



Town Council Agenda Report

SUBJECT: Resolution

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE APPROVING THAT CERTAIN INTERLOCAL AGREEMENT FOR THE CREATION OF THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION; PROVIDING FOR THE APPROVAL AND EXECUTION OF THE INTERLOCAL AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

This interlocal agreement provides for the creation of the Broward County Metropolitan Planning Organization. A similar agreement was approved by the Town Council on February 17, 1999. The revisions reflect HB 591 enacted to allow charter counties with over one million population to apportion the MPO without the approval of the Governor. The other revisions decrease the number of County Commissioners by one, from 4 to 3, and adds an additional municipal member appointed by the Broward League of Cities. Davie becomes a voting member in District 6.

DISCUSSION:

Davie will now be a voting member of the MPO. The MPO is a forum for cooperative decision making by elected officials regarding transportation planning matters. There are 19 voting members on the governing board of the MPO consisting of 13 municipal representatives, 3 County Commissioners plus another County Commissioner who is a member of the Tri-County Commuter Rail Authority, 1 member appointed by the Broward County League of Cities, and an elected official of the School Board of Broward County.

CONCURRENCES: not applicable

FISCAL IMPACT: not applicable

RECOMMENDATION(S): Motion to approve the resolution so that Davie can be a voting member of the MPO.

Attachment(s):

Resolution
Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THAT CERTAIN INTERLOCAL AGREEMENT FOR THE CREATION OF THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION; PROVIDING FOR THE APPROVAL AND EXECUTION OF THE INTERLOCAL AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Federal Government, under the authority of 23 USC Section 134 and Sections 4(a), 5(g)(1), and 8 of the Federal Transit Act [49 USC Subsection 5303], requires that each metropolitan area, as a condition to the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the metropolitan area, and stipulates that the State and the metropolitan planning organization shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning; and

WHEREAS, the parties of this Interlocal Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning process to assure that highway facilities, mass transit, rail systems, air transportation and other facilities will be properly located and developed in relation to the overall plan of community development; and

WHEREAS, 23 USC Section 134, as amended by the Intermodal Surface Transportation Efficiency Act of 1991, 49 USC Section 5303, 23 CFR Section 450.306 and Section 339.175, Florida Statutes, provide for the creation of metropolitan planning organizations to develop transportation plans and programs for metropolitan areas; and

WHEREAS, pursuant to 23 CFR Section 450.306(c), and Section 339.175(1)(b), Florida Statutes, a determination has been made by the Governor and units of general purpose local government representing at least 75% of the affected population in the metropolitan area to designate a metropolitan planning organization; and

WHEREAS, Section 339.175, Florida Statutes, has been amended to allow chartered counties with over 1 million population to elect to reappoint its MPO membership provided that the MPO approved the reappointment plan by a 3/4 vote of its membership, the MPO and the charter county determine that the reappointment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area and the charter county determines that the reappointment plan otherwise complies with all federal requirements pertaining to MPO membership; and

WHEREAS, the above requirements have been met by the Broward County MPO and the Broward County Board of County Commissioners; and

WHEREAS, pursuant to 23 CFR Section 450.306(C), and Section 339.175(1)(b), Florida Statutes, an interlocal agreement must be entered into by the Department and the governmental entities designated

for membership on the MPO; and

WHEREAS, the interlocal agreement is required to create the metropolitan planning organization and delineate the provisions for operation of the MPO; and

WHEREAS, the undersigned parties have determined that this Agreement satisfies the requirements of and is consistent with Section 339.175(1)(b), Florida Statutes; and

WHEREAS, pursuant to Section 339.175(1)(b), Florida Statutes, the interlocal agreement must be consistent with statutory requirements set forth in Section 163.01, Florida Statutes, relating to interlocal agreements; and

WHEREAS, the undersigned parties have determined that this Agreement satisfies the requirements of Section 163.01, Florida Statutes.

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

SECTION 1. That the recitals set forth above are true and correct and are made a part of this resolution.

SECTION 2. The Town Council of the Town of Davie hereby approves the aforementioned interlocal agreement and authorizes the Mayor to execute the Interlocal Agreement for creation of the Broward County Metropolitan Planning Organization, a copy of which is attached as Exhibit "A".

SECTION 3. 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.

