

RESOLUTION NO. 2001-58

A RESOLUTION OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX AND 2001 AMENDMENT FOR FIFTH-CENT LOCAL OPTION GAS TAX; AND AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the Broward County Commission enacted Ordinance # 88-27 on June 14, 1988 to extend the levy of the six cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County; and

WHEREAS, the Broward County Commission enacted Ordinance # 2000-25 on June 13, 2000 to extend the levy of the fifth cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County; and

WHEREAS, this agreement will provide funding for the 2001-2002 fiscal year, and the share of the proceeds to be distributed to the Town for the six cent local option gas tax is 0.176419% of the incorporated portion; and

WHEREAS, this agreement will provide funding for the 2001-2002 fiscal year, and the share of the proceeds to be distributed to the Town for the fifth cent local option gas tax is 0.122317% of the incorporated portion; and

WHEREAS, Section 336.025 (1)(a), Florida Statutes, requires the majority of the population of the incorporated areas within the County to approve an interlocal agreement in support of the distribution and the methodology for the distribution to continue in its present form.

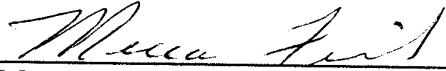
NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: Recitals. The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2: Authorization. The Mayor, Town Administrator and Town Attorney are hereby authorized to enter into an interlocal agreement with Broward County, substantially in the form of the Agreement attached as Exhibit "A" & "B," providing for the division and distribution of the proceeds of the local option gas tax.

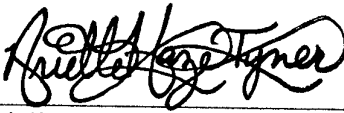
Section 3: Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 10 of May, 2001.



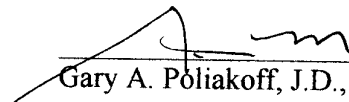
Mecca Fink, Mayor

Attest:



Arielle Haze Tyner, Town Clerk

Approved as to Form and to Correctness:



Gary A. Póliakoff, J.D., Town Attorney

643952_1.DOC

Exhibit "A"

EIGHTEENTH AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF SOUTHWEST RANCHES

providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS OF THE LOCAL OPTION GAS
TAX IMPOSED BY THE BROWARD COUNTY
LOCAL OPTION GAS TAX ORDINANCE

EIGHTEENTH AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF SOUTHWEST RANCHES

providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS OF THE LOCAL OPTION GAS
TAX IMPOSED BY THE BROWARD COUNTY
LOCAL OPTION GAS TAX ORDINANCE

This is the Eighteenth Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

TOWN OF SOUTHWEST RANCHES, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "TOWN."

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the counties to extend the levy of the six (6) cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 14, 1988, the Board of County Commissioners enacted Ordinance No. 88-27, effective September 1, 1988, through August 31, 2018, pursuant to Section 336.025(1)(a), Florida Statutes, extending the levy of the six cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to said ordinance, the method for distribution of the proceeds is the execution of an interlocal agreement with one or more of the municipalities

representing a majority of the population of the incorporated area within the county which establishes the distribution formulas for dividing the proceeds of the tax among the county and all eligible municipalities within the county, as set forth in Section 336.025(3)(a)1, Florida Statutes; and

WHEREAS, paragraph 4 of the Interlocal Agreement, as amended by the Addendum to the Interlocal Agreement, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and TOWN agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as amended by the Addendum thereto and the prior seventeenth amendment, is amended to read as follows:
2. Sixty-two and fifty hundredths percent (62.5%) of said Local Option Gas Tax proceeds shall be distributed to the COUNTY, and the remaining thirty-seven and fifty hundredths percent (37.5%) shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

$$\frac{\text{Population of Individual Municipality} \times 37.5\%}{\text{Total Incorporated Area Population}}$$

