



# AGENDA ITEM REQUEST FORM

Item No. 11a

**Finance**

**Doug Haag** DMK

Department Submitting Request

Dept Head's Signature

**REGULAR**  
**COMMISSION MTG**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

**ROUNDTABLE**  
**MEETING**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

- April 27, 2011
- May 24, 2011
- June 28, 2011
- July 26, 2011

- April 15 (5:00 pm)
- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- April 12, 2011
- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 1 (5:00 pm)
- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

\*Subject to Change

- |                                       |   |   |                                       |
|---------------------------------------|---|---|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports        | <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance    |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business       | <input type="checkbox"/> New Business |

**PRIORITY ITEM**

**SUBJECT TITLE:** Revised 2011 Amendments to the Interlocal Agreement Between Broward County and Lauderdale-By-The-Sea for Division and Distribution of Proceeds of:

- 1) Additional Local Option Gas Tax on Motor Fuel Ordinance
- 2) Fifth Cent Additional Local Option Gas Tax on Motor Fuel Transit
- 3) Local Option Gas Tax Imposed by the Broward County Local Option Gas Tax Ordinance

**EXPLANATION:** These agreements were originally approved at the April meeting but are being resubmitted because Broward County has revised them to reflect the latest US Census population figures. Last months memo is included as an attachment to provide additional background information.

**EXPECTED FISCAL IMPACT:** These revised population figures resulted in a increase of 2.3% in the Town's pro-rata share of the fuel tax revenues from this year (estimated at \$106,000) . This could result in a slight increase in next year's gas tax revenues.

Note: The U.S. Census figures indicate the Town's population at 6,056.

**RECOMMENDATION:** Approve the amendments as submitted.

**EXHIBITS:**

- Email from Broward County Office of Management and Budget outlining reason for these revisions
- Exhibit 1- 2011 Amendment to Original Agreement adopted in 1983 (distribution of 6 cent gas tax)
- Exhibit 2 - 2011 Amendment to Additional Agreement adopted in 1993 (distribution of 3 cent gas tax)
- Exhibit 3 - 2011 Amendment to Transit Gas Tax Agreement adopted in 2000 (distribution of 1 cent tax)

Reviewed by Town Attorney  
 Yes  No

Town Manager Initials DA



Item No. 11c

# AGENDA ITEM REQUEST FORM

**Finance**

**Doug Haag**

Department Submitting Request

Dept Head's Signature

**REGULAR**  
**COMMISSION MTG**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

**ROUNDTABLE**  
**MEETING**  
**Meeting Dates -- 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

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- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

\*Subject to Change

- Presentation
- Resolution
- Reports
- Quasi Judicial
- Consent
- Old Business
- Ordinance
- New Business

**PRIORITY ITEM**

**SUBJECT TITLE:** 2011 Amendments to the Interlocal Agreement Between Broward County and Lauderdale-By-The-Sea for Division and Distribution of Proceeds of:

- 1) Additional Local Option Gas Tax on Motor Fuel Ordinance
- 2) Fifth Cent Additional Local Option Gas Tax on Motor Fuel Transit
- 3) Local Option Gas Tax Imposed by the Broward County Local Option Gas Tax Ordinance

**EXPLANATION:** Annual amendments to the above agreement are required in order to continue receiving proceeds from the State of Florida Department of Revenue for a portion of the fuel taxes. The Town's projected share of these funds for FY 2010-11 is \$106,576. The amendments must be executed by June 1, 2011 per State Statute.

**EXPECTED FISCAL IMPACT:** The revised population figures resulted in a .6% decrease in the Town's pro rata share of the fuel tax revenues from last year. This will slightly impact next year's budget along with any overall decrease in fuel consumption/taxes due to higher prices.

**Note:** The Town's population was decreased from 5,9250 for the 2011 amendments to 5,891 for 2012 based on projections from the University of Florida. The U.S. Census figures were not available at the time these estimates were prepared in April, 2010 but will be used next year.

