

RESOLUTION NO. 2019-034

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE 2019 AMENDMENTS TO THE TWO (2) INTERLOCAL AGREEMENTS WITH BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE BROWARD COUNTY FIFTH-CENT LOCAL OPTION GAS TAX, AND THE ADDITIONAL THIRD-CENT LOCAL OPTION GAS TAX; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

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 third-cent 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, on March 22, 2018 pursuant to Resolution 2018-045 the Town approved the interlocal agreement with Broward County for 2018-19 distribution of the Town's share of the proceeds from the sixth-cent local option gas tax; and

WHEREAS, this Agreement will provide funding for the 2019-2020 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 .106411% of the incorporated portion; and

WHEREAS, this Agreement will provide funding for the 2019-20 fiscal year through the distribution of the Town's share of the proceeds from the third-cent local option gas tax for transit in the amount of .209834% 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 "1," and "2," 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 "1," and "2," 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.

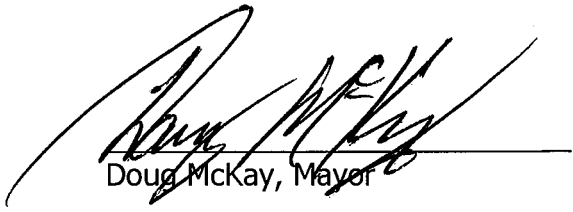
PASSED AND ADOPTED by the Town Council of the Town of Southwest

Ranches, Florida, this 25th day of April, 2019 on a motion by

Council Member Schroeder and seconded by Vice Mayor Jablonski.

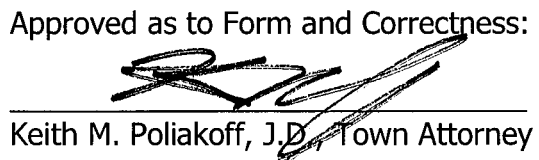
McKay	<u>Yes</u>	Ayes	<u>5</u>
Jablonski	<u>Yes</u>	Nays	<u>0</u>
Fisikelli	<u>Yes</u>	Absent	<u>0</u>
Hartmann	<u>Yes</u>		
Schroeder	<u>Yes</u>		

[Signatures on Following Page]


Doug McKay, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, J.D., Town Attorney

114904951.1

2019 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL THREE-CENT LOCAL OPTION GAS TAX ON MOTOR FUEL

This 2019 Amendment to Interlocal Agreement (the "2019 Amendment") is entered into by and between Broward County, a political subdivision of the State of Florida (the "County"), and the municipalities executing a signature page bearing the above legend, each of which is a municipal corporation existing under the laws of the State of Florida (the "Municipalities") (the County and Municipalities are collectively referred to as the "Parties").

RECITALS

A. Section 336.025(1)(b), Florida Statutes, authorizes the County to extend the levy of the additional three-cent local option gas tax upon every gallon of motor 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.

B. The Broward County Board of County Commissioners enacted Section 31½-38, Broward County Code of Ordinances, effective January 1, 1994, through December 31, 2024, pursuant to Section 336.025(1)(b), Florida Statutes, imposing the levy of the three-cent (\$.03) local option fuel tax for thirty (30) years and providing for a method of distribution of the proceeds of the tax.

C. The method for distribution of the proceeds is established by an Interlocal Agreement with Municipalities representing a majority of the population of the incorporated area within the County.

