

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM
ADD-ON**

SUBJECT: Amended Interlocal Agreement Creating the Orlando Urban Area
Metropolitan Planning Organization (METROPLAN ORLANDO)

DEPARTMENT: County Manager **DIVISION:** _____

AUTHORIZED BY: J. Kevin Grace **CONTACT:** J. Kevin Grace **EXT.** 7211

Agenda Date <u>10/14/03</u> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>
--

MOTION/RECOMMENDATION:

Approve and authorize Chairman to execute the amended Interlocal Agreement creating the Orlando Urban Area Metropolitan Plan Organization (METROPLAN ORLANDO).

BACKGROUND:

This is an amended Interlocal Agreement pertaining to the creation of Metroplan, which removes the West Orange Airport Authority as a member of the Board, and adds the Sanford Orlando Airport Authority as a voting member.

Staff recommends approval.

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: _____
CM: <u><i>[Signature]</i></u>
File No. <u>CCM01</u>

July 21, 2003

Commissioner Daryl McLain
Seminole County Board of County Commissioners
1011 E. First Street
Sanford, Florida 32771

Re: Amendment to the Interlocal Agreement for Creation of the Metropolitan Planning Organization Adding the Sanford Airport Authority

Dear Commissioner McLain:

At the June 11, 2003, meeting, the METROPLAN ORLANDO Board approved the addition of the Sanford Airport Authority as a voting member to replace the West Orange Airport Authority, contingent on Senate Bill 676 becoming law. Senate Bill 676 was recently signed by Governor Bush, thus becoming law as Florida Statute Chapter 2003-286. This action necessitates completion of an amended Interlocal Agreement to incorporate the changes.

Attached is an Amendment to the Interlocal Agreement Creating the Orlando Urban Area Metropolitan Planning Organization, d/b/a/ METROPLAN ORLANDO, to remove the West Orange Airport Authority and add the Sanford Airport Authority as a voting member. *Please place this Agreement on the Seminole County Board of County Commission agenda for approval as soon as possible. Execute both copies, retain one copy for the County's records, and return an executed copy to me along with a certified copy of your Board minutes, showing where this action was approved.*

Thank you for your assistance with this Amendment. It is necessary to have this amendment executed by all parties before the Sanford Airport Authority may become seated in its new roll as a voting member. After completion by all members, I will have the document filed with the Clerk of the Circuit Court in Orange, Osceola, Seminole and Volusia Counties. It becomes effective upon its filing in the Office of the Clerk of the Circuit court of each county in which a party hereto is located. We appreciate your continued support of the regional transportation work of METROPLAN ORLANDO.

Sincerely,

Carolyn C. Small, CPA
Director of Finance and Administration

Enclosures

**AMENDMENT TO THE INTERLOCAL AGREEMENT CREATING THE
ORLANDO URBAN AREA METROPOLITAN PLANNING ORGANIZATION
D/B/A/ METROPLAN ORLANDO**

THIS AMENDMENT is made and entered into by and between the FLORIDA DEPARTMENT OF TRANSPORTATION; the COUNTY(IES) OF Orange County, Florida, Osceola County, Florida, Seminole County, Florida; the CITY(IES) of City of Altamonte Springs, Florida, City of Apopka, Florida, City of Kissimmee, Florida, City of Orlando, Florida, City of Sanford, Florida, The Central Florida Regional Transportation Authority, The Greater Orlando Aviation Authority, The Orlando-Orange County Expressway Authority, the West Orange Airport Authority, and the Sanford Airport Authority.

RECITALS:

WHEREAS, pursuant to Section 339.175(2)(a), Florida Statutes, the membership of an MPO may include, as part of its apportioned voting members, an official of an agency that operates or administers a major mode of transportation; and

WHEREAS, Chapter 2003-286, Laws of Florida, enacted by the 2003 Legislature, amends Section 339.175(2)(b), Florida Statutes, to provide that agencies which have been or may be created by law to perform transportation functions, must also be performing transportation functions in order to be entitled to voting membership on an MPO; and

WHEREAS, the governing body of METROPLAN ORLANDO has determined that it is appropriate that the West Orange Airport Authority withdraw from the Interlocal Agreement, as amended, creating METROPLAN ORLANDO, and the Sanford Airport Authority, created by the provisions of Chapter 71-924, Laws of Florida, which authorizes it, among other things, to operate and manage an airport, be added as a voting member thereof.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the parties agree as follows:

