

**RESOLUTION NO. 2010 - 064**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE 2010 AMENDMENTS TO THE THREE (3) INTERLOCAL AGREEMENTS WITH BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX, THE BROWARD COUNTY FIFTH-CENT LOCAL OPTION GAS TAX, AND THE ADDITIONAL LOCAL OPTION GAS TAX; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENTS; 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**, upon the creation of the municipality, the Town entered into an agreement with Broward County establishing its local option gas tax; and

**WHEREAS**, all three (3) Agreements provide that the population figures, which are the basis for the revenue, be adjusted annually based on the current "Florida Estimates of Population" as published by the Bureau of Economics and Business Research, Population Division, University of Florida; and

**WHEREAS**, this Agreement will provide funding for the 2010-11 fiscal year through the distribution of the Town's share of the proceeds from the six cent local option gas tax in the amount of 0.185555% of the incorporated portion; and

**WHEREAS**, this Agreement will provide funding for the 2010-11 fiscal year through the distribution of the Town's share of the proceeds from the fifth cent local option gas tax in the amount of 0.128651% of the incorporated portion; and

**WHEREAS**, this Agreement will provide funding for the 2010-11 fiscal year through the distribution of the Town's share of the proceeds from the local

option gas tax for transit in the amount of 0.253691% 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 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:** The Town Council hereby approves the Interlocal Agreement with Broward County, substantially in the form of the Agreements attached as Exhibit "A," "B" and "C," providing for the division and distribution of the proceeds of the local option gas tax.

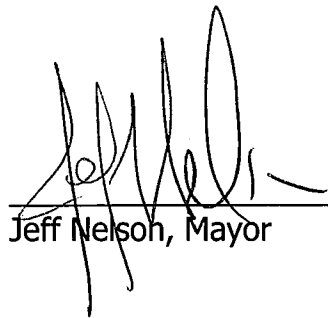
**Section 3:** Authorization. The Mayor, Town Administrator and Town Attorney are hereby authorized to enter into the Interlocal Agreement with Broward County, substantially in the form of the Agreements attached as Exhibit "A," "B" and "C," providing for the division and distribution of the proceeds of the local option gas tax and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 4:** 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 20<sup>th</sup> day of May 2010, on a motion by Council Member McKay and seconded by Council Member Fisikelli.

Nelson	<u>AYE</u>	Ayes	<u>5</u>
Knight	<u>AYE</u>	Nays	<u>0</u>
Breitkreuz	<u>AYE</u>	Absent	<u>0</u>
Fisikelli	<u>AYE</u>	Abstaining	<u>0</u>
McKay	<u>AYE</u>		

**[SIGNATURES ON FOLLOWING PAGE]**



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Jeff Nelson, Mayor

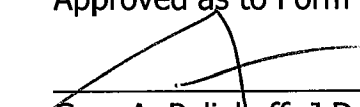
ATTEST:



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Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



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

ACTIVE: 2970544\_1

2010 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 2010 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."

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 the 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 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 MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as amended by the Addendum thereto and the prior amendments, is amended to read as follows:

2. Sixty-two and Five tenths percent (62.5%) of said Local Option Gas Tax proceeds shall be distributed to the COUNTY, and the remaining Thirty-seven and Five tenths percent (37.5%) shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

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

<b>Recipient</b>	<b>FY 2011 Percent Share of Proceeds</b>
Coconut Creek	1.035037%
Cooper City	0.646280%
Coral Springs	2.754051%
Dania	0.614713%
Davie	1.971516%
Deerfield Beach	1.585250%
Fort Lauderdale	3.922589%
Hallandale	0.809773%
Hillsboro Beach	0.048413%
Hollywood	3.073283%
Lauderdale-by-the-Sea	0.128178%
Lauderdale Lakes	0.689866%
Lauderhill	1.385708%
Lazy Lake	0.000844%
Lighthouse Point	0.237194%
Margate	1.152021%
Miramar	2.436940%

<b>Recipient</b>	<b>FY 2011 Percent Share of Proceeds</b>
North Lauderdale	0.894431%
Oakland Park	0.904088%
Parkland	0.511997%
Pembroke Park	0.132335%
Pembroke Pines	3.273583%
Plantation	1.824439%
Pompano Beach	2.144188%
Sea Ranch Lakes	0.015806%
Southwest Ranches	0.185555%
Sunrise	1.932239%
Tamarac	1.280719%
Weston	1.335844%
West Park	0.293922%
Wilton Manors	0.279198%
<b>Total Incorporated</b>	<b>37.500000%</b>

