

Meeting Date: April 28, 2015

Agenda Item 14

REQUESTED COMMISSION ACTION:

X Consent Ordinance X Resolution Consideration Workshop

SHORT TITLE OR MOTION:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2015 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

Six Cents Local Option Gas Tax – Broward County levies all six cents. The County retains 62.5% of the proceeds; the remaining 37.5% is distributed to the Cities based on population. The City’s share of the proceeds is deposited in the General Fund.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Budget Office
- (2) Primary staff contact: Ernesto Reyes, Assistant to the City Manager for Budget and Strategic Planning Ext. 4601
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: Fund 001

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
City Attorney	4/17/2015	Approved-Resolution	CAC Memo# 2015-861 <i>[Signature]</i>
Budget	4/17/2015	<i>Approval</i>	<i>[Signature]</i>
Finance	4/20/15	<i>Approval</i>	<i>[Signature]</i>

 Public Works Administrator
X City Manager *[Signature]* *[Signature]*

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1st Reading	1st Reading	Results:	Results:
_____	_____	_____	_____
2nd Reading	_____	_____	_____
_____	_____	_____	_____



CITY MANAGER'S OFFICE

Ernesto Reyes, Assistant to the City Manager for Budget & Strategic Planning
E: ernesto.reyes@copbfl.com | P: 954.786.4049 | F: 954.786.4504

MEMORANDUM

DATE: April 15th, 2015
TO: Gordon Linn, City Attorney
FROM: Ernesto Reyes, Assistant to the City Manager for Budget & Strategic Planning
City Manager's Office
SUBJECT: Local Option Gas Tax

Please prepare a separate resolution for each Local Option Gas Tax component for the City Commission amending the distribution of gas taxes. It will be placed on the April 28th City Commission meeting. Thanks.

If you need additional information or have any questions, please contact me at ext. 4049.

Thank you.



City Attorney's Communication #2015-861

April 16, 2015

TO: Ernesto Reyes, Assistant to the City Manager
FROM: Gordon B. Linn, City Attorney
RE: Resolutions – Local Option Gas Tax Interlocal Agreements

As requested in your memorandum of April 15, 2015, the following forms of Resolution, relative to the above-referenced matter, have been prepared and are attached:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2015 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2015 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2015 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE; PROVIDING AN EFFECTIVE DATE.

Please do not hesitate to contact me if I may be of further assistance.


GORDON B. LINN

RESOLUTION NO. 2015-_____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2015 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the 2015 Amendment to the Interlocal Agreement between Broward County and the City of Pompano Beach providing for Division and Distribution of the Proceeds of the Local Option Gas Tax Imposed by the Broward County Local Option Gas Tax Ordinance, a copy of which Amendment is attached hereto and incorporated herein by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said Amendment to the Interlocal Agreement between Broward County and the City of Pompano Beach.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

2015 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 2015 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 "City of Pompano Beach").

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
Total Incorporated Area Population

x 37.5% =

Recipient	FY16 Percent Share of Proceeds
Coconut Creek	1.159241%
Cooper City	0.691450%
Coral Springs	2.590486%
Dania	0.636023%
Davie	2.001362%
Deerfield Beach	1.595809%
Fort Lauderdale	3.594803%
Hallandale	0.802033%
Hillsboro Beach	0.039082%
Hollywood	3.024099%
Lauderdale-by-the-Sea	0.127200%
Lauderdale Lakes	0.708361%
Lauderhill	1.436672%
Lazy Lake	0.000526%
Lighthouse Point	0.217393%
Margate	1.161295%
Miramar	2.691366%
North Lauderdale	0.897506%
Oakland Park	0.898847%
Parkland	0.550566%
Pembroke Park	0.129380%
Pembroke Pines	3.308990%
Plantation	1.818567%
Pompano Beach	2.193252%
Sea Ranch Lakes	0.013998%
Southwest Ranches	0.153793%
Sunrise	1.844782%
Tamarac	1.283948%
Weston	1.376194%
West Park	0.300021%
Wilton Manors	0.252955%
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:

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	FY16 Population
Coconut Creek	55,319
Cooper City	32,996
Coral Springs	123,618
Dania	30,351
Davie	95,505
Deerfield Beach	76,152
Fort Lauderdale	171,544
Hallandale	38,273
Hillsboro Beach	1,865
Hollywood	144,310
Lauderdale-by-the-Sea	6,070
Lauderdale Lakes	33,803
Lauderhill	68,558
Lazy Lake	25
Lighthouse Point	10,374
Margate	55,417
Miramar	128,432
North Lauderdale	42,829
Oakland Park	42,893
Parkland	26,273
Pembroke Park	6,174
Pembroke Pines	157,905
Plantation	86,782
Pompano Beach	104,662
Sea Ranch Lakes	668
Southwest Ranches	7,339
Sunrise	88,033
Tamarac	61,270
Weston	65,672

West Park	14,317
Wilton Manors	12,071
Total Incorporated	1,789,500
Unincorporated Area	14,403
Total County	1,803,903

3. This 2015 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.

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 2015 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this 2015 Amendment shall control.

5. This 2015 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 2015 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 2015 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 _____, 2015, 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

____ day of _____, 2015

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: _____

AJM
3/20/15
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The City of Pompano Beach

2015 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:

The City of Pompano Beach

By _____
Mayor-Commissioner

____ day of _____, 2015.

ATTEST:

By _____
Municipal Clerk

Municipal Manager

____ day of _____, 2015

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Municipal Attorney

“CITY”:

Witnesses:

CITY OF POMPANO BEACH

By: _____
LAMAR FISHER, MAYOR

By: _____
DENNIS W. BEACH, CITY MANAGER

Attest:

ASCELETA HAMMOND, CITY CLERK

(SEAL)

Approved As To Form:

GORDON B. LINN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 by **LAMAR FISHER**, as Mayor, **DENNIS W. BEACH** as City Manager and **ASCELETA HAMMOND**, as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number