

AGENDA ITEM SUMMARY

Meeting Date:	FEBRUARY 5, 2020
Agenda Category:	CONSENT BUSINESS
Agenda Item Number:	10 E
Subject:	AUTHORIZING THE CITY MANAGER TO SIGN AND TRANSMIT THE FIRST AMENDMENT TO THE RESTATED INTERLOCAL AGREEMENT FOR THE CREATION OF THE SPACE COAST TRANSPORTATION PLANNING ORGANIZATION (SCTPO) (CITY MANAGER)

Attachments:	Memorandum; First Amendment to Restated Interlocal Agreement; municipal signature pages
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Staff Contact:	City Manager Fettrow
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Background:	The Space Coast Transportation Planning Organization (SCTPO) has amended the SCTPO Restated Interlocal Agreement to include the Central Florida Expressway Authority (CFX), as Brevard County is a member of the CFX Board. The SCTPO is requesting that each municipality review and sign the first amendment to the Restated Interlocal Agreement for Creation of the Transportation Planning Organization. Said agreement has been reviewed by the City Attorney for legal form and content and no issues were discovered.
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Reference:	Space Coast Transportation Planning Organization Restated Interlocal Agreement
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Suggested Action:	Authorize the City Manager to sign and transmit the first-amended SCTPO Restated Interlocal Agreement to the appropriate party at the SCTPO for recording
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2725 Judge Fran Jamieson Way, Bldg. B
Viera, Florida 32940
Telephone: (321) 690-6890
Fax: (321) 690-6827
www.spacecoasttpo.com

TO: Micah Loyd, Chairman, Canaveral Port Authority
Todd Morley, City Manager, City of Cape Canaveral
John Tikanich, City Manager, City of Cocoa
James McKnight, City Manager, City of Cocoa Beach
Mark Ryan, City Manager, City of Indian Harbour Beach
Eden Bentley, Brevard County Attorney
Shannon Lewis, City Manager, City of Melbourne
Beth Mascaro, Town Manager, Town of Melbourne Beach
Lisa Morrell, City Manager, City of Palm Bay
Brenda Fettrow, City Manager, City of Rockledge
Courtney Barker, City Manager, City of Satellite Beach
William Larese, City Manager, City of Titusville
Scott Morgan, City Manager, City of West Melbourne
Michael Casey, Town Manager, Town of Indialantic
Emily Brown, Manager of Public Affairs, Central Florida Expressway Authority
Jamie Kersey, FDOT Liaison

FROM: Carol Holden, Space Coast TPO Finance Specialist

SUBJECT: First Amendment to the Restated Interlocal Agreement for Creation of the
Transportation Planning Organization

DATE: January 22, 2020

The Restated Interlocal Agreement between the Space Coast Transportation Planning Organization (TPO), FDOT and Brevard County municipalities provides a mechanism for the TPO to provide transportation planning services to the members. A review of the Space Coast TPO Restated Interlocal Agreement necessitated an amendment and requires approval of each respective member board. The Interlocal Agreement is being amended to include the Central Florida Expressway Authority as Brevard County is a member of the CFX Board. The Central Florida Expressway Authority has a vital and increasing role in the transportation facilities and services in Brevard County.

We are requesting your review and signature of the attached First Amendment to the Restated Interlocal Agreement for Creation of the Transportation Planning Organization. Please present the agreement to your legal representative for review, and your city manager/council/commission for approval. After all agencies have approved and signed the agreement, it will be recorded and a copy will be returned to each agency along with a complete set of signature pages.

The Space Coast TPO would like to receive all completed signatory pages by Monday, March 23, 2020. Please submit your respective **ORIGINAL signatory page only** to the Space Coast TPO at the above address via United States Postal Service.

Thank you for your cooperation. If you have any questions, or have any edits to the document, please contact me at (321) 690-6890 or email me at carol.holden@brevardfl.gov.

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
FOR CREATION OF THE TRANSPORTATION PLANNING
ORGANIZATION

THIS FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT, made and entered into this ___ day of _____, 2019, by and between the FLORIDA DEPARTMENT OF TRANSPORTATION; the COUNTY OF BREVARD, a political subdivision of the State of Florida; the CITY OF CAPE CANAVERAL, a Florida Municipal Corporation; the CITY OF COCOA, a Florida Municipal Corporation; the CITY OF COCOA BEACH, a Florida Municipal Corporation; the TOWN OF INDIALANTIC, a Florida Municipal Corporation; the CITY OF INDIAN HARBOUR BEACH, a Florida Municipal Corporation; the CITY OF MELBOURNE, a Florida Municipal Corporation; the TOWN OF MELBOURNE BEACH, a Florida Municipal Corporation; the CITY OF PALM BAY, a Florida Municipal Corporation; the CITY OF ROCKLEDGE; the CITY OF SATELITTE BEACH, a Florida Municipal Corporation; the CITY OF TIUSVILLE, a Florida Municipal Corporation; the CITY OF WEST MELBOURNE, a Florida Municipal Corporation; and the CANAVERAL PORT AUTHORITY, an independent special taxing district and political subdivision of the State of Florida, collectively known as "the parties".

