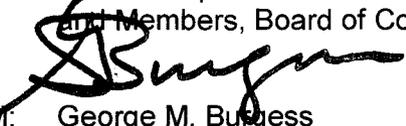




MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. DATE: February 3, 2004
and Members, Board of County Commissioners

FROM:  George M. Burgess SUBJECT: Amendment No. 1 to Interlocal Agreement with the Florida Department of Transportation and Miami-Dade School Board which established the MPO
County Manager

RECOMMENDATION

It is recommended that the Board approve Amendment No. 1 to the March 23, 1977 Interlocal Agreement between the Board of County Commissioners, the Florida Department of Transportation and the Miami-Dade School Board which established the Metropolitan Planning Organization (MPO).

BACKGROUND

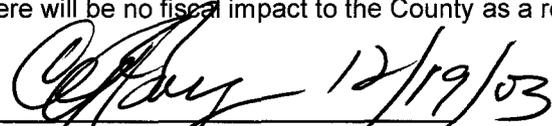
The Miami-Dade Metropolitan Planning Organization was created on March 23, 1977, under the authority of Chapter 163 of the Florida Statutes. Section 163.01 of the Statutes provides that governmental agencies may enter into Interlocal Agreements permitting the joint exercise of such powers or authority that the agencies share in common or that each might exercise separately.

The Miami-Dade County Board of County Commissioners, the Florida Department of Transportation and the Miami-Dade School Board entered into an Interlocal Agreement on that date establishing the MPO to develop a "continuing, cooperative, and comprehensive transportation planning and programming process". This interlocal agreement is a "standard" type document used by urban areas of the state to address the metropolitan transportation planning requirements identified in federal and state law. The 1977 Interlocal Agreement establishing the MPO may be amended, as required by rules of the United States Department of Transportation (USDOT), to update its contents as necessary. We have been advised by officials of USDOT that the Miami Urbanized Area Interlocal Agreement needs to be updated before the next certification hearings of our metropolitan transportation planning process. These hearings have been scheduled during February, 2004.

The proposed amendments to the original agreement, attached to this memorandum, reflect statutory and other administrative changes that have occurred since the original agreement was formalized. The names of some of the agencies and entities relating to the agreement have changed, including that of Miami-Dade County, selected administrative procedures have been eliminated and state law has been modified relating to the formats to be used in the membership composition of MPOs. Attached is the Interlocal Agreement detailing all the changes that are part of this first amendment. These amendments will also have to be approved by the Miami-Dade School Board and the FDOT.

FISCAL IMPACT

There will be no fiscal impact to the County as a result of this action.

 12/19/03
Surface Transportation Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: February 3, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 11(A)(2)

Veto _____

2-3-04

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENT NO. 1 TO THE MARCH 23, 1977 INTERLOCAL AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS, THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE MIAMI-DADE SCHOOL BOARD WHICH ESTABLISHED THE MPO

WHEREAS, the Miami-Dade Metropolitan Planning Organization was created on March 23, 1977, under the authority of Chapter 163 of the Florida Statutes; and

WHEREAS, the Miami-Dade County Board of County Commissioners and the Florida Department of Transportation entered into an Interlocal Agreement to permit the MPO to develop a "continuing, cooperative and comprehensive transportation planning and programming process,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the amendment No. 1 to the March 23, 1977 Interlocal Agreement which established the MPO as reflected in the attached documentation made a part hereof.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro

Jose "Pepe" Diaz

Betty T. Ferguson

Sally A. Heyman

Joe A. Martinez

Jimmy L. Morales

Dennis C. Moss

Dorrin D. Rolle

Natacha Seijas

Rebeca Sosa

Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. RAC

By: _____
Deputy Clerk

R.A. Cuevas, Jr.

4

FIRST AMENDMENT TO INTERLOCAL AGREEMENT

This First Amendment to Interlocal Agreement is entered into this ___ day of _____, 2004 by the State of Florida Department of Transportation, Miami-Dade County, Florida and the School Board of Miami-Dade County, Florida:

WITNESSETH:

WHEREAS, the above named entities are parties to an Interlocal Agreement dated March 2, 1977 in the form recorded in the Official Records of Miami-Dade County, Florida, in OR Book 9611 at page 337; and

WHEREAS, the parties wish to amend their Interlocal Agreement to reflect statutory and other changes as provided below

NOW THEREFORE, in consideration of the mutual covenants expressed herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties amend their Interlocal Agreement as follows:

1. The second Whereas clause is deleted in its entirety and the following substituted therefor:

“WHEREAS, the U.S. Department of Transportation, under authority of 23 U.S.C. 134 and Section 8 of the Federal Transit Act (49 U.S.C. 1607) and its implementing regulations contained in Chapter I, parts 420 and 450 of title 23 of the Code of Federal Regulations requires an urbanized area such as the Miami Urbanized Area have a Metropolitan Planning Organization (MPO) and requires the MPO perform a continuing, cooperative and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals leading to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods within such urbanized area; and.”

2. “Miami-“ is added before the word Dade contained in Subsections .02 and .03 of Section 1.00. Subsection .06 of Section 1.00 is deleted. The words “MTA” and “Metropolitan Transit Agency” are deleted from Subsection .08 of Section 1.00 and “MDT” and “Miami-Dade Transit” are substituted therefor. The words “UMTA” and “Urban Mass Transportation Administration” are deleted from Subsection .011 of Section 1.00 and “FTA” and “Federal Transit Administration” are substituted therefor. The Interlocal Agreement is further amended to replace every reference therein to “UMTA” with “FTA.”

3. The statutory reference contained in the first sentence of Section 4.00 is deleted and the following substituted therefor: "Sec. 339.175 Fla Stats. (2001), as same may be amended by the Florida Legislature." The second sentence of Section 4.00 through the end of Section 4 is deleted in its entirety and the following substituted therefor:

"The MPO shall be headed by a Governing Board designated and appointed as provided in Secs. 339.175(2) and 339.176 Fla. Stats. (2001), as same may be amended by the Florida Legislature."

4. Subsection .03 of Section 7.00 is deleted in its entirety. The words "Section 9 of the Urban Mass Transportation Act of 1964" appearing in the last sentence of Subsection .05 of Section 7.00 are deleted and the following substituted therefore: "49 U.S.C. §5307." The last sentence of Subsection .06 of Section 7.00 is amended to read as follows: "The amount of fiscal participation shall be determined by the MPO Governing board subject to approval and lawful appropriation of the respective member bodies."

IN WITNESS WHEREOF, the parties have caused this First Amendment to Interlocal Agreement to be executed on their behalf as of the date first noted above.

MIAMI-DADE COUNTY
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
County Manager

ATTEST:

By: _____
(Seal)

SCHOOL BOARD OF MIAMI-
DADE COUNTY, FLORIDA

By: _____
Superintendent

ATTEST:

By: _____
(Seal)

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

ATTEST:

By: _____
District Secretary

By: _____
(Seal)