

# CITY OF FORT PIERCE

## CONFERENCE AGENDA

Conference Agenda Meeting - Monday, May 11, 2015 - 8:30 a.m.

City Hall - 2nd Floor Conference Room, 100 North U.S. #1, Fort Pierce, Florida

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **New Business**
  - A. Proposed Local Option Gas Tax Interlocal Agreement with St. Lucie County - Director of Finance
  - B. Proposed Public Records Request Policy - City Clerk
  - C. Specific recommendations from the City Commission regarding public safety.
    - i. Brief Presentation by Roundtable of St. Lucie County, Inc. on Restoring the Village Youth Initiative activities.
    - ii. Discussion by City Commission
5. **Adjournment**

**City Commission Conference Agenda**

**Agenda Item # 4. A.**

**Meeting Date:** 05/11/2015

**Re:** Proposed Local Option Gas Tax Interlocal Agreement

**Submitted For:** Robert Bradshaw, City Manager

---

**SUBJECT:**

Proposed Local Option Gas Tax Interlocal Agreement with St. Lucie County - Director of Finance

---

**Attachments**

Memo from Finance Director

2015 Proposed Interlocal Agreement

Florida Statutes 336.025

2002 Proposed Interlocal Agreement

1993 Executed Interlocal Agreement

4 - Interlocal Agreements from other Municipalities

---

**Form Review**

Form Started By: Jennifer Robinson

Started On: 05/07/2015 10:15 AM

Final Approval Date: 05/07/2015

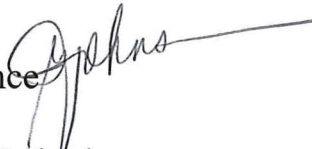


# Interoffice Memorandum

From The Office Of The  
*Director of Finance*

---

TO: Robert Bradshaw, City Manager

FROM: Gloria J. Johnson, Director of Finance 

RE: Local Option Gas Tax Allocation Method

DATE: May 7, 2015

---

I am in receipt and reviewed the correspondence from St. Lucie County on the change in the distribution formula of the local option gas tax to all municipalities in the County. The change from transportation expenditure to miles of roads allocation will eliminate \$500,000 in revenues which will have a devastating effect on the City's budget.

It has been a struggle to keep our budget at a status quo level over the past two years. Since 2008 we have been constantly reducing the budget; finally the past two years the budget has been in a status quo level. The City's resources are very limited. The local option gas tax is the City's third largest revenue source after ad valorem taxes and the Utility Authority transfer. Budget cuts will once again begin, if this major change was to ensue.

The City still has a lot invested in the expenditure distribution formula. This short notification with an effective date of September 1, 2015 is an unexpected change and gives the City no time to place itself in a position to plan for the change strategically and financially. Perhaps some concession can be made to extend the current inter-local agreement for another year to negotiate some type of phase-in plan so that the impact on the City's budget will not be so severe.

CC: Nick Mimms, Deputy City Manager  
John Andrews, City Engineer  
Mike Reals, Public Works Manager  
Johnna Morris, Chief Accountant

**BOARD  
OF COUNTY  
COMMISSIONERS**



**COUNTY  
ADMINISTRATOR**

Howard N. Tipton

**RECEIVED**

TIME \_\_\_\_\_

**MAY - 4 2015**

**CITY OF FT. PIERCE  
CITY MANAGER'S OFFICE**

April 30, 2015

Robert Bradshaw  
City Manager  
City of Fort Pierce  
100 North U.S. Highway 1  
Fort Pierce, FL 34950

**RE: Interlocal Agreement – Local Option Gas Tax**

Dear Robert:

Enclosed is a draft interlocal agreement pertaining to the distribution of the proceeds of the local option gas tax. The formula proposed in the draft agreement is based on paved roadway miles maintained by each entity with a "floor" for the County's distribution percentage. Please note that the County and the entity representing a majority of the residents in the incorporated area of the County (i.e. the City of Port St. Lucie) must enter into an agreement by June 1 of this year. In review of this the County will need to agenda the agreement for Board review at the Board's May 19, 2015 meeting. Please let me know if you have any questions. Please review the draft agreement with the understanding that the draft agreement has not been reviewed or approved by the Board of County Commissioners of St. Lucie County, Florida.

Sincerely,

A handwritten signature in blue ink, appearing to read "H. Tipton", is written over the typed name.

Howard N. Tipton  
County Administrator

Copy: County Attorney, w/enclosure  
Management & Budget Director, w/enclosure  
Budget Manager, w/enclosure  
Public Works Director, w/enclosure

**INTERLOCAL AGREEMENT  
LOCAL OPTION GAS TAX**

**THIS IS AN AGREEMENT** between **ST. LUCIE COUNTY**, a political subdivision of the State of Florida (the County), the **CITY OF FORT PIERCE**, a Florida municipal corporation, the **CITY OF PORT ST. LUCIE**, a Florida municipal corporation, and **TOWN OF ST. LUCIE VILLAGE**, a Florida municipal corporation (the Cities), for the purpose of providing for the division and distribution of the proceeds of the local option gas tax imposed by St. Lucie County, pursuant to Section 336.025(1)(a) and previously (b), Florida Statutes, (the Gas Tax).

**WHEREAS**, the County adopted an eleven (\$.11) cent local option fuel tax pursuant to Section 336.025(1)(a) and (b), Florida Statutes; which tax will expire on August 31, 2015; and

**WHEREAS**, the County intends to hold a public hearing to consider the adoption of an ordinance re-authorizing the inspection of an eleven (\$.11) cent local option fuel tax from September 1, 2015 through December 31, 2044; and,

**WHEREAS**, the parties desire to distribute the proceeds of the gas tax by Interlocal Agreement as authorized by Section 336.025, Florida Statutes, as set forth herein.

**NOW, THEREFORE**, in consideration of the premises and pursuant to the authorization of Section 336.025, Florida Statutes, the County and the Cities agree that:

1. The Cities are municipalities located within St. Lucie County, Florida, representing a majority of the population of the incorporated area within St. Lucie County and are eligible to receive a portion of the Gas Tax.

2. All distribution made prior to September 1, 2015, are ratified and approved. All subsequent divisions of proceeds shall be redetermined by the County on or before October 1 of each succeeding year during the term of this Agreement beginning October 1, 2016. The annual redetermination by the County of the division of the tax proceeds shall be based on the number of paved

roadway miles maintained by the County and each of the eligible municipalities determined as of July 1 of each year beginning on July 1, 2015 as a proportion of the total amount of paved roadway miles maintained by the County and the eligible municipalities. Provided, however, the parties agree that in no event shall the County's annual percentage of gas tax revenues be less than twenty percent (20%). Any disputes as to the determination by the County of distribution proceeds shall be in accordance with Section 336.025(5)(b), Florida Statutes.

3. The County and the municipalities shall utilize monies received pursuant to Section 336.025(1)(a), Florida Statutes (6-cents) only for transportation expenditures as defined in Section 336.025(7), Florida Statutes.

The County and the municipalities shall use moneys received pursuant to Section 336.025(1)(b), Florida Statutes (5 cents) for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

4. The Agreement shall be deemed one agreement (the Interlocal Agreement) for the purposes of Section 336.025, Florida Statutes, and the Interlocal Agreement constitutes an interlocal agreement between St. Lucie County and municipalities located therein representing a majority of the incorporated area population within this County.

5. This Agreement shall be in effect from September 1, 2015 to December 31, 2044, both inclusive. It shall also govern the division and distribution of proceeds of the Gas Tax imposed through

December 31, 2044, but not collected or otherwise not available for distribution until after December 31, 2044.

6. This Agreement may be executed in counterparts and each fully executed counterpart shall be deemed an original instrument.

7. This Agreement shall be filed with the Clerk of the Circuit Court of St. Lucie County, Florida, prior to its effectiveness.

**IN WITNESS WHEREOF**, the parties hereto have caused the execution hereof by their duly authorized officials on the dates stated below.

**ATTEST:**

\_\_\_\_\_  
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY**

BY: \_\_\_\_\_  
Chair

**APPROVED AS TO FORM AND  
CORRECTNESS:**

BY: \_\_\_\_\_  
County Attorney

Date: \_\_\_\_\_

CITY OF FORT PIERCE, FLORIDA

ATTEST:

\_\_\_\_\_  
Clerk

BY: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND  
CORRECTNESS:

BY: \_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_

CITY OF PORT ST. LUCIE, FLORIDA

ATTEST:

\_\_\_\_\_  
Clerk

BY: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND  
CORRECTNESS:

BY: \_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_

**TOWN OF ST. LUCIE VILLAGE, FLORIDA**

**ATTEST:**

\_\_\_\_\_  
Clerk

**BY:** \_\_\_\_\_  
Mayor

**APPROVED AS TO FORM AND  
CORRECTNESS:**

**BY:** \_\_\_\_\_  
Village Attorney

**Date:** \_\_\_\_\_



**Office of Management  
& Budget  
Budget Division**

**MEMORANDUM**

---

**TO:** Howard N. Tipton, County Administrator

**FROM:** Asheley Hepburn, Director, Office of Management and Budget

**DATE:** April 29, 2015

**SUBJECT:** Local Option Gas Tax Allocation Method

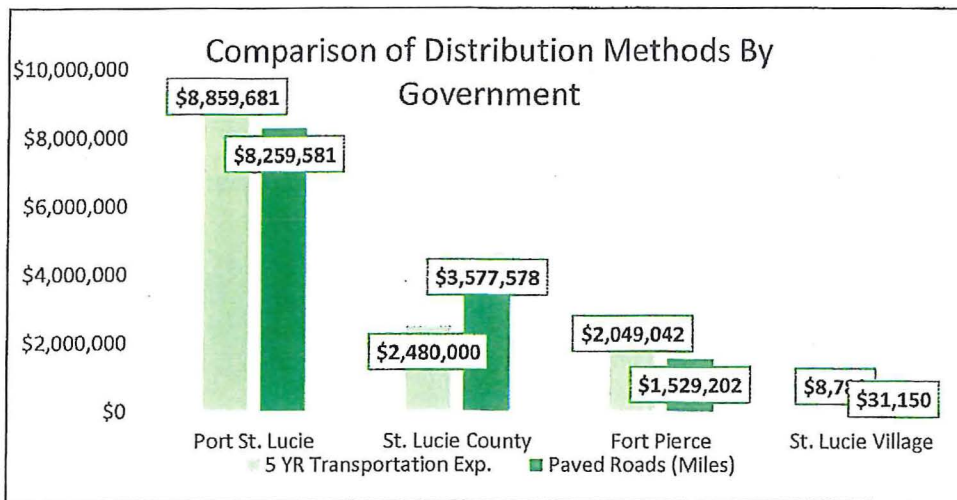
---

A handwritten signature in black ink, appearing to be "ASHELEY HEPBURN", is written over the "FROM:" line of the memorandum.

The Local Option Gas Tax will expire on August 31, 2015, both the 5<sup>th</sup> Cent (1<sup>st</sup>-5<sup>th</sup> cents) and the 6<sup>th</sup> Cent (1<sup>st</sup> - 6<sup>th</sup> Cent) gas tax. State Statute 336.025 governs County transportation systems and levy of local option fuel tax on motor fuel and diesel fuel. The 5<sup>th</sup> cent gas tax is levied against every gallon of motor fuel sold and shared by the municipalities in St. Lucie County by inter-local agreement. The 6<sup>th</sup> cent gas tax is levied against every gallon of motor fuel and diesel sold. It is also shared with the three municipalities in St. Lucie County by inter-local agreement. We have reviewed the current distribution methodology, which is based on transportation expenditures incurred by each municipality for the preceding five years. We have also compared it to various other methodologies, including paved roadway miles each municipality is responsible for maintaining.

The Office of Management and Budget is in support of modifying the distribution methodology because it considers the miles of paved roads each jurisdiction is responsible for maintaining, which appears to be a more equitable distribution. Secondly, the core purpose of the Local Option Gas Tax is to fund transportation expenditures such as construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads that increase capacity. Simplifying the basis of the methodology to paved roads (miles) more closely aligns the methodology to the core purpose of the Local Option Gas Tax.

The change in methodology has a dramatic impact to the County's Local Option Gas Tax revenue (see chart A). Utilizing paved road (miles) will generate approximately \$3.57 million and increase revenue by approximately \$1.1 million for the County. The City of Port St. Lucie will generate approximately \$8.26 million and decrease by approximately .600 million. The City of Fort Pierce will generate approximately \$1.53 million and decrease by approximately .500 million.



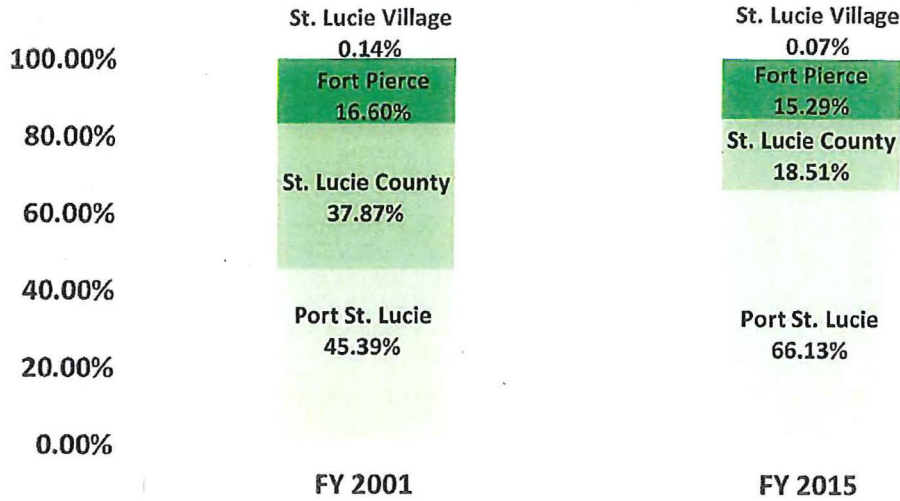
(Chart A)

The current distribution methodology is similar to the default formula utilized by the State of Florida Department of Transportation when Counties have no inter-local agreement with cities in their jurisdiction. Using transportation expenditures as the basis (see Chart B) of the distribution shows the County's distribution has declined by 19.36 percentage points since 2001, whereas the City of Port Lucie's distribution has increased by 20.79 percentage points.

However, the paved road (miles) changed slightly over a similar period of time (see Chart C). In 2001, St. Lucie County had 362.9 miles of paved road or 26.78% and Port St. Lucie had 858 miles of paved road or 63.32%. In 2015, St. Lucie County had 379 miles of paved road or 26.71% and Port St. Lucie had 875 miles of paved road or 61.7%. This suggests that if paved roads were used as the distribution methodology starting in 2001; the County's allocation would have decreased slightly by .07 percentage points and the City of Port St Lucie's allocation would have decreased by 1.65 percentage points.

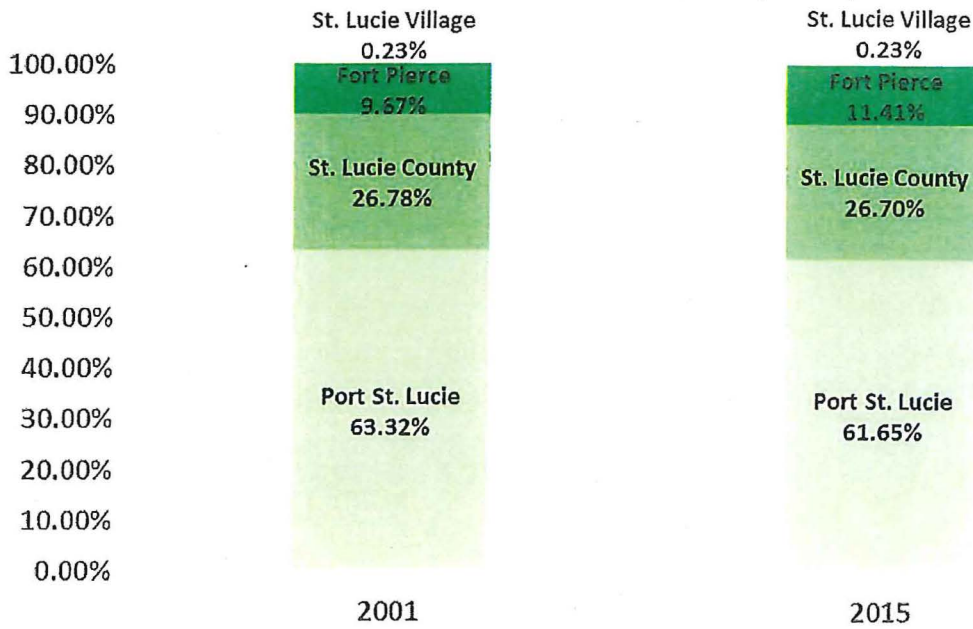
The County's responsibility for paved road (miles) has remained consistent between 2001 and 2015, however the County's allocation of the Local Option Gas Tax has decreased dramatically. The Office of Management and Budget is in support of modifying the allocation method used to distribute the Local Option Gas tax to paved road (miles). This change will lead to a more equitable approach in allocating the Local Option Gas Tax.

### Allocation Based 5 Yr. Transportation Expenses



(Chart B)

### Allocation Based On Paved Road (Miles)



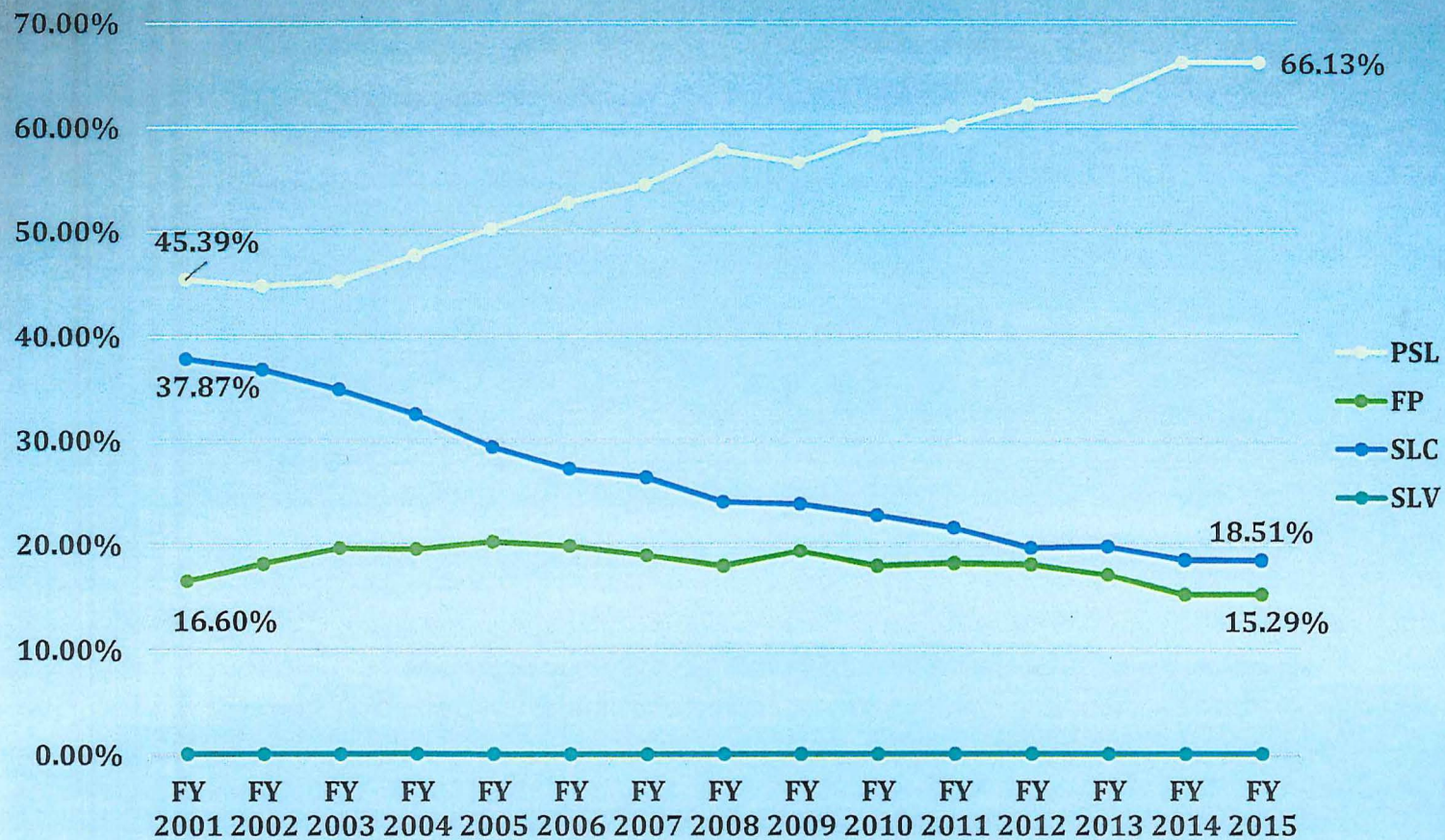
(Chart C)

Copy: Daniel McIntrye, County Attorney  
 Robert Adolphe, Deputy County Administrator  
 Jennifer Hill, Budget Manager  
 Don West, Public Works Director

LOCAL OPTION GAS TAX ALLOCATION

	City of Port St. Lucie	City of Fort Pierce	St. Lucie County BOCC	St. Lucie Village	TOTAL
1 5 - Year Transportation Expenditures (Current)	395,528,760	91,476,531	110,715,925	392,662	598,113,878
Allocation	66.13%	15.29%	18.51%	0.07%	100.00%
Current \$ Estimate	\$8,859,681	\$2,049,042	\$2,480,000	\$8,789	\$13,397,512
2 Paved Roads (miles)	875	162	379	3	1,419
Allocation	61.65%	11.41%	26.70%	0.23%	100.00%
Estimated \$	\$8,259,581	\$1,529,202	\$3,577,578	\$31,150	\$13,397,512

# Distribution History



Select Year:

## The 2014 Florida Statutes

---

[Title XXVI](#)

PUBLIC TRANSPORTATION

[Chapter 336](#)

COUNTY ROAD SYSTEM

[View Entire Chapter](#)

**336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—**

(1)(a) In addition to other taxes allowed by law, there may be levied as provided in ss. [206.41\(1\)\(e\)](#) and [206.87\(1\)\(c\)](#) a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option fuel tax upon every gallon of motor fuel and diesel fuel sold in a county and taxed under the provisions of part I or part II of chapter 206.

