

2017 AMENDMENT TO INTERLOCAL AGREEMENT 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 2017 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").

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the County to extend the levy of the six (6) 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 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 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, for good and valuable consideration, the County and Municipalities agree as follows:

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

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

Population of Individual Municipality x 37.5% =
Total Incorporated Area Population

Recipient	FY18 Percent Share of Proceeds
Coconut Creek	1.164205%
Cooper City	0.686321%
Coral Springs	2.573659%
Dania	0.633774%
Davie	2.027024%
Deerfield Beach	1.582936%
Fort Lauderdale	3.602662%
Hallandale	0.787218%
Hillsboro Beach	0.039013%
Hollywood	2.979101%
Lauderdale-by-the-Sea	0.125112%
Lauderdale Lakes	0.709945%
Lauderhill	1.440621%
Lazy Lake	0.000488%
Lighthouse Point	0.214145%
Margate	1.166447%
Miramar	2.732098%
North Lauderdale	0.898164%
Oakland Park	0.898857%
Parkland	0.603056%
Pembroke Park	0.128781%
Pembroke Pines	3.297975%
Plantation	1.800404%
Pompano Beach	2.189661%
Sea Ranch Lakes	0.013799%
Southwest Ranches	0.154341%
Sunrise	1.849038%
Tamarac	1.290437%
Weston	1.356010%
West Park	0.301019%
Wilton Manors	0.253689%
Total Incorporated	37.500000%

2. Paragraph 3 of the Interlocal Agreement, as previously amended by the Addendum thereto and the prior amendments, is amended to read as follows:

«Municipality»

GaxTax6_2017 Agreement

3. 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. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement shall be adjusted annually based on the current "Florida Estimates of Population."

For the purpose of this Agreement, the following population figures are hereby agreed upon:

Recipient	FY18 Population
Coconut Creek	57,116
Cooper City	33,671
Coral Springs	126,264
Dania	31,093
Davie	99,446
Deerfield Beach	77,659
Fort Lauderdale	176,747
Hallandale	38,621
Hillsboro Beach	1,914
Hollywood	146,155
Lauderdale-by-the-Sea	6,138
Lauderdale Lakes	34,830
Lauderhill	70,677
Lazy Lake	24
Lighthouse Point	10,506
Margate	57,226
Miramar	134,037
North Lauderdale	44,064
Oakland Park	44,098
Parkland	29,586
Pembroke Park	6,318
Pembroke Pines	161,799
Plantation	88,328
Pompano Beach	107,425
Sea Ranch Lakes	677
Southwest Ranches	7,572
Sunrise	90,714
Tamarac	63,309
Weston	66,526

West Park	14,768
Wilton Manors	12,446
Total Incorporated	1,839,754
Unincorporated Area	14,759
Total County	1,854,513

3. This 2017 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. 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 2017 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this 2017 Amendment shall control.

5. This 2017 Amendment 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.

6. In the event any provision within this 2017 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.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this 2017 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 4th, 2017, and 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

4th day of April, 2017

Approved as to form by:
Joni Armstrong Coffey
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
Andrew J. Meyers
Chief Deputy County Attorney

Date: _____

2017 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

MUNICIPALITY

WITNESSES:

«Municipality: _____»

By _____
Mayor-Commissioner

____ day of _____, 2017.

ATTEST:

By _____
Municipal Clerk

Municipal Manager

____ day of _____, 2017.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Municipal Attorney