D. Paragraph 3 of the Interlocal Agreement requires annual adjustment of the division and distribution of the proceeds based upon 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, for good and valuable consideration, and pursuant to the authorization of Section 336.025(1)(b)2., Florida Statutes, the County and Municipalities agree as follows:

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

2. Forty-eight and Seventy-three One-hundredths percent (48.73%) of the total proceeds from the additional three-cent local option fuel tax shall be divided and distributed to the County, and the remaining Fifty-one and Twenty-seven One-hundredths percent (51.27%) of the total proceeds from the additional three-cent local option fuel tax shall be divided among and distributed to the

Municipalities within the County as follows:

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

Recipient	FY20 Percent Share of Proceeds
Coconut Creek	1.588702%
Cooper City	0.923257%
Coral Springs	3.506042%
Dania Beach	0.864686%
Davie	2.809337%
Deerfield Beach	2.139536%
Fort Lauderdale	4.978363%
Hallandale Beach	1.063437%
Hillsboro Beach	0.052227%
Hollywood	4.058019%
Lauderdale-by-the-Sea	0.168798%
Lauderdale Lakes	0.993211%
Lauderhill	1.953773%
Lazy Lake	0.000708%
Lighthouse Point	0.287548%
Margate	1.588293%
Miramar	3.733411%
North Lauderdale	1.221016%
Oakland Park	1.232861%
Parkland	0.891562%
Pembroke Park	0.173836%
Pembroke Pines	4.502520%
Plantation	2.439664%
Pompano Beach	3.005392%
Sea Ranch Lakes	0.018925%
Southwest Ranches	0.209834%
Sunrise	2.523205%
Tamarac	1.760768%
Weston	1.823642%
West Park	0.408040%
Wilton Manors	0.349387%
Total Incorporated	51.270000%

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 additional three-cent local option fuel tax shall be adjusted annually based on the then-current "Florida Estimates of Population."

For the purpose of this Agreement, the population figures are as follows:

Recipient	BEBR Population 4/1/18
Coconut Creek	58,344
Cooper City	33,906
Coral Springs	128,757
Dania Beach	31,755
Davie	103,171
Deerfield Beach	78,573
Fort Lauderdale	182,827
Hallandale Beach	39,054
Hillsboro Beach	1,918
Hollywood	149,028
Lauderdale-by-the-Sea	6,199
Lauderdale Lakes	36,475
Lauderhill	71,751
Lazy Lake	26
Lighthouse Point	10,560
Margate	58,329
Miramar	137,107
North Lauderdale	44,841
Oakland Park	45,276
Parkland	32,742
Pembroke Park	6,384
Pembroke Pines	165,352
Plantation	89,595
Pompano Beach	110,371
Sea Ranch Lakes	695
Southwest Ranches	7,706
Sunrise	92,663

Recipient	BEBR Population 4/1/18
Tamarac	64,663
Weston	66,972
West Park	14,985
Wilton Manors	12,831
Total Incorporated	1,882,856
Unincorporated Area	15,120
Total County	1,897,976

3. This 2019 Amendment shall be effective as of the date it is executed by the County after having previously been executed by the Municipalities cumulatively representing a majority of the incorporated area population of the County; the amended population figures and share of proceeds shall take effect as provided by applicable law.

4. In the event any provision within this 2019 Amendment is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless the County or any executing Municipality necessary to maintain the cumulative majority referenced in the preceding paragraph elects to terminate the Interlocal Agreement. The election to terminate pursuant to this provision must be made within seven (7) days after such court ruling; provided, however, that if a timely notice appealing the court ruling is filed, the election shall be held in abeyance until the appeal is determined or dismissed.

5. Except to the extent amended, the Interlocal Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2019 Amendment and the Interlocal Agreement, as previously amended, the Parties acknowledge that this 2019 Amendment shall control.

6. This 2019 Amendment 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.]

Recipient	BEBR Population 4/1/18
Tamarac	64,663
Weston	66,972
West Park	14,985
Wilton Manors	12,831
Total Incorporated	1,882,856
Unincorporated Area	15,120
Total County	1,897,976

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6. This 2019 Amendment 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 hereto have made and executed this 2019 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 County Administrator, authorized to execute same by Board action on April 9th, 2019, and each Municipality, signing by and through its Mayor, duly authorized to execute same.