W I T N E S S E T H

WHEREAS, the parties entered into a Restated Interlocal Agreement for the Creation of the Transportation Planning Organization by instrument recorded on July 15, 2014, in Official Records Book 7166, Page 2144, Public Records of Brevard County, Florida; and

WHEREAS, the parties deem it appropriate to amend the Restated Interlocal Agreement for the Creation of the Transportation Planning Organization; and

WHEREAS, each signatory through its governing body or authority has taken the necessary action to approve this First Amendment to the Restated Interlocal Agreement for the Creation of the Transportation Planning Organization,

NOW THEREFORE, in consideration of the covenants herein contained, it is mutually agreed between the parties as follows:

SECTION 1. RECITALS. Each and all of the foregoing recitals ("WHEREAS" clause) is incorporated herein and declared to be true.

SECTION 2. AMENDMENT TO SECTION 4.01. Section 4.01(a) of the Restated Interlocal Agreement for the Creation of the Transportation Planning Organization is hereby amended as set forth below. New language is underlined, and deleted text is ~~stricken through~~:

Section 4.01 Composition and membership of governing board.

(a) The membership of the TPO shall consist of nineteen voting members and one non-voting advisor. The names of the member local government entities and the voting apportionment of the governing board as approved by the Governor shall be as follows:

Brevard County	5 representatives ^{1/}
Canaveral Port Authority	1 representative
City of Cape Canaveral	1 shared representative ^{2/}
City of Cocoa	1 representative
City of Cocoa Beach	1 shared representative ^{2/}
City of Indian Harbour Beach	1 shared representative ^{3/}
City of Melbourne	3 representatives ^{4/}
City of Palm Bay	3 representatives
City of Rockledge	1 representative
City of Satellite Beach	1 shared representative ^{3/}
City of Titusville	2 representatives
City of West Melbourne	1 representative
Town of Indialantic	1 shared representative ^{3/}
Town of Melbourne Beach	1 shared representative ^{3/}
Florida Department of Transportation	1 non-voting advisor ^{5/}

^{1/} The Brevard County Board of County Commissioners also represent the Space Coast Area Transit ("SCAT"), an agency which operates a major mode of transportation, Titusville-Cocoa Airport District and the Titusville-Cocoa Airport Authority ("TICO"), and Valkaria Airport. Additionally, Brevard County will serve as a representative of the Central Florida Expressway Authority, an agency that operates a major mode of transportation. §348.751 et seq., Florida Statutes. One County Commission member appointed by the Chair of the Brevard County Board of County Commissioners serves on the Governing Board of the Central Florida Expressway Authority. §348.753(3) et seq., Florida Statutes.

^{2/} The City of Cape Canaveral and the City of Cocoa Beach have formed the North Beaches Coalition, and pursuant to Section 339.175(4)(b), Florida Statutes (2014), share one voting delegate on the TPO Governing Board.

^{3/} The City of Indian Harbour Beach, the City of Satellite Beach, the Town of Indialantic, and the Town of Melbourne Beach have formed

the South Beaches Coalition, and pursuant to Section 339.175(4)(b), Florida Statutes (2014), share one voting delegate on the TPO Governing Board.

4/ The City of Melbourne also represents the City of Melbourne Airport Authority. One City Council member appointed by the City of Melbourne must also serve on the Governing Board of the City of Melbourne Airport Authority.

5/ The Florida Department of Transportation is a party to this Interlocal Agreement pursuant to Section 339.175(2)(b), Florida Statutes (2014). The Florida Department of Transportation is not a member of the TPO Governing Board but serves as a non-voting advisor pursuant to Section 339.175(4)(a), Florida Statutes (2014).

SECTION 3. SEVERABILITY. Should any section, sentence or clause of this Agreement be deemed unlawful by a Court of competent jurisdiction, no other provision hereof shall be affected and all other provisions of this Agreement shall continue in full force and effect.

SECTION 4. EFFECTIVE DATE. This Agreement shall become effective upon its filing with the Clerk of the Circuit Court of Brevard County, Florida, as provided in Section 163.01(11), Florida Statutes.