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
INTERLOCAL AGREEMENT FOR CREATION OF THE
BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION**

THIS INTERLOCAL AGREEMENT is made and entered into this ____ day of _____, 1999, by and between the FLORIDA DEPARTMENT OF TRANSPORTATION; the COUNTY OF BROWARD; the TRI-COUNTY COMMUTER RAIL AUTHORITY, the CITY(IES) OF CORAL SPRINGS, DAVIE, FORT LAUDERDALE, HOLLYWOOD, LAUDERHILL, MARGATE, PEMBROKE PINES, PLANTATION, POMPANO BEACH, SUNRISE, TAMARAC, COOPER CITY, DEERFIELD BEACH, HALLANDALE, LAUDERDALE LAKES, MIRAMAR, NORTH LAUDERDALE, OAKLAND PARK AND PARKLAND; the SCHOOL BOARD OF BROWARD COUNTY, FLORIDA and the BROWARD COUNTY LEAGUE OF CITIES.

RECITALS:

WHEREAS, the Federal Government, under the authority of 23 USC Section 134 and Sections 4(a), 5(g)(1), and 8 of the Federal Transit Act [49 USC Subsection 5303], requires that each metropolitan area, as a condition to the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the metropolitan area, and stipulates that the State and the metropolitan planning organization shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning;

WHEREAS, the parties of this Interlocal Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning process to assure that highway facilities, mass transit, rail systems, air transportation and other facilities will be properly located and developed in relation to the overall plan of community development;

WHEREAS, 23 USC Section 134, as amended by the Intermodal Surface Transportation Efficiency Act of 1991, 49 USC Section 5303, 23 CFR Section 450.306, and Section 339.175, Florida Statutes, provide for the creation of metropolitan planning organizations to develop transportation plans and programs for metropolitan areas;

WHEREAS, pursuant to 23 USC Section 134(b), 49 USC Section 5303, 23 CFR Section 450.306(a), and Section 339.175, Florida Statutes, a determination has been made by the Governor and units of general purpose local government representing at least 75% of the affected population in the metropolitan area to designate a metropolitan planning organization;

WHEREAS, Section 339.175, Florida Statutes, has been amended to allow chartered counties with over 1 million population to elect to reapportion its MPO membership provided that the MPO approved the reapportionment plan by a 3/4 vote of its membership, the MPO and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area and the charter county determines that the reapportionment plan otherwise complies with all federal requirements pertaining to MPO membership; and

WHEREAS, the above requirements have been met by the Broward County MPO and the Broward County Board of County Commissioners; and

WHEREAS, pursuant to 23 CFR Section 450.306(c), and Section 339.175(1)(b), Florida Statutes, an interlocal agreement must be entered into by the Department and the governmental entities designated for membership on the MPO;

WHEREAS, the interlocal agreement is required to create the metropolitan planning organization and delineate the provisions for operation of the MPO;

WHEREAS, the undersigned parties have determined that this Agreement satisfies the requirements of and is consistent with Section 339.175(1)(b), Florida Statutes;

WHEREAS, pursuant to Section 339.175(1)(b), Florida Statutes, the interlocal agreement must be consistent with statutory requirements set forth in Section 163.01, Florida Statutes, relating to interlocal agreements; and

WHEREAS, the undersigned parties have determined that this Agreement is consistent with the requirements of Section 163.01, Florida Statutes.

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

ARTICLE 1.
RECITALS; DEFINITIONS

Section 1.01. **Recitals.** Each and all of the foregoing recitals be and the same hereby 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 Agreement.

Section 1.02. **Definitions.** The following words when used in this Agreement (unless the context shall clearly indicate the contrary) shall have the following meanings:

“Agreement” means and refers to this instrument, as amended from time to time.

“Department” shall mean and refer to the Florida Department of Transportation, an agency of the State of Florida created pursuant to Section 20.23, Florida Statutes.

“FHWA” means and refers to the Federal Highway Administration.

“FTA” means and refers to the Federal Transit Administration.

“Long Range Transportation Plan” is the 20-year plan which: identifies transportation facilities; includes a financial plan that demonstrates how the plan can be implemented and assesses capital improvements necessary to preserve the existing metropolitan transportation system and make efficient use of existing transportation facilities, indicates proposed transportation enhancement activities; and in ozone/carbon monoxide nonattainment areas is coordinated with the State Implementation Plan, all as required by 23 USC Section 134(g), 23 CFR Section 450.322, Section 339.175(6), Florida Statutes.