COUNTY

WITNESSES:

Tamara Brannon

Print Name: TAMARA BRANNON

Christina Daly

Print Name: Christina Daly

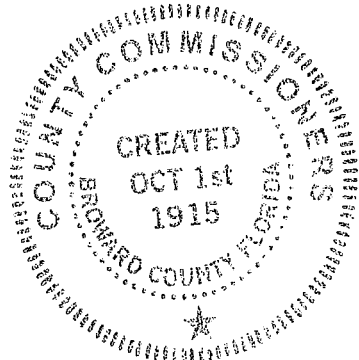
Broward County, by and through
its County Administrator

By Bertha Henry
Bertha Henry
County Administrator

9th day of June, 2019

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


By Angela J. Wallace 6/20/19
Angela J. Wallace (Date)
Deputy County Attorney

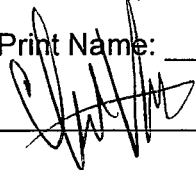


IN WITNESS WHEREOF, the Parties have made and executed this 2019 Amendment to the Interlocal Agreement on the respective dates under each signature: Broward County through its Board of County Commissioners, signing by and through its County Administrator, authorized to execute same by Board action on April 9th, 2019, and each Municipality, signing by and through its Mayor, duly authorized to execute same.

COUNTY

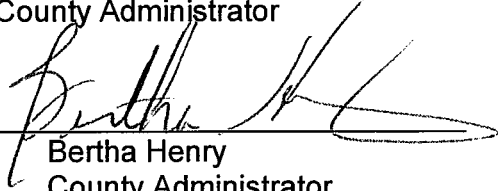
WITNESSES:



Print Name: TAMARA BRANNON


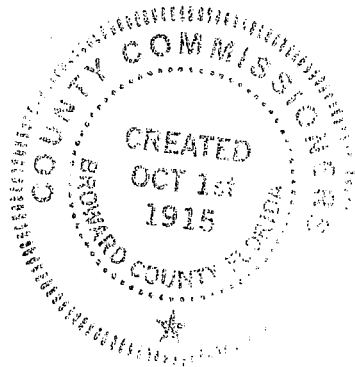
Print Name: Christina Daly

Broward County, by and through
its County Administrator

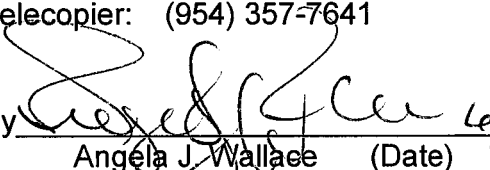
By 

Bertha Henry
County Administrator

21st day of June, 2019



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

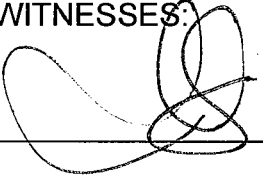
By 

Angela J. Wallace (Date)
Deputy County Attorney

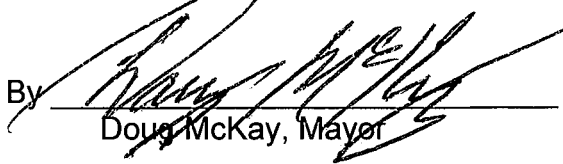
2019 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL THREE-CENT LOCAL OPTION GAS TAX ON MOTOR FUEL

MUNICIPALITY

WITNESSES:



Municipality: SOUTHWEST RANCHES


By 
_____ Doug McKay, Mayor



25th day of April, 2019.


ATTEST:

By 
_____ Russell Muniz
Assistant Town Administrator/Town Clerk


_____ Andrew D. Berns, Town Administrator
25th day of April, 2019

(CORPORATE SEAL)

APPROVED AS TO FORM:

By 
_____ Keith Poljakoff, Town Attorney

**2019 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION
AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL FIFTH-CENT LOCAL OPTION GAS TAX ON MOTOR FUEL FOR
TRANSIT**

This 2019 Amendment to Interlocal Agreement (the "2019 Amendment") is entered into by and between Broward County, a political subdivision of the State of Florida (the "County"), and the municipalities executing a signature page bearing the above legend, each of which is a municipal corporation existing under the laws of the State of Florida (the "Municipalities") (the County and Municipalities are collectively referred to as the "Parties").

