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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(17)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing the County Mayor to execute the Second Amendment to the Interlocal Agreement with Broward and Monroe Counties creating the South Florida Regional Planning Council, to rename the South Florida Regional Planning Council as the South Florida Regional Council; adopting amendment by three-fourths vote as required by Interlocal Agreement

Resolution No. R-299-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(17)

Please note any items checked.

_____ "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

_____ Statement of social equity required

_____ Ordinance creating a new board requires detailed County Mayor's report for public hearing

✓ No committee review

✓ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/4's ✓, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(17)
4-5-16

RESOLUTION NO. R-299-16

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD AND MONROE COUNTIES CREATING THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, TO RENAME THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL AS THE SOUTH FLORIDA REGIONAL COUNCIL; ADOPTING AMENDMENT BY THREE-FOURTHS VOTE AS REQUIRED BY INTERLOCAL AGREEMENT

WHEREAS, on July 1, 1974, the counties of Broward, Miami-Dade, and Monroe entered into an "Interlocal Agreement Creating a South Florida Regional Planning Council" (the "Agreement"); and

WHEREAS, in 1993, the parties approved a First Amendment to the Agreement, updating and ratifying the relationship among the parties and establishing additional terms, conditions, and provisions to guide the South Florida Regional Planning Council ("Council") in the performance of its functions; and

WHEREAS, at the present time, the Council provides many services, in addition to planning services; and

WHEREAS, in recognition of the expanded services provided by the Council, the proposed Second Amendment renames the Council as the "South Florida Regional Council"; and

WHEREAS, Broward County and Monroe County have approved the Second Amendment to the Agreement; and

WHEREAS, upon approval by all three counties, the Second Amendment will become effective when recorded in the public records of each county, as required by Section 163.01(11), Florida Statutes; and

WHEREAS, the Agreement requires that any amendments thereto be approved by a three-fourths vote of the Board of County Commissioners,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or Mayor's designee is hereby authorized to execute the Second Amendment to the Interlocal Agreement with Broward and Monroe Counties creating the South Florida Regional Planning Council, in substantially the form attached hereto and made a part hereof.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **Daniella Levine Cava**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of April, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Dennis A. Kerbel

SECOND AMENDMENT TO
INTERLOCAL AGREEMENT CREATING A
SOUTH FLORIDA REGIONAL PLANNING COUNCIL

THIS is a Second Amendment to the Agreement made and entered into this ____ day of _____, 2015, pursuant to the authority of Section 163.01, Florida Statutes, as amended, by and between the counties of Broward, Miami-Dade, and Monroe, each being a political subdivision of the State of Florida,

WITNESSETH:

WHEREAS, Section 163.01(4), of the Florida Statutes provides that "a public agency of the State of Florida may exercise jointly with any other public agency of the State, or any other State, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately"; and

WHEREAS, on July 1, 1974, the parties hereto entered into an Interlocal Agreement Creating the South Florida Regional Planning Council (the "Interlocal Agreement"); and

WHEREAS, on or about March 5, 1993, the parties hereto entered into the First Amendment to Interlocal Agreement Creating a South Florida Regional Planning Council (the "First Amendment"); and

WHEREAS, at the current time the South Florida Regional Planning Council provides many other services other than planning services, and in recognition of the change of services, the parties hereto agree that the name of the South Florida

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Regional Planning Council should be amended to be the "South Florida Regional Council"; and

WHEREAS, the parties hereto have met, conferred, and concluded that it is in the best interest of the parties to enter into this Second Amendment to the Interlocal Agreement Creating a South Florida Regional Planning Council (the "Second Amendment"), in order to amend the name of the entity to be known from this point forward as the "The South Florida Regional Council";

NOW, THEREFORE, FOR AND IN CONSIDERATION of mutual promises, covenants, and benefits to accrue from conduct of the South Florida Regional Council, and agreements contained herein, the parties agree as follows:

1. That the recitations set forth above in the "WHEREAS" clauses of this Second Amendment are true and correct and incorporated herein by this reference.

2. The name of the entity created by the Interlocal Agreement Creating a South Florida Regional Planning Council, dated July 1, 1974, as amended by the First Amendment to the Interlocal Agreement Creating a South Florida Regional Planning Council, shall be renamed to be the "South Florida Regional Council."

3. Any agreements, obligations, debts, and responsibilities of the South Florida Regional Planning Council are hereby and forevermore the obligation of the South Florida Regional Council.

4. All provisions in the Interlocal Agreement, as amended by the First Amendment, and any attachments thereto in conflict with this Second Amendment shall be amended so as to conform with this Second Amendment.

5. Recordation and Effective Date: Each party shall cause a fully executed Second Amendment to be recorded with the Clerk of the Circuit Court for its respective jurisdiction. Pursuant to Subsection 163.01(11), Florida Statutes, this Second Amendment shall become effective upon the last date of recordation by a party.

6. All provisions of the Interlocal Agreement, as amended by the First Amendment, not in conflict with this Second Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this document on the dates specified.

(SIGNATURE PAGES TO FOLLOW)

SECOND AMENDMENT TO
INTERLOCAL AGREEMENT CREATING A
SOUTH FLORIDA REGIONAL PLANNING COUNCIL
(Broward County Signature Page)

ATTEST:

Broward County Administrator, as
Ex-officio Clerk of the Broward County
Board of County Commissioners

BROWARD COUNTY, by and through
its Board of County Commissioners

By _____
Mayor

27 day of January, 2015

Approved as to form by
Joni Armstrong Coffey
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____ 1/16/15
Maite Azcoitia (Date)
Deputy County Attorney

COUNTY COMMISSIONERS
CREATED
OCT 1st
1915
BROWARD COUNTY FLORIDA

MA/gmb
Sfrpc-a02
01/15/15
#15-053

SECOND AMENDMENT TO
INTERLOCAL AGREEMENT CREATING A
SOUTH FLORIDA REGIONAL PLANNING COUNCIL
(Miami-Dade County Signature Page)

ATTEST:

_____

Print Name: _____

Title: _____

MIAMI-DADE COUNTY, by and through its Board of County Commissioners

By: _____
Mayor

Approved as to legal form and sufficiency:

_____
County Attorney

SECOND AMENDMENT TO
INTERLOCAL AGREEMENT CREATING A
SOUTH FLORIDA REGIONAL PLANNING COUNCIL
(Monroe County Signature Page)

MONROE COUNTY, by and through its
Board of County Commissioners

By: _____
Mayor

Cheryl Robertson

Print Name: Cheryl Robertson

Title: Deputy Clerk

Approved as to legal form and sufficiency:

_____
County Attorney

SECOND AMENDMENT TO
INTERLOCAL AGREEMENT CREATING A
SOUTH FLORIDA REGIONAL PLANNING COUNCIL
(South Florida Regional Planning Council Signature Page)

ATTEST:

_____

SOUTH FLORIDA REGIONAL
PLANNING COUNCIL

BY: _____
Isabel Cosio Carballo
As Executive Director

Date: _____

Approved as to legal form:

BY: _____
SAMUEL S. GOREN, ESQ.
GENERAL COUNSEL

SSG:DNT:dnt

~5184