal (EAR) process, and requires a local government within an urbanized area designated as a Metropolitan Planning Organization (MPO) to adopt a transportation element in lieu of the previously required plan elements of traffic circulation; mass transit; ports, aviation, and related facilities; and

WHEREAS, COUNTY and MUNICIPALITY have adopted comprehensive plans in compliance with the Act, are within an urban area designated as a MPO, have adopted or are in the process of adopting EARs and EAR based Comprehensive Plan amendments, and must each respectively adopt a transportation element that is coordinated with the MPO plans and programs and that identifies land use intensities and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such

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systems; and

WHEREAS, Rule 9J-5-019, F.A.C., is a new rule requirement and, therefore, must be addressed as part of the EAR based amendment process; and

WHEREAS, the PARTIES agree the COUNTY and MUNICIPALITY EAR-based amendment schedules and the MPO long range plan schedule differ, making coordination with each others plans and the MPO long range difficult; and

WHEREAS, the PARTIES agree that the identification of land use intensities sufficient to support public transportation should be conducted on a Countywide basis rather than on a municipal-by-municipal basis; and

WHEREAS, the COUNTY maintains a countywide travel demand forecasting model needed to determine those land use intensities sufficient to support a public transportation system and the COUNTY has agreed to model travel demand provided the COUNTY and MUNICIPALITY can reach consensus on the location and intensity of alternative land uses; and

WHEREAS, the MUNICIPALITY has agreed to cooperate with the COUNTY in reaching consensus as to those locations where land use intensities could be adjusted for transportation element modeling purposes; and

WHEREAS, the schedule herein will allow MUNICIPALITY to model its Transportation Element based on and consistent with the COUNTY Transportation Element; and

WHEREAS, pursuant to Section 163.3171(4), Florida Statutes, DCA is authorized

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to enter into an agreement with the MUNICIPALITY and COUNTY as may be necessary to effectuate the provisions and purposes of Section 163.3177(6)(h), Florida Statutes, relating to intergovernmental coordination; and

WHEREAS, DCA, MUNICIPALITY, and COUNTY have determined that this Agreement is necessary to, and does, effectuate the provisions and purposes of Section 163.3177(6)(h), Florida Statutes; and

WHEREAS, pursuant to Motion/Resolution No. 93-_____ adopted at its meeting of _____, 1994, the MUNICIPALITY or COUNTY governing body authorized the appropriate local government officials to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the PARTIES agree as follows:

1. The WHEREAS clauses set forth above are hereby fully incorporated into this Agreement.
2. The COUNTY and MUNICIPALITY agree to coordinate the preparation and adoption of their respective Transportation Elements according to the schedule set forth in Exhibit A and the role of the parties identified in Exhibit B.
3. The DCA agrees not to seek sanctions against COUNTY and MUNICIPALITY pursuant to Section 163.3191(11), Florida Statutes (F.S.), for not adopting a Transportation Element within the time frame specified by Chapter 163.3191, F.S.
4. Compliance determinations for the Transportation Element shall be made

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following submission of adopted elements according to the schedule in Exhibit B.

5. COUNTY agrees to send MUNICIPALITY a copy of its proposed Transportation Element and Support Documents when transmitting to DCA.

6. DCA agrees to send MUNICIPALITY a copy of COUNTY's Objections, Recommendations, and Comments Report.

7. Any notice provided or permitted to be given under this Agreement must be in writing and must be served by depositing same in United States mail, addressed to the party to be notified, postage prepaid and registered or certified with return receipt requested; by delivering the same in person to each party; by prepaid telegram or telex; by facsimile copy or express mail. Notice given in accordance herewith shall be effective upon receipt at the address of the party to be served. For purposes of notice, the addresses of the parties shall be as follows:

If to MUNICIPALITY:

If to COUNTY: Peter M. Ross, Assistant Director
Department of Strategic Planning & Growth
Management
115 S. Andrews Avenue, Room 329
Fort Lauderdale, FL 33301
Telephone: (954) 357-6602
Facsimile: (954) 357-8655

If to DCA: Kenneth Metcalf, Community Program Administrator
Division of Resource Planning and Management
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Telephone: (850) 487-4545

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Facsimile: (850) 488-3309

8. Certification of Understanding and Voluntary Execution. The PARTIES heir authorized representatives each certify that they have read and understand the terms and conditions of this agreement and that it is voluntarily executed for the purposes set forth herein.

9. Entire Agreement, Amendments. This document contains the entire and exclusive understanding and agreement of the PARTIES not be modified except by an instrument in writing signed by the parties hereto.