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 amendments, is amended to read as follows:

<b>Recipient</b>	<b>FY 2011 Population</b>
Coconut Creek	47,804
Cooper City	29,849
Coral Springs	127,198
Dania	28,391
Davie	91,056
Deerfield Beach	73,216
Fort Lauderdale	180,706
Hallandale	37,400
Hillsboro Beach	2,236
Hollywood	141,942
Lauderdale-by-the-Sea	5,920
Lauderdale Lakes	31,862
Lauderhill	64,000
Lazy Lake	39

<b>Recipient</b>	<b>FY 2011 Population</b>
Lighthouse Point	10,955
Margate	53,207
Miramar	112,552
North Lauderdale	41,310
Oakland Park	41,756
Parkland	23,647
Pembroke Park	6,112
Pembroke Pines	151,193
Plantation	84,725
Pompano Beach	99,031
Sea Ranch Lakes	730
Southwest Ranches	8,570
Sunrise	89,242
Tamarac	59,151
Weston	61,697
West Park	13,575
Wilton Manors	12,895
<b>Total Incorporated</b>	<b>1,731,967</b>
<b>Unincorporated Area</b>	<b>12,955</b>
<b>Total County</b>	<b>1,744,922</b>

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 2010 Amendment and the prior amendments, the parties hereby agree that this document shall control.

4. This 2010 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 and Broward County have executed this 2010 Amendment prior to June 1, 2010.


5. This 2010 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.

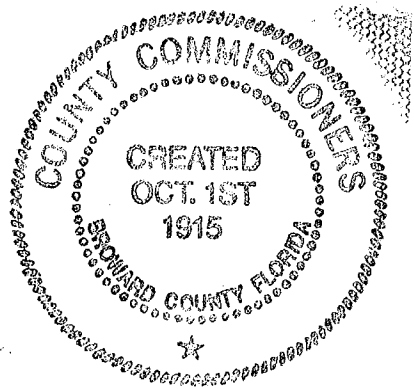
6. In the event a portion of this 2010 Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions shall continue to be effective.

IN WITNESS WHEREOF, the parties have made and executed this 2010 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 Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

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



BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

By   
\_\_\_\_\_  
Ken Koehn, Mayor

8 day of June, 2010.

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
JEFFREY J. NEWTON, County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-6968

By   
\_\_\_\_\_  
Al A. DiCalvo  
Assistant County Attorney



2010 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND «Municipality» PROVIDING FOR DIVISION AND DISTRIBUTION OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

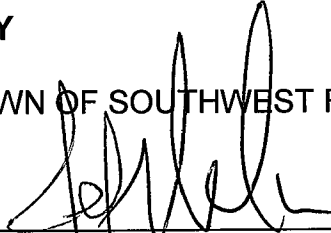
MUNICIPALITY

WITNESSES:

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TOWN OF SOUTHWEST RANCHES

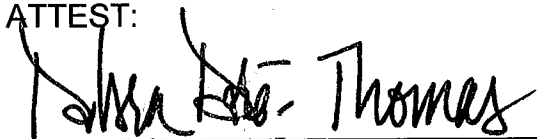
By



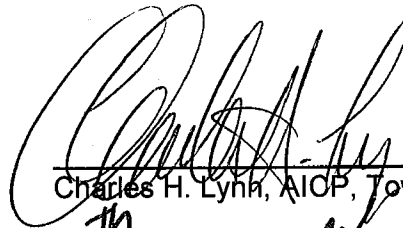
Jeff Nelson, Mayor

20<sup>th</sup> day of MAY, 2010.

ATTEST:



Debra Doré-Thomas, CMC, Town Clerk

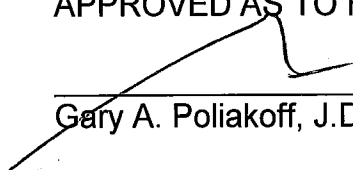


Charles H. Lynn, AICP, Town Administrator

20<sup>th</sup> day of MAY, 2010.

(CORPORATE SEAL)

APPROVED AS TO FORM:

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

2010 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 2010 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."

