



Southwest Ranches Town Council

REGULAR MEETING Agenda of April 14, 2016

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u>	<u>Town Council</u>	<u>Town Administrator</u>	<u>Town Attorney</u>
Jeff Nelson	Steve Breitzkreuz	Andrew D. Berns	Keith M. Poliakoff, J.D.
<u>Vice-Mayor</u>	Freddy Fisikelli	<u>Town Financial</u>	<u>Assistant Town</u>
Doug McKay	Gary Jablonski	<u>Administrator</u>	<u>Administrator/Town</u>
		Martin Sherwood, CPA	<u>Clerk</u>
		CGFO	Russell C. Muniz, MMC

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

1. Call to Order/Roll Call

2. Pledge of Allegiance

3. Public Comment

- All Speakers are limited to 3 minutes.
- Public Comment will last for 30 minutes.
- All comments must be on non-agenda items.
- All Speakers must fill out a request card prior to speaking.
- All Speakers must state first name, last name, and mailing address.
- Speakers will be called in the order the request cards were received.
- Request cards will only be received until the first five minutes of public comment have concluded.

4. Board Reports

5. Council Member Comments

6. Legal Comments

7. Administration Comments

Ordinance - 1st Reading

- 8. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, REZONING APPROXIMATELY 13.3 ACRES, OWNED BY THE SOUTH BROWARD DRAINAGE DISTRICT, FROM RURAL RANCH DISTRICT TO COMMUNITY FACILITY DISTRICT; GENERALLY LOCATED ON THE WEST SIDE OF DYKES ROAD BETWEEN SW 61ST COURT AND SW 66TH STREET; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. APPLICATION NUMBER RZ-20-16. {Second Reading - April 28, 2016}**

Resolutions

- 9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF**

SOUTHWEST RANCHES, FLORIDA, APPROVING THE 2016 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.

10. Adjournment

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Jeff Nelson, Mayor
Doug McKay, Vice-Mayor
Freddy Fisikelli, Council Member
Steve Breitzkreuz, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council
VIA: Andy Berns, Town Administrator
FROM: Jeff Katims
DATE: 4/14/2016
SUBJECT: SBDD Rezoning

Recommendation

1. The Council could deny this item finding that the applicant failed to show by competent substantial evidence it has met the requirements of the ULDC.
2. The Council could approve this item finding that the applicant has shown by competent substantial evidence it has met the requirements of the ULDC.
3. The Council could table this item to seek additional information.
4. The Council could choose to approve this item with conditions.

Strategic Priorities

A. Sound Governance

Background

The Town annexed the SBDD property located at 6591 Dykes Road after the town-wide rezoning of various community facilities in 2002. The property retained its Rural Ranch (RR) zoning designation from Town of Davie after annexation. SBDD now seeks to rezone its property to CF. The facility is a nonconforming use under the RR zoning.

Fiscal Impact/Analysis

None.

Staff Contact:

Jeff Katims

ATTACHMENTS:

Description	Upload Date	Type
Staff Memo	4/8/2016	Backup Material
SBDD Rezoning Ordinance - TA Approved	4/8/2016	Ordinance

**TOWN OF SOUTHWEST RANCHES
TOWN COUNCIL AGENDA REPORT**

April 14, 2016

SUBJECT: Rezoning application RZ-20-16

ADDRESS: 6591 SW 160th Avenue
Southwest Ranches, FL 33330

LOCATION: Generally located at the northwest corner of Dykes Road and S.W. 66th Street.

**OWNER/
APPLICANT:** South Broward Drainage District

AGENT: South Broward Drainage District
Kevin Hart, District Director

REQUEST: Rezoning approximately 13.33 acres,
FROM: Rural Ranch District (RR)
TO: Community Facility (CF)

PUBLIC NOTICE: Legal ad in newspaper and 29 mail notices to Town property owners within 1,500 feet of the subject property

EXHIBITS: Petitioner Letter of Intent, Location Map, Notification Map, Mailing Label List, Lobbyist Registration and Ethics Form, and Ordinance.