**RECOMMENDATION:** Approve the amendments as submitted.

**EXHIBITS:**

- Letter dated April 13, 2011 from Broward County Office of Management and Budget outlining amendments
- Exhibit 1- 2011 Amendment to Original Agreement adopted in 1983 (distribution of 6 cent gas tax)
- Exhibit 2 - 2011 Amendment to Additional Agreement adopted in 1993 (distribution of 3 cent gas tax)
- Exhibit 3 - 2011 Amendment to Transit Gas Tax Agreement adopted in 2000 (distribution of 1 cent tax)

Reviewed by Town Attorney

- Yes
- No

Town Manager Initials

CH

**From:** Huggard, Carol [mailto:CHUGGARD@broward.org] **On Behalf Of** Olsen, Kayla  
**Sent:** Wednesday, April 27, 2011 5:22 PM

Dear City Manager,

We recently sent you the annual required amendments to three interlocal agreements for the distribution of gas taxes among the Cities based on population figures published annually by the University of Florida Bureau of Economics and Business Research (BEBR). Please do not proceed with approval of these amendments due to the publishing of revised population figures by BEBR. We will be recommending that the County Commission approve revised amendments on May 3<sup>rd</sup> and will send you replacement amendments with revised population figures immediately afterwards. The State Department of Revenue has indicated they are willing to extend the June 1<sup>st</sup> deadline for executing the amendments. As a result, the signed revised amendments must be returned to the County by June 17<sup>th</sup>.

This unusual action is necessary due to the recent revision of the population data by BEBR to incorporate the results of the census. The population figures used for the annual amendments are posted by BEBR each November and have been each year since the original local option gas tax agreements were approved in the mid-1980s. The figures used in the 2011 amendments were obtained by County staff on March 8<sup>th</sup> and used to draft the amendments approved by the County Commission on April 12<sup>th</sup>. On April 25<sup>th</sup>, a City staff member raised an issue about the difference between the City's population figure in the amendments and the posted BEBR data, which led County staff to further research the issue. Without our knowledge on March 17<sup>th</sup>, BEBR had replaced the population estimates to incorporate the results of the census. The terms of the three interlocal agreements provide for the "most current" BEBR data to be used, hence the requirement to re-issue the amendments. We apologize for any inconvenience that this may have caused your city.

Please contact Marci Gelman of the County's Office of Management and Budget ([mgelman@broward.org](mailto:mgelman@broward.org) or 954-357-6354) if you have additional questions.

2011 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF LAUDERDALE-BY-THE-SEA

providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM  
THE BROWARD COUNTY FIFTH CENT ADDITIONAL  
LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

This 2011 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

TOWN OF LAUDERDALE-BY-THE-SEA, a municipal corporation, existing under the laws of the State of Florida, hereinafter referred to as "MUNICIPALITY."

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of the five (5) cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 13, 2000, the Board of County Commissioners enacted Ordinance No. 2000-25, effective January 1, 2001, through December 31, 2031, pursuant to Section 336.025(1)(b), Florida Statutes, extending the levy of the fifth-cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to said Ordinance, the method for distribution of the proceeds is the execution of an Interlocal Agreement with one or more of the municipalities representing a majority of the population of the incorporated area within the County which establishes the distribution formulas for dividing the proceeds of the tax among the County and all eligible municipalities within the County; and

WHEREAS, paragraph 4 of the Interlocal Agreement requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

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

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

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

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

Population of Individual CITY

Total incorporated area Population X 26.0000%

Recipient	FY 2012 Population	FY 2012 Percent Share of Proceeds
Coconut Creek	52,909	0.794379%
Cooper City	28,547	0.428607%
Coral Springs	121,096	1.818144%
Dania	29,639	0.445002%
Davie	91,992	1.381174%
Deerfield Beach	75,018	1.126325%
Fort Lauderdale	165,521	2.485144%
Hallandale	37,113	0.557217%
Hillsboro Beach	1,875	0.028151%
Hollywood	140,768	2.113501%
Lauderdale-by-the-Sea	6,056	0.090925%
Lauderdale Lakes	32,593	0.489354%
Lauderhill	66,887	1.004246%
Lazy Lake	24	0.000362%
Lighthouse Point	10,344	0.155306%
Margate	53,284	0.800010%
Miramar	122,041	1.832332%
North Lauderdale	41,023	0.615922%

Recipient	FY 2012 Population	FY 2012 Percent Share of Proceeds
Oakland Park	41,363	0.621027%
Parkland	23,962	0.359767%
Pembroke Park	6,102	0.091615%
Pembroke Pines	154,750	2.323427%
Plantation	84,955	1.275520%
Pompano Beach	99,845	1.499080%
Sea Ranch Lakes	670	0.010059%
Southwest Ranches	7,345	0.110278%
Sunrise	84,439	1.267773%
Tamarac	60,427	0.907255%
Weston	65,333	0.980915%
West Park	14,156	0.212539%
Wilton Manors	11,632	0.174644%
<b>Total Incorporated</b>	<b>1,731,709</b>	<b>26.000000%</b>

<b>Unincorporated Area</b>	<b>16,357</b>
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<b>Total County</b>	<b>1,748,066</b>
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The population figures set forth above are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economic and Business Research, Population Division, of the University of Florida. The population figures to be utilized in the formula described in this section, for the distribution of the Fifth Cent, shall be adjusted annually based on the current Florida Estimates of Population.

