

## **RESOLUTION NO. 08-100R**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, RELATING TO THE CENTRAL FLORIDA COMMUTER RAIL SYSTEM; APPROVING EXECUTION OF THE FIRST AMENDMENT TO INTERLOCAL GOVERNANCE AGREEMENT FOR CREATION OF THE CENTRAL FLORIDA COMMUTER RAIL COMMISSION; CONSENTING TO EXECUTION BY THE CENTRAL FLORIDA COMMUTER RAIL COMMISSION OF THE FIRST AMENDMENT TO INTERLOCAL OPERATING AGREEMENT FOR THE OPERATION OF THE CENTRAL FLORIDA COMMUTER RAIL SYSTEM; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Orange County, Osceola County, Seminole County, the County of Volusia and the City of Orlando (collectively, the "Local Government Partners") have entered into an Interlocal Governance Agreement for Creation of the Central Florida Commuter Rail Commission (the "Interlocal Governance Agreement"); and

**WHEREAS**, the Local Government Partners now desire to amend the Interlocal Governance Agreement to provide for the designation or election of alternate "Members" of the Central Florida Commuter Rail Commission "Governing Board" and for the designation of alternate members of the "Technical Advisory Committee," as such terms are defined in the Interlocal Governance Agreement, by executing the First Amendment to Interlocal Governance Agreement for Creation of the Central Florida Commuter Rail Commission attached hereto as Exhibit A (the "First Amendment to Interlocal Governance Agreement"); and

**WHEREAS**, the Central Florida Commuter Rail Commission (the "Commuter Rail Commission") has entered into an Interlocal Operating Agreement for Operation of the Central Florida Commuter Rail System (the "Interlocal Operating Agreement") with the State of Florida Department of Transportation; and

**WHEREAS**, Section 3.06(B)(2) of the Interlocal Governance Agreement prohibits the Commuter Rail Commission from approving or executing any amendment to the Interlocal Operating Agreement unless written consent to such amendment has been received from all Local Government Partners; and

**WHEREAS**, the Commuter Rail Commission has requested the Local Government Partners to approve the First Amendment to Interlocal Operating Agreement for the Operation of the Central Florida Commuter Rail System attached hereto as Exhibit B (the "First Amendment to Interlocal Operating Agreement"), which extends the deadline for enactment of certain legislation and for acquisition of the "Corridor," as defined in the Interlocal Operating Agreement, from December 31, 2008 to December 31, 2009; and

**WHEREAS**, the Board of County Commissioners of Osceola County (the "Board") desires to authorize execution of the First Amendment to Interlocal Governance Agreement and consent to execution of the First Amendment to Interlocal Operating Agreement by the Commuter Rail Commission;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:**

**SECTION 1. INTERLOCAL GOVERNANCE AGREEMENT.** The Board hereby approves the First Amendment to Interlocal Governance Agreement and authorizes Chairman or Vice Chairman of the Board to execute the First Amendment to Interlocal Governance Agreement and the Clerk to attest and deliver the same to the other Local Government Partners.

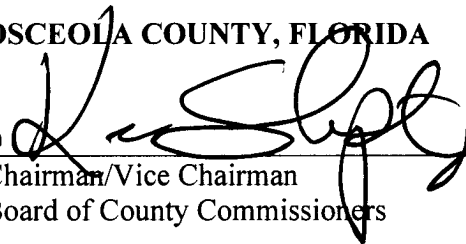
**SECTION 2. INTERLOCAL OPERATING AGREEMENT.** The Board hereby consents to execution of the First Amendment to Interlocal Operating Agreement by the Commuter Rail Commission.

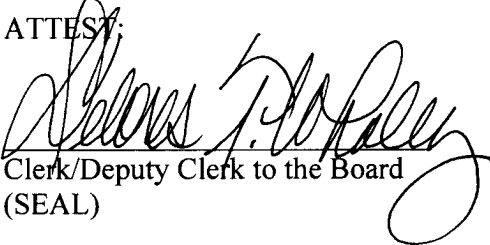
**SECTION 3. CONFLICTS AND SEVERABILITY.** All sections or parts of section of all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict. If any section, subsection, sentence, clause or provisions of this Resolution is held unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remainder of the Resolution.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** this 17<sup>th</sup> day of <sup>November</sup>~~December~~, 2008.

**OSCEOLA COUNTY, FLORIDA**

By:   
Chairman/Vice Chairman  
Board of County Commissioners

ATTEST:  
  
Clerk/Deputy Clerk to the Board  
(SEAL)