“Metropolitan Area” means and refers to the planning area as delineated by the MPO for the urbanized area containing at least a population of 50,000 as described in 23 USC Section 134(b)(1), 49 USC Section 5303(c)(1), and Section 339.175, Florida Statutes, which shall be subject to the MPO.

“MPO” means and refers to the metropolitan planning organization formed pursuant to this Agreement.

“Transportation Improvement Program (TIP)” is the transportation document which includes the following components: a priority list of projects and project phases; a list of projects proposed for funding; a financial plan demonstrating how the TIP can be implemented; a listing of group projects; an indication of whether the projects and project phases are consistent with applicable local government comprehensive plans adopted pursuant to Section 163.3161, *et seq.*, Florida Statutes; and an indication of how improvements are consistent, to the maximum extent facilities, with affected seaport and airport master plans and with public transit development plans of the units of local government located within the boundaries of the MPO, all as required by 23 USC Section 134(h), 23 CFR Section 450.324, Section 339.175(7), Florida Statutes.

“Unified Planning Work Program (UPWP)” is the annual plan developed in cooperation with the Department and public transportation providers, that lists all planning tasks to be undertaken during a program year, together with a complete description thereof and an estimated budget, all as required by 23 CFR Section 450.314, and Section 339.175(8), Florida Statutes.

ARTICLE 2
PURPOSE

Section 2.01. General Purpose. The purpose of this Agreement is to establish the MPO:

(a) To assist in the development of transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people and goods within and through this metropolitan area of this state and minimize, to the maximum extent feasible for transportation-related fuel consumption and air pollution;

(b) To develop transportation plans and programs, in cooperation with the Department, which plans and programs provide for the development of transportation facilities that will function as multi-modal and an intermodal transportation system for the metropolitan area;

(c) To implement and ensure a continuing, cooperative, and comprehensive transportation planning process that results in coordinated plans and programs consistent with the comprehensively planned development of this affected metropolitan area in cooperation with the Department;

(d) To assure eligibility for the receipt of Federal capital and operating assistance pursuant to 23 USC Section 134 and Sections 4(a), 5(g)(1), and 8 of the Federal Transit Act [49 USC Subsection 5303, 5304, 5305 and 5306]; and

(e) To carry out the metropolitan transportation planning process, in cooperation with the Department, as required by 23 USC Section 134 and Sections 4(a), 5(g)(1), and 8 of the Federal Transit Act [49 USC Subsection 5303, 5304, 5305 and 5306]; 23 CFR, Parts 420 and 450 and 49 CFR Part 613, Subpart A: and consistent with Chapter 339, Florida Statutes, and other applicable state and local laws.

Section 2.02. Major MPO Responsibilities. The MPO is intended to be a forum for cooperative decision making by officials of the governmental entities which are party to this Agreement in the development of transportation-related plans and programs, including but not limited to:

(a) The long range transportation plan;

(b) The transportation improvement program;

(c) The unified planning work program;

(d) A congestion management system for the metropolitan area as required by state or federal law;

(e) Assisting the Department in mapping transportation planning boundaries required by state or federal law;

(f) Assisting the Department in performing its duties relating to access management, functional classification of roads, and data collection as necessary and appropriate by mutual agreement; and

(g) Performing such other tasks presently or hereafter required by state or federal law.

Section 2.03. MPO decisions coordinated with FDOT and consistent with comprehensive plans. Chapter 334, Florida Statutes, grants the broad authority for the Department's role in transportation. Section 334.044, Florida Statutes, shows the legislative intent that the Department shall be responsible for coordinating the planning of a safe, viable and balanced state transportation system serving all regions of the State. Section 339.155, Florida Statutes, requires the Department to develop a statewide transportation plan, which considers, to the maximum extent feasible, strategic regional policy plans, MPO plans, and approved local government comprehensive plans. Section 339.175, Florida Statutes, specifies the authority and responsibility of the MPO and the Department in the management of a continuing, cooperative, and comprehensive transportation planning process for the metropolitan area.

and 339, Florida Statutes, the Department and all parties to this Agreement acknowledge that the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161-3215, Florida Statutes, are applicable to this Agreement. The parties to this Agreement shall take particular care that the planning processes and planning integrity of local governments as set forth in aforementioned law shall not be infringed upon.

