

RESOLUTION NO. 2003-53

RESOLUTION OF THE TOWN COUNCIL 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, AMENDMENT TO THE AGREEMENTS FOR THE FIFTH-CENT LOCAL OPTION GAS TAX, SIXTH CENT LOCAL OPTION GAS TAX, AND ADDITIONAL LOCAL OPTION TRANSIT 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 #200-25 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 2003-04 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 .173808% of the incorporated portion; and

WHEREAS, this Agreement will provide funding for the 2003-04 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 .208245% of the incorporated portion; and

WHEREAS, this Agreement will provide funding for the 2003-04 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 .120507% 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.

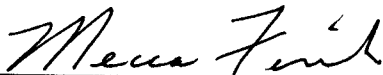
NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Southwest Ranches, Florida:

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


Section 2: 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 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 8th day of May 2003.

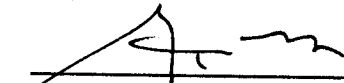


Mecca Fink, Mayor

Attest:


Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:



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

2003 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

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This is the 2003 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 "CITY."

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 nineteen 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 CITY agree as follows:

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

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

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

<u>Recipients</u>	<u>FY 2004 Share of Proceeds</u>
Coconut Creek	1.110297%
Cooper City	0.672916%
Coral Springs	2.900437%
Dania Beach	0.642254%
Davie	1.860448%
Deerfield Beach	1.531791%
Fort Lauderdale	3.966194%
Hallandale Beach	0.809797%
Hillsboro Beach	0.051112%
Hollywood	3.335335%
Lauderdale-by-the-Sea	0.147047%
Lauderdale Lakes	0.749607%
Lauderhill	1.365548%
Lazy Lake	0.000804%
Lighthouse Point	0.256670%
Margate	1.275784%
Miramar	2.069457%
North Lauderdale	0.784879%
Oakland Park	0.749773%

Parkland	0.384307%
Pembroke Park	0.155581%
Pembroke Pines	3.423020%
Plantation	1.977092%
Pompano Beach	2.040214%
Sea Ranch Lakes	0.015201%
Southwest Ranches	0.173808%
Sunrise	2.055367%
Tamarac	1.334389%
Weston	1.362924%
Wilton Manors	<u>0.297947%</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 Nineteen amendments, is amended to read as follows:

<u>Recipient</u>	<u>Population</u>
Coconut Creek	46,965
Cooper City	28,464
Coral Springs	122,687
Dania Beach	27,167
Davie	78,696
Deerfield Beach	64,794
Fort Lauderdale	167,768
Hallandale Beach	34,254
Hillsboro Beach	2,162
Hollywood	141,083
Lauderdale-by-the-Sea	6,220
Lauderdale Lakes	31,708
Lauderhill	57,762
Lazy Lake	34
Lighthouse Point	10,857
Margate	53,965
Miramar	87,537
North Lauderdale	33,200
Oakland Park	31,715
Parkland	16,256
Pembroke Park	6,581
Pembroke Pines	144,792
Plantation	83,630

Pompano Beach	86,300
Sea Ranch Lakes	643
Southwest Ranches	7,352
Sunrise	86,941
Tamarac	56,444
Weston	57,651
<u>Wilton Manors</u>	<u>12,603</u>
Total	1,586,231
Unincorporated area	82,922
Total County	1,669,153

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 2003 Amendment and the Agreement and/or the Addendum to the Agreement and/or First through the Nineteenth Amendment, the parties hereby agree that this document shall control.

4. This 2003 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 2003 Amendment prior to June 1, 2003.

5. This 2003 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 2003 Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions shall continue to be effective.

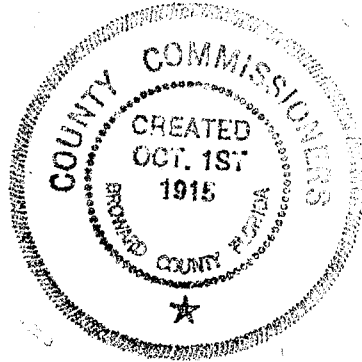
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IN WITNESS WHEREOF, the parties have made and executed this 2003 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action on the 29 day of June, 2003, and CITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

R. [Signature]
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 [Signature], Mayor

3rd day of June, 2003.

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 [Signature] 6/02/03
Pamela M. Kane
Assistant County Attorney

2003 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

CITY

WITNESSES:

TOWN OF SOUTHWEST RANCHES

[Signature]

By Mecca Fink
Mayor-Commissioner

Emily S. McCard

8 day of May, 2003.

ATTEST:

By [Signature]
City Clerk

John Cloud
City Manager
8 day of May, 2003.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By [Signature]
City Attorney

PMK

April 15, 2003

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