

RESOLUTION NO. 2002 - 43

A RESOLUTION OF THE TOWN COUNCIL 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 AMENDMENT FOR FIFTH - CENT LOCAL OPTION GAS TAX AND ADDITIONAL TRANSIT 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 2002 - 2003 fiscal year, and the share of the proceeds to be distributed to the Town for the six cent local option gas tax is 0.174308% of the incorporated portion; and

WHEREAS, this agreement will provide funding for the 2002 - 2003 fiscal year, and the share of the proceeds to be distributed to the Town for the fifth cent local option gas tax is 0.12 03917% of the incorporated portion; and

WHEREAS, this agreement will provide funding for the 2002 - 2003 fiscal year, and the share of the proceeds to be distributed to the Town for the local option gas tax for transit is 0.120854% of the incorporated port ion; 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 methodology for the distribution to continue in its present form.

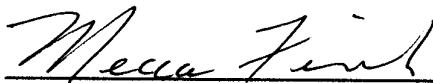
NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Southwest Ranches, Florida:

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," and "C," providing for the division and distribution of the proceeds of the local option gas tax.

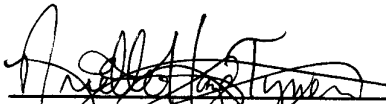
Section 3: Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 9th day of May 2002.




Mecca Fink, Mayor

Attest:



Arielle Haze Tyler, Town Clerk

Approved as to Form and Correctness:



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

2002 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF SOUTHWEST RANCHES

providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL LOCAL OPTION GAS
TAX ON MOTOR FUEL ORDINANCE

2002 AMENDMENT
to
INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF SOUTHWEST RANCHES

providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL LOCAL OPTION GAS
TAX ON MOTOR FUEL ORDINANCE

This 2002 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 "MUNICIPALITY."

WITNESSETH:

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to the authorization of paragraph (1)(b)(2) of Section 336.025, Florida Statutes, the COUNTY and MUNICIPALITY agree as follows:

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

2. Fifty-six and thirteen one-hundredths percent (56.13%) of the total proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance shall be distributed to the COUNTY and the remaining Forty-three and Eighty-seven

one hundredths percent (43.87%) of the total proceeds shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

$$\frac{\text{Population of Individual Municipality} \times 43.87\%}{\text{Total Incorporated Area Population}}$$

<u>Recipient</u>	<u>FY 2003 Share of Proceeds</u>
Coconut Creek	1.290560%
Cooper City	0.797694%
Coral Springs	3.404814%
Dania Beach	0.646457%
Davie	2.205835%
Deerfield Beach	1.841494%
Fort Lauderdale	4.399904%
Hallandale Beach	0.972123%
Hillsboro Beach	0.061527%
Hollywood	3.981181%
Lauderdale- by- the- Sea	0.300319%
Lauderdale Lakes	0.899993%
Lauderhill	1.639250%
Lazy Lake	0.000964%
Lighthouse Point	0.307039%
Margate	1.534796%
Miramar	2.234614%
North Lauderdale	0.934867%
Oakland Park	0.894350%
Parkland	0.428278%
Pembroke Park	0.187954%
Pembroke Pines	4.016509%
Plantation	2.365947%
Pompano Beach	2.387325%
Sea Ranch Lakes	0.018231%
Southwest Ranches	0.203917%
Sunrise	2.457216%
Tamarac	1.589121%
Weston	1.507237%
Wilton Manors	<u>0.360485%</u>
Total Incorporated	43.87%

2. Paragraph 3 of the Interlocal Agreement, as previously amended, is hereby amended to read:

3. The population figures set out herein 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 Economics and Business Research, Population Division, University of Florida. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement, for the division and distribution of the proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance, shall be adjusted annually based on the current "Florida Estimates of Population."

For the purpose of this Agreement, the following population figures are hereby agreed upon:

<u>Recipient</u>	<u>Population</u>
Coconut Creek	45,517
Cooper City	28,134
Coral Springs	120,085
Dania Beach	22,800
Davie	77,798
Deerfield Beach	64,948
Fort Lauderdale	155,181
Hallandale Beach	34,286
Hillsboro Beach	2,170
Hollywood	140,413
Lauderdale-by-the-Sea	10,592
Lauderdale Lakes	31,742
Lauderhill	57,815
Lazy Lake	34
Lighthouse Point	10,829
Margate	54,131
Miramar	78,813
North Lauderdale	32,972
Oakland Park	31,543
Parkland	15,105
Pembroke Park	6,629
Pembroke Pines	141,659
Plantation	83,445
Pompano Beach	84,199
Sea Ranch Lakes	643
Southwest Ranches	7,192
Sunrise	86,664
Tamarac	56,047
Weston	53,159

Wilton Manors	<u>12,714</u>
Total	1,547,259
Unincorporated Area	102,666
Total County	1,649,925

3. This 2002 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, 2002.

4. In the event this 2002 Amendment to Interlocal Agreement or a portion of this 2002 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 MUNICIPALITY 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.

5. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2002 Amendment and the Agreement and/or any prior Amendment to the Agreement, the parties hereby agree that this document shall control.

6. This 2002 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 2002 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 _____, 2002, and MUNICIPALITY, 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 _____
Lori Nance Parrish, Chair

____ day of _____, 2002.

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 _____
Pamela M. Kane
Assistant County Attorney

2002 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND TOWN OF SOUTHWEST RANCHES PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE

MUNICIPALITY

WITNESSES:

TOWN OF SOUTHWEST RANCHES

By Mecca Fink
Mayor-Commissioner

4 day of December, 2002.

ATTEST:

By [Signature]
TOWN Clerk

[Signature]
TOWN Manager

4 day of December, 2002.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By [Signature]
TOWN Attorney

PMK

April 8, 2002

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NINETEENTH 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

NINETEENTH 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 Nineteenth 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 and the prior eighteen amendments, 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 eighteen amendments, 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 2003 Share of Proceeds</u>
Coconut Creek	1.103169%
Cooper City	0.681867%
Coral Springs	2.910429%
Dania Beach	0.552590%
Davie	1.885544%
Deerfield Beach	1.574106%
Fort Lauderdale	3.761030%
Hallandale Beach	0.830969%
Hillsboro Beach	0.052593%
Hollywood	3.403107%
Lauderdale-by-the-Sea	0.256712%
Lauderdale Lakes	0.769312%
Lauderhill	1.401228%
Lazy Lake	0.000824%
Lighthouse Point	0.262456%

Margate	1.311941%
Miramar	1.910144%
North Lauderdale	0.799123%
Oakland Park	0.764489%
Parkland	0.366091%
Pembroke Park	0.160663%
Pembroke Pines	3.433305%
Plantation	2.022407%
Pompano Beach	2.040681%
Sea Ranch Lakes	0.015584%
Southwest Ranches	0.174308%
Sunrise	2.100424%
Tamarac	1.358378%
Weston	1.288383%
Wilton Manors	0.308142%
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 Eighteen amendments, is amended to read as follows:

<u>Recipient</u>	<u>Population</u>
Coconut Creek	45,517
Cooper City	28,134
Coral Springs	120,085
Dania Beach	22,800
Davie	77,798
Deerfield Beach	64,948
Fort Lauderdale	155,181
Hallandale Beach	34,286
Hillsboro Beach	2,170
Hollywood	140,413
Lauderdale-by-the-Sea	10,592
Lauderdale Lakes	31,742
Lauderhill	57,815
Lazy Lake	34
Lighthouse Point	10,829
Margate	54,131
Miramar	78,813

North Lauderdale	32,972
Oakland Park	31,543
Parkland	15,105
Pembroke Park	6,629
Pembroke Pines	141,659
Plantation	83,445
Pompano Beach	84,199
Sea Ranch Lakes	643
Southwest Ranches	7,192
Sunrise	86,664
Tamarac	56,047
Weston	53,159
<u>Wilton Manors</u>	<u>12,714</u>
Total	1,547,259
Unincorporated Area	102,666
Total County	1,649,925

3. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this Nineteenth Amendment and the Agreement and/or the Addendum to the Agreement and/or First through the Eighteenth Amendment, the parties hereby agree that this document shall control.

4. This Nineteenth 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 Nineteenth Amendment prior to June 1, 2002.

5. This Nineteenth 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 Nineteenth 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 Nineteenth 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 _____
Lori Nance Parrish, Chair

____ day of _____, 2002.

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 _____
Pamela M. Kane
Assistant County Attorney

NINETEENTH 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 _____
Mayor-Commissioner

____ day of _____, 2002.

ATTEST:

By _____
TOWN Clerk

TOWN Manager

____ day of _____, 2002.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
TOWN Attorney

PMK

April 8, 2002

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