RESOLUTION NO. 18-81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUESTING, PURSUANT TO SECTION 7 OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT AMONG BROWARD COUNTY, THE CITY OF FORT LAUDERDALE, AND THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF FORT LAUDERDALE REGARDING ALLOCATION OF FUNDING RESPONSIBILITY FOR THE LOCAL SHARE OF PROJECT COST OVERRUNS FOR THE WAVE MODERN STREETCAR PROJECT, THAT BROWARD COUNTY DECLINE TO PROVIDE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION THE COUNTY'S REQUIRED ASSENT TO CONTINUE THE PROJECT, DIRECTING THE CITY MANAGER TO NOTIFY THE BROWARD COUNTY ADMINISTRATOR AND THE BROWARD COUNTY ATTORNEY OF THIS RESOLUTION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale entered into an Amended and Restated Interlocal Agreement among Broward County, the City of Fort Lauderdale, and the Downtown Development Authority of the City of Fort Lauderdale Regarding Allocation of Funding Responsibility for the Local Share of Project Cost Overruns for the Wave Modern Streetcar Project ("Amended Interlocal Agreement"), among other agreements in connection with the proposed Wave Modern Streetcar Project; and

WHEREAS, Section 7 of the Amended Interlocal Agreement provides:

> **Assent to Continuation of Project:** If the Design-Build Contract price of the intended awardee would exceed 125% of the Design-Build Estimate (as those terms are defined in the Wave Project Agreement) and the County's assent is therefore required pursuant to Section 3.01(22) of the Wave Project Agreement, as amended, to continue the Project, County staff shall provide prompt written notice (by email to the City Manager and the City Attorney) thereof to the City. The County agrees not to provide its assent to FDOT if all of the following occur: (a) the City considers this issue at its next regularly-scheduled commission meeting that is at least five (5) calendar days after receiving the notice from the County; (b) the City approves an item requesting that the County decline to provide the County's required assent to FDOT; and (c) the City notifies the County by email (to the County Administrator and the County Attorney) within twenty-four (24) hours of the action by the City commission requesting that the County decline to provide the required assent. If any of the foregoing elements fails to timely occur, the City will be deemed to have authorized the continuation

of the Project. Notwithstanding any decision by the City under this section, the County retains the right to decline to provide its assent to continuation of the Project consistent with the Wave Project Agreement. Nothing in this section requires any approval by the City in connection with the enhanced VMF referenced in Exhibit A-1.; and

WHEREAS, by email dated April 26, 2018, Gretchen M. Cassini, on behalf of Broward County Administration, notified the City of Fort Lauderdale pursuant to Section 7 of the Amended Interlocal Agreement, that the Design-Build price proposal of each of the responding entities exceeded 125% of the Design-Build Estimate as defined in the Wave Project Agreement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That pursuant to Section 7 of the Amended Interlocal Agreement, the City of Fort Lauderdale hereby requests that Broward County decline to provide the County's assent to the Florida Department of Transportation to continue the Wave Modern Streetcar Project.

SECTION 2. That the City Manager is directed to notify the County by sending an email to the Broward County Administrator and the Broward County Attorney containing as an attachment a copy of this Resolution within twenty-four (24) hours of adoption of this Resolution.

SECTION 3. This Resolution shall be effective immediately upon its passage.

ADOPTED this the 1st day of May, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI