

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Ken Cohen/797-1030

SUBJECT: Resolution

AFFECTED DISTRICT: TOWN WIDE

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2002 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR THE PURPOSE OF TRANSPORTATION EXPENDITURES.

REPORT IN BRIEF:

This Interlocal Agreement is the third one with Broward County. It provides funding for the Town's mass transit expenditures.

PREVIOUS ACTIONS:

Council approved the FY2002 agreement with the County.

CONCURRENCES:

Requires execution by the County.

FISCAL IMPACT:

Has request been budgeted? not applicable

If yes, expected cost:

Account Name:

Additional Comments: not applicable

RECOMMENDATION(S):

Motion to approve the resolution.

Attachment(s):

Resolution

2002 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2002 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR THE PURPOSE OF TRANSPORTATION EXPENDITURES.

WHEREAS, on June 14, 1988, the Broward County Board of County Commissions approved a 30 year extension of the six cent Local Option Gas Tax.

WHEREAS, it is necessary that the Town of Davie approve the execution of the attached Interlocal Agreement between Broward County Fifth Cent Additional Local Option Gas Tax on Motor Fuel, contingent upon the recommendation for approval by the Town Attorney.

WHEREAS, Broward County and eligible municipalities, including the Town of Davie now desire to levy a fifth cent of the Additional Local Option Gas Tax on Motor Fuel for the purpose of transportation expenditures.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Mayor, Town Administrator, and Town Attorney are hereby authorized to execute the Interlocal Agreement with Broward County, attached hereto as Exhibit "A", contingent upon review and approval of the Town Attorney.

SECTION 2. This resolution shall take effect immediately upon its passage and approval.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2002.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002

2002 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF DAVIE

providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM
THE BROWARD COUNTY FIFTH CENT ADDITIONAL
LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

2002 AMENDMENT

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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 2002 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 DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

WITNESSETH:

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of five (5) 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 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,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to Section 336.025(1)(b), Florida Statutes, for transportation expenditures set forth in Section 336.025(7)(a), Florida Statutes, the COUNTY and MUNICIPALITY agree as follows:

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

2.1 Forty-eight percent (48%) of said proceeds shall be distributed to the COUNTY. The remaining fifty-two percent (52%) shall be distributed to the eligible municipalities in the following manner:

2.1.1 Twenty-six percent (26%) shall be distributed to the eligible municipalities based on population as follows:

Population of Individual CITY

Total incorporated area Population X 26.0000%

<u>CITY</u>	<u>Population</u>	<u>FY 2003 Percent Share</u>
Coconut Creek	45,517	0.764864%
Cooper City	28,134	0.472761%
Coral Springs	120,085	2.017897%
Dania Beach	22,800	0.383129%
Davie	77,798	1.307311%
Deerfield Beach	64,948	1.091380%
Fort Lauderdale	155,181	2.607647%
Hallandale Beach	34,286	0.576139%
Hillsboro Beach	2,170	0.036464%
Hollywood	140,413	2.359487%
Lauderdale-by-the-Sea	10,592	0.177987%
Lauderdale Lakes	31,742	0.533390%

Lauderhill	57,815	0.971518%
Lazy Lake	34	0.000571%
Lighthouse Point	10,829	0.181970%
Margate	54,131	0.909612%
Miramar	78,813	1.324367%
North Lauderdale	32,972	0.554058%
Oakland Park	31,543	0.530046%
Parkland	15,105	0.253823%
Pembroke Park	6,629	0.111393%
Pembroke Pines	141,659	2.380425%
Plantation	83,445	1.402202%
Pompano Beach	84,199	1.414872%
Sea Ranch Lakes	643	0.010805%
Southwest Ranches	7,192	0.120854%
Sunrise	86,664	1.456294%
Tamarac	56,047	0.941809%
Weston	53,159	0.893279%
<u>Wilton Manors</u>	<u>12,714</u>	<u>0.213645%</u>
Total	1,547,259	26.00000%
Unincorporated area	102,666	
Total County	1,649,925	

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

2. This 2002 Amendment to Interlocal Agreement 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 Interlocal Agreement prior to June 1, 2002.

3. In the event this 2002 Amendment to Interlocal Agreement or a portion of this 2002 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or

MUNICIPALITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

4. All provisions of the Interlocal Agreement and any prior Amendment, not in conflict with this 2002 Amendment to Interlocal Agreement, shall remain in full force and effect.

5. This 2002 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.

IN WITNESS WHEREOF, the parties have made and executed this 2002 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 Chair or Vice Chair, authorized to execute same by Board action on the ____ day of _____, 2002, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

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

By _____
Lori Nance Parrish, Chair
____ day of _____, 2002.

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 _____
Pamela M. Kane
Assistant County Attorney

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AND TOWN OF DAVIE 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 DAVIE

By _____
Mayor-Commissioner

____ day of _____, 2002.

ATTEST:

By _____
TOWN Clerk

TOWN Manager

____ day of _____, 2002.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
TOWN Attorney

PMK

April 8, 2002

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