BACKGROUND

The petitioner is requesting a rezoning of the 13.33-acre subject property ("Property"), owned by the South Broward Drainage District ("SBDD"), from Rural Ranch (RR) to Community Facility (CF). The site currently contains a .40 acre lake, 4,047 square-foot administration building, and 8,408 square-foot maintenance building.

The Property is located on the west side of Dykes Road, immediately north of S.W. 66th Street. The Property is designated Rural Ranch on the Future Land Use Plan Map. There are residential neighborhoods to the east and west located within the Town of Davie. South of the Property, opposite SW 66th Street are wetlands and an FPL primary transmission easement within the City of Pembroke Pines. Apple Tree Montessori School is north of the Property, and is zoned CF.

The Property was annexed into the Town in 2006 from the Town of Davie. Thus, the property was not included in the town-wide rezoning in 2002, which re-designated various community facilities with Rural or Agricultural zoning designations to the Community Facility (CF) District.

An application is concurrently under review for a site plan modification (SP-62-16) to expand the maintenance facility to include a new maintenance building and covered parking area. An application to amend the restrictive plat note has been filed with Broward County.

APPLICATION DETAILS AND ANALYSIS

The SBDD administration and maintenance operations facility is classified as a community facility, which is not a permitted use in the Rural Ranches District. The incompatible zoning came to light when SBDD submitted for plat note amendment and site plan approval. The Community Facility (CF) District allows for governmentally owned or operated services and facilities and other essential services.

The CF district is intended only for properties with frontage on, or access to, Griffin Road, Sheridan Street, U.S. Highway 27, and Flamingo Road. At the time of the town-wide rezoning in 2002, Dykes Road also qualified for CF zoning as evidenced by several parcels along the corridor that the Town rezoned to CF in 2002. The intent of the 2002 rezoning was to ensure the proper zoning of all community facilities along Dykes Road that existed at that time. The SBDD Property was clearly such a facility, but had not yet been annexed into the Town. It is therefore appropriate that the Town rezone the Property in order to make the SBDD facility a conforming use that is capable of being expanded, and rebuilt if damaged by a hurricane or other calamity. As a nonconforming use under the RR zoning, neither expansion or rebuilding would be permitted.

CONSIDERATIONS FOR REQUEST

Consideration of a rezoning request must be in conjunction with the criteria contained in Section 130-030 of the Unified Land Development Code (ULDC). These include consideration of materials provided by the petitioner, the public and the staff report, as well as the following criteria enumerated in the ULDC. Staff findings are shown in *italics*, below.

- (A) That the request does NOT meet any of the following criteria whereby the request would be considered contract, or spot zoning:
- (1) The proposed rezoning would give privileges not generally extended to similarly situated property in the area. *Does not apply to the request because adjacent properties have CF zoning.*
 - (2) The proposal is not in the public's best interest and it only benefits the property owner. *Does not apply to the request because the facility provides a service that is essential for the public health, safety and welfare.*

- (3) The proposed zoning request violates the Town's Comprehensive Plan. *Does not apply because the request does not violate the plan.*
- (4) The proposed change will result in an isolated district unrelated to adjacent or nearby districts. *Does not apply to the request because adjacent properties have CF zoning.*

Staff finds that the request does not constitute spot zoning.

If the Town Council finds that the rezoning request does not constitute spot zoning, then the Council must next evaluate the request in conjunction with the four criteria contained immediately below. In evaluating the four criteria contained in (B) below, the Council shall consider the three criteria contained in (C) below.

