RESOLUTION NO. 2017 - 042

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE 2017 THE THREE (3) INTERLOCAL **AMENDMENTS** TO AGREEMENTS WITH BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX, THE BROWARD COUNTY **OPTION** GAS TAX, FIFTH-CENT LOCAL 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 2017-18 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 0.154341% of the incorporated portion; and

WHEREAS, this Agreement will provide funding for the 2017-18 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 0.211015% of the incorporated portion; and

WHEREAS, this Agreement will provide funding for the 2017-18 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 0.107010% 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 11th day of May, 2017 on a motion by

<u>Council Member Jablosnki</u> and seconded by <u>Council Member Fisikelli</u>.

McKay	<u>Yes</u>	Ayes	_5
Breitkreuz	<u>Yes</u>	Nays	0
Fisikelli	<u>Yes</u>	Absent	0
Jablonski	<u>Yes</u>		
Schroeder	Yes		

[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

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2017 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 2017 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:

Recipient	FY18 Percent Share of Proceeds
Coconut Creek	1.164205%
Cooper City	0.686321%
Coral Springs	2.573659%
Dania	0.633774%
Davie	2.027024%
Deerfield Beach	1.582936%
Fort Lauderdale	3.602662%
Hallandale	0.787218%
Hillsboro Beach	0.039013%
Hollywood	2.979101%
Lauderdale-by-the-Sea	0.125112%
Lauderdale Lakes	0.709945%
Lauderhill	1.440621%
Lazy Lake	0.000488%
Lighthouse Point	0.214145%
Margate	1.166447%
Miramar	2.732098%
North Lauderdale	0.898164%
Oakland Park	0.898857%
Parkland	0.603056%
Pembroke Park	0.128781%
Pembroke Pines	3.297975%
Plantation	1.800404%
Pompano Beach	2.189661%
Sea Ranch Lakes	0.013799%
Southwest Ranches	0.154341%
Sunrise	1.849038%
Tamarac	1.290437%
Weston	1.356010%
West Park	0.301019%
Wilton Manors	0.253689%
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:

West Park	14,768
Wilton Manors	12,446
Total Incorporated	1,839,754
Unincorporated Area	14,759
Total County	1,854,513

- 3. This 2017 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; the amended population figures and share of proceeds shall take effect as provided by applicable law.
- 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 2017 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this 2017 Amendment shall control.
- 5. This 2017 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 2017 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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Amendment to the Interlocal Agreement on BROWARD COUNTY through its BOARD C	
cou	<u>INTY</u>
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 _ <u>4th_</u> day of <u>April</u> , 2017
	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:

2017 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

MUNICIPALITY

WITNESSES:	Town of Southwest Ranches
Sanielle Caban	By Doug McKay, Mayor
	11 day of relay, 2017
By Lune Way	Audly
Russell Muniz Assistant Town Administrator/Town Clerk (CORPORATE SEAL)	Andy Berns, Town Administrator day of
(CORPORATE SEAL)	APPROVED AS TO FORM:
	Keith Rollakoff, Town Attorney

2017 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 2017 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:

<u>Population of Individual Municipality</u> x 51.27% = Total Incorporated Area Population

Recipient	FY18 Percent Share of Proceeds
Coconut Creek	1.591700%
Cooper City	0.938339%
Coral Springs	3.518707%
Dania	0.866495%
Davie	2.771347%
Deerfield Beach	2.164190%
Fort Lauderdale	4.925560%
Hallandale	1.076284%
Hillsboro Beach	0.053339%
Hollywood	4.073027%
Lauderdale-by-the-Sea	0.171053%
Lauderdale Lakes	0.970637%
Lauderhill	1.969616%
Lazy Lake	0.000670%

Lighthouse Point	0.292780%
Margate	1.594766%
Miramar	3.735324%
North Lauderdale	1.227969%
Oakland Park	1.228917%
Parkland	0.824498%
Pembroke Park	0.176069%
Pembroke Pines	4.508991%
Plantation	2.461512%
Pompano Beach	2.993704%
Sea Ranch Lakes	0.018867%
Southwest Ranches	0.211015%
Sunrise	2.528005%
Tamarac	1.764286%
Weston	1.853937%
West Park	0.411553%
Wilton Manors	0.346843%
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 thencurrent "Florida Estimates of Population."