1. All impositions and rate changes of the tax shall be levied before October 1 to be effective January 1 of the following year for a period not to exceed 30 years, and the applicable method of distribution shall be established pursuant to subsection (3) or subsection (4). However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate effective September 1 of the year of expiration. Upon expiration, the tax may be relieved provided that a redetermination of the method of distribution is made as provided in this section.

2. County and municipal governments shall utilize moneys received pursuant to this paragraph only for transportation expenditures.

3. Any tax levied pursuant to this paragraph may be extended on a majority vote of the governing body of the county. A redetermination of the method of distribution shall be established pursuant to subsection (3) or subsection (4), if, after July 1, 1986, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.

(b) In addition to other taxes allowed by law, there may be levied as provided in s. [206.41\(1\)\(e\)](#) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.

1. All impositions and rate changes of the tax shall be levied before October 1, to be effective January 1 of the following year. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate effective September 1 of the year of expiration.

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest

as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall use moneys received pursuant to this paragraph for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

(c) Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this section and may pledge the revenues from local option fuel taxes to secure the payment of the bonds. Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

(d) If an interlocal agreement entered into under this section does not provide for automatic adjustments or periodic review by the local governmental entities of the method of distribution of local option fuel tax revenues, the parties to the agreement shall review and hold public hearings on the terms of the agreement at least every 2 years.

(2)(a) The tax levied pursuant to paragraph (1)(a) shall be collected and remitted in the same manner provided by ss. 206.41(1)(e) and 206.87(1)(c). The tax levied pursuant to paragraph (1)(b) shall be collected and remitted in the same manner provided by s. 206.41(1)(e). The taxes remitted pursuant to this section shall be transferred to the Local Option Fuel Tax Trust Fund, which fund is created for distribution to the county and eligible municipal governments within the county in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The tax shall be distributed monthly by the department in the same manner provided by s. 336.021(1)(c) and (d). The department shall deduct the administrative costs incurred by it in collecting, administering, enforcing, and distributing back to the counties the tax, which administrative costs may not exceed 2 percent of collections authorized by this section. The total administrative costs shall be prorated among those counties levying the tax according to the following formula, which shall be revised on July 1 of each year: Two-thirds of the amount deducted shall be based on the county's proportional share of the number of dealers who are registered for purposes of chapter 212 on June 30 of the preceding state fiscal year, and one-third of the amount deducted shall be based on the county's share of the total amount of the tax collected during the preceding state fiscal year. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the taxes levied by any county and shall promulgate such rules as may be necessary for the enforcement of this section, which rules shall have the full force and effect of law. The provisions of ss. 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41, 206.416, 206.44, 206.45, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87, 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.94, and 206.945 shall, as far as practicable, be applicable to the levy and collection of taxes imposed pursuant to this section as if fully set out in this section.

(b) The provisions of s. 206.43(7) shall apply to the incorrect reporting of the tax levied under this section.

(c) The provisions for refund provided in s. 206.625 are not applicable to the tax levied pursuant to paragraph (1)(a) or paragraph (1)(b) by any county.

(3) The tax authorized pursuant to paragraph (1)(a) shall be levied using either of the following procedures:

(a) The tax may be levied by an ordinance adopted by a majority vote of the governing body or upon approval by referendum. Such ordinance shall be adopted in accordance with the requirements imposed under one of the following circumstances, whichever is applicable:

1. The county may, prior to June 1, establish by interlocal agreement with one or more of the municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the local option fuel tax among the county government and all eligible municipalities within the county. If no interlocal agreement exists, a new interlocal agreement may be established prior to August 1, 1986, or June 1 of any year thereafter pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

2. If an interlocal agreement has not been executed pursuant to subparagraph 1., the county may, prior to June 10, adopt a resolution of intent to levy the tax allowed in paragraph (1)(a).

3. Notwithstanding subparagraphs 1. and 2., any inland county with a population greater than 500,000 as of July 1, 1996, with an interlocal agreement with one or more of the incorporated areas within the county established pursuant to subparagraph 1. must utilize the population estimates of local governmental units as of April 1 of each year pursuant to s. 186.901, for dividing the proceeds of the local option fuel tax contained in such interlocal agreement. However, any interlocal agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

(b) If no interlocal agreement or resolution is adopted pursuant to subparagraph (a)1. or subparagraph (a)2., municipalities representing more than 50 percent of the county population may, prior to June 20, adopt uniform resolutions approving the local option tax, establishing the duration of the levy and the rate authorized in paragraph (1)(a), and setting the date for a countywide referendum on whether to levy the tax. A referendum shall be held in accordance with the provisions of such resolution and applicable state law, provided that the county shall bear the costs thereof. The tax shall be levied and collected countywide on January 1 following 30 days after voter approval.

(4)(a) If the tax authorized pursuant to paragraph (1)(a) is levied under the circumstances of subparagraph (3)(a)2. or paragraph (3)(b), the proceeds of the tax shall be distributed among the county government and eligible municipalities based on the transportation expenditures of each for the immediately preceding 5 fiscal years, as a proportion of the total of such expenditures for the county and all municipalities within the county. After the initial levy of a tax being distributed pursuant to the provisions of this paragraph, the proportions shall be recalculated every 10 years based on the transportation expenditures of the

immediately preceding 5 years. However, such recalculation shall under no circumstances materially or adversely affect the rights of holders of bonds outstanding on July 1, 1986, which are backed by taxes authorized in paragraph (1)(a), and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of the recalculation.

(b) Any newly incorporated municipality which is eligible for participation in the distribution of moneys under parts II and VI of chapter 218 and which is located in a county levying the tax pursuant to paragraph (1) (a) or paragraph (1)(b) is entitled to receive a share of the tax revenues. Distribution of such revenues to a newly incorporated municipality shall begin in the first full fiscal year following incorporation. The distribution to a newly incorporated municipality shall be:

1. Equal to the county's per lane mile expenditure in the previous year times the lane miles within the jurisdiction or responsibility of the municipality, in which case the county's share shall be reduced proportionately; or
2. Determined by the local act incorporating the municipality.

Such distribution shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized in this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of the redistribution.

(5)(a) By October 1 of each year, the county shall notify the Department of Revenue of the rate of the taxes levied pursuant to paragraphs (1)(a) and (b), and of its decision to rescind or change the rate of a tax, if applicable, and shall provide the department with a certified copy of the interlocal agreement established under subparagraph (1)(b)2. or subparagraph (3)(a)1. with distribution proportions established by such agreement or pursuant to subsection (4), if applicable. A decision to rescind a tax may not take effect on any date other than December 31 and requires a minimum of 60 days' notice to the Department of Revenue of such decision.

(b) Any dispute as to the determination by the county of distribution proportions shall be resolved through an appeal to the Administration Commission in accordance with procedures developed by the commission. Pending final disposition of such proceeding, the tax shall be collected pursuant to this section, and such funds shall be held in escrow by the clerk of the circuit court of the county until final disposition.

(6) Only those municipalities and counties eligible for participation in the distribution of moneys under parts II and VI of chapter 218 are eligible to receive moneys under this section. Any funds otherwise undistributed because of ineligibility shall be distributed to eligible governments within the county in proportion to other moneys distributed pursuant to this section.

(7) For the purposes of this section, "transportation expenditures" means expenditures by the local government from local or state shared revenue sources, excluding expenditures of bond proceeds, for the following programs:

- (a) Public transportation operations and maintenance.
- (b) Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.
- ★ (c) Roadway and right-of-way drainage.
- ★ (d) Street lighting installation, operation, maintenance, and repair.
- ★ (e) Traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair.

(f) Bridge maintenance and operation.

(g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks.

(8) In addition to the uses specified in subsection (7), the governing body of a county with a population of 50,000 or less on April 1, 1992, or the governing body of a municipality within such a county may use the proceeds of the tax levied pursuant to paragraph (1)(a) in any fiscal year to fund infrastructure projects, if such projects are consistent with the local government's approved comprehensive plan or, if the approval or denial of the plan has not become final, consistent with the plan last submitted to the state land planning agency. In addition, no more than an amount equal to the proceeds from 4 cents per gallon of the tax imposed pursuant to paragraph (1)(a) may be used by such county for the express and limited purpose of paying for a court-ordered refund of special assessments. Except as provided in subsection (7), such funds shall not be used for the operational expenses of any infrastructure. Such funds may be used for infrastructure projects under this subsection only after the local government, prior to the fiscal year in which the funds are proposed to be used, or if pledged for bonded indebtedness, prior to the fiscal year in which the bonds will be issued, has held a duly noticed public hearing on the proposed use of the funds and has adopted a resolution certifying that the local government has met all of the transportation needs identified in its approved comprehensive plan or, if the approval or denial of the plan has not become final, consistent with the plan last submitted to the state land planning agency. The proceeds shall not be pledged for bonded indebtedness for a period exceeding 10 years, except that, for the express and limited purpose of using such proceeds in any fiscal year to pay a court-ordered refund of special assessments, the proceeds may be pledged for bonded indebtedness not exceeding 15 years. For the purposes of this subsection, "infrastructure" has the same meaning as provided in s. 212.055.