(B) A zoning modification may be approved if the applicant can demonstrate by competent substantial evidence that the request is consistent with one of the following four criteria:

- (1) That there exists an error or ambiguity that must be corrected. *The zoning modification is necessary to apply the correct zoning to the existing community facility. The property was a legal, conforming use prior to annexation that should have been rezoned at the time of annexation but was not.*
- (2) That there exists changed or changing conditions that make approval of the request appropriate. *Not applicable.*
- (3) That substantial reasons exist why the property cannot be used in accordance with the existing zoning. *The facilities on the Property cannot be expanded or rebuilt in the event of calamity under the existing zoning. The facilities are essential to the public health, safety and welfare. Inability to rebuild would constitute a threat to the public health, safety and welfare.*
- (4) That the request would advance a public purpose, including but not limited to, protecting, conserving, or preserving environmentally critical areas and natural resources. *The request is necessary to protect the public health, safety and welfare by allowing the maintenance and administration facilities of the SBDD to continue functioning as a legal, conforming use under the Town's zoning and land development regulations.*

Staff finds that the application satisfies three (3) of the four (4) criteria, and warrants further consideration under "(C)", below.

(C) When determining if one of the four (4) criteria delineated in (B), above, has been satisfied, the following considerations shall be made:

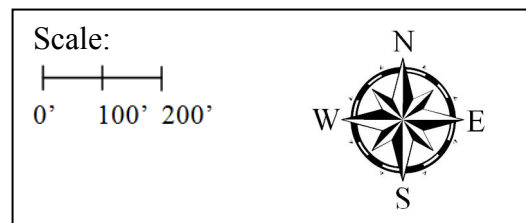
- (1) That the request is compatible with surrounding zoning districts and land uses. *The request allows the continued existence and expansion of the facility, which is compatible with the adjacent CF and residential uses and zoning in the area.*

- (2) That the request is consistent with, or furthers the goals, objectives, policies, and the intent of the Town's Comprehensive Plan and the Town's Future Land Use Map. *The request is general consistent with intent of the Comprehensive Plan to provide for the health, safety and welfare of the Town residents and their properties. Community facilities are permitted in the RR Land Use Designation that governs the use of the Property.*
- (3) That the anticipated impact of the application would not create an adverse impact upon public facilities such as schools and streets. *The proposed rezoning will not create an adverse impact upon public facilities and services, and is necessary to help protect the such facilities from flooding.*

STAFF RECOMMENDATION

1. The Council could choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council could choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC.
3. The Council could table this item to seek additional information.
4. The Council could choose to approve this item with conditions, all of which shall be satisfied prior to issuance of the first building permit unless otherwise specified.

Location Map



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ORDINANCE NO. 2016 –

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, REZONING APPROXIMATELY 13.3 ACRES, OWNED BY THE SOUTH BROWARD DRAINAGE DISTRICT, GENERALLY LOCATED ON THE WEST SIDE OF DYKES ROAD BETWEEN SW 61ST COURT AND SW 66TH STREET, FROM RURAL RANCH DISTRICT TO COMMUNITY FACILITY DISTRICT; RESTRICTING THE PROPERTY FOR GOVERNMENTAL USE; PROVIDING FOR CONFLICTS; PROVIDING FOR RECORDATION, AND PROVIDING AN EFFECTIVE DATE. APPLICATION NUMBER RZ-20-16.

WHEREAS, South Broward Drainage District ("SBDD") is the owner of the subject property ("Property"), legally described as Tract "A" of South Broward Drainage, according to the Plat thereof recorded in Plat Book 144, Page 12 of the Broward County, Florida Public Records; and

WHEREAS, SBDD has petitioned the Town of Southwest Ranches for a change in the zoning designation for the Property from Rural Ranch (RR) to Community Facility District (CF); and

WHEREAS, SBDD has stipulated and agreed that the Property will only be utilized for governmental purposes; and

WHEREAS, the Town Council of the Town of Southwest Ranches, has held two duly advertised public hearings on this rezoning in accordance with Florida law; and

WHEREAS, the Town Council finds that the application is consistent with the adopted Comprehensive Plan, and satisfies the criteria for the approval of rezoning applications set forth in the Town of Southwest Ranches Unified Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: Recitals. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: Zoning change. That the Town Council hereby finds that the rezoning is consistent with the criteria for the consideration and approval of rezoning applications set forth in the Town of Southwest Ranches Unified Land Development Code, and that the zoning map designation of the Property is hereby amended and changed from Rural Ranch District to Community Facility District.

