

**CITY OF HOLLYWOOD
INTEROFFICE MEMORANDUM**

TO: Mayor and Commissioners **DATE:** January 28, 2021

FROM: Douglas R. Gonzales, City Attorney

SUBJECT: Proposed Second Amendment to and Restatement of the Transportation System Surtax Interlocal Agreement among Broward County, the MPO and various municipalities

I have reviewed the above referenced Agreement with the participating Department/Office(s), and the proposed general business terms and other significant provisions are as follows:

- 1) Department/Division involved: Dept. of Development Services/Engineering Division
- 2) Type of Agreement – Second Amendment to and Restatement of the Interlocal Agreement
- 3) Method of Procurement (RFP, bid, etc.) – n/a
- 4) Term of Contract:
 - a) initial – The effective date of this 2nd amendment shall be the date of complete execution by the County, MPO and by such Municipalities that both (i) constitute a majority of the Municipalities that are a party to this 2nd amendment; and (ii) cumulatively represent more than 50% of the County's total population.
 - b) renewals (if any) – n/a
 - c) who exercises option to renew – n/a
- 5) Contract Amount –n/a
- 6) Termination Rights –n/a
- 7) Indemnity/Insurance Requirements – n/a. However, see Paragraph VII. General Provisions, specifically O. regarding waiver and release.
- 8) Scope of Services – This 2nd amendment and restatement addresses the Transportation System Surtax process to be followed by the parties. Due to the extent of the amendments, the parties believe it would be beneficial to fully restate the Interlocal Agreement, as amended, including to: (i) document the completion of the MPO's firsts cycle of evaluating and ranking municipal capital projects to be funded with Transportation Surtax proceeds; (ii) document the allocation of FY 2019, FY 2020, and FY 2021 Transportation Surtax proceeds for approved municipal capital projects, (iii) set forth the MPO's criteria going forward for evaluating, ranking, and

recommending funding for municipal capital projects in future County annual five year capital improvement plans, (iv) outline the County's general process for evaluation and ranking of municipal rehabilitation and maintenance projects and document completion of that process for FY2020, (v) document the allocation of FY2019 and FY2020 Transportation Surtax proceeds for municipal rehabilitation and maintenance projects, and (vi) document an agreed upon process for funding municipal capital projects, including the timing of funding and the process for adjusting County annual five-year capital improvement plans.

- 9) Other Significant Provisions: (a) The City will receive Transportation Surtax Proceeds from the County for a funded Municipal Project subject to and upon execution of, a Surtax Funding Agreement for each municipal project; (b) For any project funded by Transportation Surtax Proceeds that is performed by the County and is in whole or in part within the geographical boundaries of the City, each City shall waive, unless prohibited by applicable state or federal law, all municipal permitting requirements, except to the extent of any portion of the work performed by the County that will be owned, operated, and maintained by the City. The waiver shall include, without limitation, the requirements of permit application, permit issuance, inspections and permitting fees. The County will be responsible for ensuring adequate plan review, inspections, and compliance with state and county standards for work performed by the County. The County shall waive, unless prohibited by law, all County permitting fees for Municipal Capital Projects and Municipal R&M Projects.

cc: Dr. Wazir Ishmael, City Manager