(9) Notwithstanding any other provision of this section, the tax on diesel fuel authorized in this section shall be levied in every county at the rate of 6 cents per net gallon.

**History.**—s. 55, ch. 83-3; s. 6, ch. 83-138; s. 8, ch. 83-339; s. 1, ch. 84-369; s. 17, ch. 85-81; s. 33, ch. 85-180; s. 123, ch. 85-342; s. 43, ch. 86-152; s. 29, ch. 86-243; s. 71, ch. 87-99; s. 2, ch. 90-351; s. 9, ch. 92-184; s. 280, ch. 92-279; s. 4, ch. 92-309; s. 55, ch. 92-326; s. 33, ch. 93-164; s. 40, ch. 93-206; s. 8, ch. 94-146; s. 53, ch. 94-237; s. 960, ch. 95-148; s. 40, ch. 95-257; s. 1, ch. 95-343; ss. 118, 119, ch. 95-417; ss. 25, 68, ch. 96-323; ss. 18, 19, ch. 96-397; ss. 17, 18, ch. 97-54; s. 9, ch. 2000-266; s. 35, ch. 2001-201; s. 48, ch. 2002-218; s. 3, ch. 2003-86; s. 24, ch. 2003-254; s. 28, ch. 2007-196; s. 28, ch. 2012-174.

**AMENDED AND RESTATED  
INTERLOCAL AGREEMENT**

This is an Agreement between **ST. LUCIE COUNTY**, a political subdivision of the State of Florida (the County), the **CITY OF FORT PIERCE**, a Florida municipal corporation, the **CITY OF PORT ST. LUCIE**, a Florida municipal corporation, and **TOWN OF ST. LUCIE VILLAGE**, a Florida municipal corporation (the Cities), for the purpose of providing for the division and distribution of the proceeds of the five cent (\$0.05) local option gas and diesel tax imposed by St. Lucie County, pursuant to Section 336.025(1)(b), Florida Statutes, (the Gas Tax).

**WHEREAS**, the County and the Cities of Port St. Lucie and St. Lucie Village entered into an Amended and Restated Interlocal Agreement in 1999 which was recorded on April 11, 2000, in Official Records Book 1291 at page 2371 in the Public Records of St. Lucie County, Florida.

**WHEREAS**, the County previously adopted a six (\$0.06) cent Gas Tax pursuant to Section 336.025(1)(a), Florida Statutes, the proceeds of which are distributed pursuant to an Amended and Restated Interlocal Agreement which was recorded on July 7, 1993 in Official Records Book 0848 at page 2232 in the Public Records of St. Lucie County, Florida.

**WHEREAS**, on July 17, 1997, the County adopted Ordinance No. 97-15 which imposed two cents (\$0.02) of the available five cent (\$0.05) Gas Tax authorized by Section 336.025(1)(b), Florida Statutes; and,

**WHEREAS**, on June 15, 1999, the County adopted Ordinance No. 99-21, which imposed the additional three cents (\$0.03) Gas Tax authorized by Section 336.025(1)(b), Florida Statutes; and,

**WHEREAS**, the parties desire to distribute the proceeds of the Gas Tax by Interlocal Agreement as authorized by Section 336.025(1)(b)(2), Florida Statutes, as set forth herein.

**NOW, THEREFORE**, in consideration of the premises and pursuant to the authorization of Section 336.025(3)(a)1., Florida Statutes, the County and the Cities agree that:

For Settlement Purposes Only

1. The Cities are municipalities located within St. Lucie County, Florida, and are eligible to receive a portion of the Gas Tax.

2. All distributions made prior to September 1, 2002 are ratified and approved except as revised pursuant to Paragraph 8 herein. All subsequent divisions of proceeds shall be redetermined by the County on or before July 1 of each succeeding year during the term of this agreement beginning July 1, 2002. The annual redetermination by the County of the division of the tax proceeds shall be based on the transportation expenditures of the County and all eligible municipalities based on the transportation expenditures of each for the five fiscal years preceding the year in which the annual redetermination is made, as a proportion of the total of such expenditures for the County and all municipalities within the County. Any disputes as to the determination by the County to distribution proceeds shall be in accordance with Section 336.025(5)(b), Florida Statutes; provided, however, the parties agree that only the actual amount of proceeds in dispute shall be held in escrow by the Clerk.

3. Allowable "transportation expenditures," for purposes of the determination of the division of proceeds in paragraph 2 above, may include expenditures using allowable sources of revenues, as defined in Paragraph 7 herein, which are received by the local government, excluding expenditures of proceeds of bonds issued by the local government or bonds issued by any other entity, but only if such revenues are actually first spent on any of the following:

- (a) Public transportation operations and maintenance.
- (b) Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.
- (c) Roadway and right-of-way drainage.
- (d) Street lighting.
- (e) Traffic signs, traffic engineering, signalization, and pavement markings.
- (f) Bridge maintenance and operation.
- (g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads.

For Settlement Purposes Only

- (h) Utility relocation as a direct consequence or result of transportation programs set forth in Section 336.025(7), Florida Statutes where such relocation is required by law to be at a local government's expense. The cost of relocating utilities which are occupying a local government's right-of-way pursuant to permission granted by the local government shall not be included as a transportation expenditure pursuant to this paragraph.
- (i) Right-of-way acquisitions.

4. In order to be included as a transportation expenditure, for the construction or reconstruction of a road, the road must first be accepted for maintenance in writing by the local government or included in the transportation maintenance program of the local government, and the local government must be the beneficial owner of the road.

5. Proceeds of bonds issued by the County, the Cities, or any other entity, may not be included in the allowable transportation expenditures, although the debt service payments on any such bonds may be included if the bond proceeds are spent by or on behalf of the local government on allowable transportation expenditures.

6. Expenditures by the State or any State agency on transportation projects wholly owned by the State or State agency, without local government financial expenditures, may not be included by the County or Cities as allowable transportation expenditures. However, financial expenditures by the County or Cities on State or State agency transportation projects wholly owned by the State or State agency may be included by the County or Cities as allowable transportation expenditures up to the financial contribution amount, including local government expenditures for maintenance or enhancement (including lighting and landscaping).

7. Allowable sources of revenue, as permitted in Paragraph 3 above, may include, but are not limited to, revenue to the local government from any of the following:

- (a) Community Development Districts (CDD's), as authorized under Chapter 190, Florida Statutes.
- (b) Private sources, including payments of any kind from financial institutions, developers, corporations, citizens or investors. The actual cost of in kind contributed improvements to the roads and streets of the Cities or County

shall be deemed a transportation expenditure provided that the amount includable as an allowable transportation expenditure consists of only that portion of a privately funded public transportation improvement that is in excess of the impact of a private development project, which excess is established by a written traffic impact study.

- (c) State shared revenue sources consisting of the proceeds of gasoline and diesel fuel taxes and sales taxes. State or Federal revenues other than those revenues specifically allowable in Paragraph 7 shall not be considered for purposes of the determination of the division of tax proceeds in this Agreement.
- (d) Local government revenues, from any tax (ad valorem or otherwise), fee (including impact fees), assessment, millage, charge, contribution, duty, fine, penalty, toll, levy or tariff.
- (e) "Municipal Service Benefit Units", "Special Assessment Districts", or "Municipal Service Transportation Units."
- (f) Monies that could have otherwise been paid the County pursuant to the County's Road Impact Fee Ordinance but that are paid to a City to reserve capacity on the City's transportation network provided the monies consist of only that portion of a privately funded public transportation improvement that is in excess of the impact of a private development project, which excess is established by a written traffic impact study.
- (g) Debt service payments of bonds made by the County, the Cities, or any other entity provided that the bond proceeds are spent by or on behalf of the local government on allowable transportation expenditures.

(8) The County and Cities agree that the June 25, 2001 determination by the County of the division and distribution of the proceeds of the local option gas and diesel tax imposed by St. Lucie County pursuant to Section 336.025(1)(b), Florida Statutes, shall be revised one time only to exclude the 2001 annual debt service payment on the St. Lucie West Services District (District) bonds as City of Port St. Lucie transportation expenditures. Once the roads within the District are owned and maintained by the City of Port St. Lucie as specified in this Interlocal Agreement, the annual debt service payment on the District's bonds shall be included as City of Port St. Lucie transportation expenditures. Immediately

upon adoption and approval of this Revised and Restated Interlocal Agreement by the County and the municipalities located therein representing a majority of the population of the County, and the filing of the same with the Clerk of the Circuit Court of St. Lucie County, Florida, the City of Port St. Lucie shall file a voluntary dismissal with prejudice with the Division of Administrative Hearings in *The City of Port St. Lucie, Florida v. The Board of County Commissioners of St. Lucie County, Florida, and the City of Fort Pierce, Florida*, DOAH Case No. 01-3510.

9. This agreement shall be deemed one agreement (the Interlocal Agreement) for the purposes of Section 336.025(3)(a)1., Florida Statutes, and this Interlocal Agreement constitutes an interlocal agreement between St. Lucie County and the municipalities located therein representing a majority of the population of the incorporated area within St. Lucie County.

10. Except as provided in Paragraph 8, this Agreement shall govern the determination of the division and distribution of proceeds of the Gas Tax from July 1, 2002, to August 31, 2015, both inclusive. It shall also govern the division and distribution of proceeds of the Gas Tax imposed through August 31, 2015, but not collected or otherwise not available for distribution until after August 31, 2015.

11. This Agreement may be executed in counterparts and each fully executed counterpart shall be deemed an original instrument.

12. This Agreement shall be filed with the Clerk of the Circuit Court of St. Lucie County, Florida, prior to its effectiveness.

IN WITNESS WHEREOF, the parties hereto have caused the execution hereof by their duly authorized officials on the dates stated below.

ATTEST:

  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA

BY:   
Chairman

Date: 12/11/01  
/ /

For Settlement Purposes Only



ATTEST:

\_\_\_\_\_  
Clerk

TOWN OF ST. LUCIE VILLAGE, FLORIDA

BY: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

APPROVED AS TO FORM AND  
CORRECTNESS:

BY: \_\_\_\_\_  
Village Attorney

**AMENDED AND RESTATED  
INTERLOCAL AGREEMENT**

**THIS IS AN AGREEMENT** between ST. LUCIE COUNTY, a political subdivision of the State of Florida (the County), the CITY OF FORT PIERCE, a Florida municipal corporation, the CITY OF PORT ST. LUCIE, a Florida municipal corporation, and TOWN OF ST. LUCIE VILLAGE, a Florida municipal corporation (the Cities), for the purpose of providing for the division and distribution of the proceeds of the local option gas tax imposed by St. Lucie County (the Gas Tax).