Section 3: Map amendment and recordation. That the Town Administrator or designee shall, immediately following the effective date of this Ordinance, cause the Town of Southwest Ranches Official Zoning Map to be updated to reflect this amendment.

Section 4: Property use. That the Town hereby accepts SBDD's stipulation, and agreement that the Property will only be utilized for governmental purposes.

Section 5: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6: Recordation. This Ordinance shall be recorded in the public records of Broward County, Florida.

Section 7: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED ON FIRST READING this 14th day of April, 2016 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ___ day of ____, 2016, on a motion made by _____ and seconded by _____.

Nelson _____
McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____

Ayes _____
Nays _____

Absent _____
Abstaining _____

Jeff Nelson, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney

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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Jeff Nelson, Mayor
Doug McKay, Vice-Mayor
Freddy Fisikelli, Council Member
Steve Breitzkreuz, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Russell Muniz, Assistant Town Administrator/Town Clerk
DATE: 4/14/2016
SUBJECT: Gas Tax Agreements

Recommendation

It is recommended that Council approve the attached resolution incorporating three 2016 amendments to Broward County Interlocal Agreements (Exhibit 1, 2, and 3) for the distribution of gas taxes.

Strategic Priorities

A. Sound Governance

Background

Currently, the Town of Southwest Ranches receives gas tax revenue via three Interlocal Agreements with Broward County, which collects gas tax, on behalf of the municipalities, from the sale of every gallon of motor fuel and special fuel sold in Broward County. These proceeds are then redistributed to all participating municipalities within the County based upon individual municipal populations. Each of these agreements provides that the rates for redistribution of proceeds shall be adjusted annually based upon the population figures listed in the current "Florida Estimates of Population" as published by the Bureau of Economics and Business Research, Population Division, University of Florida.

The three Interlocal Agreements and amendments are described below:

1. The "original" local option gas tax agreement adopted in 1983 provides for Cities to

receive 37.5% of the proceeds of six cents of gas tax. This amendment adjusts each City's percentage share of the 37.5% based on updated population figures.

2. The "additional" local option gas tax agreement adopted in 1994 now provides for Cities to receive 51.27% of three cents of gas tax. The Cities' share of this gas tax has increased over the years due to annexations, however, there were no annexations of populated areas effective September 2013 so the Cities share of the three cents of gas tax will remain the same as last year. As a result, this amendment adjusts each City's percentage share of the 51.27% based on updated population figures.

3. The "transit gas tax" agreement adopted in 2001 provides for Cities to receive 26% of the proceeds of one cent of gas tax. This amendment includes adjustments to each City's percentage share based on updated population figures.

This resolution and the attached Interlocal Agreements serve to continue this important revenue stream to the Town.

Analysis

Below are the projected and historical percentage rates calculated by the County based upon the Town's population:

	<u>Fiscal Year 2016-2017</u>	<u>Fiscal Year 2015-2016</u>
Estimated Town Population	7,389	7,339
Broward County Population	1,827,367	1,803,903
6-Cent Local Option Tax:	0.152846%	0.153793%
Additional Local Option Gas Tax	0.208971%	0.210266%
Transit Local Option Gas Tax	0.105973%	0.106630%

Fiscal Impact/Analysis

The Town's estimated population increased to 7,389 from 7,339. However, the Town's estimated population percentage increase (.00682) did not keep pace with the overall Broward County municipal population percentage increase (.01301) therefore, the Town's shared percentage decreased (per the above table) on a year to year basis. Additionally, annual proceeds vary based on actual gasoline consumption within Broward County. However, assuming no change in consumption, it is estimated that gas taxes will decrease approximately \$451, \$325 and \$243 in Fiscal Year 2016-2017 for the six cent, additional, and transit local option gas taxes, respectively.

