

Meeting Date: April 12, 2016

Agenda Item 7

REQUESTED COMMISSION ACTION:

Consent Ordinance 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 2016 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.

Summary of Purpose and Why:

One Cent Transit Gas Tax – this is the fifth cent of the Five Cent Local Option Gas Tax. The County retains 48% of the proceeds. The remaining 52% is distributed to the Cities in the following manner: 26% is distributed to eligible municipalities based on population. The other 26% is distributed to Cities in the form of grants for Community Bus Service. The City’s share is deposited in Fund-112 and is used for the Community Bus Program.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Broward County
- (2) Primary staff contact: Brian Donovan, Deputy City Manager Ext. 4601
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: Distributions are deposited in Fund 112

DEPARTMENTAL COORDINATION

Budget Office
Finance
City Attorney

DATE

3/25/2016
3/28/16
3/30/16

DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER

[Signature]
[Signature]
[Signature]

Public Works Administrator

City Manager [Signature]

[Signature]

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
1st Reading _____	1st Reading _____	Results: _____	Results: _____
2nd Reading _____	_____	_____	_____

MEMORANDUM

TO: Mark Berman, City Attorney

From: Brian Donovan, Deputy City Manager 

Date: March 25, 2016

RE: Local Option Gas Taxes

Attached are amendments to three Interlocal Agreements with Broward County associated with local option gas taxes. Can you please have your office prepare the necessary Resolutions for consideration by the City Commission. Thank you.

Brian Donovan
Deputy City Manager
bdonovan@copbfl.com
954-786-4049



Office of Management and Budget

115 S Andrews Avenue, Room 404 • Fort Lauderdale, Florida 33301 • 954-357-6345 • FAX 954-357-6364

March 16, 2016

Dear Municipality:

Attached are amendments to three interlocal agreements requiring approval by your municipal governing board no later than June 1, 2016. The attached amendments are required in order to adjust each City's percentage share based on updated population figures.

Summary of Amendments

The three interlocal agreements and amendments are described below:

- The "original" local option gas tax agreement last levied in 1988 provides for Cities to receive 37.5% of the proceeds of six cents of gas tax. This amendment adjusts each City's percentage share of the 37.5% based on updated population figures.
- The "additional" local option gas tax agreement levied in 1994 provides for Cities to receive 51.27% of three cents of gas tax. The Cities' share of this gas tax has increased over the years due to annexations, however, there were no annexations of populated areas effective September 2015 so the Cities' share of the three cents of gas tax will remain the same as last year. As a result, this amendment adjusts each City's percentage share of the 51.27% based on updated population figures.
- The "transit gas tax" agreement levied in 2001 provides for Cities to receive 26% of the proceeds of one cent of gas tax. This amendment includes adjustments to each City's percentage share based on updated population figures.

Revisions to Population Figures

The three interlocal agreements provide for the distribution of gas taxes among the Cities based on population figures published annually by the University of Florida Bureau of Economics and Business Research. The interlocal agreements also provide for the population numbers to be revised annually using the most current published figures.

Please place the three amendments on the agenda for approval by the municipal governing board as soon as possible and only return the signed municipality signature pages to the County no later than June 1, 2016. If you have any questions about the amendments, please contact Jennifer Steelman from the County's Office of Management and Budget at 954-357-6226.

Attached are copies of the above discussed amendments. Please keep one set of each executed 2016 amendment for your city records and return **two original signature pages only** of each amendment (six pages total) to:

Thomas Hutka, Director
Broward County Public Works Department
Attention: Highway and Bridge Maintenance Division
1600 N.W. 30th Ave. (Blount Road)
Pompano Beach, FL 33069
Ph. (954) 357-6040

Sincerely,

Kayla Olsen, Director
Office of Management and Budget

KO: aa
Attachments



City Attorney's Communication #2016-679

March 25, 2016

TO: Brian Donovan, Deputy City Manager
FROM: Mark E. Berman, City Attorney
RE: Resolutions – Local Option Gas Tax Interlocal Agreements

As requested in your memorandum of March 25, 2016, 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 2016 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 2016 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 2016 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.


MARK E. BERMAN

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 2016 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.

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

SECTION 1. That a 2016 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, 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 _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

2016 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 2016 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)(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

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, for good and valuable consideration, and pursuant to the authorization of paragraph (1) (b) of Section 336.025, 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:

Population of Individual Municipality

Total incorporated area Population X 26.0000%

Recipient	FY17 Population	FY17 Percent Share of Proceeds
Coconut Creek	56,593	0.811659%
Cooper City	33,176	0.475812%
Coral Springs	124,282	1.782458%
Dania	30,644	0.439498%
Davie	96,908	1.389859%
Deerfield Beach	76,662	1.099490%
Fort Lauderdale	175,123	2.511621%
Hallandale	38,424	0.551079%
Hillsboro Beach	1,867	0.026777%
Hollywood	144,926	2.078535%
Lauderdale-by-the-Sea	6,056	0.086855%
Lauderdale Lakes	34,201	0.490512%
Lauderhill	69,651	0.998938%
Lazy Lake	24	0.000345%
Lighthouse Point	10,358	0.148555%
Margate	55,851	0.801017%
Miramar	132,096	1.894526%
North Lauderdale	43,232	0.620035%
Oakland Park	43,390	0.622301%
Parkland	28,128	0.403413%
Pembroke Park	6,236	0.089437%
Pembroke Pines	159,922	2.293608%
Plantation	87,496	1.254871%
Pompano Beach	106,260	1.523985%
Sea Ranch Lakes	670	0.009609%
Southwest Ranches	7,389	0.105973%
Sunrise	88,630	1.271135%
Tamarac	62,264	0.892993%
Weston	65,734	0.942760%
West Park	14,499	0.207945%
Wilton Manors	12,160	0.174399%
Total Incorporated	1,812,852	26.000000%
Unincorporated Area	14,515	
Total County	1,827,367	

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 The other Twenty-six percent (26%) shall be distributed by the County to the Municipalities by grant agreement for Community Shuttle Services.

2. This 2016 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.

3. In the event any provision within this 2016 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 2016 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

5. This 2016 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 2016 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 March 8th, 2016, and each MUNICIPALITY, signing by and through its _____, duly authorized to execute same.

COUNTY

ATTEST:



Broward County Administrator, as
Ex-Officio Clerk of the Broward County
Board of County Commissioners

BROWARD COUNTY, by and through
its Board of County Commissioners

By 

Mayor

8th day of March, 2016

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: 3/1/16



AJM
2/11/2016
GASTAX5_2016.doc
«Municipality»

2016 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

MUNICIPALITY

WITNESSES:

«Municipality: _____»

By _____
Mayor-Commissioner

____ day of _____, 2016.

ATTEST:

Municipal Clerk

By _____
Municipal Manager

____ day of _____, 2016

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Municipal Attorney