

RESOLUTION NO. 2018 - 055

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE 2018 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 2018-19 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 .106492% of the incorporated portion; and

WHEREAS, this Agreement will provide funding for the 2018-19 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 .209993% 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.

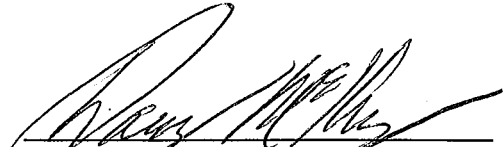
PASSED AND ADOPTED by the Town Council of the Town of Southwest

Ranches, Florida, this 24th day of May, 2018 on a motion by

Council Member Breitkreuz and seconded by Vice Mayor Fisikelli.

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

[Signatures on Following Page]

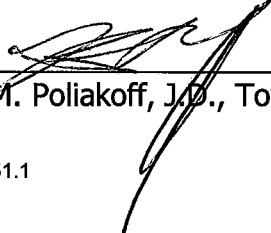


Doug McKay, Mayor

ATTEST:


Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:



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

114904951.1

**2018 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 2018 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").

RECITALS

- A. 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
- B. The 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 years and providing for a method of distribution of the proceeds of the tax; and
- C. 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
- D. Paragraph 3 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 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 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	FY19 Percent Share of Proceeds
Coconut Creek	1.582947%
Cooper City	0.931042%
Coral Springs	3.513152%
Dania	0.868021%
Davie	2.776990%
Deerfield Beach	2.152389%
Fort Lauderdale	4.938536%
Hallandale	1.068610%
Hillsboro Beach	0.052705%
Hollywood	4.060089%
Lauderdale-by-the-Sea	0.170306%
Lauderdale Lakes	0.967888%
Lauderhill	1.963081%
Lazy Lake	0.000719%
Lighthouse Point	0.290306%
Margate	1.598557%
Miramar	3.757648%
North Lauderdale	1.224767%
Oakland Park	1.224795%
Parkland	0.868104%
Pembroke Park	0.175629%
Pembroke Pines	4.498361%
Plantation	2.444101%
Pompano Beach	3.018369%
Sea Ranch Lakes	0.019085%
Southwest Ranches	0.209993%
Sunrise	2.533625%
Tamarac	1.762630%
Weston	1.837068%
West Park	0.411271%
Wilton Manors	0.349216%
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	FY19 Population
Coconut Creek	57,395
Cooper City	33,758
Coral Springs	127,381
Dania	31,473
Davie	100,689
Deerfield Beach	78,042
Fort Lauderdale	179,063
Hallandale	38,746
Hillsboro Beach	1,911
Hollywood	147,212
Lauderdale-by-the-Sea	6,175
Lauderdale Lakes	35,094
Lauderhill	71,178
Lazy Lake	26
Lighthouse Point	10,526
Margate	57,961
Miramar	136,246
North Lauderdale	44,408
Oakland Park	44,409
Parkland	31,476
Pembroke Park	6,368
Pembroke Pines	163,103
Plantation	88,619
Pompano Beach	109,441

Sea Ranch Lakes	692
Southwest Ranches	7,614
Sunrise	91,865
Tamarac	63,910
Weston	66,609
West Park	14,912
Wilton Manors	12,662
Total Incorporated	1,858,964
Unincorporated Area	15,006
Total County	1,873,970

3. This 2018 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 2018 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 2018 Amendment and the Interlocal Agreement, as previously amended, the parties agree that this 2018 Amendment shall control.

6. This 2018 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 2018 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 10th, 2018, 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

__ day of ____, 2018

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 _____
Claudia Capdesuner
Assistant County Attorney

Date: _____

By _____
Angela J. Wallace
Deputy County Attorney

Date: _____

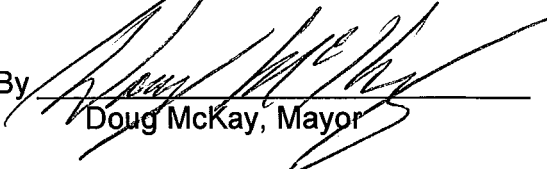
2018 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION
AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE

Town of Southwest Ranches

WITNESSES:



Town of Southwest Ranches

By 

Doug McKay, Mayor

24th day of May, 2018.



ATTEST:

By 

Russell Muñiz,
Assistant Town Administrator/Town Clerk



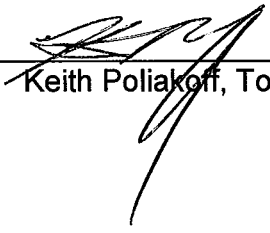
Andrew D. Berns, Town Administrator

24th day of May, 2018

(CORPORATE SEAL)



APPROVED AS TO FORM:

By 

Keith Poliakov, Town Attorney

2018 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 2018 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").

RECITALS

- A. 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
- B. 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
- C. 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
- D. 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 Section 336.025(1)(b), 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:

$$\frac{\text{Population of Individual Municipality}}{\text{Total incorporated area Population}} \times 26.0000\%$$

Recipient	FY19 Population	FY19 Percent Share of Proceeds
Coconut Creek	57,395	0.802743%
Cooper City	33,758	0.472149%
Coral Springs	127,381	1.781587%
Dania	31,473	0.440190%
Davie	100,689	1.408265%
Deerfield Beach	78,042	1.091518%
Fort Lauderdale	179,063	2.504426%
Hallandale	38,746	0.541913%
Hillsboro Beach	1,911	0.026728%
Hollywood	147,212	2.058949%
Lauderdale-by-the-Sea	6,175	0.086365%
Lauderdale Lakes	35,094	0.490835%
Lauderhill	71,178	0.995516%
Lazy Lake	26	0.000363%
Lighthouse Point	10,526	0.147220%
Margate	57,961	0.810659%
Miramar	136,246	1.905575%
North Lauderdale	44,408	0.621103%
Oakland Park	44,409	0.621117%
Parkland	31,476	0.440232%
Pembroke Park	6,368	0.089065%
Pembroke Pines	163,103	2.281205%
Plantation	88,619	1.239451%
Pompano Beach	109,441	1.530673%
Sea Ranch Lakes	692	0.009679%
Southwest Ranches	7,614	0.106492%
Sunrise	91,865	1.284850%
Tamarac	63,910	0.893863%
Weston	66,609	0.931612%
West Park	14,912	0.208563%
Wilton Manors	12,662	0.177094%
Total Incorporated	1,858,964	26.000000%
Unincorporated Area	15,006	

Total County	1,873,970

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 2018 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 2018 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 2018 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

5. This 2018 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 2018 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 10th, 2018, 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

__ day of ____, 2018

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 _____
Claudia Capdesuner
Assistant County Attorney

Date: _____

By _____
Angela J. Wallace
Deputy County Attorney

Date: _____

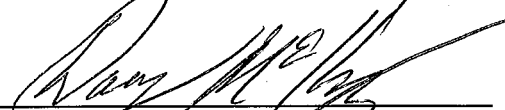
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Town of Southwest Ranches

WITNESSES:



Town of Southwest Ranches

By 

Doug McKay, Mayor



24th day of May, 2018.

ATTEST:

By 

Russell Muñiz,
Assistant Town Administrator/Town Clerk



Andrew D. Berns, Town Administrator

24th day of May, 2018

(CORPORATE SEAL)



APPROVED AS TO FORM:

By 

Keith Poliakoff, Town Attorney