

Meeting Date: April 12, 2016

Agenda Item 9

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 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 are deposited in the General Fund.

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 into the General Fund (Fund 001)

DEPARTMENTAL COORDINATION

Budget

Finance

City Attorney

DATE

3/25/2016

3/28/16

3/28/16

DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER

[Signature]

S. Little

[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

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

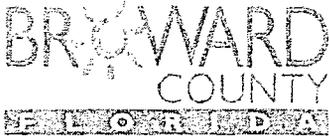
TO: Mark Berman, City Attorney

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.



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 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 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, 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 OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

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)(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	FY17 Percent Share of Proceeds
Coconut Creek	1.170662%
Cooper City	0.686267%
Coral Springs	2.570852%
Dania	0.633891%
Davie	2.004604%
Deerfield Beach	1.585802%
Fort Lauderdale	3.622531%
Hallandale	0.794825%
Hillsboro Beach	0.038620%
Hollywood	2.997887%
Lauderdale-by-the-Sea	0.125272%
Lauderdale Lakes	0.707470%
Lauderhill	1.440775%
Lazy Lake	0.000495%
Lighthouse Point	0.214262%
Margate	1.155314%
Miramar	2.732490%
North Lauderdale	0.894281%
Oakland Park	0.897550%
Parkland	0.581846%
Pembroke Park	0.128996%
Pembroke Pines	3.308089%
Plantation	1.809911%
Pompano Beach	2.198056%
Sea Ranch Lakes	0.013859%
Southwest Ranches	0.152846%
Sunrise	1.833368%
Tamarac	1.287971%
Weston	1.359750%
West Park	0.299921%
Wilton Manors	0.251537%
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	FY17 Population
Coconut Creek	56,593
Cooper City	33,176
Coral Springs	124,282
Dania	30,644
Davie	96,908
Deerfield Beach	76,662
Fort Lauderdale	175,123
Hallandale	38,424
Hillsboro Beach	1,867
Hollywood	144,926
Lauderdale-by-the-Sea	6,056
Lauderdale Lakes	34,201
Lauderhill	69,651
Lazy Lake	24
Lighthouse Point	10,358
Margate	55,851
Miramar	132,096
North Lauderdale	43,232
Oakland Park	43,390
Parkland	28,128
Pembroke Park	6,236
Pembroke Pines	159,922
Plantation	87,496
Pompano Beach	106,260
Sea Ranch Lakes	670
Southwest Ranches	7,389
Sunrise	88,630
Tamarac	62,264
Weston	65,734

West Park	14,499
Wilton Manors	12,160
Total Incorporated	1,812,852
Unincorporated Area	14,515
Total County	1,827,367

3. 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.

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 2016 Amendment shall control.

5. This 2016 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 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.

[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 MUNICIPALITY, signing by and through its _____, duly authorized to execute same.

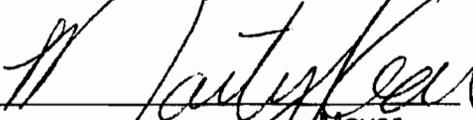
COUNTY

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

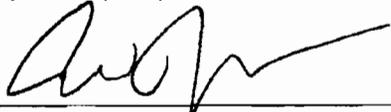
By 

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
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«Municipality»

2016 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 _____, 2016.

ATTEST:

By _____
Municipal Clerk

_____ Municipal Manager

____ day of _____, 2016

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Municipal Attorney