

MEMORANDUM

TO: Mayor Strickland and Members of Council
FROM: Debbie Renner, City Clerk *DR*
DATE: October 28, 2008
SUBJECT: River of Lakes Heritage Corridor Scenic Highway
Corridor Management Entity Agreement

OCT 21 2008

BY: 2:55 p/BV

STRATEGIC PLAN TRACKING NO: 0809-G3-OB-1

PURPOSE

To approve a revised agreement for participation in the River of Lakes Heritage Corridor Scenic Highway Corridor Management Entity,

BACKGROUND

On June 24, 2008, you adopted Resolution No. 480-08 by unanimous vote. This resolution authorized the City's participation in the Corridor Advocacy Group which was formed to promote the designation of Highway 17-92 as a "Florida Scenic Highway" and "National Scenic Byway." Mr. Allen James, Vice President of the Orange City Historical Society was appointed to serve as the City's representative to the Corridor Management Entity.

Since the execution of that agreement by the City, Volusia County has requested that some changes to the document be made. I have attached an email from Jessi Smith, Program and Partnership Director, River of Lakes Heritage Corridor explaining why the changes are being requested.

In addition, I have attached a copy of the original agreement which you approved on June 24th along with a copy of the revised document. There do not appear to be substantive changes to the revised agreement. The new agreement has more specificity and includes a requirement that all parties sign the same document to ensure that everyone is working from the same version.

RECOMMENDATION

If you find the changes in the revised document agreeable, it is recommended that you authorize the Mayor to execute the agreement on behalf of the City.

Debbie Renner

From: Jessi [jessi@river-of-lakes.com]
Sent: Thursday, October 02, 2008 2:54 PM
To: Harley Strickland
Cc: Chester Murray; Debbie Renner; 'Alan James'
Subject: Scenic Highway - CME Agreement update
Attachments: CME Agreement with opt-out-edits(Final).pdf

Dear Mayor Strickland,

Thank you for Orange City's recent acceptance and signing of our River of Lakes Heritage Corridor Scenic Highway Corridor Management Entity (CME) Agreement, and for appointing a representative (Mr. James) to the CME. The CAG/CME has already had several productive meetings as we complete the final Scenic Highway Designation Application, and Mr. James and I are working on a new River Quest program for Orange City.

Recently we have been working with Volusia County staff to have the Agreement approved by County Council; however, the County Attorney had a different interpretation of some of the language, and we found it necessary to alter the Agreement. As this Agreement must be the same for all of the governmental partners, we would ask you to mirror the changes made by the County and sign the updated version. One of the changes requested by the County Attorney is that each governmental partner sign the same original document.

Attached is the final version for your review, approved this morning by the Volusia County Council. Please notify us if it will be necessary to go before your city council again, or if you as the Mayor can sign based on the past approval. We will be happy to bring the **original(s)** to be signed at your convenience. We would request the new signature as soon as possible so that we can meet our Scenic Highway application deadline of early December.

Thank you for your consideration and assistance.
Jessi

Jessi J. Smith

Program and Partnership Director
River of Lakes Heritage Corridor
116 W. New York Avenue, DeLand, FL 32720
P: 386-734-0162 (800) 749-4350 F: 386-734-0163
www.River-of-Lakes.com



Original

River of Lakes Heritage Corridor Scenic Highway Corridor Management Entity Agreement

THIS AGREEMENT is made and entered into on the _____ day of _____, 2008 by the River of Lakes Heritage Corridor Scenic Highway Corridor Management Entity (CME) and the parties represented by the signature below.

Recitals:

U. S. Highways 17 and 17/92 as well as selected ancillary roads in Volusia County have been designated as a "Florida Scenic Highway" (the "Scenic Highway") by the Florida Department of Transportation. In January 2009, the River of Lakes Heritage Corridor Scenic Highway Corridor Advocacy Group ("CAG") applied for the Florida Scenic Highway Designation. Prerequisites for designation as a Florida Scenic Highway were (a) preparation and submittal by the CAG of a Corridor Management Plan ("CMP"), setting forth goals and a vision for the Scenic Highway, as well as strategies to achieve such goals, and (b) institution of a "Corridor Management Entity" ("CME"), a board of directors that facilitates and monitors accomplishment of those goals.

THEREFORE, in consideration of the above premises and the mutual covenants and agreements set forth herein, the parties agree as follows:

There is hereby created the River of Lakes Heritage Corridor Scenic Highway Corridor Management Entity (CME), which shall initiate, coordinate and monitor plans, strategies, programs and events set forth in the River of Lakes Heritage Corridor Scenic Highway Corridor Management Plan (CMP).

It is desired that the CME include interested and affected citizens, landowners, businesses, public land managers and government agencies within the area benefited by the Scenic Highway.

The CME Directorship shall be composed of the following:

- I. Citizen Directors
- II. Corporate Directors
- III. Governmental/Agency Directors

The Directorship can be expanded or reduced by majority action of the existing CME.

The CME may adopt such by-laws and organizational rules as shall be necessary or appropriate for the organization of the CME, consistent with provisions hereof, including, as appropriate, provision for the formation of "Committees," the election of other officers and retention of employees or independent contractors at the CME's discretion.