**WHEREAS**, the County and the Cities of Fort Pierce and Port St. Lucie entered into an Interlocal Agreement in June of 1985 to provide for the distribution of the Gas Tax which Agreement was subsequently amended in May 1987; and

**WHEREAS**, St. Lucie Village became eligible to receive a portion of the Gas Tax in November 1992; and,

**WHEREAS**, the parties agree that it is in the best interest of the parties to amend and restate the Interlocal Agreement as set forth herein.

**NOW THEREFORE**, in consideration of the premises and pursuant to the authorization of Section 336.025(3)(a)1., Florida Statutes, the County and the Cities agree that:

1. The Cities are municipalities located within St. Lucie County, Florida, and are eligible to receive a portion of the Gas Tax.

2. For the period beginning September 1, 1992, through August 31, 1993, inclusive, the Gas Tax shall be divided among, and distributed to, the County and the eligible municipalities within the County as follows:

<u>Recipient</u>	<u>Share of Proceeds</u>
City of Fort Pierce	16.76 Percent
City of Port St. Lucie	41.05 Percent

<u>Recipient</u>	<u>Share of Proceeds</u>
St. Lucie County	42.11 Percent
St. Lucie Village	0.08 Percent

3. All distribution made prior to September 1, 1992 are ratified and approved. All subsequent divisions of proceeds shall be redetermined by the County on or before July 1 of each succeeding year during the term of this agreement beginning July 1, 1993. The annual redetermination by the County of the division of the tax proceeds shall be based on the transportation expenditures of the County and all eligible municipalities based on the transportation expenditures of each for the five fiscal years preceding the year in which the annual redetermination is made, as a proportion of the total of such expenditures for the County and all municipalities within the County. Any disputes as to the determination by the County of distribution proceeds shall be in accordance with Section 336.025(5)(b), Florida Statutes.

4. The agreement shall be deemed one agreement (the Interlocal Agreement) for the purposes of Section 336.025(3)(a)1., Florida Statutes, and the Interlocal Agreement constitutes an interlocal agreement between St. Lucie County and municipalities located therein representing all of the incorporated area population within this County.

5. This Agreement shall be in effect from September 1, 1992 to August 31, 2015, both inclusive. It shall also govern the division and distribution of proceeds of the Gas Tax imposed through August 31, 2015, but not collected or otherwise not available for distribution until after August 31, 2015.

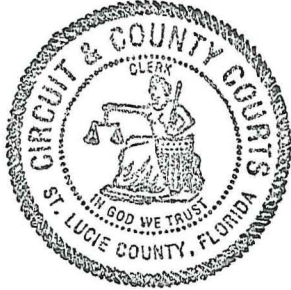
6. This Agreement may be executed in counterparts and each fully executed counterpart shall be deemed an original instrument.

7. This Agreement shall be filed with the Clerk of the Circuit Court of St. Lucie County, Florida, prior to its effectiveness.

IN WITNESS WHEREOF the parties hereto have caused the execution hereof by their duly authorized officials on the dates stated below.

ATTEST:

*A. Miller White*  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA

BY: *[Signature]*  
CHAIRMAN

DATE: 4-6-93

APPROVED AS TO FORM AND  
CORRECTNESS:

*[Signature]*  
County Attorney

ATTEST:

*[Signature]*  
Clerk

CITY OF FORT PIERCE, FLORIDA

By: *[Signature]*  
MAYOR

DATE: 6-17-93

APPROVED AS TO FORM AND  
CORRECTNESS:

*[Signature]*  
City Attorney

ATTEST:

*[Signature]*  
Deputy Clerk

CITY OF PORT ST. LUCIE, FLORIDA

By: *[Signature]*  
MAYOR

DATE: 4-22-93

APPROVED AS TO FORM AND  
CORRECTNESS:

*[Signature]*  
City Attorney

ATTEST:

*[Signature]*  
Clerk

TOWN OF ST. LUCIE VILLAGE,  
FLORIDA

By: *[Signature]*  
MAYOR

DATE: 5/19/93

APPROVED AS TO FORM AND  
CORRECTNESS:

*[Signature]*  
Village Attorney

Town of Fort Myers Beach  
Agenda Item Summary

Blue Sheet Number: 2013-102

**1. Requested Motion:**

**Meeting Date: Sept. 16, 2013**

Approve the Third inter-local Agreement for Distribution of Local Option Gas Taxes by and between Lee County and the Town of Fort Myers Beach

**Why the action is necessary:**

Authorize the Town to enter into an Inter-local agreement with Lee County regarding gas tax revenue.

**What the action accomplishes:**

Approval of this Inter-local agreement provides the framework for future distribution of local option gas taxes to the Town.

**2. Agenda:**

- Consent
- Administrative
- Public Hearing

**3. Requirement/Purpose:**

- Resolution
- Ordinance
- Other

**4. Submitter of Information:**

- Council
- Town Staff - Town Manager
- Town Attorney

**5. Background:**

Certain gas tax monies are distributed by the State to the County each year. The County and Town have agreed upon a specified percentage of those revenues to be allocated to the Town. The distribution amount to the Town in the 2009 agreement was 1.02% and that amount has increased to 1.17%. The agreement is for a period of five years ending September 30, 2018 at which time the agreement must be re-negotiated and approved. The documents have been reviewed by the Town Attorney

**ATTACHMENTS:**

- Inter-local Agreement
- Local Option Gas Tax Distribution Scenarios (from Lee County)


**6. Alternative Action:**

Decline participation in the Inter-local Agreement

**7. Management Recommendations:**

**Authorize the Town to enter into the Third Inter-local Agreement for Distribution of Local Options Gas Taxes between Lee County and the Town of Fort Myers Beach.**

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

**9. Council Action:**

Approved     Denied     Deferred     Other

**THIRD INTERLOCAL AGREEMENT FOR  
DISTRIBUTION OF LOCAL OPTION GAS TAXES  
BY AND BETWEEN  
LEE COUNTY AND THE TOWN OF FORT MYERS BEACH**

THIS THIRD INTERLOCAL AGREEMENT for Distribution of Local Option Gas Taxes made as of this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between **LEE COUNTY**, a political subdivision and charter county of the State of Florida ("COUNTY"), and the **TOWN OF FORT MYERS BEACH**, a municipal corporation of the State of Florida ("TOWN"), collectively, "the Parties", hereto. It is created for the purpose of establishing a methodology and format for the division and distribution of certain Local Option Gas Taxes levied by County Ordinances within Lee County, pursuant to Chapter 336, relating to the 5 and 6 cents Local Option Gas Taxes. This Agreement will succeed the prior Agreement dated March 3, 2009, as amended on April 16, 2009, between the parties, which will expire on September 30, 2013.

**RECITALS**

**WHEREAS**, the TOWN and the COUNTY entered into an Interlocal Agreement dated July 8, 2003 regarding the allocation of the Local Option Gas Taxes; and,

**WHEREAS**, the TOWN and the COUNTY entered into a Second Interlocal Agreement dated March 3, 2009, as amended on April 16, 2009, that replaced the first Interlocal Agreement regarding the allocation of the Local Option Gas Taxes; and,

**WHEREAS**, it is in the public interest of both the TOWN and the COUNTY to adopt a new Agreement providing the method of distribution of local option gas tax to replace the Second Interlocal Agreement, which is set to expire on September 30, 2013; and,

**NOW THEREFORE**, in consideration of the above premises and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the Parties, the TOWN and the COUNTY hereby agree to enter into this Third Interlocal Agreement as follows:

**SECTION I**                    **INCORPORATION OF RECITALS**

The Recitals as set forth above are incorporated into the terms of this Agreements as if set out herein at length.

**SECTION II                    ANNUAL LOCAL OPTION GAS TAX DISTRIBUTION:**

<b><u>Recipient</u></b>	<b><u>Percentage of Distribution</u></b>
City of Bonita Springs	4.54%
City of Cape Coral	24.95%
City of Fort Myers	14.00%
Town of Fort Myers Beach	1.17%
City of Sanibel	5.00%
Lee County	50.34%
Total	100.00 %

**SECTION III                    TERM OF AGREEMENT**

This Interlocal Agreement for the annual distribution of Local Option Gas Taxes to the TOWN shall be effective as of October 1, 2013 through September 30, 2018, both dates inclusive.

**SECTION IV                    ALLOCATION AND DISTRIBUTION TO TOWN**

A. The base percentage allocation of the Local Option Gas Taxes to the TOWN has been calculated using a formula consisting of fifty percent (50%) from the centerline miles of roadways maintained by the TOWN and fifty percent (50%) from the population of the TOWN, in proportion to the centerline miles of all roadways maintained by all municipalities and Lee County and the total population of all the municipalities and unincorporated Lee County. The population figure of the TOWN has been calculated using both year-round population and seasonal population. The year-round population, assumed to be from April 1 through October 31 (7 months), is based upon the April, 2012 edition of "Florida Population Studies" (University of Florida Bureau of Economic Research, Warrenton College of Business). The seasonal population assumed to be from November 1 through March 30 (5 months), is based upon the 2010 Census Table DP-1 - Seasonal Recreational and Occasional Use Dwelling Units for Fort Myers Beach multiplied by the Population Per Dwelling Unit for Fort Myers Beach from Table DP-1 reduced by an occupancy rate of 92%. The resulting seasonal figure is then combined with the year-round figure to create a blended annual base percentage rate which shall be in effect for the term of this Agreement. Pursuant to the combined population figures above and centerline miles, the TOWN'S annual percentage allocation of Local Option Gas Taxes for the term of this Agreement shall be a blended rate of 1.17% of the total proceeds as distributed by the State of Florida Department of Revenue for unincorporated Lee County and all municipalities within Lee County.

B. The COUNTY shall submit the allocation to the Florida Department of Revenue each year (1.17%). The annual distribution will be distributed to the TOWN directly

from the Florida Department of Revenue.

**SECTION V            TOWN AND COUNTY COVENANTS**

Each party agrees and confirms to the other that all Local Option Gas Tax proceeds, as distributed by the State pursuant to this Agreement, will be utilized for only those purposes and uses as provided for by law.

**SECTION VI            BOND COVENANTS**

A. At no time, and under no circumstances shall the agreed-upon formula or distribution of Local Option Gas Tax proceeds to the TOWN under this Interlocal Agreement materially adversely affect or impact the rights of the bond holders of any outstanding Lee County Transportation Bonds, which are supported in whole or in part by the Local Option Gas Tax proceeds authorized by Section 336.025, Florida Statutes, and as distributed herein.

B. Additionally, the amounts distributed to the TOWN shall not at any time reduce the COUNTY'S proceeds required to meet its payments of principal and interest, and reserves for such principal and interest payments required under any outstanding Lee County Transportation Bond Resolutions as of the date hereof.