ARTICLE 3 MPO ORGANIZATION AND CREATION

Section 3.01. Establishment of MPO. The MPO for the metropolitan area as described in the membership apportionment plan approved by the Governor is hereby created and established pursuant to the Agreement to carry out the purposes and functions set forth in Articles 2 and 5. The legal name of this metropolitan planning organization shall be the BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION.

Section 3.02. MPO to operate pursuant to law. In the event that any election, referendum, approval, permit, notice, other proceeding or authorization is required under applicable law to undertake any power, duty, or responsibility hereunder, or to observe, assume, or carry out any of the provisions of this Agreement, the MPO will, to the extent of its legal capacity, comply with all applicable laws and requirements.

Section 3.03. Governing board to act as policy-making body of MPO. The governing board established pursuant to Section 4.01 of this Agreement shall be the policy-making body forum of the MPO responsible for cooperative decision-making of actions taken by the MPO. The Governing Board is the policy-making body that is the forum for cooperative decision-making and will be taking the required approval action as the MPO.

Section 3.04. Submission of proceedings; Contracts and other documents. Subject to the right to claim an exemption from the Florida Public Records Law, Chapter 119, Florida Statutes, the parties shall submit to each other such data, reports, records, contracts, and other documents relating to its performance as a member of the metropolitan planning organization as is requested. Charges to be in accordance with Chapter 119, Florida Statutes.

Section 3.05. Rights of review. All parties to this Agreement, and the affected Federal funding agencies (i.e., FHWA, FTA, and FAA) shall have the rights of technical review and comment of MPO projects.

ARTICLE 4 COMPOSITION; MEMBERSHIP; TERMS OF OFFICE

Section 4.01. Composition and membership of governing board.

(a) The membership of the MPO shall consist of nineteen (19) voting representatives and one (1) non-voting representative. The names of the member local governmental entities and the voting apportionment of the governing board shall be as follows:

Three (3) voting members shall be Broward County Commissioners. One (1) voting member shall be a Broward County Commissioner who is a member of the Tri-County Commuter Rail Authority. Thirteen (13) voting members shall be municipal representatives. For the purpose of determining municipal representation on the MPO, Broward County has been divided into eight (8) municipal districts. In accordance with the plan, the two (2) most populous municipalities in Districts 1, 5 and 6, as designated on Table 1, shall each appoint one (1) of its generally elected officials to be the voting representative for the districts. In Districts 2, 3, and 7 the most populous municipality in each district, as designated on Table 1 shall appoint one (1) of its generally elected officials to be the voting representative for the district. In District 4 and 8, the municipalities of Fort Lauderdale and Hollywood shall designate two (2) voting representatives each to be district representatives. The next most populous municipality in each district as designated on Table 1 shall appoint a generally elected official to serve as an alternate voting representative for that district, to the MPO. The Broward County League of Cities shall designate one (1) voting member who shall be an elected official from a municipality which does

designate two (2) generally elected officials, one (1) as the voting representative and one (1) as the alternate representative to the MPO. The procedures for determining when the alternate may vote shall be provided for in the written rules adopted by the MPO pursuant to this Agreement. FDOT shall be a non-voting member. The MPO membership is set forth on Table 2.

(b) In July of each year, the MPO shall review the population figures for each municipal district based upon the annual population figures provided by the University of Florida. Based upon an increase in population as demonstrated by the population figures provided by the University of Florida, the MPO shall amend Table 1, effective the following October 1st, and request the most populous municipality within the municipal district to designate a district representative. The municipality with the next highest population within that municipal district shall appoint a generally elected official to serve as an alternate voting representative for that district.

(c) In the event that a governmental entity that is a member of the MPO fails to fill an assigned appointment to the MPO within sixty (60) days after notification by the Governor of its duty to appoint a representative, that appointment shall be made by the Governor from the eligible individuals of that governmental entity.

Section 4.02. Terms. Except as otherwise provided in Sec. 401(b) above, the term of office of members of the MPO shall be four (4) years. The membership of a member who is a public official automatically terminates upon said official leaving the elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the governmental entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be appointed for one or more additional four (4) year terms.