The River of Lakes Heritage Corridor, Inc. (the "Corporation") along with CME Directors shall together provide staff resources. In addition, the Corporation shall keep and maintain all records of the CME.

This agreement will serve as a continuing contract and program to ensure appropriate implementation and consistency in carrying out the goals and objectives of the CMP.

Nothing contained herein shall constitute the adoption of the provisions of the CMP as a law, regulation or ordinance of any public body. Land management planning decisions, directions, budgeting and implementation of the public lands within the Scenic Highway are the responsibility of the individual public agencies.

IN WITNESS WHEREOF, the undersigned have executed the Agreement as of the day and year written above.

SIGNATORIES

Joan Duffy, Mayor – City of Lake Helen

CME Appointee (if other than Mayor) Date

Renee Tallevast, Chair – Corridor Advocacy Group

Date



Revised

River of Lakes Heritage Corridor Scenic Highway Corridor Management Entity Agreement

All parties listed

THIS AGREEMENT is made and entered into on the _____ day of _____, 2008 by the River of Lakes Heritage Corridor Scenic Highway Corridor Advisory Group ("CAG") and the County of Volusia, City of DeBary, City of DeLand, City of Deltona, City of Lake Helen, City of Orange City, Town of Pierson and the West Volusia Tourism Advertising Authority, hereinafter collectively referred to as "Member Entities."

THEREFORE, in consideration of the above premises and the mutual covenants and agreements set forth herein, the Member Entities agree as follows:

1. **Recitals:** In January 2009, the River of Lakes Heritage Corridor Scenic Highway Corridor Advocacy Group ("CAG") will apply for the Florida Scenic Highway Designation. U. S. Highways 17 and 17/92 as well as selected ancillary roads in Volusia County will apply for designation as a "Florida Scenic Highway" (the "Scenic Highway") under the Florida Department of Transportation's Florida Scenic Highway Program. Prerequisites for designation as a Florida Scenic Highway are preparation and submittal by the CAG of a Corridor Management Plan ("CMP"), setting forth goals and a vision for the Scenic Highway, as well as strategies to achieve such goals, and institution of a "Corridor Management Entity."
2. **Creation:** There is hereby created the River of Lakes Heritage Corridor Scenic Highway Corridor Management Entity ("CME"), which shall initiate, coordinate and monitor plans, strategies, programs and events set forth in the River of Lakes Heritage CMP in accordance with section 335.093, Florida Statutes and Rule 14-15.016, F.A.C.
3. **Directorship:** It is desired that the CME include interested and affected citizens, landowners, businesses, public land managers and government agencies within the area benefited by the Scenic Highway.

The CME shall constitute up to twenty-five voting directors as follows:

- I. Private citizens
- II. Business representatives
- III. Member Entities

New

Each of the Member Entities shall be entitled to one (1) directorship and each shall be appointed and serve at the pleasure of their respective governing bodies. Private citizens and business representative directors shall be entitled to one (1) directorship and will be elected for their first term by the CAG, and thereafter by the CME. Directorship terms shall be for a period of three years. Upon expiration of the terms, the directors shall elect individuals for a succeeding term.

The CME shall adopt such by-laws and organizational rules as shall be necessary or appropriate for the organization of the CME, consistent with provisions hereof, including, as appropriate, provision for the formation of committees, the election of a Chairperson, Vice-Chairperson, Secretary and Treasurer and retention of employees or independent contractors.

CME directors may cooperate to provide planning and engineering resources necessary to implement the CMP. Nothing herein shall obligate a Member Entity to provide said resources. In addition, the CME shall keep and maintain all public records of the CME in accordance with Chapter 119, Florida Statutes.

New

4. **Meetings:** All meetings of the CME shall be conducted as duly noticed public meetings pursuant to the requirements of Section 286.011, Florida Statutes.

5. **Termination:** Any Member Entity may dissolve its participation in the CME and terminate this Agreement with a thirty (30) day written notice to the remaining Member Entities in advance of the termination. The CME will terminate when no Member Entity remains a party to this Agreement.

6. **Intent:** Nothing contained herein shall constitute the adoption of the provisions of the CMP as a law, regulation or ordinance of any public body; nor shall obligate any Member Entity to expend any monies or

resources to fulfill the purposes of this Agreement or any other activity of the CME. Land management planning decisions, directions, budgeting and implementation of the public lands within the Scenic Highway are the responsibility of the individual public agencies and shall not be subject to any direction of the CME.

New

7. **Effective Date:** The CME shall exist upon rendition of written notice of designation approval in accordance with Rule-15.016, F.A.C.

IN WITNESS WHEREOF, the undersigned have executed the Agreement as of the day and year written above.

SIGNATORIES

Chair – Corridor Advocacy Group
Renee Tallevast

Date

County of Volusia, Frank T. Bruno, Jr., County Chair

10/02/08
Date

City of DeBary

Date

City of DeLand

Date

City of Deltona

Date

City of Lake Helen

Date

City of Orange City

Date

Town of Pierson

Date

West Volusia Tourism Advertising Authority

Date

*All Sign
Same agreement*