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of the five (5) 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 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 MUNICIPALITY 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%

<b>Recipient</b>	<b>FY 2011 Population</b>	<b>FY 2011 Percent Share of Proceeds</b>
Coconut Creek	47,804	0.717626%
Cooper City	29,849	0.448088%
Coral Springs	127,198	1.909475%
Dania	28,391	0.426201%
Davie	91,056	1.366917%
Deerfield Beach	73,216	1.099106%
Fort Lauderdale	180,706	2.712728%
Hallandale	37,400	0.561443%
Hillsboro Beach	2,236	0.033566%
Hollywood	141,942	2.130810%
Lauderdale-by-the-Sea	5,920	0.088870%
Lauderdale Lakes	31,862	0.478307%
Lauderhill	64,000	0.960757%
Lazy Lake	39	0.000585%
Lighthouse Point	10,955	0.164455%
Margate	53,207	0.798735%
Miramar	112,552	1.689612%
North Lauderdale	41,310	0.620139%

<b>Recipient</b>	<b>FY 2011 Population</b>	<b>FY 2011 Percent Share of Proceeds</b>
Oakland Park	41,756	0.626834%
Parkland	23,647	0.354985%
Pembroke Park	6,112	0.091752%
Pembroke Pines	151,193	2.269684%
Plantation	84,725	1.271878%
Pompano Beach	99,031	1.486637%
Sea Ranch Lakes	730	0.010959%
Southwest Ranches	8,570	0.128651%
Sunrise	89,242	1.339686%
Tamarac	59,151	0.887965%
Weston	61,697	0.926185%
West Park	13,575	0.203786%
Wilton Manors	12,895	0.193578%
<b>Total Incorporated</b>	<b>1,731,967</b>	<b>26.000000%</b>

<b>Unincorporated Area</b>	<b>12,955</b>
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<b>Total County</b>	<b>1,744,922</b>
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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.

2.1.2 Twenty-six percent (26%) shall be distributed by COUNTY to the Municipalities by grant agreement for Community Shuttle Services.

2. This 2010 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 and Broward County have executed this Interlocal Agreement prior to June 1, 2010.

3. In the event this 2010 Amendment to Interlocal Agreement or a portion of this 2010 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.

4. All provisions of the Interlocal Agreement and any prior Amendment, not in conflict with this 2010 Amendment to Interlocal Agreement, shall remain in full force and effect.

5. This 2010 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.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this 2010 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 Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

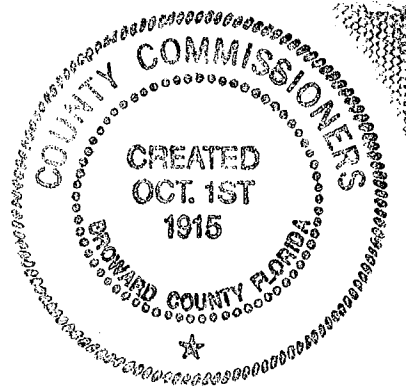


County Administrator and Ex-Officio  
Clerk of the Board of County  
Commissioners of Broward County,  
Florida

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

By   
Ken Keschi Mayor

8 day of June, 2010.



Approved as to form by  
Office of County Attorney  
Broward County, Florida  
JEFFREY J. NEWTON, County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-6968

By   
Al A. DiCalvo  
Assistant County Attorney

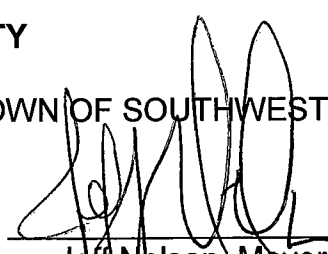
2010 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND «Municipality» PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

MUNICIPALITY

WITNESSES:


\_\_\_\_\_  
\_\_\_\_\_


TOWN OF SOUTHWEST RANCHES

By   
Jeff Nelson, Mayor

20<sup>th</sup> day of MAY, 2010.

ATTEST:

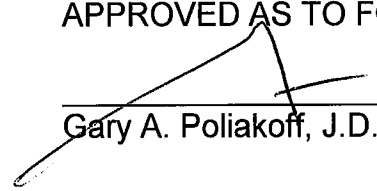
  
Debra Doré-Thomas, CMC, Town Clerk

  
Charles H. Lynn, AICP, Town Administrator

20<sup>th</sup> day of MAY, 2010.

(CORPORATE SEAL)

APPROVED AS TO FORM:

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

2010 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 2010 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."