<u>Recipients</u>	<u>FY 2002 Share of Proceeds</u>
Coconut Creek	1.081602%
Cooper City	0.693634%
Coral Springs	2.918359%
Dania Beach	0.498049%
Davie	1.879881%
Deerfield Beach	1.603386%
Fort Lauderdale	3.834168%
Hallandale Beach	0.851110%
Hillsboro Beach	0.053700%
Hollywood	3.459780%
Lauderdale-by-the-Sea	0.063631%
Lauderdale Lakes	0.787132%
Lauderhill	1.429648%
Lazy Lake	0.000943%
Lighthouse Point	0.267310%

Margate	1.338385%
Miramar	1.805872%
North Lauderdale	0.801010%
Oakland Park	0.768785%
Parkland	0.343478%
Pembroke Park	0.156384%
Pembroke Pines	3.411865%
Plantation	2.058981%
Pompano Beach	2.133412%
Sea Ranch Lakes	0.034559%
Southwest Ranches	0.176419%
Sunrise	2.129613%
Tamarac	1.380069%
Weston	1.223611%
Wilton Manors	<u>0.315225%</u>

Total Incorporated 37.500000%

2. The population figures set forth herein are based on the most current edition of Florida Estimates of Population, published by the Bureau of Economics and Business Research, Population Division, University of Florida. In accordance with the population figures, paragraph 3 of the Interlocal Agreement, as amended by the Addendum thereto and the prior sixteenth amendment, is amended to read as follows:

<u>Recipient</u>	<u>Population</u>
Coconut Creek	43,566
Cooper City	27,939
Coral Springs	117,549
Dania Beach	20,061
Davie	75,720
Deerfield Beach	64,583
Fort Lauderdale	154,437
Hallandale Beach	34,282
Hillsboro Beach	2,163
Hollywood	139,357
Lauderdale-by-the-Sea	2,563
Lauderdale Lakes	31,705
Lauderhill	57,585
Lazy Lake	38
Lighthouse Point	10,767
Margate	53,909

Miramar	72,739
North Lauderdale	32,264
Oakland Park	30,966
Parkland	13,835
Pembroke Park	6,299
Pembroke Pines	137,427
Plantation	82,934
Pompano Beach	85,932
Sea Ranch Lakes	1,392
Southwest Ranches	7,106
Sunrise	85,779
Tamarac	55,588
Weston	49,286
<u>Wilton Manors</u>	<u>12,697</u>
Total	1,510,468
Unincorporated Area	112,550
Total County	1,623,018

3. All provisions of the Interlocal Agreement and the Addendum thereto, as amended, not in conflict with this Seventeenth Amendment shall remain in full force and effect.
4. This Eighteenth Amendment shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population have executed this Eighteenth Amendment prior to June 1, 2001.
5. This Eighteenth Amendment may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.
6. In the event a portion of this Eighteenth Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions shall continue to be effective.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this Eighteenth Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the ____ day of _____, 20____, and TOWN, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Broward County,
Florida

By _____
_____, Chair

____ day of _____, 20____.

Approved as to form by
Office of County Attorney
Broward County, Florida
EDWARD A. DION, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____

Assistant County Attorney

EIGHTEENTH AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND TOWN OF SOUTHWEST RANCHES PROVIDING FOR DIVISION AND DISTRIBUTION OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

TOWN

WITNESSES:

TOWN OF SOUTHWEST RANCHES

By Maura Fird
Mayor-Commissioner

16 day of May, 2001.

ATTEST:

By [Signature]
Town Clerk

[Signature]
Town Manager

16 day of May, 2001.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By [Signature]
Town Attorney

CSW:sl
4/18/01
2/20/01
gastx18.frm
01-017.01

Exhibit "B"

2001 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF SOUTHWEST RANCHES

providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM
THE BROWARD COUNTY FIFTH CENT ADDITIONAL
LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

2001 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF SOUTHWEST RANCHES

providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM
THE BROWARD COUNTY FIFTH CENT ADDITIONAL
LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

This 2001 Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

TOWN OF SOUTHWEST RANCHES, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "TOWN."

