

**TOWN OF DAVIE**  
**TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Gary P. Shimun, Town Administrator

**PREPARED BY:** Russell C. Muniz, MBA, CMC, Town Clerk

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** Town-Wide

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2008 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT, AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Broward County collects and distributes the fifth cent additional local option gas tax. Proceeds are distributed at a ratio of 48% for Broward County and 52% for county municipalities. Of the 52% distributed to municipalities 26% is based on population and 26% is distributed by grant agreement for community shuttle services through Broward County. Funding distribution formula for the Town of Davie reflects a population of 93,428 and an increase in percentage from 1.343139% to 1.386691%.

**PREVIOUS ACTIONS:** R-2004-099, R-2005-147, R-2006-149, and R-2007-135.

**CONCURRENCES:** Requires execution by the County.

**FISCAL IMPACT:** not applicable

Has request been budgeted? Yes

Additional Comments: Motor fuel for transit gas taxes are used to support to the Town's mini bus transit system.

**RECOMMENDATION(S):** Motion to approve the resolution

**Attachment(s):** Resolution, 2008 Amendment to Interlocal Agreement

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2008 AMENDMENT TO 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 TRANSIT, AND PROVIDING FOR AN EFFECTIVE DATE.

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, it is necessary for the Town of Davie to approve the execution of the attached amendment to the interlocal agreement in order to receive its eligible distribution.

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 the 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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

2008 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

This 2008 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 "TOWN OF DAVIE."

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of the five (5) 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 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 TOWN OF DAVIE 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 Town of Davie

Total incorporated area Population X 26.0000%

|                       | <b>FY 2009<br/>Population</b> | <b>FY 2009 Percent<br/>Share of Proceeds</b> |
|-----------------------|-------------------------------|--|
| Coconut Creek         | 48,207                        | 0.72%  |
| Cooper City           | 29,919                        | 0.44%  |
| Coral Springs         | 129,766                       | 1.93%  |
| Dania                 | 29,524                        | 0.44%  |
| Davie                 | 93,428                        | 1.39%  |
| Deerfield Beach       | 75,829                        | 1.13%  |
| Fort Lauderdale       | 179,971                       | 2.67%  |
| Hallandale            | 38,193                        | 0.57%  |
| Hillsboro Beach       | 2,223                         | 0.03%  |
| Hollywood             | 142,943                       | 2.12%  |
| Lauderdale-by-the-Sea | 6,196                         | 0.09%  |
| Lauderdale Lakes      | 32,314                        | 0.48%  |
| Lauderhill            | 64,261                        | 0.95%  |
| Lazy Lake             | 41                            | 0.00%  |
| Lighthouse Point      | 10,964                        | 0.16%  |
| Margate               | 55,661                        | 0.83%  |
| Miramar               | 111,705                       | 1.66%  |
| North Lauderdale      | 42,269                        | 0.63%  |
| Oakland Park          | 42,081                        | 0.62%  |
| Parkland              | 23,163                        | 0.34%  |
| Pembroke Park         | 5,818                         | 0.09%  |
| Pembroke Pines        | 152,888                       | 2.27%  |

|            |        |       |
|------------|--------|-------|
| Plantation | 85,349 | 1.27% |
|------------|--------|-------|

|                            | <b>FY 2009<br/>Population</b> | <b>FY 2009 Percent<br/>Share of Proceeds</b> |
|----------------------------|-------------------------------|--|
| Pompano Beach              | 101,128                       | 1.50%  |
| Sea Ranch Lakes            | 732                           | 0.01%  |
| Southwest Ranches          | 8,461                         | 0.13%  |
| Sunrise                    | 89,633                        | 1.33%  |
| Tamarac                    | 60,066                        | 0.89%  |
| Weston                     | 62,233                        | 0.92%  |
| West Park                  | 13,930                        | 0.21%  |
| Wilton Manors              | 12,848                        | 0.19%  |
| <b>Total Incorporated</b>  | <b>1,751,744</b>              | <b>26.00%</b>                                |
| <b>Unincorporated Area</b> | <b>13,963</b>                 |  |
| <b>Total County</b>        | <b>1,765,707</b>              |  |

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 2008 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 and Broward County have executed this Interlocal Agreement prior to June 1, 2008.

3. In the event this 2008 Amendment to Interlocal Agreement or a portion of this 2007 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 TOWN OF DAVIE 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 2008 Amendment to Interlocal Agreement, shall remain in full force and effect.

5. This 2008 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 2008 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, and TOWN OF DAVIE, signing by and through its Mayor-Commissioner, duly authorized to execute same.

**COUNTY**

ATTEST:  
COMMISSIONERS

BROWARD COUNTY, through its  
BOARD OF COUNTY

\_\_\_\_\_  
County Administrator and Ex-Officio

By

\_\_\_\_\_  
Clerk of the Board of County  
Commissioners of Broward County,  
Florida

, Mayor

\_\_\_\_ day of \_\_\_\_\_,  
2008.

Attorney

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
JEFFREY J. NEWTON, County

Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-6968

By \_\_\_\_\_  
Al A. DiCalvo  
Assistant County Attorney

2008 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

**TOWN OF DAVIE**

WITNESSES:

Town of Davie

\_\_\_\_\_

By

\_\_\_\_\_

Mayor

\_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_,  
2008.

ATTEST:

\_\_\_\_\_

By

\_\_\_\_\_

Town Administrator

Town Clerk

\_\_\_\_\_ day of \_\_\_\_\_,

2008.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By

\_\_\_\_\_

Town Attorney