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

Recipient	FY18 Population
Coconut Creek	57,116
Cooper City	33,671
Coral Springs	126,264
Dania	31,093
Davie	99,446

Deerfield Beach	77,659
Fort Lauderdale	176,747
Hallandale	38,621
Hillsboro Beach	1,914
Hollywood	146,155
Lauderdale-by-the-Sea	6,138
Lauderdale Lakes	34,830
Lauderhill	70,677
Lazy Lake	24
Lighthouse Point	10,506
Margate	57,226
Miramar	134,037
North Lauderdale	44,064
Oakland Park	44,098
Parkland	29,586
Pembroke Park	6,318
Pembroke Pines	161,799
Plantation	88,328
Pompano Beach	107,425
Sea Ranch Lakes	677
Southwest Ranches	7,572
Sunrise	90,714
Tamarac	63,309
Weston	66,526
West Park	14,768
Wilton Manors	12,446
Total Incorporated	1,839,754
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Unincorporated Area	14,759
	1
Total County	1,854,513

- 3. This 2017 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; the amended population figures and share of proceeds shall take effect as provided by applicable law.
- 4. In the event any provision within this 2017 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 2017 Amendment and the Interlocal Agreement, as previously amended, the parties agree that this 2017 Amendment shall control.
- 6. This 2017 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.

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IN WITNESS WHEREOF, the parties have made and executed this 201 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 of April 4th, 2017, and each MUNICIPALITY, signing by and through it, duly authorized to execute same.		
COU	<u>NTY</u>	
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 4th day ofApril, 2017	
	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	

2017 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

MUNICIPALITY

WITNESSES:	Town of Southwest Ranches
Sanielle Caban	By Jan Mayor Doug McKay, Mayor
	// day of 2017.
By Muse Wayn	Andly
Russell Muniz	Andy Berns, Town Administrator
Assistant Town Administrator/Town Clerk	11 day of 26 , 2017
(CORPORATE SEAL)	O
	APPROVED AS TO FORM:
	ву # 10//
	Keith Parakoff, Town Attorney

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2017 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 2017 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:

Recipient	FY18 Population	FY18 Percent Share of Proceeds
Coconut Creek	57,116	0.807182%
Cooper City	33,671	0.475849%
Coral Springs	126,264	1.784404%
Dania	31,093	0.439416%
Davie	99,446	1.405403%
Deerfield Beach	77,659	1.097502%
Fort Lauderdale	176,747	2.497846%
Hallandale	38,621	0.545804%
Hillsboro Beach	1,914	0.027049%
Hollywood	146,155	2.065510%
Lauderdale-by-the-Sea	6,138	0.086744%
Lauderdale Lakes	34,830	0.492229%
Lauderhill	70,677	0.998830%
Lazy Lake	24	0.000341%
Lighthouse Point	10,506	0.148474%
Margate	57,226	0.808736%
Miramar	134,037	1.894254%
North Lauderdale	44,064	0.622727%
Oakland Park	44,098	0.623207%
Parkland	29,586	0.418119%
Pembroke Park	6,318	0.089288%
Pembroke Pines	161,799	2.286596%
Plantation	88,328	1.248280%
Pompano Beach	107,425	1.518165%
Sea Ranch Lakes	677	0.009568%
Southwest Ranches	7,572	0.107010%
Sunrise	90,714	1.282000%
Tamarac	63,309	0.894703%
Weston	66,526	0.940167%
West Park	14,768	0.208706%
Wilton Manors	12,446	0.175891%
Total Incorporated	1,839,754	26.000000%
Unincorporated Area	14,759	
Total County	1,854,513	

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 As stated above, the other Twenty-six percent (26%) shall be distributed by the County to the Municipalities through grant agreements for Community Shuttle Services.
- 2. This 2017 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; the amended population figures and share of proceeds shall take effect as provided by applicable law.
- 3. In the event any provision within this 2017 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 2017 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.
- 5. This 2017 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.

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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 April 4th, 2017, 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	Mayor	
	Andrew J. Meyers Chief Deputy County Attorney Date:	

2017 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

MUNICIPALITY

WITNESSES:	Town of Southwest Ranches
Sanille Cabar	By May Mayor
	Doug McKay, Mayor
	1/4 day of 2 lay , 2017
ATTEST: Dunge	By And Chy
Russell Mùniz Assistant Town Administrator/Fewn Clerk	Andy Berns, Town Administrator day of
(CORPORATE SEAL)	
	APPROVED AS TO FORM:
	By Keith Politikoff, Town Attorney

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