ARTICLE 5 AUTHORITIES, POWERS, DUTIES AND RESPONSIBILITIES

Section 5.01. General authority. The MPO shall have all authorities, powers and duties, enjoy all rights, privileges, and immunities, exercise all responsibilities and perform all obligations necessary or appropriate to managing a continuing, cooperative, and comprehensive transportation planning process as specified in Section 339.175(4) and (5), Florida Statutes.

Section 5.02. Specific authority and powers. The MPO shall have the following powers and authority:

(a) As provided in Section 339.175(5)(g), Florida Statutes, the MPO may employ personnel and/or may enter into contracts with local or state agencies and private planning or engineering firms to utilize the staff resources of local and/or state agencies;

(b) As provided in Section 163.01(14), Florida Statutes, the MPO may enter into contracts for the performance of service functions of public agencies;

(c) As provided in Section 163.01(5)(j), Florida Statutes, the MPO may acquire, own, operate, maintain, sell, or lease real and personal property;

(d) As provided in Section 163.01(5)(m), Florida Statutes, the MPO may accept funds, grants, assistance, gifts or bequests from local, State, and Federal resources;

(e) The MPO may promulgate rules to effectuate its powers, responsibilities, and obligations enumerated herein; provided, that said rules do not supersede or conflict with applicable local and state laws, rules and regulations; and]

(f) The MPO shall have such powers and authority as specifically provided in Sections 163.01 and 339.175, Florida Statutes, and as may otherwise be provided by federal or state law.

Section 5.03. Duties and responsibilities. The MPO shall have the following duties and responsibilities:

technical advisory committee;

(b) As provided in Section 339.175(5)(e), Florida Statutes, the MPO shall create and appoint a citizens' advisory committee;

(c) As provided in Section 163.01(5)(o), Florida Statutes, the MPO membership shall be jointly and severally liable for liabilities, and the MPO may respond to such liabilities through the purchase of insurance or bonds, the retention of legal counsel, and, as appropriate, the approval of settlements of claims by its governing board;

(d) As provided in Section 339.175(8), Florida Statutes, the MPO shall establish a budget which shall operate on a fiscal year basis consistent with any requirements of the Unified Planning Work Program;

(e) The MPO, in cooperation with the Department, shall carry out the metropolitan transportation planning process as required by 23 CFR Part 420 and 450, and 49 CFR Part 613, Subpart A, and consistent with Chapter 339, Florida Statutes, and other applicable state and local laws;

(f) As provided in Section 339.175(9)(a), Florida Statutes, the MPO shall enter into agreements with the Department, operators of public transportation systems and the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan area. These agreements will prescribe the cooperative manner in which the transportation planning process will be coordinated and included in the comprehensively planned development of the area;

(g) Prepare the Long-Range Transportation Plan;

(h) In cooperation with the Department, prepare the Transportation Improvement Program;

(i) In cooperation with the Department, prepare and annually update the Unified Planning Work Program;

(j) Prepare a congestion management system for the metropolitan area;

(k) Assist the Department in mapping transportation planning boundaries required by state or federal law;

(l) Assist the Department in performing its duties relating to access management, functional classification of roads, and data collection as necessary and appropriate by mutual agreement;

(m) Perform such other tasks presently or hereafter required by state or federal law;

(n) Execute certifications and agreements necessary to comply with state or federal law; and

(o) Adopt operating rules and procedures.

ARTICLE 6 FUNDING; INVENTORY REPORT; RECORD-KEEPING

Section 6.01. Funding. The Department shall allocate to the MPO for its performance of its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

Section 6.02. Inventory report. The MPO agrees to inventory, to maintain records of and to insure proper use, control, and disposal of all nonexpendable tangible property acquired pursuant to funding under this Agreement. This shall be done in accordance with the requirements of 23 CFR Part 420, Subpart A, 49 CFR Part 18, Subpart C, and all other applicable federal regulations.

Section 6.03. Record-keeping and document retention. The Department and the MPO shall prepare and retain all records in accordance with the federal and state requirements, including but not

ARTICLE 7
MISCELLANEOUS PROVISION

Section 7.01. Constitutional or statutory duties and responsibilities of parties. This Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the parties. In addition, this Agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law, except to the extent of actual and timely performance thereof by one or more of the parties to this Agreement or any legal or administrative entity created or authorized by this Agreement, in which case this performance may be offered in satisfaction of the obligation or responsibility.