RECITALS

A. Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of the additional fifth-cent local option gas tax upon every gallon of motor 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.

B. On June 13, 2000, the Broward County 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 additional fifth-cent local option gas tax for thirty (30) years and providing for a method of distribution of the proceeds of the tax.

C. The method for distribution of the proceeds is established by an Interlocal Agreement with Municipalities representing a majority of the population of the incorporated area within the County.

D. Paragraph 4 of the Interlocal Agreement requires annual adjustment of the division and distribution of the proceeds based upon the population of the individual Municipalities and unincorporated Broward County utilizing 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, for good and valuable consideration, and pursuant to Section 336.025(1)(b), Florida Statutes, the County and Municipalities agree as follows:

1. Section 2.1 of the Interlocal Agreement, as previously amended, is hereby amended to read as follows:

2.1 Seventy-four percent (74%) of the total proceeds from the additional fifth-cent local option gas tax shall be distributed to the County, from which amount the County will retain forty-eight percent (48%) of the total proceeds and will distribute twenty-six percent (26%) of the total proceeds to the Municipalities

through Interlocal Agreements for Community Shuttle Services. The remaining twenty-six percent (26%) shall be distributed to the Municipalities as follows:

$$\frac{\text{Population of Individual Municipality}}{\text{Total Incorporated Area Population}} \times 26.0000\%$$

Recipient	BEBR Population 4/1/18	FY20 Percent Share of Proceeds
Coconut Creek	58,344	0.805661%
Cooper City	33,906	0.468201%
Coral Springs	128,757	1.777981%
Dania Beach	31,755	0.438499%
Davie	103,171	1.424669%
Deerfield Beach	78,573	1.085000%
Fort Lauderdale	182,827	2.524623%
Hallandale Beach	39,054	0.539289%
Hillsboro Beach	1,918	0.026485%
Hollywood	149,028	2.057899%
Lauderdale-by-the-Sea	6,199	0.085601%
Lauderdale Lakes	36,475	0.503676%
Lauderhill	71,751	0.990796%
Lazy Lake	26	0.000360%
Lighthouse Point	10,560	0.145821%
Margate	58,329	0.805454%
Miramar	137,107	1.893284%
North Lauderdale	44,841	0.619201%
Oakland Park	45,276	0.625208%
Parkland	32,742	0.452128%
Pembroke Park	6,384	0.088155%
Pembroke Pines	165,352	2.283314%
Plantation	89,595	1.237200%
Pompano Beach	110,371	1.524092%
Sea Ranch Lakes	695	0.009597%
Southwest Ranches	7,706	0.106411%
Sunrise	92,663	1.279566%
Tamarac	64,663	0.892919%
Weston	66,972	0.924804%
West Park	14,985	0.206925%
Wilton Manors	12,831	0.177181%
Total Incorporated	1,882,856	26.000000%

Recipient	BEBR Population 4/1/18	FY20 Percent Share of Proceeds
Unincorporated Area	15,120	
Total County	1,897,976	

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 additional fifth-cent local option gas tax shall be adjusted annually based on the current Florida Estimates of Population.

2. This 2019 Amendment shall be effective as of the date it is executed by the County after having previously been executed by the Municipalities cumulatively representing a majority of the incorporated area population of the County; the amended population figures and share of proceeds shall take effect as provided by applicable law.

3. In the event any provision within this 2019 Amendment is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless the County or any executing Municipality necessary to maintain the cumulative majority referenced in the preceding paragraph elects to terminate the Interlocal Agreement. The election to terminate pursuant to this provision must be made within seven (7) days after such court ruling; provided, however, that if a timely notice appealing the court ruling is filed, the election shall be held in abeyance until the appeal is determined or dismissed.

4. Except to the extent amended, the Interlocal Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2019 Amendment and the Interlocal Agreement, as previously amended, the Parties acknowledge that this 2019 Amendment shall control.

