

2019 AMENDMENT TO INTERLOCAL AGREEMENT PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL THREE-CENT LOCAL OPTION GAS TAX ON MOTOR FUEL

This 2019 Amendment to Interlocal Agreement (the "2019 Amendment") 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") (the County and Municipalities are collectively referred to as the "Parties").

RECITALS

A. Section 336.025(1)(b), Florida Statutes, authorizes the County to extend the levy of the additional three-cent 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.

B. The Broward County Board of County Commissioners enacted Section 31½-38, Broward County Code of Ordinances, effective January 1, 1994, through December 31, 2024, pursuant to Section 336.025(1)(b), Florida Statutes, imposing the levy of the three-cent (\$.03) local option fuel tax for thirty (30) years and providing for a method of distribution of the proceeds of the tax.

C. The method for distribution of the proceeds is established by an Interlocal Agreement with Municipalities representing a majority of the population of the incorporated area within the County.

D. Paragraph 3 of the Interlocal Agreement requires annual adjustment of the division and distribution of the proceeds based upon 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 Section 336.025(1)(b)2., Florida Statutes, the County and Municipalities agree as follows:

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

2. Forty-eight and Seventy-three One-hundredths percent (48.73%) of the total proceeds from the additional three-cent local option fuel tax shall be divided and distributed to the County, and the remaining Fifty-one and Twenty-seven One-hundredths percent (51.27%) of the total proceeds from the additional three-

cent local option fuel tax shall be divided among and distributed to the Municipalities within the County as follows:

$$\frac{\text{Population of Individual Municipality}}{\text{Total Incorporated Area Population}} \times 51.27\% =$$

Recipient	FY20 Percent Share of Proceeds
Coconut Creek	1.588702%
Cooper City	0.923257%
Coral Springs	3.506042%
Dania Beach	0.864686%
Davie	2.809337%
Deerfield Beach	2.139536%
Fort Lauderdale	4.978363%
Hallandale Beach	1.063437%
Hillsboro Beach	0.052227%
Hollywood	4.058019%
Lauderdale-by-the-Sea	0.168798%
Lauderdale Lakes	0.993211%
Lauderhill	1.953773%
Lazy Lake	0.000708%
Lighthouse Point	0.287548%
Margate	1.588293%
Miramar	3.733411%
North Lauderdale	1.221016%
Oakland Park	1.232861%
Parkland	0.891562%
Pembroke Park	0.173836%
Pembroke Pines	4.502520%
Plantation	2.439664%
Pompano Beach	3.005392%
Sea Ranch Lakes	0.018925%
Southwest Ranches	0.209834%
Sunrise	2.523205%
Tamarac	1.760768%
Weston	1.823642%
West Park	0.408040%
Wilton Manors	0.349387%
Total Incorporated	51.270000%

2. Paragraph 3 of the Interlocal Agreement, as previously amended, is hereby amended to read:

3. The population figures set out herein 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 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 for the division and distribution of the proceeds from the additional three-cent local option fuel tax shall be adjusted annually based on the then-current "Florida Estimates of Population."

For the purpose of this Agreement, the population figures are as follows:

Recipient	BEBR Population 4/1/18
Coconut Creek	58,344
Cooper City	33,906
Coral Springs	128,757
Dania Beach	31,755
Davie	103,171
Deerfield Beach	78,573
Fort Lauderdale	182,827
Hallandale Beach	39,054
Hillsboro Beach	1,918
Hollywood	149,028
Lauderdale-by-the-Sea	6,199
Lauderdale Lakes	36,475
Lauderhill	71,751
Lazy Lake	26
Lighthouse Point	10,560
Margate	58,329
Miramar	137,107
North Lauderdale	44,841
Oakland Park	45,276
Parkland	32,742
Pembroke Park	6,384
Pembroke Pines	165,352
Plantation	89,595
Pompano Beach	110,371
Sea Ranch Lakes	695
Southwest Ranches	7,706
Sunrise	92,663

Recipient	BEBR Population 4/1/18
Tamarac	64,663
Weston	66,972
West Park	14,985
Wilton Manors	12,831
Total Incorporated	1,882,856
Unincorporated Area	15,120
Total County	1,897,976

3. This 2019 Amendment shall be effective as of the date it is executed by the County after having previously been executed by the 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.

4. In the event any provision within this 2019 Amendment 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 the Interlocal 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.

5. 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 2019 Amendment and the Interlocal Agreement, as previously amended, the Parties acknowledge that this 2019 Amendment shall control.

6. This 2019 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.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the Parties have made and executed this 2019 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 County Administrator, authorized to execute same by Board action on April 9th, 2019, and each Municipality, signing by and through its _____, duly authorized to execute same.

COUNTY

WITNESSES:

Broward County, by and through
its County Administrator

Print Name: _____

By _____

Bertha Henry
County Administrator

Print Name: _____

_____ day of _____, 20__

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 _____

Angela J. Wallace (Date)
Deputy County Attorney

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MUNICIPALITY

WITNESSES:

CITY OF COCONUT CREEK

By _____
Sandra L. Welch, Mayor

____ day of _____, 2019.

ATTEST:

By _____
Leslie Wallace May, City Clerk

Mary C. Blasi, City Manager
____ day of _____, 2019

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Terrill Pyburn, City Attorney