

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 2004 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE 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.

REPORT IN BRIEF: Broward County collects local option gasoline taxes and distributes these funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% Municipal. The Municipal distribution is calculated in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population", published by the Bureau of Economics & Business Research, Population Division, University of Florida. The current incorporated area population formula reflects a population increase in the Town of Davie of 1067 and a decreased distribution percentage from 1.860448 to 1.850282.

PREVIOUS ACTIONS: R-2003-124

CONCURRENCES: Requires execution by the County

FISCAL IMPACT: N/A

Additional Comments:

Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S): Motion to approve this resolution

Attachment(s):

Resolution

2004 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2004 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE 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.

WHEREAS, on June 14, 1988, the Broward County Board of County Commissioners approved a 30 year extension of the six cent Local Option Gas Tax; 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 2004 Amendment to receive a distribution of these funds.

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 2004 Amendment to the Interlocal Agreement with Broward County, attached hereto as Exhibit "A".

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2004

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004

2004 AMENDMENT
to
INTERLOCAL AGREEMENT
between
BROWARD COUNTY
and
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 2004 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

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

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 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 twenty 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 MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as amended by the Addendum thereto and the prior eighteen 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 2005 Share of Proceeds</u>
Coconut Creek	1.101197%
Cooper City	0.664114%
Coral Springs	2.880217%
Dania	0.632589%
Davie	1.850282%
Deerfield Beach	1.501975%
Fort Lauderdale	3.924232%
Hallandale	0.809770%
Hillsboro Beach	0.051428%
Hollywood	3.307719%
Lauderdale-by-the-Sea	0.144820%
Lauderdale Lakes	0.733056%
Lauderhill	1.341706%
Lazy Lake	0.000882%
Lighthouse Point	0.251365%
Margate	1.254275%
Miramar	2.225103%
North Lauderdale *	0.919957%
Oakland Park	0.736234%

<u>Recipients</u>	<u>FY 2005 Share of Proceeds</u>
Parkland	0.424788%
Pembroke Park	0.152313%
Pembroke Pines	3.439688%
Plantation	1.947827%
Pompano Beach	2.002711%
Sea Ranch Lakes	0.016864%
Southwest Ranches	0.172008%
Sunrise	2.029504%
Tamarac	1.319483%
Weston	1.375922%
Wilton Manors	0.287971%
Total Incorporated	37.500000%

* Population was adjusted for annexation effective between 4/1/03 and 4/1/04.

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 Twenty amendments, is amended to read as follows:

<u>Recipients</u>	<u>Population</u>
Coconut Creek	47,471
Cooper City	28,629
Coral Springs	124,162
Dania	27,270
Davie	79,763
Deerfield Beach	64,748
Fort Lauderdale	169,168
Hallandale	34,908
Hillsboro Beach	2,217
Hollywood	142,591
Lauderdale-by-the-Sea	6,243
Lauderdale Lakes	31,601
Lauderhill	57,839
Lazy Lake	38
Lighthouse Point	10,836
Margate	54,070
Miramar	95,921
North Lauderdale *	39,658

<u>Recipients</u>	<u>Population</u>
Oakland Park	31,738
Parkland	18,312
Pembroke Park	6,566
Pembroke Pines	148,280
Plantation	83,968
Pompano Beach	86,334
Sea Ranch Lakes	727
Southwest Ranches	7,415
Sunrise	87,489
Tamarac	56,881
Weston	59,314
Wilton Manors	12,414
Total Incorporated	1,616,571
Unincorporated Area	81,854
Total County	1,698,425

* Population was adjusted for annexation effective between 4/1/03 and 4/1/04.

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 2004 Amendment and the Agreement and/or the Addendum to the Agreement and/or First through the Twentieth Amendment, the parties hereby agree that this document shall control.

4. This 2004 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 2004 Amendment prior to June 1, 2004.

5. This 2004 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 2004 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 2004 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 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 _____
Mayor
____ day of _____, 2004.

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

2004 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND DAVIE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

MUNICIPALITY

WITNESSES:

DAVIE

By _____
Mayor-Commissioner

____ day of _____, 2004.

ATTEST:

By _____
Municipal Clerk

_____ Municipal Manager

____ day of _____, 2004.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Municipal Attorney

PMK
4/2/2004
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