IN WITNESS WHEREOF, the PARTIES, by their duly authorized representatives, have executed this Agreement on the dates below written.

2 BROWARD COUNTY

Witness

Date: _____

By _____
Lori Nance Parrish
Title: Chair, Board of County Commissioners
Date: _____

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LOCAL GOVERNMENT: _____

By _____

Witness

Title: Mayor

Date: _____

Date: _____

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EXHIBIT A
TRANSPORTATION ELEMENT STATUS AND
TRANSPORTATION ELEMENT SUBMITTAL DATE

<i>Local Government</i>	<i>Transportation Element (TE) Status</i>	<i>TE Submittal Date</i>	<i>TE Adoption Date</i>
Broward County	Not submitted	July 7, 1998	Nov. 10, 1998
Coconut Creek	Not submitted	1	1
<i>Cooper City</i>	<i>Not submitted</i>	1	1
Coral Springs	Submitted but withdrawn	March 99	August 99
Dania	Not submitted	August 99	Dec. 99
Davie	Not submitted	July 1999	November 99
Deerfield Beach	Not submitted	August 99	Dec. 99
Fort Lauderdale?	Not submitted	Apr. or Aug. 99	Oct. or Dec. 99
Hallandale	Submitted but withdrawn	April 99	Aug. or Oct. 99
Hillsboro Beach	Not submitted	1	1
Hollywood	Submitted but not adopted/BC	August 1999	Dec. 1999
Lauderdale-By-The-Sea	Submitted but not adopted/ORC	1	1
Lauderdale Lakes	Submitted but not adopted	1	1
<i>Lauderhill</i>	<i>Not submitted</i>	1	1
Lazy Lake	Not submitted	1	1
Lighthouse Point	Submitted but not adopted/ORC	1	1
Margate	Not submitted	August 99	December 99
Miramar	Not submitted	1	1
North Lauderdale	Not submitted	August 1999	Dec. 1999
Oakland Park	Submitted but not adopted/ORC/BC	Feb. 99	June 99
Parkland	Not submitted	July 99	Nov. 99
Pembroke Park	In compliance/BC	N/A	N/A
Pembroke Pines	Not submitted	July 99	Nov. 99
Plantation	Submitted but not adopted/BC	March 1999	Sept. 1999
<i>Pompano Beach</i>	<i>Not in compliance</i>	Jan. 99	May 99
Sea Ranch Lakes	Not submitted	1	1
Sunrise	Not submitted	April 99	August 99
Tamarac	Submitted but not adopted/ORC/TEA	January 1999	May 1999
Weston	Not submitted	Oct. 12, 98	April 12, 99
Wilton Manors	Not submitted	August 1999	December 99

NOTES:

Agmt = Transportation Element is subject to a Chapter 163, FS, agreement

BC = Proposed policies on the need for coordination, the land use/transportation modeling analysis, and on coordinating with the County in order to submit a Transportation Element

EXHIBIT A
TRANSPORTATION ELEMENT STATUS AND
TRANSPORTATION ELEMENT SUBMITTAL DATE

within a specified time period submitted to the Department of Community Affairs (DCA).

ORC = Proposed Transportation Element submitted to DCA and DCA has identified issues to be resolved in their Objections, Recommendations and Comments (ORC) Report.

TEA = Local governing body has adopted the *proposed agreement* among the local government, Broward County, and the DCA.

Notes: 1 = The municipality will need to separately negotiate a Transportation Element *submittal and adoption date* with the Department. 2 = This agreement supercedes the Department's previous agreement with the City of Fort Lauderdale solely as it relates to the Transportation Element. N/A = Not applicable.

Source: Florida Department of Community Affairs (As of April 1, 1998); Broward County Comprehensive and Neighborhood Planning Division.

EXHIBIT B
Transportation Element - Modeling of Alternative Future Land Use Scenarios - Roles of the Parties

