

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, REPEALING RESOLUTION R-2021-268, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE BROWARD METROPOLITAN PLANNING ORGANIZATION AND THE CITIES OF POMPANO BEACH AND PLANTATION FOR THE CREATION OF THE METRO TRANSPORTATION ENGINEERING AND CONSTRUCTION COOPERATIVE.

WHEREAS, on August 20, 2015, the Federal Highway Administration, Florida Division, and the State of Florida Department of Transportation ("FDOT") entered into the Stewardship and Oversight Agreement on Project Assumption and Program Oversight ("Oversight Agreement"); and

WHEREAS, the Oversight Agreement specifically authorizes the FDOT to permit certified local agencies to carry out its responsibilities for administering federally funded transportation projects ("Federal Aid Projects"); and

WHEREAS, FDOT may only delegate its responsibility for the administration of Federal Aid Projects to a unit of government that has been certified under the FDOT Local Agency Program ("LAP"); and

WHEREAS, the rules and requirements for the certification of a local agency are enumerated in the FDOT LAP Manual; and

WHEREAS, FDOT has an extensive work program of Federal Aid Projects that fall within the jurisdiction of municipalities across Broward County; and

WHEREAS, three municipalities, including the City of Hollywood and the cities of Pompano Beach and Plantation ("Founding Members") desire to leverage their respective resources by creating an entity that may be LAP certified to complete some of the Federal Aid Projects located within their respective jurisdictions; and

WHEREAS, the Broward Metropolitan Planning Organization ("BMPO") is duly organized and existing under Section 339.175, Florida Statutes, and has unique experience in multimodal transportation planning and the review, ranking, prioritization, programming, and coordination of municipal transportation projects, which can assist the municipal members in efficient and effective decision-making regarding future transportation investments and the use of federal, state and local transportation funding options; and

WHEREAS, Section 339.175, Florida Statutes, specifies that the BMPO shall have such powers and privileges that are provided under Section 163.01 and further authorizes the BMPO to coordinate “development activities” with other local governments; and

WHEREAS, the Founding Members and the BMPO desire to establish the Metro Transportation Engineering & Construction Cooperative (“MTECC”) for the purpose of administering both Federal Aid Projects and transportation projects completed without the use of federal funding (“Local Projects”); and

WHEREAS, MTECC will administer the Federal Aid Projects in a manner that complements the implementation of Local Projects; and

WHEREAS, the Founding Members desire to empower MTECC to accept funds for and oversee the construction of the Federal Aid Projects as well as Local Projects on an as needed basis; and

WHEREAS, the Founding Members shall each provide initial funding for the establishment of MTECC by making a non-refundable contribution of \$100,000.00 to MTECC (“Establishment Contribution”); and

WHEREAS, all municipal members shall pay a non-refundable annual fee for each Fiscal Year in the amount of \$25,000.00 unless otherwise established by the Board pursuant to Section 11 of the Agreement; and

WHEREAS, on October 20, 2021, the City Commission passed and adopted Resolution No. R-2021-268 authorizing the appropriate City officials to execute an Interlocal Agreement with the BMPO and the cities of Tamarac, Pompano Beach, Plantation and Dania Beach; however, subsequent to such approval, the BMPO notified the City that the agreement needed to be revised and the initial agreement would not be executed; and

WHEREAS, the changes to the Interlocal Agreement include reducing the number of Founding Members from five to three, and removing the MTECC Executive Director’s dollar threshold authority to bind execution of contract/task work orders so as to not define the MTECC Executive Director’s authorities in the ILA; and

WHEREAS, due to the revisions to the initial proposed Interlocal Agreement, it is necessary to repeal Resolution No. R-2021-268; and

WHEREAS, City staff recommends that the City Commission authorize the appropriate City officials to execute the attached Interlocal Agreement with the BMPO and the cities of Pompano Beach and Plantation; and

WHEREAS, funding is available in account number 117.140202.51500.531170.001446.000.000 and will be requested in subsequent fiscal years.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That is repeals Resolution No. R-2021-268.

Section 3: That it approves and authorizes the execution, by the appropriate City officials, of the attached Interlocal Agreement with BMPO and the cities of Pompano Beach and Plantation, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY for the use and reliance  
of the City of Hollywood, Florida, only.

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DOUGLAS R. GONZALES  
CITY ATTORNEY