Staff Contact:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Martin Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

ATTACHMENTS:

Description	Upload Date	Type
Reso - Gas Tax 2016 TA Approved	4/8/2016	Resolution
6th Cent - Exhibit 1	4/4/2016	Exhibit

Additional - Exhibit 2
5th Cent - Exhibit 3

4/4/2016
4/4/2016

Exhibit
Exhibit

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RESOLUTION NO. 2016 –

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE 2016 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.

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 2016-17 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 0.152846% of the incorporated portion; and

WHEREAS, this Agreement will provide funding for the 2016-17 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 0.208971% of the incorporated portion; and

WHEREAS, this Agreement will provide funding for the 2016-17 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 0.105973% 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," "2," and "3," 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," "2," and "3," 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 ____ day of _____, 2016 on a motion by _____
_____ and seconded by _____.

Nelson _____
McKay _____
Breitkreuz _____
Fisikelli _____
Jablonski _____

Ayes _____
Nays _____
Absent _____

[Signatures on Following Page]

Jeff Nelson, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

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

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**2016 AMENDMENT TO INTERLOCAL AGREEMENT 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 2016 Amendment to Interlocal Agreement 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").

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the County to extend the levy of the six (6) 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 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, for good and valuable consideration, the County and Municipalities agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as previously 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:

Population of Individual Municipality
Total Incorporated Area Population

x 37.5% =

Recipient	FY17 Percent Share of Proceeds
Coconut Creek	1.170662%
Cooper City	0.686267%
Coral Springs	2.570852%
Dania	0.633891%
Davie	2.004604%
Deerfield Beach	1.585802%
Fort Lauderdale	3.622531%
Hallandale	0.794825%
Hillsboro Beach	0.038620%
Hollywood	2.997887%
Lauderdale-by-the-Sea	0.125272%
Lauderdale Lakes	0.707470%
Lauderhill	1.440775%
Lazy Lake	0.000495%
Lighthouse Point	0.214262%
Margate	1.155314%
Miramar	2.732490%
North Lauderdale	0.894281%
Oakland Park	0.897550%
Parkland	0.581846%
Pembroke Park	0.128996%
Pembroke Pines	3.308089%
Plantation	1.809911%
Pompano Beach	2.198056%
Sea Ranch Lakes	0.013859%
Southwest Ranches	0.152846%
Sunrise	1.833368%
Tamarac	1.287971%
Weston	1.359750%
West Park	0.299921%
Wilton Manors	0.251537%
Total Incorporated	37.500000%

2. Paragraph 3 of the Interlocal Agreement, as previously amended by the Addendum thereto and the prior amendments, is amended to read as follows:

3. 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. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement 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:

Recipient	FY17 Population
Coconut Creek	56,593
Cooper City	33,176
Coral Springs	124,282
Dania	30,644
Davie	96,908
Deerfield Beach	76,662
Fort Lauderdale	175,123
Hallandale	38,424
Hillsboro Beach	1,867
Hollywood	144,926
Lauderdale-by-the-Sea	6,056
Lauderdale Lakes	34,201
Lauderhill	69,651
Lazy Lake	24
Lighthouse Point	10,358
Margate	55,851
Miramar	132,096
North Lauderdale	43,232
Oakland Park	43,390
Parkland	28,128
Pembroke Park	6,236
Pembroke Pines	159,922
Plantation	87,496
Pompano Beach	106,260
Sea Ranch Lakes	670
Southwest Ranches	7,389
Sunrise	88,630
Tamarac	62,264
Weston	65,734

West Park	14,499
Wilton Manors	12,160
Total Incorporated	1,812,852
Unincorporated Area	14,515
Total County	1,827,367

3. This 2016 Amendment to Interlocal Agreement shall be effective as of the date it is executed by the County after having previously been executed by eligible municipalities cumulatively representing a majority of the incorporated area population of the County.

