

2018 AMENDMENT TO INTERLOCAL AGREEMENT 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 2018 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").

RECITALS

- A. Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of the additional local option gas tax upon every gallon of motor 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
- B. 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
- C. 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
- D. 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, for good and valuable consideration, and pursuant to the authorization of paragraph Section 336.025(1)(b), Florida Statutes, the County and Municipalities agree as follows:

- 1. Paragraph 2 of the Interlocal Agreement, as previously amended, including section 2.1.2, is hereby amended to read as follows:

2.1 Seventy-four percent (74%) of said proceeds shall be distributed to the County, from which amount the County will retain forty-eight percent (48%) of the total proceeds and will distribute twenty-six percent (26%) of the total proceeds to the municipalities through grant agreements for Community Shuttle Services.

The remaining twenty-six percent (26%) shall be distributed to the eligible municipalities in the following manner:

$$\frac{\text{Population of Individual Municipality}}{\text{Total incorporated area Population}} \times 26.0000\%$$

Recipient	FY19 Population	FY19 Percent Share of Proceeds
Coconut Creek	57,395	0.802743%
Cooper City	33,758	0.472149%
Coral Springs	127,381	1.781587%
Dania	31,473	0.440190%
Davie	100,689	1.408265%
Deerfield Beach	78,042	1.091518%
Fort Lauderdale	179,063	2.504426%
Hallandale	38,746	0.541913%
Hillsboro Beach	1,911	0.026728%
Hollywood	147,212	2.058949%
Lauderdale-by-the-Sea	6,175	0.086365%
Lauderdale Lakes	35,094	0.490835%
Lauderhill	71,178	0.995516%
Lazy Lake	26	0.000363%
Lighthouse Point	10,526	0.147220%
Margate	57,961	0.810659%
Miramar	136,246	1.905575%
North Lauderdale	44,408	0.621103%
Oakland Park	44,409	0.621117%
Parkland	31,476	0.440232%
Pembroke Park	6,368	0.089065%
Pembroke Pines	163,103	2.281205%
Plantation	88,619	1.239451%
Pompano Beach	109,441	1.530673%
Sea Ranch Lakes	692	0.009679%
Southwest Ranches	7,614	0.106492%
Sunrise	91,865	1.284850%
Tamarac	63,910	0.893863%
Weston	66,609	0.931612%
West Park	14,912	0.208563%
Wilton Manors	12,662	0.177094%
Total Incorporated	1,858,964	26.000000%
Unincorporated Area	15,006	

Total County	1,873,970

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 As stated above, the other Twenty-six percent (26%) shall be distributed by the County to the Municipalities through grant agreements for Community Shuttle Services.

2. This 2018 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.

3. In the event any provision within this 2018 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.

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 2018 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

5. This 2018 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 2018 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 10th, 2018, and each 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

__ day of _____, 2018

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

By _____
Claudia Capdesuner
Assistant County Attorney

Date: _____

By _____
Angela J. Wallace
Deputy County Attorney

Date: _____

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MUNICIPALITY

WITNESSES:

«Municipality: _____»

By _____
Mayor-Commissioner

____ day of _____, 2018.

ATTEST:

Municipal Clerk

By _____
Municipal Manager

____ day of _____, 2018.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Municipal Attorney