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

2. This 2011 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this Interlocal Agreement.

3. In the event this 2011 Amendment to Interlocal Agreement or a portion of this 2011 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or MUNICIPALITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

4. Except to the extent amended, the Interlocal Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2011 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

5. This 2011 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this 2011 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
County Administrator and  
Ex-Officio Clerk of the  
Board of County Commissioners  
of Broward County, Florida

By \_\_\_\_\_  
Mayor

\_\_\_\_ day of \_\_\_\_\_, 2011.

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
JONI ARMSTRONG COFFEY, County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-7641

By \_\_\_\_\_  
Al A. DiCalvo  
Assistant County Attorney

2011 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND «Municipality» PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

MUNICIPALITY

WITNESSES:

TOWN OF LAUDERDALE-BY-THE-SEA

\_\_\_\_\_

By \_\_\_\_\_  
Roseann Minnet Mayor-Commissioner

\_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
June White, CMC, Municipal Clerk

By \_\_\_\_\_  
Constance Hoffmann, Municipal Manager

\_\_\_\_ day of \_\_\_\_\_, 2011.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
Susan L. Trevarthen, Municipal Attorney

2011 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF LAUDERDALE-BY-THE-SEA

providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE

This 2011 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

TOWN OF LAUDERDALE-BY-THE-SEA, a municipal corporation, existing under the laws of the State of Florida, hereinafter referred to as "MUNICIPALITY."

IN CONSIDERATION of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth and pursuant to the authorization of paragraph (1)(b)(2) of Section 336.025, Florida Statutes, the COUNTY and MUNICIPALITY agree as follows:

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

2. Forty-eight and Seventy-three One-hundredths percent (48.73%) of the total proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance shall be distributed to the COUNTY and the remaining Fifty-one and Twenty-seven One-hundredths percent (51.27%) of the total proceeds shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

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

Recipient	FY 2012 Percent Share of Proceeds
Coconut Creek	1.566455%
Cooper City	0.845179%
Coral Springs	3.585240%
Dania	0.877510%
Davie	2.723570%
Deerfield Beach	2.221027%
Fort Lauderdale	4.900513%
Hallandale	1.098789%
Hillsboro Beach	0.055512%
Hollywood	4.167661%
Lauderdale-by-the-Sea	0.179298%
Lauderdale Lakes	0.964968%
Lauderhill	1.980296%
Lazy Lake	0.000710%
Lighthouse Point	0.306251%
Margate	1.577558%
Miramar	3.613218%
North Lauderdale	1.214551%
Oakland Park	1.224617%
Parkland	0.709434%
Pembroke Park	0.180659%
Pembroke Pines	4.581620%
Plantation	2.515228%
Pompano Beach	2.956070%
Sea Ranch Lakes	0.019836%
Southwest Ranches	0.217460%
Sunrise	2.499951%
Tamarac	1.789037%
Weston	1.934287%
West Park	0.419111%
Wilton Manors	0.344384%
<b>Total Incorporated</b>	<b>51.270000%</b>

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

3. The population figures set out herein are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economics and Business Research, Population

Division, University of Florida. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement, for the division and distribution of the proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance, 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>FY 2012 Population</b>
Coconut Creek	52,909
Cooper City	28,547
Coral Springs	121,096
Dania	29,639
Davie	91,992
Deerfield Beach	75,018
Fort Lauderdale	165,521
Hallandale	37,113
Hillsboro Beach	1,875
Hollywood	140,768
Lauderdale-by-the-Sea	6,056
Lauderdale Lakes	32,593
Lauderhill	66,887
Lazy Lake	24
Lighthouse Point	10,344
Margate	53,284
Miramar	122,041
North Lauderdale	41,023
Oakland Park	41,363
Parkland	23,962
Pembroke Park	6,102
Pembroke Pines	154,750
Plantation	84,955
Pompano Beach	99,845
Sea Ranch Lakes	670

Recipient	FY 2012 Population
Southwest Ranches	7,345
Sunrise	84,439
Tamarac	60,427
Weston	65,333
West Park	14,156
Wilton Manors	11,632
<b>Total Incorporated</b>	<b>1,731,709</b>
<b>Unincorporated Area</b>	<b>16,357</b>
<b>Total County</b>	<b>1,748,066</b>

3. This 2011 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this Interlocal Agreement.

4. In the event this 2011 Amendment to Interlocal Agreement or a portion of this 2011 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or MUNICIPALITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

5. Except to the extent amended, the Interlocal Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2011 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

6. This 2011 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this 2011 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
County Administrator and  
Ex-Officio Clerk of the  
Board of County Commissioners  
of Broward County, Florida

By \_\_\_\_\_  
Mayor

\_\_\_\_ day of \_\_\_\_\_, 2011.