[Intentionally Left Blank]

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
FOR CREATION OF THE TRANSPORTATION PLANNING
ORGANIATION

IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

CANAVERAL PORT AUTHORITY, an independent special taxing district and political subdivision of the State of Florida

By: _____
Micah Loyd, Chairman

ATTEST:

As Approved by the Board on:

(SEAL)

Bob Harvey, Secretary/Treasurer

Review for legal form and content:

Harold Bistline, General Counsel

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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ORGANIZATION

IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: _____
Bryan Lober, Chair

ATTEST:

As Approved by the Board on:

(COUNTY SEAL)

Scott Ellis, Clerk

Review for legal form and
content:

Assistant County Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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ORGANIATION

IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

CITY OF CAPE CANAVERAL, a Florida
Municipal Corporation

By: _____
Todd Morley, City Manager

ATTEST:

As Approved by the City
Council on:

(SEAL)

Mia Goforth, City Clerk

Review for legal form and
content:

Anthony Garganese, City Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

CITY OF COCOA, a Florida
Municipal Corporation

By: _____
John A. Tikanich, City Manager

ATTEST:

As Approved by the City
Council on:

(SEAL)

Carie E. Shealy, City Clerk

Review for legal form and
content:

Anthony Garganese, City Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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CITY OF COCOA BEACH, a Florida
Municipal Corporation

By: _____
James P. McKnight, City
Manager

ATTEST:

As Approved by the City
Commission on:

(SEAL)

Loredana Kalaghchy, City Clerk

Review for legal form and
content:

Becky Vose, City Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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CITY OF INDIAN HARBOUR BEACH, a
Florida Municipal Corporation

By: _____
Mark K. Ryan, City
Manager

ATTEST:

As Approved by the City
Council on:

(SEAL)

Sue Frank, City Clerk

Review for legal form and
content:

Karl Bohne, City Attorney

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IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

CITY OF MELBOURNE, a Florida
Municipal Corporation

By: _____
Shannon Lewis, City
Manager

ATTEST:

As Approved by the City
Council on:

(SEAL)

Cathleen A. Wysor, City Clerk

Review for legal form and
content:

Alison L. Dawley, City Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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ORGANIZATION

IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

TOWN OF MELBOURNE BEACH, a
Florida Municipal Corporation

By: _____
Beth Mascaro, Town Manager

ATTEST:

As Approved by the Town
Commission on:

(SEAL)

Nancy Wilson, Town Clerk

Review for legal form and
content:

Cliff R. Repperger, Town Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

CITY OF PALM BAY, a Florida
Municipal Corporation

By: _____
Lisa Morrell, City
Manager

ATTEST:

As Approved by the City
Council on:

(SEAL)

Terese M. Jones, City Clerk

Review for legal form and
content:

Patricia Smith, City Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

CITY OF ROCKLEDGE, a Florida
Municipal Corporation

By: _____
Brenda Fettrow, City
Manager

ATTEST:

As Approved by the City
Council on:

(SEAL)

Lisa Nicholas, City Clerk

Review for legal form and
content:

Joseph E. Miniclier, City Attorney

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IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

CITY OF SATELLITE BEACH, a
Florida Municipal Corporation

By: _____
Courtney Barker, City
Manager

ATTEST:

As Approved by the City
Council on:

(SEAL)

Gwen Peirce, City Clerk

Review for legal form and
content:

James P. Beadle, City Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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ORGANIZATION

IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

CITY OF TITUSVILLE, a Florida
Municipal Corporation

By: _____
William S. Larese, City
Manager

ATTEST:

As Approved by the City
Council on:

(SEAL)

Wanda F. Wells, City Clerk

Review for legal form and
content:

Richard C. Broome, City Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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ORGANIZATION

IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

CITY OF WEST MELBOUNRE, a Florida
Municipal Corporation

By: _____
Scott Morgan, City
Manager

ATTEST:

As Approved by the City
Council on:

(SEAL)

Cynthia S. Hanscom, City Clerk

Review for legal form and
content:

Morris Richardson, City Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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ORGANIZATION

IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

TOWN OF INDIALANTIC, a Florida
Municipal Corporation

By: _____
Michael Casey, Town
Manager

ATTEST:

As Approved by the Town
Council on:

(SEAL)

Rebekah Raddon, Town Clerk

Review for legal form and
content:

Paul R. Gougelman, Town Attorney

FIRST AMENDMENT TO RESTATED INTERLOCAL AGREEMENT
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ORGANIZATION

IN WITNESS WHEREOF, the undersigned party has approved this Agreement and directed the undersigned officials to execute on their behalf.

FLORIDA DEPARTMENT OF
TRANSPORTATION

By: _____
_____,
Secretary

ATTEST:

As Approved on:

(SEAL)

_____, Agency Clerk

Review for legal form and
content:

_____, General
Counsel