Section 7.02. Amendment of Agreement. Amendments or modifications of this Agreement may only be made by written agreement signed by all parties here to with the same formalities as the original Agreement. No amendment may alter the apportionment or jurisdictional boundaries of the MPO without approval by the Governor.

Section 7.03. Duration; withdrawal procedure.

(a) Duration. This Agreement shall remain in effect until terminated by the parties to this Agreement; provided, however, that by no later than five years after the effective date of this Agreement and at least every five (5) years thereafter, the Governor shall examine the composition of the MPO membership and reapportion it as necessary to comply with Section 339.175, Florida Statutes, as appropriate. During examination of the MPO apportionment every five (5) years by the Governor, this Agreement shall be reviewed by the MPO and the Department to confirm the validity of the contents and to recommend amendments, if any, that are required.

(b) Withdrawal procedure. Any party, except the United States Bureau of the Census designated center city(ies), may withdraw from this Agreement after presenting in written form a notice of intent to withdraw to the other parties to this Agreement and the MPO, at least ninety (90) days prior to the intended date of withdrawal. Upon receipt of the intended notice of withdrawal:

(1) The withdrawing member and the MPO shall execute a memorandum reflecting the withdrawal of the member and alteration of the list of member governments that are signatories to this Agreement. The memorandum shall be filed in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located; and

(2) The Office of the Governor shall be contacted, and the Governor, with the agreement of the remaining members of the MPO, shall determine whether any reapportionment of the membership shall be appropriate. The Governor and the MPO shall review the previous MPO designation, applicable Florida and local law, and MPO rules for appropriate revision. In the event that another entity is to accorded membership in the place of the member withdrawing from the MPO, the parties acknowledge that pursuant to 23 CFR Section 450.306(k), adding membership to the MPO does not automatically require redesignation of the MPO. In the event that a party who is not a signatory to this Agreement is accorded membership on the MPO, membership shall not become effective until this Agreement is amended to reflect that the new member has joined the MPO.

Section 7.04. Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice required to be given shall be addressed as follows:

Director of Planning & Programs
Florida Department of Transportation (FDOT) District IV
3400 W. Commercial Boulevard
Ft. Lauderdale, FL 33309-3421

Broward County Board of County Commissioners, Chair
Broward County

Ft. Lauderdale, FL 33301

Executive Director
Tri-County Commuter Rail Authority
800 NW 33rd Street, Suite 100
Pompano Beach, FL 33064

City Manager
City of Coral Springs
9551 W Sample Road
Coral Springs, FL 33065

City Manager
City of Fort Lauderdale
P. O. Drawer 14250
Ft. Lauderdale, FL 33302

City Manager
City of Lauderhill
2000 City Hall Drive
Lauderhill, FL 33313

City Manager
City of Pembroke Pines
10100 Pines Blvd
Pembroke Pines, FL 33026-3900

City Manager
City of Pompano Beach
P. O. Box 1300
Pompano Beach, FL 33061

City Manager
City of Tamarac
7525 NW 88 Avenue
Tamarac, FL 33321

City Manager
City of Deerfield Beach
150 NE 2 Avenue
Deerfield Beach, FL 33441

City Manager
City of Lauderdale Lakes
4300 NW 36 Street
Lauderdale Lakes, FL 33319

City Manager
City of North Lauderdale
701 SW 71 Avenue
North Lauderdale, FL 33068-2395

City Manager
City of Parkland
6500 Parkside Dr
Parkland, FL 33067

President
Broward County League of Cities
115 South Andrews Avenue, Rm. 122
Ft. Lauderdale, FL 33301

Town Manager
Town of Davie
6591 SW 45 Street
Davie, FL 33314-3399

City Manager
City of Hollywood
P. O. Box 229045
Hollywood, FL 33022-9045

City Manager
City of Margate
5790 Margate Blvd.
Margate, FL 33063

City Manager
City of Plantation
400 NW 73 Avenue
Plantation, FL 33317

City Manager
City of Sunrise
10770 W Oakland Park Blvd, 4th Floor
Sunrise, FL 33351

City Manager
City of Cooper City
9090 SW 50th Place
Cooper City, FL 33328

City Manager
City of Hallandale
400 S. Federal Highway
Hallandale, FL 33009

City Manager
City of Miramar
6700 Miramar Parkway
Miramar, FL 33023

City Manager
City of Oakland Park
3650 NE 12 Avenue
Oakland Park, FL 33334

Superintendent
School Board of Broward County
600 SE 3rd Avenue
Ft. Lauderdale, FL 33301

A party may unilaterally change its address or addressee by giving notice in writing to the other parties as provided in this section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address.