I. Article 4, Section 4.01(a) of the Interlocal Agreement dated June 7, 2000, as amended, is amended to read as follows:

The membership of the MPO shall consist of nineteen (19) voting representatives and five (5) non-voting representatives. The names of the member local governmental entities and the voting apportionment of the governing board as approved by the Governor shall be as follows:

<i>Orange County</i>	<i>6 Representatives</i>
<i>Osceola County</i>	<i>1 Representative</i>
<i>Seminole County</i>	<i>2 Representatives</i>
<i>City of Altamonte Springs</i>	<i>1 Representative</i>
<i>City of Apopka</i>	<i>1 Representative</i>
<i>City of Kissimmee</i>	<i>1 Representative</i>
<i>City of Orlando</i>	<i>2 Representatives</i>
<i>City of Sanford</i>	<i>1 Representative</i>
<i>Central Florida Regional Transportation Authority</i>	<i>1 Representative</i>
<i>Greater Orlando Aviation Authority</i>	<i>1 Representative</i>
<i>Orlando/Orange County Expressway Authority</i>	<i>1 Representative</i>
<i>Sanford Airport Authority</i>	<i>1 Representative</i>

II. Article 7, Section 7.04 of the Interlocal Agreement, dated June 7, 2000, as amended, is amended to read as follows:

Add: Sanford Airport Authority
One Red Cleveland Boulevard, #200
Sanford, Florida 32773

Delete: West Orange Airport Authority
c/o Burch Properties, Inc.
905 West Story Road
Winter Garden, Florida 32787

III. The Sanford Airport Authority shall have all the rights, duties, and obligations to which each voting member on the MPO is entitled to receive, including, but not limited to, such rights, duties, and obligations provided in the Interlocal Agreement effective June 7, 2000, as amended, Section 339.175, *Florida Statutes*, and *Florida Administrative Code* Rule 35I-1.001, *et seq.*

IV. The West Orange Airport Authority hereby withdraws as a voting member of METROPLAN ORLANDO.

V. Severability. The invalidity or unenforceability of any term or provision of this Amendment or the non-applicability of any such term or provision to any person or circumstance shall not impair or affect the remainder of this Amendment, and the remaining terms and provisions hereof shall not be invalidated but shall remain in full force and effect but shall be construed as if such invalid, unenforceable, or non-applicable provisions were omitted.

VI. Entire Agreement. This Amendment represents the entire understanding and agreement between the parties with respect to the subject matter hereof. None of the terms and provisions hereof may be amended, supplemented, waived or changed orally, but only by a writing signed by each of the parties hereto.

VII. Rules of Construction. Whenever used herein, the singular number shall include the plural, the plural shall include the singular, and the use of any gender shall include all genders.

VIII. Amendment execution, Use of counterpart signature pages. This Amendment may be executed in any number of counterparts, each of which when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same instrument.

IX. Effective Date. This Amendment shall become effective upon its filing in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located. Any amendment hereto shall become effective only upon its filing in the Office of the Clerk of the Circuit Court for each county in which a party hereto is located.

IN WITNESS WHEREOF, the undersigned parties have caused this Amendment to the Interlocal Agreement dated June 7, 2000, as amended, to be duly executed in their behalf.

ORANGE COUNTY, FLORIDA
BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

OSCEOLA COUNTY, FLORIDA
BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

SEMINOLE COUNTY, FLORIDA
BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

CITY OF ALTAMONTE SPRINGS,
FLORIDA
BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

CITY OF APOPKA, FLORIDA

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

CITY OF KISSIMMEE, FLORIDA

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

CITY OF ORLANDO, FLORIDA

BY: _____
TITLE: _____
DATE: _____
ATTEST: _____
TITLE: _____

CITY OF SANFORD, FLORIDA

BY: _____
TITLE: _____
DATE: _____
ATTEST: _____
TITLE: _____

THE CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

THE GREATER ORLANDO AVIATION AUTHORITY

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

THE WEST ORANGE AIRPORT AUTHORITY

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

SANFORD AIRPORT AUTHORITY

BY: _____
DATE: _____
TITLE: _____
ATTEST: _____
TITLE: _____

FLORIDA DEPARTMENT OF TRANSPORTATION

BY: _____
TITLE: _____
DATE: _____
ATTEST: _____
TITLE: _____

**APPROVED AS TO FORM, LEGALITY
DEPARTMENT OF TRANSPORTATION**

BY: _____
ATTORNEY
DATE: _____
TITLE: _____