

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Ken Cohen, Assistant Town Administrator/797-1030

SUBJECT: Resolution

AFFECTED DISTRICT: Town Wide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2003 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE 1993 BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.

REPORT IN BRIEF: In 1993 Broward County adopted a supplemental "Additional" Local Option Gasoline Tax Ordinance that collects gasoline taxes and distributes funds between Broward County and eligible municipalities at a ratio of 55.07% County and 44.93% Municipal. The Municipal distribution is calculated on the basis of incorporated area population and is updated annually which is the subject of this annual amendment. The funding distribution formula reflects a population increase of 898 and increased distribution percentage from 2.205835 to 2.229065. With regard to population, the agreement specifically utilized University of Florida data for all cities.

PREVIOUS ACTIONS: R-2002-116

CONCURRENCES: Requires execution by the County

FISCAL IMPACT:

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s):

Resolution

2003 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2003 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM 1993 BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.

WHEREAS, on September 1, 1993, the Board of County Commissioners imposed an "additional" local option gas tax on motor fuel; and

WHEREAS, the distribution of these funds is adjusted annually to reflect population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the attached Amended Interlocal Agreement; and

WHEREAS, the Interlocal Agreement shall be effective September 1, 1993, to December 31, 2024.

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

SECTION 1. The appropriate Town officials are hereby authorized to execute the Amendment to Interlocal Agreement, attached hereto as Exhibit "A".

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

PASSED AND ADOPTED THIS DAY OF , 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003

2003 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF DAVIE

providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS OF THE LOCAL OPTION GAS
TAX IMPOSED BY THE BROWARD COUNTY
LOCAL OPTION GAS TAX ORDINANCE

2003 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF DAVIE

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 is the 2003 Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

TOWN OF DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "CITY."

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the counties to extend the levy of the six (6) cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 14, 1988, the Board of County Commissioners enacted Ordinance No. 88-27, effective September 1, 1988, through August 31, 2018, pursuant to Section 336.025(1)(a), Florida Statutes, extending the levy of the six cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to said ordinance, the method for distribution of the proceeds is the execution of an interlocal agreement with one or more of the municipalities representing a majority of the population of the incorporated area within the county which establishes the distribution formulas for dividing the proceeds of the tax among the county

and all eligible municipalities within the county, as set forth in Section 336.025(3)(a)1, Florida Statutes; and

WHEREAS, paragraph 4 of the Interlocal Agreement, as amended by the Addendum to the Interlocal Agreement and the prior nineteen amendments, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of Florida Estimates of Population, published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and CITY agree as follows:

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

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

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

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

Parkland	0.384307%
Pembroke Park	0.155581%
Pembroke Pines	3.423020%
Plantation	1.977092%
Pompano Beach	2.040214%
Sea Ranch Lakes	0.015201%
Southwest Ranches	0.173808%
Sunrise	2.055367%
Tamarac	1.334389%
Weston	1.362924%
Wilton Manors	<u>0.297947%</u>

Total Incorporated 37.500000%

2. The population figures set forth herein are based on the most current edition of Florida Estimates of Population, published by the Bureau of Economics and Business Research, Population Division, University of Florida. In accordance with the population figures, paragraph 3 of the Interlocal Agreement, as amended by the Addendum thereto and the prior Nineteen amendments, is amended to read as follows:

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

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

3. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2003 Amendment and the Agreement and/or the Addendum to the Agreement and/or First through the Nineteenth Amendment, the parties hereby agree that this document shall control.

4. This 2003 Amendment shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population have executed this 2003 Amendment prior to June 1, 2003.

5. This 2003 Amendment may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

6. In the event a portion of this 2003 Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions shall continue to be effective.

[INTENTIONALLY LEFT BLANK]

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

____ day of _____, 2003.

Approved as to form by
Office of County Attorney
Broward County, Florida
EDWARD A. DION, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
Pamela M. Kane
Assistant County Attorney

2003 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND TOWN OF DAVIE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

CITY

WITNESSES:

TOWN OF DAVIE

By _____
Mayor-Commissioner

____ day of _____, 2003.

ATTEST:

By _____
City Clerk

City Manager

____ day of _____, 2003.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
City Attorney

PMK
April 15, 2003
H:\DATA\DIV2\PMK\PMK03\Agreement\Gas Tax\Davie\20.wpd