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 2016 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this 2016 Amendment shall control.

5. This 2016 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.

6. In the event any provision within this 2016 Amendment to Interlocal Agreement 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 this 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.

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IN WITNESS WHEREOF, the parties have made and executed this 2016 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 March 8th, 2016, and MUNICIPALITY, signing by and through its _____, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, by and through
its Board of County Commissioners

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

By _____
Mayor

8th day of March, 2016

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

By _____
Andrew J. Meyers
Chief Deputy County Attorney

Date: _____

AJM
2/11/2016
GASTAX6_2016.doc
«Southwest Ranches»

**2016 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION
AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX
IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE**

Southwest Ranches

WITNESSES:

«Town Of Southwest Ranches»

By _____

Jeff Nelson
Mayor

____ day of _____, 2016.

ATTEST:

By _____

Russell Muñiz
Assistant Town Administrator/Town Clerk

Andrew Berns
Town Administrator

____ day of _____, 2016

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____

Keith Poliakoff
Town Attorney

**2016 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION
AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE**

This 2016 Amendment to Interlocal Agreement 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").

NOW, THEREFORE, for good and valuable consideration, and pursuant to the authorization of paragraph (1) (b) 2 of Section 336.025, 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 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:

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

Recipient	FY17 Percent Share of Proceeds
Coconut Creek	1.600530%
Cooper City	0.938264%
Coral Springs	3.514869%
Dania	0.866655%
Davie	2.740694%
Deerfield Beach	2.168109%
Fort Lauderdale	4.952724%
Hallandale	1.086685%
Hillsboro Beach	0.052801%
Hollywood	4.098711%
Lauderdale-by-the-Sea	0.171272%
Lauderdale Lakes	0.967252%
Lauderhill	1.969828%
Lazy Lake	0.000679%

Lighthouse Point	0.292939%
Margate	1.579545%
Miramar	3.735860%
North Lauderdale	1.222662%
Oakland Park	1.227130%
Parkland	0.795499%
Pembroke Park	0.176363%
Pembroke Pines	4.522819%
Plantation	2.474510%
Pompano Beach	3.005182%
Sea Ranch Lakes	0.018949%
Southwest Ranches	0.208971%
Sunrise	2.506581%
Tamarac	1.760913%
Weston	1.859050%
West Park	0.410052%
Wilton Manors	0.343902%
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 Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance, shall be adjusted annually based on the then-current "Florida Estimates of Population."

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

Recipient	FY17 Population
Coconut Creek	56,593
Cooper City	33,176
Coral Springs	124,282
Dania	30,644
Davie	96,908

Deerfield Beach	76,662
Fort Lauderdale	175,123
Hallandale	38,424
Hillsboro Beach	1,867
Hollywood	144,926
Lauderdale-by-the-Sea	6,056
Lauderdale Lakes	34,201
Lauderhill	69,651
Lazy Lake	24
Lighthouse Point	10,358
Margate	55,851
Miramar	132,096
North Lauderdale	43,232
Oakland Park	43,390
Parkland	28,128
Pembroke Park	6,236
Pembroke Pines	159,922
Plantation	87,496
Pompano Beach	106,260
Sea Ranch Lakes	670
Southwest Ranches	7,389
Sunrise	88,630
Tamarac	62,264
Weston	65,734
West Park	14,499
Wilton Manors	12,160
Total Incorporated	1,812,852
Unincorporated Area	14,515
Total County	1,827,367

3. This 2016 Amendment to Interlocal Agreement shall be effective as of the date it is executed by the County after having previously been executed by eligible municipalities cumulatively representing a majority of the incorporated area population of the County.

4. In the event any provision within this 2016 Amendment to Interlocal Agreement 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 this 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 2016 Amendment and the Interlocal Agreement, as previously amended, the parties agree that this 2016 Amendment shall control.