Section 7.05. Interpretation.

(a) Drafters of Agreement. The Department and the members of the MPO were each represented by or afforded the opportunity for representation by legal counsel and participated in the drafting of this Agreement and in choice of wording. Consequently, no provision hereof should be more strongly construed against any party as drafter of this Agreement.

(b) Severability. Invalidation of any one of the provisions of this Agreement or any part, clause or word hereof, or the application thereof in specific circumstances, by judgement, court order, or administrative hearing or order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect; provided, that such remainder would then continue to conform to the terms and requirements of applicable law.

(c) Rules of construction. In interpreting this Agreement, the following rules of construction shall apply unless the context indicates otherwise:

- (1) The singular of any word or term includes the plural;
- (2) The masculine gender includes the feminine gender; and
- (3) The word "shall" is mandatory, and "may" is permissive.

Section 7.06. Enforcement by parties hereto. In the event of any judicial or administrative action to enforce or interpret this Agreement by any party hereto, each party shall bear its own attorney's fees in connection with such proceeding.

Section 7.07. Agreement execution; Use of counterpart signature pages. This Agreement, and any amendments hereto, 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.

Section 7.08. Effective date; Cost of recordation.

(a) Effective date. This Agreement shall become effective upon its filing in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located. Any amendment hereto shall become effective only upon its filing in the Office of the Clerk of the Circuit Court for each county in which a party hereto is located.

(b) Recordation. Broward County hereby agrees to record this Agreement in the Office of the Circuit Court for each county in which a party is hereto located. The recorded or filed original hereof, or any amendment, shall be returned to the MPO for filing in its records.

IN WITNESS WHEREOF, the parties have made and executed this Amendment to the Interlocal Agreement on the respective dates under each signature:

[Every member of the MPO shall sign this Agreement with the appropriate witnesses]

DEPARTMENT

ATTEST:

FLORIDA DEPARTMENT OF
TRANSPORTATION

By _____

____ day of _____, 19__

APPROVED AS TO FORM:

By _____

Attorney for FDOT

WITNESSES: TOWN OF DAVIE

By _____
Mayor-Commissioner

_____ day of _____, 19__

ATTEST:

_____ City Clerk _____ Town Manager
_____ day of _____, 19__

APPROVED AS TO FORM:

By _____
Town Attorney

TABLE 1**1999 MUNICIPAL REPRESENTATION
BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION**

District	Municipal District Cities	Representative(s)	Alternate
1	Coral Springs Parkland Tamarac	Coral Springs Tamarac	Parkland
2	Coconut Creek Deerfield Beach Margate	Margate	Deerfield Beach
3	Hillsboro Beach Lauderdale-by-the Sea Lighthouse Point North Lauderdale Pompano Beach Sea Ranch Lakes	Pompano Beach	North Lauderdale
4	Fort Lauderdale Lazy Lakes Oakland Park Wilton Manors	Fort Lauderdale (2 representatives)	Oakland Park
5	Lauderdale Lakes Lauderhill Sunrise Weston	Sunrise Lauderhill	Lauderdale Lakes
6	Cooper City Davie Plantation	Plantation Davie	Cooper City
7	Miramar Pembroke Park Pembroke Pines	Pembroke Pines	Miramar
8	Dania Hallandale Hollywood	Hollywood (2 representatives)	Hallandale

TABLE 2

**NEW MPO VOTING MEMBERSHIP SUMMARY
BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION**

Voting Members	Number
Elected City Officials	13
County Commissioners	3
Tri-Rail Board Representatives	1
County School Board Members	1
Broward League of Cities	1
Total Voting Members	19

Non-Voting Members	Number
Florida Department of Transportation	1