**SECTION VII            ONGOING OBLIGATIONS**

A. This Interlocal Agreement is expressly contingent upon the COUNTY'S continued levy by County Ordinances of the Local Option Gas Taxes as authorized by law, for the term of this Agreement.

B. If the COUNTY Local Option Gas Tax Ordinances are, for any lawful reason(s) repealed, sunset or otherwise terminated by the COUNTY as to their effectiveness, then this Interlocal Agreement will automatically terminate and shall be of no further force or effect.

**SECTION VIII            AMENDMENT TO AGREEMENT**

This Interlocal Agreement may only be amended as provided for herein, with the express consent of both Parties and executed with the same formality and dignities as this original Agreement.

**SECTION IX            INTERPRETATION OF AGREEMENT**

This Interlocal Agreement shall be construed and interpreted according to the laws, rules and regulations of the TOWN, the COUNTY and the State of Florida.

**SECTION X            INTEGRATION OF DOCUMENT**

This Interlocal Agreement, including any incorporated exhibits or amendments, constitutes the entire Agreement between the Parties and shall supersede and control

over any or all prior Agreements or understandings, either written or oral, relating to the matters herein.

**SECTION XI            NOTICE PROVISIONS**

All notices or demands are deemed to have been given or made when delivered in person or delivered by certified or registered mail, return receipt requested, postage prepaid, United States mail, and addressed to the respective Parties as follows:

Lee County:	Lee County Board of County Commissioners Post Office Box 398 Fort Myers, Florida 33902-0398 Attention: County Manager
-------------	--

Town of Fort Myers Beach:	Town Council, Town of Fort Myers Beach 2523 Estero Boulevard Fort Myers Beach, Florida 33931 Attention: Town Manager
------------------------------	---

The address to which any notice or demand may be given to either party may be changed in writing.

**SECTION XII            MISCELLANEOUS**

- A. The Parties represent that they have full authority to enter into and execute this Interlocal Agreement.
- B. The terms and conditions of this Interlocal Agreement shall extend to and bind the successors and assigns of the COUNTY and the TOWN.
- C. The drafting of this Interlocal Agreement has been a joint endeavor between the Parties and shall not, solely as a matter of judicial construction, be interpreted more strictly against one Party than the other.
- D. The invalidity of any provision hereof as may be found by a court of competent jurisdiction shall in no way affect or invalidate the remaining provisions of the Agreement.
- E. In no case shall either Party be liable to the other for either consequential or special damages of any kind whatsoever, including, but not limited to, lost revenues, or any other damages of any kind relating to this Agreement.
- F. Disputes arising under this Interlocal Agreement shall be resolved pursuant to Florida law. Venue shall be the Twentieth Judicial Circuit Court, in Lee County, Fla.

**IN WITNESS WHEREOF**, the Parties hereto have caused these presents to be executed on the day and year first written above.

**ATTEST: CLERK, TOWN OF  
FORT MYERS BEACH**

**TOWN OF FORT MYERS BEACH**

BY: \_\_\_\_\_  
Clerk

BY: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Town Attorney

**ATTEST: LINDA DOGGETT  
CLERK OF COURTS**

**BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA**

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

**LOCAL OPTION GAS TAX (LOGT) DISTRIBUTION SCENARIOS**  
**UPDATE, AUGUST 1, 2013**  
**SEASONAL ADJUSTMENT FACTOR INCLUDED USING 2010 CENSUS**

	POPULATION Includes Seasonal Population 2000 Census		CURRENT THROUGH FY12-13	BASED UPON CENTERLINE MILES REVISED FEBRUARY, 2013		BASED UPON 50/50 SPLIT BETWEEN CENTERLINE MILES AND APRIL 1, 2012 POPULATION	REVISED ALLOCATION FOR FY13-14
	Population 1-Apr-12	Percent Allocation	Current Gas Tax Allocation	Centerline Miles	Percent Allocation	Percent Allocation	Percent Allocation
Cape Coral	175,793	22.92	24.95	1,601.00	33.86	28.39	24.95
Fort Myers	74,131	9.66	14.00	225.00	4.76	7.21	14.00
Sanibel	13,210	1.72	5.00	90.00	1.90	1.81	5.00
<b>Fort Myers Beach</b>	<b>14,173</b>	<b>1.85</b>	<b>1.02</b>	<b>23.00</b>	<b>0.49</b>	<b>1.17</b>	<b>1.17</b>
Bonita Springs	63,097	8.23	4.54	86.00	1.82	5.02	4.54
Lee County	426,684	<u>55.62</u>	<u>50.49</u>	<u>2,703.00</u>	<u>57.17</u>	<u>56.40</u>	<u>50.34</u>
	767,087	100.00	100.00	4,728.00	100.00	100.00	100.00

5 months	0.486263
7 months	0.680768
	1.167031
Blended Rate	<b>1.167031</b>

	2010 Census Seasonal Recreational Occas. Use Table DP-1	2010 Census Population Per Dwelling Unit Table DP-1	Occupancy Rate	Derived Seasonal Population	767,087 <del>(129,058)</del> 638,029	Total Seasonal Permanent
Cape Coral	6,706	2.53	0.92	15,609		
Fort Myers	3,346	2.37	0.92	7,296		
Sanibel	3,805	1.92	0.92	6,721		
Fort Myers Beach	4,756	1.81	0.92	7,920		
Bonita Springs	8,918	2.19	0.92	17,968		
Lee County	<u>34,606</u>	2.31	0.92	<u>73,545</u>		
<b>TOTAL</b>	62,137 units			129,058 people		

INTERLOCAL AGREEMENT  
BETWEEN  
LAKE COUNTY  
AND  
MUNICIPALITIES  
RELATING TO  
LOCAL OPTION FUEL TAX

**THIS AGREEMENT** entered into by and between the Board of County Commissioners of Lake County, Florida, hereinafter referred to as "County", and the Municipalities who have signed this Agreement, hereinafter referred to as "Municipalities".

**WHEREAS**, Florida Statute 336.025 (1)(a)(1) allows the governing body of a county to impose in addition to other taxes allowed by law, a one-cent, two-cent, three-cent, four-cent, five-cent, or six-cent local option fuel tax, upon every gallon of motor fuel and diesel fuel sold in that county and taxed under Chapter 206, Florida Statutes (hereinafter referred to as the "Gas Tax"), and

**WHEREAS**, County imposed the first two cents (the first and second cents) Gas Tax in 1984 beginning September 1, 1984 for an initial period of ten years, and

**WHEREAS**, County extended the first two cents Gas Tax in 1994 beginning September 1, 1994 for a period of twenty years extending until August 31, 2014, and

**WHEREAS**, County further extended the first two cents Gas Tax in 2014 for a period of twenty-nine years and four months extending until December 31, 2043, and

**WHEREAS**, County imposed the second two cents (the third and fourth cents) of the Gas Tax in 1985 beginning September 1, 1985 for an initial period of thirty years extending until August 31, 2015, and

**WHEREAS**, County imposed the third two cents (the fifth and sixth cents) of the Gas Tax in 1986 beginning September 1, 1986 for an initial period of thirty years extending until August 31, 2016, and

**WHEREAS**, Florida Statute 336.025 provides that the proceeds of the Gas Tax may only be used for transportation expenditures as defined in the statute, and further that such tax shall be distributed between a county and municipalities located in such county based either on transportation

expenditures or upon the formula approved by the county and municipalities representing a majority of the incorporated population of that county, and

**WHEREAS**, the current Gas Tax in Lake County is divided between the County and the Municipalities in the county based on interlocal agreements, and

**WHEREAS**, County is considering the extension of some or all of the Gas Tax as each two cents expire in 2015, and 2016, and is desirous of entering into a new interlocal agreement which would set forth a new formula for distribution of the Gas Tax should any of such taxes be extended, and

**WHEREAS**, Florida Statute 336.025 requires that such agreement be approved by the county and with municipalities representing a majority of the incorporated population of the county, and

**WHEREAS**, Municipalities are desirous of entering into a new agreement with County and other Lake County municipalities to set forth a new formula for the distribution of the Gas Tax should any or all of it be extended by County, and

**IT IS AGREED** by County and Municipalities as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein.
2. **Authority.** This agreement is entered into by County and Municipalities pursuant to the authority provided by Florida Statutes 336.025 and 163.01.
3. **Scope of Agreement.** This agreement shall apply to all or any of the Gas Tax should such taxes be extended or imposed by County. This agreement shall not apply to the one-cent tax on every net gallon of motor and diesel fuel sold in Lake County which is known as the Ninth-Cent Fuel Tax and which is authorized by Florida Statute 336.021(1)(a).
4. **Effective Date; Existing Agreements.**
  - a. This agreement shall become effective upon the date that it is approved by County and Municipalities representing a majority of the incorporated population of Lake County.
  - b. The existing agreements between the parties relating to the Gas Tax shall be replaced by this agreement upon the effective date and the new formula implemented by the Department of Revenue at the earliest possible date.

5. **Distribution Formula.** County and Municipality agree that the proceeds of the one, two, three, four, five, and six cent Gas Tax, shall be distributed between County and Municipalities within Lake County based on the formula contained in this paragraph.

a. **County Share.** Beginning September 1, 2014 and thereafter, 66.38% of all six cents shall be distributed to County. The parties understand that the third and fourth cents of the Gas Tax will need to be renewed in 2015 and the fifth and sixth cents of the Gas Tax will need to be renewed in 2016; it is the intent of the parties that the County share of all six cents of the Gas Tax shall be 66.38% and shall continue for any of the six cents that are renewed.

b. **Municipal Share.**

i. **First and Second Cent Gas Tax.** Beginning September 1, 2014, the municipal share of the one and two cent Gas Tax shall be distributed to Municipalities in Lake County as follows: one-half (1/2) of the proceeds shall be based on the population distribution among each municipality and one-half (1/2) of the proceeds shall be based upon road miles of public roads maintained by each municipality. Population shall be determined utilizing the population estimates provided to the Governor by the Office of Economic and Demographic Research as provided in Florida Statute 186.901. Maintained road miles shall be determined from information reported by municipalities to the Florida Department of Transportation as provided in Florida Statute 218.322. The percentages set forth in this paragraph shall be recalculated each year beginning January 1, 2016, and the newly calculated percentages shall become effective on January 1<sup>st</sup> of each following year.

ii. **Third and Fourth Cent Gas Tax.** The municipal share of the third and fourth cents Gas Tax shall be distributed to municipalities in Lake County as follows:

1. Until August 31, 2015, the proceeds shall be distributed as follows:

Astatula	0.2932%
Clermont	3.6813%
Eustis	7.1562%
Fruitland Park	0.5430%

Groveland	0.7493%
Howey-In-The-Hills	0.2932%
Lady Lake	0.5321%
Leesburg	9.8276%
Mascotte	0.8470%
Minneola	0.5104%
Montverde	0.4126%
Mount Dora	5.5165%
Tavares	1.9655%
Umatilla	1.2922%

2. Commencing September 1, 2015 and thereafter the proceeds shall be distributed in the same manner and percentages as the first and second cent Gas Tax as set forth above.

iii. Fifth and Six Cent Gas Tax. The municipal share of the fifth and sixth cents Gas Tax shall be distributed to municipalities in Lake County as follows:

1. Until August 31, 2016, the proceeds shall be distributed as follows:

Astatula	0.5538%
Clermont	3.4749%
Eustis	6.8847%
Fruitland Park	1.5311%
Groveland	1.2271%
Howey-In-The-Hills	0.3909%
Lady Lake	1.2379%
Leesburg	8.2530%
Mascotte	0.9556%
Minneola	0.5430%
Montverde	0.2606%
Mount Dora	3.6378%

Tavares	3.4641%
Umatilla	1.2054%

2. Commencing September 1, 2016 and thereafter the proceeds shall be distributed in the same manner and percentages as the first and second cent Gas Tax as set forth above.
- c. The county manager is hereby directed to determine the percentage allocations as provided in paragraph (b) and to provide copies to all Municipalities within Lake County, and to the Department of Revenue prior to October 1 of each year that the Gas Tax is in effect.
- d. Any dispute as to the determination of distribution proportions shall be resolved as provided in Florida Statutes 336.025(5)(b).

**6. Term of Agreement; Modification.**

- a. Once effective, this agreement shall remain in effect until modified or terminated by the parties, or until the termination of the Gas Tax.
- b. This agreement may be modified or terminated only by agreement in writing and approved by County and Municipalities representing a majority of the unincorporated population within Lake County, Florida.
- c. The parties shall review and hold public hearings on the terms of this Agreement every ten (10) years.

**Interlocal Agreement Between Lake County and Municipalities Relating to Local Option Gas Tax and Local Option Motor Fuel Tax**

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute and deliver this Agreement as of the date set forth above.

ATTEST:

LAKE COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Neil Kelly, Clerk of the Board of  
County Commissioners of Lake  
County, Florida

\_\_\_\_\_  
Jimmy Conner, Chairman

This \_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Sanford A. Minkoff  
County Attorney

Interlocal Agreement Between Lake County and Municipalities Relating to Local Option Gas Tax and Local Option Motor Fuel Tax

MUNICIPALITY

\_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City Attorney

31

Meeting Date: April 22, 2014

Agenda Item 10

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 2014 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, Assistant to the 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  
4/7/2014  
4/2/14  
4/7/14

DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER

*[Handwritten Signature]*

Public Works Administrator  
 City Manager *[Handwritten Signature]*

*[Handwritten 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 _____	_____	_____	_____



**City Attorney's Communication #2014-848**  
April 4, 2014

**TO:** Brian J. Donovan, Assistant to the City Manager  
**FROM:** Gordon B. Linn, City Attorney *GBL*  
**RE:** Resolutions – Local Option Gas Tax Interlocal Agreements

As requested in your e-mail of April 4, 2014, 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 2014 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 2014 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 2014 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*  
GORDON B. LINN

RESOLUTION NO. 2014-\_\_\_\_\_

**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 2014 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 2014 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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**MARY L. CHAMBERS, CITY CLERK**

2014 AMENDMENT  
to  
INTERLOCAL AGREEMENT  
between  
BROWARD COUNTY  
and  
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

This is the 2014 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 POMPANO BEACH, a municipal corporation, existing under the laws of the State of Florida, hereinafter referred to as "MUNICIPALITY."

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,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, COUNTY and MUNICIPALITY 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:

$$\frac{\text{Population of Individual Municipality}}{\text{Total Incorporated Area Population}} \times 37.5\% =$$

<b>Recipient</b>	<b>FY15 Percent Share of Proceeds</b>
Coconut Creek	1.139460%
Cooper City	0.680841%
Coral Springs	2.605782%
Dania	0.640524%
Davie	1.983012%
Deerfield Beach	1.606765%
Fort Lauderdale	3.603039%
Hallandale	0.813361%
Hillsboro Beach	0.039936%
Hollywood	3.049443%
Lauderdale-by-the-Sea	0.129978%
Lauderdale Lakes	0.705968%
Lauderhill	1.418462%
Lazy Lake	0.000528%
Lighthouse Point	0.220358%
Margate	1.170434%
Miramar	2.682582%

<b>Recipient</b>	<b>FY15 Percent Share of Proceeds</b>
North Lauderdale	0.896433%
Oakland Park	0.896200%
Parkland	0.541860%
Pembroke Park	0.131376%
Pembroke Pines	3.295839%
Plantation	1.811340%
Pompano Beach	2.186188%
Sea Ranch Lakes	0.014258%
Southwest Ranches	0.156693%
Sunrise	1.836530%
Tamarac	1.294692%
Weston	1.391449%
West Park	0.302667%
Wilton Manors	0.254002%
<b>Total Incorporated</b>	<b>37.500000%</b>

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:

<b>Recipient</b>	<b>FY15 Population</b>
Coconut Creek	53,783
Cooper City	32,136
Coral Springs	122,994
Dania	30,233
Davie	93,599
Deerfield Beach	75,840
Fort Lauderdale	170,065
Hallandale	38,391

<b>Recipient</b>	<b>FY15 Population</b>
Hillsboro Beach	1,885
Hollywood	143,935
Lauderdale-by-the-Sea	6,135
Lauderdale Lakes	33,322
Lauderhill	66,952
Lazy Lake	25
Lighthouse Point	10,401
Margate	55,245
Miramar	126,619
North Lauderdale	42,312
Oakland Park	42,301
Parkland	25,576
Pembroke Park	6,201
Pembroke Pines	155,565
Plantation	85,496
Pompano Beach	103,189
Sea Ranch Lakes	673
Southwest Ranches	7,396
Sunrise	86,685
Tamarac	61,110
Weston	65,677
West Park	14,286
Wilton Manors	11,989
<b>Total Incorporated</b>	<b>1,770,016</b>
<b>Unincorporated Area</b>	<b>14,699</b>
<b>Total County</b>	<b>1,784,715</b>

3. This 2014 Amendment 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 2014 Amendment.

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 2014 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

5. This 2014 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 this 2014 Amendment to Interlocal Agreement or a portion of this 2014 Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions 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.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this 2014 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 \_\_\_\_\_, 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 \_\_\_\_\_  
Angela J. Wallace (Date)  
Deputy County Attorney

AJW  
3/20/14  
GASTAX6\_2014.doc  
«Municipality»

2014 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

**MUNICIPALITY**

WITNESSES:

City of Pompano Beach

\_\_\_\_\_

By \_\_\_\_\_  
Mayor-Commissioner

\_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

By \_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Municipal Manager

\_\_\_\_ day of \_\_\_\_\_, 2014.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
Municipal Attorney

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed the day and year hereinabove written.

Witnesses:

**CITY OF POMPANO BEACH**

\_\_\_\_\_ By: \_\_\_\_\_  
LAMAR FISHER, MAYOR

\_\_\_\_\_ By: \_\_\_\_\_  
DENNIS W. BEACH, CITY MANAGER

Attest:

\_\_\_\_\_  
MARY L. CHAMBERS, CITY CLERK

(SEAL)

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by **LAMAR FISHER** as Mayor, **DENNIS W. BEACH** as City Manager, and **MARY L. CHAMBERS** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

**INTERLOCAL AGREEMENT BETWEEN ALACHUA COUNTY  
AND THE CITY OF GAINESVILLE  
REGARDING PROCEEDS OF LOCAL OPTION GAS TAX**

THIS INTERLOCAL AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2007, between Alachua County, a charter county and political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as the "County", and the City of Gainesville, a municipal corporation of the State of Florida, hereinafter referred to as the "City", for the purpose of providing for the division and distribution of the proceeds of the local option gas tax imposed by the County pursuant to Subsection 336.025,(1)(b), Florida Statutes;

**WITNESSETH:**

WHEREAS, the Florida Legislature amended Section 336.025, Florida Statutes, to allow counties to impose an additional local option gas tax of one cent, two cents, three cents, four cents, or five cents on motor fuel sold in a county, with the revenue generated by such tax to be used by county and municipal governments only for transportation expenditures authorized by law; and,

WHEREAS, pursuant to said statutory enactment, the County, in anticipation of the levy of the local option gas tax, may establish by interlocal agreement with one or more of the municipalities located in Alachua County representing a majority of the incorporated area population within the County, a distribution formula for dividing the proceeds of the local option gas tax among the County government and all eligible municipalities within Alachua County; and,

WHEREAS, the City is a municipality located within Alachua County, Florida, eligible to receive a portion of the local option gas tax, and represents a majority of the incorporated area population within Alachua County, Florida, and desires to jointly establish with the County a distribution formula pursuant to Subsection 336.025(1)(b)2, Florida Statutes, for the local option gas tax;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and pursuant to Subsection 163.01, et seq., Florida Statutes, the "Florida Interlocal Cooperation Act of 1969", and Subsection 336.025(1)(b)2, Florida Statutes, as amended, the parties hereto agree as follows:

1. **DISTRIBUTION OF PROCEEDS.** Upon the levy of the local option gas tax, pursuant to Subsection 336.025(1)(b), Florida Statutes, by the County, the proceeds of the local option gas tax shall be divided among and distributed to the County and the eligible municipalities within the County as follows:

<b>Recipient</b>	<b>Share of Proceeds</b>
Alachua County	52.150%
City of Alachua	1.875%
City of Archer	0.855%
City of Gainesville	38.635%
City of Hawthorne	1.060%
City of High Springs	2.110%
Town of LaCrosse	0.295%
Town of Micanopy	0.900%
City of Newberry	1.255%
City of Waldo	0.865%

2. **TERM.** This agreement shall be deemed to be effective on the date set forth above. Distribution of the proceeds of the local option gas tax shall take effect on or after January 1, 2008. This agreement shall terminate six (6) months after December 31 of the year when the tax described herein is no longer imposed. It shall also govern the division and distribution of proceeds of the local option gas tax imposed through December 31, but not

collected or otherwise available for distribution until after December 31, of the year the agreement terminates.

