

Lahti, John

From: Meyers, Andrew
Sent: Wednesday, July 22, 2020 11:13 AM
To: Fairclough, Gillian; Lahti, John
Cc: Harrod, Rene
Subject: Fwd: Conceptual Outline for Regional Services Cooperation Agreement
Attachments: Conceptual Outline for Regional Services Cooperation Agreement v2.docx; ATT00001.htm

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Begin forwarded message:

From: Jamie Alan Cole <JCole@wsh-law.com>
Date: July 22, 2020 at 10:12:59 AM EDT
To: "Meyers, Andrew" <AMEYERS@broward.org>
Subject: **Conceptual Outline for Regional Services Cooperation Agreement**

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As we discussed, attached is a conceptual outline for a regional services cooperation agreement. I am sending this on behalf of the Mayors of Weston, Sunrise and Hollywood. It has not been approved or considered by the elected bodies of any cities, but is being sent to begin the dialogue to hopefully come to an amicable resolution of the issues we have been discussing. We look forward to discussing with you further.

Conceptual Outline for Regional Services Cooperation Agreement

1. Definitions

- a. “Regional Transportation Projects” shall mean regional transportation improvement projects undertaken by the County funded through the transportation surtax. If the Regional Transportation Project is part of a larger project that is not funded through the transportation surtax, then only the portion funded from the transportation surtax be considered a Regional Transportation Project.
- b. “Regional E911 Projects” shall mean regional emergency communications infrastructure projects undertaken and funded by the County
- c. “Regional Projects” shall mean Regional Transportation Projects and Regional E911 Projects
- d. “Applicable Regional Projects” shall mean Regional Projects to be located, in whole or in part, within the boundaries of a municipality (or multiple municipalities) on property owned or leased by the County that would otherwise not be permitted as of right under the applicable zoning and development regulations.
- e. “Allowed County Regional Projects” are Applicable Regional Projects that have been determined to be allowed, through agreement or through the Alternative Dispute Resolution Procedure.
- f. “Alternative Review Process” shall mean the process for review of Applicable Regional Projects set forth in paragraph 3 below.
- g. “Criteria” shall mean the criteria to be applied to Applicable Regional Projects set forth in paragraph 4 below.
- h. “Alternative Dispute Resolution Procedure” shall mean the process that shall be used to resolve disputes related to Applicable Regional Projects set forth in paragraph 5 below.

2. Special Treatment for County Applicable Regional Projects

- a. In recognition of the regional importance of Regional Projects and in the spirit of regional cooperation, the parties agree to an Alternative Review Process, Criteria and Alternative Dispute Resolution Procedure for Applicable Regional Projects.
- b. Each Municipality would amend its zoning code to permit Allowed County Regional Projects in all non-residential zoning categories.

3. Alternative Review Process

- a. Upon determining a need and desired location for an Applicable Regional Project, the County shall notify the municipality (or municipalities) within whose boundaries the proposed project would be located.
 - b. The County Administrator and County staff shall meet with the chief administrative officer(s) and staff of the applicable municipalities to discuss the Applicable Regional Project and the criteria set forth below, and will endeavor to reach agreement as to the location and parameters of the project based upon the criteria. If they are able to reach agreement that the criteria are met, the project will be recommended to the applicable municipal elected body or bodies for designation of the project as an “Allowed County Regional Project,” following a public hearing.
 - c. If staff is not able to reach agreement, a joint public meeting of the County Commission and applicable municipal elected body shall be held to discuss the project and criteria, in an attempt to reach an agreement. If an agreement is reached based upon the criteria, the project will be presented to the applicable municipal elected body or bodies for designation of the project as an “Allowed County Regional Project,” following a public hearing.
 - d. If an agreement is not reached (or if an agreement is reached, but the special exception is not approved following the public hearing), then parties agree to follow the Alternative Dispute Resolution procedure set forth below.
4. Criteria: the following criteria shall be considered and balanced in analyzing any Applicable Regional Project to determine whether it is an Allowed County Regional Project
- a. The regional and/or countywide transportation need for any Regional Transportation Project
 - b. The regional and/or countywide emergency communication need for any Regional E911 Project
 - c. Impacts on the existing land use scheme
 - d. Impacts on adjoining or nearby property owners: An otherwise lawful activity may, because of its location, interfere with the property rights of adjacent landowners by creating an unreasonable disruption to the area by way of increased noise, light, storage and use of dangerous

materials, intensity of development and other reasons. It is the intent that each Regional Project be evaluated in light of the unique characteristics of the neighborhood in which it is to be located and the positive and negative effects that it will have on that neighborhood and the community in general. Special consideration is to be given to the effect that the proposed Regional Project will have on the safety and welfare of the minor residents of the area.

- e. Potential alternative locations for the project, including the impacts on efficiency, effectiveness, cost and impacts
- f. *Traffic*: Consideration will be given to the volume and type of vehicular traffic associated with such use, particularly its impact on residential streets.
- g. *Comprehensive plan*: Conformity to goals, objectives and policies of the municipalities Comprehensive Plan.
- h. *Other factors*: Any additional factors or considerations which may be reasonably calculated to materially affect public health, safety and welfare; these must be explicitly stated in the motion to approve or deny.

5. Alternative Dispute Resolution Process

- a. Alternative 1: MPO will evaluate the Applicable Regional Project based upon the Criteria, and, if it determines that the balancing of the Criteria favors approval of the project, it shall be deemed to be an Allowed County Regional Project.
- b. Alternative 2: The Transportation Surtax Oversight Board will evaluate the Applicable Regional Project based upon the Criteria, and, if it determines that the balancing of the Criteria favors approval of the project, it shall be deemed to be an Allowed County Regional Project.
- c. Alternative 3: The County and the affected municipality (or, if more than one, the affected municipalities jointly) shall select one certified planner who does not perform services for any of the parties to serve as planning arbitrator (the "Planning Arbitrators"). The two Planning Arbitrators shall choose a third, and the three shall serve as the "Planning Arbitration Panel". The Planning Arbitration Panel shall evaluate the Applicable Regional Project based upon the Criteria, and, if it determines that the balancing of the Criteria favors approval of the project, it shall be deemed to be an Allowed County Regional Project.