The Task	The Transportation Planning Agency	The County Land Use Planning Agency	The Municipal Land Use Planning Agency
<p>Identify the organizational structure(s) to be used in coordinating the modeling of alternative future land use scenarios in order to determine the impact upon public transit</p>	<p>The Broward County Transportation Planning Division, which is a division of County government and which serves as the professional staff to the Broward County Metropolitan Planning Organization, is the Transportation Planning Agency (TPA).</p>	<p>The Broward County Comprehensive and Neighborhood Planning Division, which is a division of County government and which is charged with the responsibility for maintaining the County's Comprehensive Plan, is the County Land Use Planning Agency (CLUPA).</p>	<p>The Municipal Land Use Planning Agency (MLUPA) is the land use planning agency within each of Broward County's municipalities charged with the responsibility of maintaining each municipality's respective Comprehensive Plan. Each MLUPA has the responsibility for preparing and adopting its own Transportation Element.</p> <p>The Broward County League of Cities, an organization of elected municipal officials, shall establish a Technical Advisory Committee (TAC), whose membership includes municipal land use planners, to serve as the Municipal Land Use Planning Coordinating Committee (MLUPCC). The MLUPCC shall represent each municipality for purposes of coordination with the TPA and the CLUPA. The MLUPCC may establish a subcommittee of its members to provide recommendations to the MLUPA.</p>

EXHIBIT B
Transportation Element - Modeling of Alternative Future Land Use Scenarios - Roles of the Parties

The Task	The Transportation Planning Agency	The County Land Use Planning Agency	The Municipal Land Use Planning Agency
Identify the process to be used in selecting the alternative future land use scenarios	<p>The TPA shall provide technical assistance. Technical assistance may include recommendations on the long term planning horizon (e.g., 2015 versus buildout), data needs that may affect selection of modeling options, etc.</p>	<p>The CLUPA shall coordinate the scheduling of a meeting between and among the Parties, shall develop an agenda for the meeting, shall develop at least five (5) future land use scenarios, and shall provide this information to the Parties at least one week prior to the meeting.</p> <p>The CLUPA shall notify the regional planning agency, the countywide land use planning agency, the state department of transportation, and the state land planning agency of the meeting date and other information prior to the meeting.</p> <p>The CLUPA shall document the scenarios considered by the Parties, the scenarios selected for modeling, and shall provide this information to the MLUPCC, the regional planning agency, the countywide land use planning agency, the state department of transportation, and the state land planning agency no later than one week after any meeting held to select the alternative scenarios.</p>	<p>The MLUPCC shall attend the meeting and shall consider the five scenarios developed by the CLUPA. The MLUPCC may develop additional future land use scenarios for consideration.</p> <p>The MLUPCC shall select at least three future land use scenarios for modeling, one of which must serve as the baseline for comparison with the other two selected scenarios.</p>

EXHIBIT B
Transportation Element - Modeling of Alternative Future Land Use Scenarios - Roles of the Parties

The Task	The Transportation Planning Agency	The County Land Use Planning Agency	The Municipal Land Use Planning Agency
Identify and select the travel demand forecasting model or program to be used	The TPA shall select the computer travel demand forecasting model or program to be used for modeling alternative future land use scenarios, the study area limits, and the roadway and public transit networks	None	None
Travel demand forecasting model data needs	The TPA shall identify the data needed as inputs for the travel demand forecasting model	The CLUPA shall provide the data needed by the TPA to model the selected alternatives. The data shall be provided by municipality and for the unincorporated area. The data shall be provided in an electronic form that is convertible to a Lotus Computer format	Each affected MLUPA shall review the data provided by the CLUPA to determine whether it is complete, accurate, and the best available data. Each affected MLUPA shall provide a response within a reasonable time.
Identify the outputs to be derived from the travel demand forecasting model	The TPA shall provide transportation model outputs to the CLUPA. The roadway outputs, at a minimum, for each scenario shall include total trips, total vehicle miles traveled, vehicle hours traveled, and average travel speed The public transit outputs, at a minimum, for each scenario shall include: modal split, projected ridership by each bus stop countywide, and projected ridership by bus stop	The CLUPA shall provide municipal data to each affected MLUPA The CLUPA shall provide municipal related outputs to each affected MLUPA	None

EXHIBIT B
Transportation Element - Modeling of Alternative Future Land Use Scenarios - Roles of the Parties

The Task	The Transportation Planning Agency	The County Land Use Planning Agency	The Municipal Land Use Planning Agency
<p>Analyze the outputs derived from the travel demand forecasting model.</p>	<p>The TPA shall provide written documentation to the CLUPA describing and explaining the assumptions, methodology, and limitations of the travel demand forecasting model, including but not limited to: study area limits, trip generation, trip distribution, modal split, trip assignments, applicability and reliability as a travel demand forecasting tool, and applicability of model for recommending future land use changes.</p> <p>The TPA shall provide technical assistance to the CLUPA and to the affected MLUPA in analyzing the outputs, if so requested.</p>	<p>The CLUPA, in its Transportation Element Support Documents, shall analyze and describe the countywide public transit, park and ride facilities, roadways, bicycle and pedestrian, and access impacts</p>	<p>Each MLUPA may reference the County's Transportation Element and Support Documents.</p> <p>Each MLUPA, in their respective Transportation Element Support Documents, shall analyze and describe the municipal public transit, park and ride facilities, roadways, bicycle and pedestrian, and access impacts, etc</p>

