

2013 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

CITY OF FORT LAUDERDALE

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 2013 Amendment to Interlocal Agreement made and entered into by and between: BROWARD COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY,"

AND

City of Fort Lauderdale, a municipal corporation, existing under the laws of the State of Florida, hereinafter referred to as "MUNICIPALITY."

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 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 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,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth and pursuant to Section 336.025(1)(b), Florida Statutes, for transportation expenditures set forth in Section 336.025(7)(a), Florida Statutes, the COUNTY and MUNICIPALITY agree as follows:

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

2.1 Forty-eight percent (48%) of said proceeds shall be distributed to the COUNTY. The remaining Fifty-two percent (52%) shall be distributed to the eligible municipalities in the following manner:

2.1.1 Twenty-six percent (26%) shall be distributed to the eligible municipalities based on population as follows:

Population of Individual CITY

Total incorporated area Population X 26.0000%

Recipient	FY14 Population	FY14 Percent Share of Proceeds
Coconut Creek	53,313	0.790051%
Cooper City	30,450	0.451242%
Coral Springs	122,681	1.818023%
Dania	29,873	0.442691%
Davie	92,848	1.375924%
Deerfield Beach	75,506	1.118931%
Fort Lauderdale	168,615	2.498723%
Hallandale	37,732	0.559154%
Hillsboro Beach	1,890	0.028008%
Hollywood	142,374	2.109855%
Lauderdale-by-the-Sea	6,105	0.090471%
Lauderdale Lakes	33,168	0.491520%
Lauderhill	67,037	0.993428%
Lazy Lake	25	0.000372%
Lighthouse Point	10,419	0.154400%
Margate	55,116	0.816770%
Miramar	123,478	1.829833%
North Lauderdale	42,269	0.626389%

Recipient	FY14 Population	FY14 Percent Share of Proceeds
Oakland Park	42,020	0.622699%
Parkland	24,872	0.368581%
Pembroke Park	6,103	0.090440%
Pembroke Pines	154,508	2.289670%
Plantation	85,049	1.260350%
Pompano Beach	102,239	1.515090%
Sea Ranch Lakes	670	0.009929%
Southwest Ranches	7,385	0.109439%
Sunrise	86,154	1.276725%
Tamarac	61,102	0.905477%
Weston	65,448	0.969881%
West Park	14,165	0.209913%
Wilton Manors	11,878	0.176021%
Total Incorporated	1,754,492	26.000000%

Unincorporated Area	16,607
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Total County	1,771,099
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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 Twenty-six percent (26%) shall be distributed by COUNTY to the Municipalities by grant agreement for Community Shuttle Services.

2. This 2013 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this Interlocal Agreement.

3. In the event this 2013 Amendment to Interlocal Agreement or a portion of this 2013 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or MUNICIPALITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

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 2013 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

5. This 2013 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 2013 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, and MUNICIPALITY, signing by and through its Mayor-Commissioner, 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 _____, 20__

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 _____
Al A. DiCalvo (Date)
Assistant County Attorney

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3/20/13
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City of Fort Lauderdale

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MUNICIPALITY

WITNESSES:

CITY OF FORT LAUDERDALE

By _____
Mayor-Commissioner

____ day of _____, 2013.

ATTEST:

Municipal Clerk

By _____
Municipal Manager

____ day of _____, 2013.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Municipal Attorney