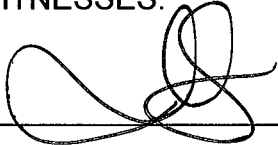
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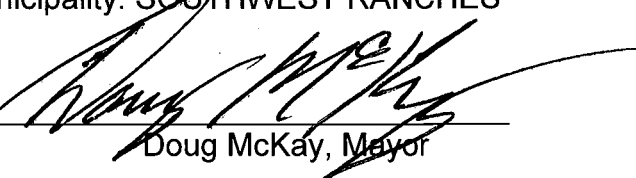
**2019 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION
AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL FIFTH-CENT LOCAL OPTION GAS TAX ON MOTOR FUEL FOR
TRANSIT**

MUNICIPALITY

WITNESSES:




Municipality: SOUTHWEST RANCHES

By 
_____ Doug McKay, Mayor



ATTEST:

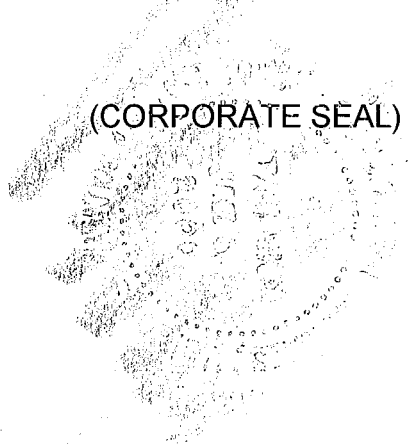

_____ Russell Muniz
Assistant Town Administrator/Town Clerk

_____ 25th day of April _____, 2019.

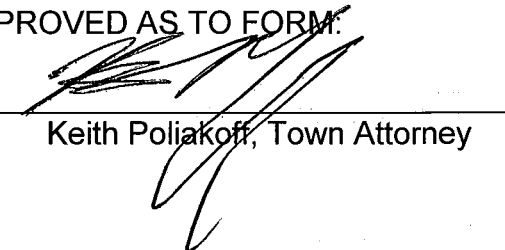
By 
_____ Andrew D. Berns, Town Administrator

_____ 25th day of April _____, 2019.

(CORPORATE SEAL)



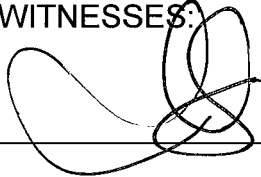
APPROVED AS TO FORM:

By 
_____ Keith Poliakoff, Town Attorney

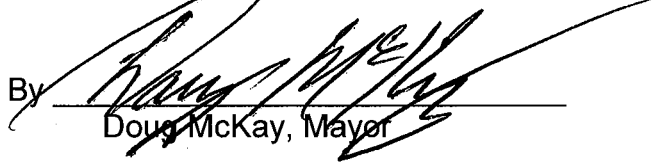
**2019 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION AND
DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL
THREE-CENT LOCAL OPTION GAS TAX ON MOTOR FUEL**

MUNICIPALITY

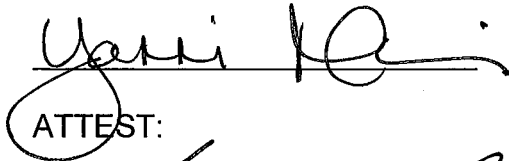
WITNESSES:



Municipality: SOUTHWEST RANCHES

By 

Doug McKay, Mayor

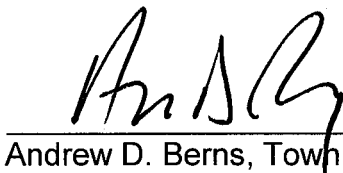


ATTEST:

25th day of April, 2019.

By 


Russell Muniz
Assistant Town Administrator/Town Clerk



Andrew D. Berns, Town Administrator
25th day of April, 2019

(CORPORATE SEAL)

APPROVED AS TO FORM:

By 

Keith Poljakoff, Town Attorney