EXHIBIT B
Transportation Element - Modeling of Alternative Future Land Use Scenarios - Roles of the Parties

The Task	The Transportation Planning Agency	The County Land Use Planning Agency	The Municipal Land Use Planning Agency
<p>Identify the Goal, Objectives and Policies to be included in the Transportation Element.</p>	<p>The TPA shall review and provide comments on draft GOPs</p> <p>The TPA shall provide a determination as to whether the proposed GOPs are consistent with the MPO's long range transportation plan and the transportation improvement program</p>	<p>The CLUPA shall prepare draft GOPs and circulate those for internal County review.</p> <p>The CLUPA shall distribute the proposed GOPs to the TPA, the MLUPCC, and other interested parties in January 1998.</p> <p>The CLUPA shall present the GOPs at the February 1998 TAC meeting for informational purposes.</p> <p>The CLUPA shall hold a public workshop on the GOPs about one week prior to the LPA.</p> <p>The CLUPA shall review the MLUPA and provide a determination as to the consistency with the County Comprehensive Plan</p>	<p>Each MLUPA shall review and, if applicable, comment on the CLUPA's proposed Transportation Element GOPs.</p> <p>Each MLUPA shall transmit a copy of its GOPs prior to the MLUPA LPA public hearing to the TPA and the CLUPA</p>

EXHIBIT B
Transportation Element - Modeling of Alternative Future Land Use Scenarios - Roles of the Parties

The Task	The Transportation Planning Agency	The County Land Use Planning Agency	The Municipal Land Use Planning Agency
Identify when the Local Planning Agency public hearing for the Transportation Element shall be held	<p>The TPA shall attend the CLUPA public hearing and shall provide support as necessary.</p> <p>If requested, the TPA shall attend the MLUPA public hearing and shall provide support as necessary.</p>	<p>The CLUPA shall schedule, and the LPA shall hold, a transmittal public hearing in mid-to-late January, 1998.</p>	<p>Each MLUPA shall schedule, and each municipal LPA shall hold, a transmittal public hearing. Each MLUPA shall notify the CLUPA and the TPA of the hearing at least two weeks prior to the hearing, if attendance is requested.</p>
Identify when the Governing Board public hearing shall be held	<p>The TPA shall attend the public hearing and shall provide support as is necessary.</p>	<p>The CLUPA shall schedule, and the Governing Board shall hold, a transmittal public hearing on or around February 3, 1998.</p>	<p>Each MLUPA shall schedule, and each municipal Governing Board shall hold, a transmittal public hearing. Each MLUPA shall notify the CLUPA and the TPA of the hearing at least one week prior to the hearing.</p>

EXHIBIT B
Transportation Element - Modeling of Alternative Future Land Use Scenarios - Roles of the Parties

The Task	The Transportation Planning Agency	The County Land Use Planning Agency	The Municipal Land Use Planning Agency
Respond to the Objections, Recommendations and Comments Report ¹	The TPA shall provide technical assistance in responding to the ORC Report as it relates to the modeling and other technical issues such as travel patterns, transportation demand management, impacts to the Florida Intrastratic Highway System, bicycle and pedestrian access, etc.	The CLUPA shall present its proposed response to the ORC Report at the earliest available TAC meeting. If necessary, the CLUPA shall hold a public hearing to receive comments on the proposed ORC Report response. The CLUPA shall, where necessary, assist the MLUPA in responding to any MLUPA ORC Reports.	Each MLUPA shall respond to their own ORC Report
The Governing Board adoption hearing	The TPA shall attend the public hearing and shall provide support as is necessary.	The CLUPA shall schedule, and the Governing Board shall hold, an adoption public hearing on or around June 10, 1998.	Each MLUPA shall schedule, and the Governing Board shall hold, an adoption public hearing as shown in Exhibit C.
Notice of Intent	The TPA shall provide technical assistance in responding to any findings of non-compliance.	The CLUPA shall provide any data, analysis or GOP amendments necessary to bring the Transportation Element into compliance.	Each MLUPA shall provide any data, analysis or GOP amendments necessary to bring the Transportation Element into compliance.

NOTES: 1 - The state land planning agency shall provide a copy of the County's ORC Report to all municipalities in Broward County. The state land planning agency also shall provide a copy of each MLUPA ORC Report to the CLUPA.