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. Forty-eight and Seventy-three One-hundredths percent (48.73%) 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 Fifty-one and Twenty-seven One-hundredths percent (51.27%) of the total proceeds shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

$$\frac{\text{Population of Individual Municipality}}{\text{Total Incorporated Area Population}} \times 51.27\% =$$



<b>Recipient</b>	<b>FY 2011 Percent Share of Proceeds</b>
Coconut Creek	1.415103%
Cooper City	0.883595%
Coral Springs	3.765338%
Dania	0.840436%
Davie	2.695456%
Deerfield Beach	2.167353%
Fort Lauderdale	5.349288%
Hallandale	1.107122%
Hillsboro Beach	0.066190%
Hollywood	4.201793%
Lauderdale-by-the-Sea	0.175245%
Lauderdale Lakes	0.943185%
Lauderhill	1.894540%
Lazy Lake	0.001154%
Lighthouse Point	0.324292%
Margate	1.575043%
Miramar	3.331785%
North Lauderdale	1.222866%
Oakland Park	1.236069%
Parkland	0.700003%
Pembroke Park	0.180929%
Pembroke Pines	4.475642%
Plantation	2.508045%
Pompano Beach	2.931534%
Sea Ranch Lakes	0.021610%
Southwest Ranches	0.253691%
Sunrise	2.641758%
Tamarac	1.750999%
Weston	1.826366%
West Park	0.401850%
Wilton Manors	0.381720%
<b>Total Incorporated</b>	<b>51.270000%</b>

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:

<b>Recipient</b>	<b>FY 2011 Population</b>
Coconut Creek	47,804
Cooper City	29,849
Coral Springs	127,198
Dania	28,391
Davie	91,056
Deerfield Beach	73,216
Fort Lauderdale	180,706
Hallandale	37,400
Hillsboro Beach	2,236
Hollywood	141,942
Lauderdale-by-the-Sea	5,920
Lauderdale Lakes	31,862
Lauderhill	64,000
Lazy Lake	39
Lighthouse Point	10,955
Margate	53,207
Miramar	112,552
North Lauderdale	41,310
Oakland Park	41,756
Parkland	23,647
Pembroke Park	6,112
Pembroke Pines	151,193
Plantation	84,725
Pompano Beach	99,031
Sea Ranch Lakes	730

<b>Recipient</b>	<b>FY 2011 Population</b>
Southwest Ranches	8,570
Sunrise	89,242
Tamarac	59,151
Weston	61,697
West Park	13,575
Wilton Manors	12,895
<b>Total Incorporated</b>	<b>1,731,967</b>
<b>Unincorporated Area</b>	<b>12,955</b>
<b>Total County</b>	<b>1,744,922</b>

3. This 2010 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 and Broward County have executed this Interlocal Agreement prior to June 1, 2010.

4. In the event this 2010 Amendment to Interlocal Agreement or a portion of this 2010 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 2010 Amendment and the Agreement and/or any prior Amendment to the Agreement, the parties hereby agree that this document shall control.

6. This 2010 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.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this 2010 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 Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

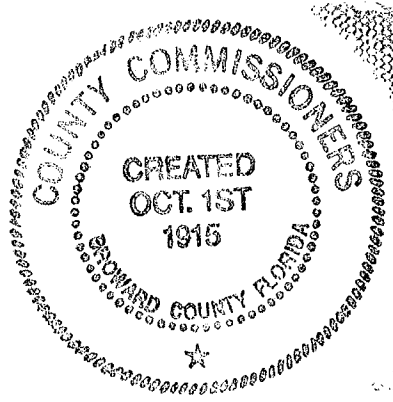
ATTEST:

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

BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS

By Ken Keechi Mayor

8 day of June, 2010.



Approved as to form by  
Office of County Attorney  
Broward County, Florida  
JEFFREY J. NEWTON, County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-6968

By Al A. DiCalvo  
Assistant County Attorney

2010 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:

\_\_\_\_\_

\_\_\_\_\_

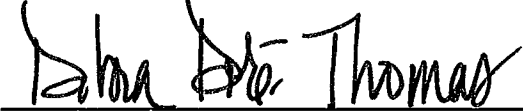
TOWN OF SOUTHWEST RANCHES

By

  
Jeff Nelson, Mayor

20<sup>th</sup> day of MAY, 2010.

ATTEST:

  
Debra Doré-Thomas, CMC, Town Clerk

  
Charles W. Lynn, AICP, Town Administrator

20<sup>th</sup> day of MAY, 2010.

(CORPORATE SEAL)

APPROVED AS TO FORM:

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

AAD:dmv  
4/13/2010  
GASTAX3\_2010.docSWRanches