3. USE OF GAS TAX REVENUES. Funds distributed to the County pursuant to this interlocal agreement shall be used only for unpaved road alternative surface treatments, bicycle pedestrian facilities, resurfacing and reconstruction projects, and roadway safety improvements. The County shall fund the resurfacing of NW 16<sup>th</sup> Avenue/NW 23<sup>rd</sup> Avenue and NW 43<sup>rd</sup> Street within the city limits within 15 years of the imposition of this tax. Funds distributed to the County shall not be used for the construction of new roads or new travel lanes.

4. REPEAL OF IMPOSITION OF THE GAS TAX. The County agrees that it will not repeal the ordinance that imposes the gas tax referenced herein without first notifying all the municipalities in the county of its intent to repeal at least 18 months prior to the effective date of the ordinance repealing the imposition of the tax.

5. PERIODIC REVIEW. In accordance with subsection 336.025(1)(d), Florida Statutes, the City and the County agree to review, and if appropriate, renegotiate the method of distribution and distribution percentages set forth above every five years during the term of this agreement.

6. MISCELLANEOUS PROVISIONS.

a. If, during the term of this agreement, any party hereto become ineligible to receive a share of the local option gas tax for any reason, any fund otherwise undistributed because of ineligibility shall be distributed to eligible governments within Alachua County in proportion to other monies distributed pursuant to paragraph 1 hereof.

b. By execution of this agreement, neither the County nor the City will be deemed to have waived any rights or remedies they may have available under the laws of the State of Florida.

c. This agreement may be executed in counterparts and each fully executed counterpart shall be deemed an original instrument.

d. Upon adoption of an ordinance levying the local option gas tax, pursuant to Subsection 336.025(1)(b), Florida Statutes, by the County, the County shall provide the State of Florida Department of Revenue a certified copy of this interlocal agreement.

e. A copy of this agreement and all subsequent amendments hereto shall be filed by the County with the Clerk of the Circuit Court of Alachua County, Florida, upon its execution by all parties hereto.

f. This agreement may be amended only in writing, approved by all parties executing this agreement. The County and City agree to review the terms of this agreement every two years after the date the tax described herein is imposed.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_  
Paula M. DeLaney, Chair

ATTEST:

\_\_\_\_\_  
J. K. "Buddy" Irby, Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Alachua County Attorney

(SEAL)

CITY OF GAINESVILLE

By: \_\_\_\_\_  
Pegeen Hanrahan, Mayor

ATTEST:

\_\_\_\_\_  
Kurt Lannon, Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City of Gainesville Attorney

(SEAL)

V:\Public\EEH\AGREEMENTS\GAINESVILLE\GasTax\GasTax2007.doc

**City Commission Conference Agenda**

**Agenda Item # 4. B.**

**Meeting Date:** 05/11/2015

**Re:** Proposed Public Records Request Policy

**Submitted For:** Robert Bradshaw, City Manager

---

**SUBJECT:**

Proposed Public Records Request Policy - City Clerk

---

**Attachments**

Proposed Public Records Request Policy

---

**Form Review**

Form Started By: Jennifer Robinson

Started On: 05/07/2015 10:13 AM

Final Approval Date: 05/07/2015

# Public Record Requests Policy

## PURPOSE:

As part of its responsibility to conduct business in a public manner, the City of Fort Pierce has outlined a policy that allows access to public records through a customer-friendly process that is easy and affordable while protecting the confidentiality of its customers. The procedures outlined ensures the efficient and timely processing of public records requests while in accordance with the requirements of Chapter 119 of the Florida Statutes, the "Public Records Act".

## POLICY:

It is the policy of the City of Fort Pierce that all public records that are not exempt or confidential and are in City's possession shall be open for inspection by any person desiring to do so at a reasonable time, under reasonable conditions, and under the supervision of the City Clerk or his or her designee. Reasonable conditions mean that inspection must be done during normal business hours.

The City of Fort Pierce is not required to create a new record, reformat, or provide an explanation of a document. The City's responsibility is to make the requested existing records available pursuant to the requirements of the Florida Constitution and the Public Records Act.

## DEFINITIONS:

1. "Actual Cost" -- The cost of goods and supplies used to duplicate the requested material, but does not include the labor cost or overhead cost associated with such duplication.
2. "Confidential" -- Information that has been declared confidential by Florida or federal law. As used in this policy, the term confidential refers to entire record systems, specific records or individually identifiable data that by law are not subject to public disclosure under Article I, Section 24 of the Florida Constitution, Chapter 119 of the Florida Statutes, or applicable federal laws. Confidential information is not subject to inspection by the public and may be released only to those persons and entities as specifically designated in the relevant statutes. In the absence of a specific statutory provision allowing its release, disclosure of confidential information is prohibited.

3. "Exempt Records" -- Records which are or which contain information which is expressly made not subject to the mandatory access requirements of the Public Records Act.

4. "Extensive" -- As used herein with reference to labor involved to accommodate a public records request, means where City personnel must spend more than **thirty (30) minutes or one (1) hour** to locate, retrieve, copy, refile, review and redact, if necessary, the requested material in order to comply with the request.

5. "Information Technology Resources" -- Data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.

6. "Public Records" -- All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the City. Public records include all materials made or received by the City in connection with official business which are used to perpetuate, communicate or formalize knowledge, regardless of whether in final form.

7. "Readily Available Documents" -- Documents that are easily accessible and retrievable by the City and do not require additional review in order to determine whether they contain confidential or exempt information, such as agendas and meeting minutes.

8. "Redact" -- To conceal from a copy of an original public record, or to conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information.

9. "Special Service Charge" -- The fee that will be charged, in addition to the actual cost of duplication, if the nature or volume of material requested to be inspected, examined or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by City staff, or both.

#### THE PUBLIC RECORDS FACILITATOR:

The City Manager will designate a Records Facilitator who will act as the contact person for all public records request and will be responsible for logging and tracking public records requests for all City departments, with the exception of those records that the Records Facilitator considers Readily Available Documents.

#### PROCESSING A PUBLIC RECORDS REQUEST:

Public records requests, other than Readily Available Documents, will be handled and coordinated by the Records Facilitator as follows:

1. An acknowledgement of the request will be sent to the requestor by email, letter, or facsimile.
2. The request will be logged by the Records Facilitator.
3. A request will be sent to the appropriate city staff member for processing and a deadline will be established for the request to be actualized, based on the volume or extent of the amount of records to be retrieved.
4. Estimate the cost of generating the requested records and any service charge, if applicable (e.g., labor charge for extensive use of information technology resources and clerical or supervisory time).
5. Advise the requestor in writing of the estimated fees, Special Service Charge, and payment information, as applicable and if required. Payment of the estimated costs is required prior to the copying, reviewing, redacting, or otherwise processing the records for release if their production meets the definition for extensive time or material costs. All requestors must approve the estimated fees and Special Service Charge prior to the City gathering the requested materials.
6. Provide a revised estimate of charges if, upon receiving an initial estimate of charges, a requester alters their original request.
7. Redact confidential and exempt information once the requested materials have been gathered before releasing the records to the requestor or allowing the requestor to view the records.
8. Send an invoice to the requestor indicating the amount due. For those who were required to pay the estimated costs: if the actual costs incurred are in excess of the estimate, the requestor will be required to pay the balance prior to the public records being released. If the actual costs are less than the estimate, the overpayment will be refunded to the requestor. In the event the requestor fails to remit additional monies to cover actual costs in excess of the estimate, the requested public records will not be made available. For those who were not required to pay the estimated costs, i.e. for whom processing the records did not meet the threshold for extensive time, the entire amount in the invoice will be due.
9. Send the requested materials to the requestor with a cover letter or notify the requestor that the records are ready for inspection, after collection of the appropriate fees and charges. The cover letter must include reference to any exemptions claimed and any redactions made and the statutory authority relied upon for such exemptions

and redactions. Advise the requestor how to arrange to inspect the records if they elect to inspect the records rather than pay copying costs.

10. Respond to public records requests in a reasonably timely fashion taking into account the extent and nature of the request. The only delay allowed by law in producing records upon request is the reasonable time allowed to retrieve the record and redact those portions of the records the City asserts are confidential and/or exempt.

#### INSPECTION INSTEAD OF COPIES:

Individuals may elect to inspect the records in the possession of the City rather than to obtain copies. In this case, fees may still be assessed if extensive staff time is required to retrieve the records. City staff must ensure that the confidential or exempt records are properly redacted. The inspection of records shall be under the supervision of the Records Facilitator or his or her designee.

#### FEES:

1. Payment of fees will be payable by credit card, cash, U.S. money order, personal check, or cashier's check payable to the City of Fort Pierce at the time the records are delivered to the requestor. If the records are to be sent to the requestor, payment must be made in prior to them being sent.

2. When providing a copy of a public record, the fee which may be charged is:

#### Fee Schedule:

Photocopies - \$0.15 for each letter/legal one-sided copy  
Two-sided copies - \$0.20 for each letter/legal two-sided copy  
Audio tape duplication - actual cost incurred for media  
Digital Data duplication - actual cost incurred for media  
Postage - actual mailing fee (when documents are mailed)  
Certified copies - \$1.00 for each page  
All other copies - actual cost incurred

3. A Special Service Charge pursuant to subsection 119.07(4)(d) of the Florida Statutes, will be added to the fee for duplicating the requested material if the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the City, or both.

The Special Service Charge shall be reasonable and based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by City or attributable to the City for the clerical and supervisory assistance required, or both. The Special Service

Charge shall be in addition to the actual cost of duplication. The City of Fort Pierce shall assess a Special Service Charge when City personnel spend more than **thirty minutes or one hour** retrieving records, reviewing them for exempt or confidential information, redacting such information (if applicable), and preparing, copying, and refiling them. The rate charged for clerical or supervisory assistance will be based on that of the lowest paid full-time City of Fort Pierce personnel capable of processing public records requests (based on salary and benefits) even if a specific request requires labor by higher-paid employees. In instances where legal review is necessary, the charge will be based on the attorney fees charged to the City. After the **first thirty minutes or hour**, hourly rates will be charged by the quarter hour.

4. When documents are sent by email, the only charge will be a Special Service Charge, if applicable.

**TRAINING:**

Periodic training regarding the Public Records Act and for processing public records requests will be the City of Fort Pierce.

**City Commission Conference Agenda**

**Agenda Item # 4. C.**

**Meeting Date:** 05/11/2015

**Re:** Recommendations from City Commission

**Submitted For:** Robert Bradshaw, City Manager

---

**SUBJECT:**

Specific recommendations from the City Commission regarding public safety.

---

**Form Review**

Form Started By: Jennifer Robinson

Started On: 05/07/2015 01:49 PM

Final Approval Date: 05/07/2015