6. This 2016 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 2016 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 March 8th, 2016, and each MUNICIPALITY, signing by and through its Mayor, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, by and through
its Board of County Commissioners

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

By _____
Mayor

8th day of March, 2016

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

By _____
Andrew J. Meyers
Chief Deputy County Attorney

Date: _____

AJM
2/11/2016
GASTAX3_2016.doc
«Southwest Ranches»

**2016 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION
AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE**

Southwest Ranches

WITNESSES:

«Town of Southwest Ranches»

By _____

Jeff Nelson,
Mayor

____ day of _____, 2016.

ATTEST:

By _____

Russell Muñiz
Assistant Town Administrator/Town Clerk

Andrew Berns,
Town Administrator

____ day of _____, 2016

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____

Keith Poliakoff
Town Attorney

2016 AMENDMENT TO INTERLOCAL AGREEMENT 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 2016 Amendment to Interlocal Agreement 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").

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of the additional 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; 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, for good and valuable consideration, and pursuant to the authorization of paragraph (1) (b) of Section 336.025, Florida Statutes, the County and Municipalities agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as previously amended, including section 2.1.2, is hereby amended to read as follows:

2.1 Seventy-four percent (74%) of said proceeds 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 grant agreements for Community Shuttle Services. The remaining twenty-six percent (26%) shall be distributed to the eligible municipalities in the following manner:

Population of Individual Municipality

Total incorporated area Population X 26.0000%

Recipient	FY17 Population	FY17 Percent Share of Proceeds
Coconut Creek	56,593	0.811659%
Cooper City	33,176	0.475812%
Coral Springs	124,282	1.782458%
Dania	30,644	0.439498%
Davie	96,908	1.389859%
Deerfield Beach	76,662	1.099490%
Fort Lauderdale	175,123	2.511621%
Hallandale	38,424	0.551079%
Hillsboro Beach	1,867	0.026777%
Hollywood	144,926	2.078535%
Lauderdale-by-the-Sea	6,056	0.086855%
Lauderdale Lakes	34,201	0.490512%
Lauderhill	69,651	0.998938%
Lazy Lake	24	0.000345%
Lighthouse Point	10,358	0.148555%
Margate	55,851	0.801017%
Miramar	132,096	1.894526%
North Lauderdale	43,232	0.620035%
Oakland Park	43,390	0.622301%
Parkland	28,128	0.403413%
Pembroke Park	6,236	0.089437%
Pembroke Pines	159,922	2.293608%
Plantation	87,496	1.254871%
Pompano Beach	106,260	1.523985%
Sea Ranch Lakes	670	0.009609%
Southwest Ranches	7,389	0.105973%
Sunrise	88,630	1.271135%
Tamarac	62,264	0.892993%
Weston	65,734	0.942760%
West Park	14,499	0.207945%
Wilton Manors	12,160	0.174399%
Total Incorporated	1,812,852	26.000000%
Unincorporated Area	14,515	
Total County	1,827,367	

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

2. This 2016 Amendment to Interlocal Agreement shall be effective as of the date it is executed by the County after having previously been executed by eligible municipalities cumulatively representing a majority of the incorporated area population of the County.

3. In the event any provision within this 2016 Amendment to Interlocal Agreement 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 this 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 2016 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

5. This 2016 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 2016 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 March 8th, 2016, and each MUNICIPALITY, signing by and through its _____, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, by and through
its Board of County Commissioners

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

By _____
Mayor

8th day of March, 2016

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

By _____
Andrew J. Meyers
Chief Deputy County Attorney

Date: _____

AJM
2/11/2016
GASTAX5_2016.doc
«Municipality»

**2016 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION
AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH
CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT**

Southwest Ranches

WITNESSES:

«Town of Southwest Ranches»

By _____
Jeff Nelson
Mayor

____ day of _____, 2016.

ATTEST:

Russell Muñiz
Assistant Town Administrator/Town Clerk

By _____
Andrew Berns
Town Administrator

____ day of _____, 2016

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Keith Poliakoff
Town Attorney