WITNESSETH:

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of five (5) cents local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 13, 2000, the Board of County Commissioners enacted Ordinance No. 2000-25, effective January 1, 2001, through December 31, 2031, pursuant to Section 336.025(1)(b), Florida Statutes, extending the levy of the fifth-cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to said Ordinance, the method for distribution of the proceeds is the execution of an Interlocal Agreement with one or more of the municipalities representing a majority of the population of the incorporated area within the County which establishes the distribution formulas for dividing the proceeds of the tax among the County and all eligible municipalities within the County; and

WHEREAS, paragraph 4 of the Interlocal Agreement, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to Section 336.025(1)(b), Florida Statutes, for transportation expenditures set forth in Section 336.025(7)(a), Florida Statutes, the COUNTY and TOWN agree as follows:

1. Paragraph 2 of the Interlocal Agreement, is hereby amended to read as follows:

2.1 Forty-eight percent (48%) of said proceeds shall be distributed to the COUNTY. The remaining fifty-two percent (52%) shall be distributed to the eligible municipalities in the following manner:

2.1.1 Twenty-six percent (26%) shall be distributed to the eligible municipalities based on population as follows:

Population of Individual City

Total incorporated area Population X 26.0000%

<u>City</u>	<u>Population</u>	<u>FY 2002 Percent Share</u>
Coconut Creek	43,566	0.749911%
Cooper City	27,939	0.480920%
Coral Springs	117,549	2.023395%
Dania Beach	20,061	0.345314%
Davie	75,720	1.303384%
Deerfield Beach	64,583	1.111681%
Fort Lauderdale	154,437	2.658356%
Hallandale Beach	34,282	0.590103%
Hillsboro Beach	2,163	0.037232%
Hollywood	139,357	2.398781%
Lauderdale-by-the-Sea	2,563	0.044117%
Lauderdale Lakes	31,705	0.545745%

Lauderhill	57,585	0.991223%
Lazy Lake	38	0.000654%
Lighthouse Point	10,767	0.185335%
Margate	53,909	0.927947%
Miramar	72,739	1.252072%
North Lauderdale	32,264	0.555367%
Oakland Park	30,966	0.533024%
Parkland	13,835	0.238145%
Pembroke Park	6,299	0.108426%
Pembroke Pines	137,427	2.365560%
Plantation	82,934	1.427560%
Pompano Beach	85,932	1.479165%
Sea Ranch Lakes	1,392	0.023961%
Southwest Ranches	7,106	0.122317%
Sunrise	85,779	1.476532%
Tamarac	55,588	0.956848%
Weston	49,286	0.848370%
<u>Wilton Manors</u>	<u>12,697</u>	<u>0.218556%</u>
Total	1,510,468	26.000000%
Unincorporated area	112,550	
Total County	1,623,018	

The population figures set forth above are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economic and Business Research, Population Division, of the University of Florida. The population figures to be utilized in the formula described in this section, for the distribution of the Fifth Cent, shall be adjusted annually based on the current Florida Estimates of Population.

2. This 2001 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population have executed this Interlocal Agreement prior to June 1, 2001.
3. In the event this 2001 Amendment to Interlocal Agreement or a portion of this 2001 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or TOWN elects to terminate this Agreement. The election to terminate this

Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

4. All provisions of the Interlocal Agreement, not in conflict with this 2001 Amendment to Interlocal Agreement, shall remain in full force and effect.
5. This 2001 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this 2001 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the ____ day of _____, 20____, and TOWN, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Broward County,
Florida

By _____
Chair

____ day of _____, 20____.

Approved as to form by
Office of County Attorney
Broward County, Florida
EDWARD A. DION, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____

Assistant County Attorney

2001 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND TOWN OF SOUTHWEST RANCHES PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

TOWN

WITNESSES:

TOWN OF SOUTHWEST RANCHES

By Mecca First
Mayor-Commissioner

16 day of May, 2001.

ATTEST:

By [Signature]
Town Clerk

[Signature]
Town Manager

16 day of May, 2001.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By [Signature]
Town Attorney

CSW:sl
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