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
JONI ARMSTRONG COFFEY, County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-7641

By \_\_\_\_\_  
Al A. DiCalvo  
Assistant County Attorney

2011 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF «Municipality» PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE

MUNICIPALITY

WITNESSES:

TOWN OF LAUDERDALE-BY-THE-SEA

\_\_\_\_\_

By \_\_\_\_\_  
Roseann Minnet Mayor-Commissioner

\_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
June White, CMC, Municipal Clerk

By \_\_\_\_\_  
Constance Hoffmann, Municipal Manager

\_\_\_\_ day of \_\_\_\_\_, 2011.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
Susan L. Trevarthen, Municipal Attorney

2011 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF LAUDERDALE-BY-THE-SEA

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 2011 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

TOWN OF LAUDERDALE-BY-THE-SEA, 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) cent 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>FY 2012 Percent Share of Proceeds</b>
Coconut Creek	1.145740%
Cooper City	0.618182%
Coral Springs	2.622323%
Dania	0.641830%
Davie	1.992078%
Deerfield Beach	1.624508%
Fort Lauderdale	3.584342%
Hallandale	0.803679%
Hillsboro Beach	0.040603%
Hollywood	3.048318%
Lauderdale-by-the-Sea	0.131142%
Lauderdale Lakes	0.705798%
Lauderhill	1.448432%
Lazy Lake	0.000521%
Lighthouse Point	0.223998%
Margate	1.153860%
Miramar	2.642787%

Recipient	FY 2012 Percent Share of Proceeds
North Lauderdale	0.888349%
Oakland Park	0.895712%
Parkland	0.518895%
Pembroke Park	0.132138%
Pembroke Pines	3.351097%
Plantation	1.839693%
Pompano Beach	2.162134%
Sea Ranch Lakes	0.014509%
Southwest Ranches	0.159055%
Sunrise	1.828519%
Tamarac	1.308541%
Weston	1.414780%
West Park	0.306547%
Wilton Manors	0.251890%
<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:

Recipient	FY 2012 Population
Coconut Creek	52,909
Cooper City	28,547
Coral Springs	121,096
Dania	29,639
Davie	91,992
Deerfield Beach	75,018
Fort Lauderdale	165,521
Hallandale	37,113

Recipient	FY 2012 Population
Hillsboro Beach	1,875
Hollywood	140,768
Lauderdale-by-the-Sea	6,056
Lauderdale Lakes	32,593
Lauderhill	66,887
Lazy Lake	24
Lighthouse Point	10,344
Margate	53,284
Miramar	122,041
North Lauderdale	41,023
Oakland Park	41,363
Parkland	23,962
Pembroke Park	6,102
Pembroke Pines	154,750
Plantation	84,955
Pompano Beach	99,845
Sea Ranch Lakes	670
Southwest Ranches	7,345
Sunrise	84,439
Tamarac	60,427
Weston	65,333
West Park	14,156
Wilton Manors	11,632
<b>Total Incorporated</b>	<b>1,731,709</b>
<b>Unincorporated Area</b>	<b>16,357</b>
<b>Total County</b>	<b>1,748,066</b>

3. This 2011 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 2011 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 2011 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

5. This 2011 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 2011 Amendment to Interlocal Agreement or a portion of this 2011 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 2011 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
County Administrator and  
Ex-Officio Clerk of the  
Board of County Commissioners  
of Broward County, Florida

By \_\_\_\_\_  
Mayor

\_\_\_\_ day of \_\_\_\_\_, 2011.

Approved as to form by  
Office of County Attorney  
Broward County, Florida  
JONI ARMSTRONG COFFEY, County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-7641

By \_\_\_\_\_  
Al A. DiCalvo  
Assistant County Attorney

2011 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND «Municipality» PROVIDING FOR DIVISION AND DISTRIBUTION OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

MUNICIPALITY

WITNESSES:

TOWN OF LAUDERDALE-BY-THE-SEA

\_\_\_\_\_

By \_\_\_\_\_  
Roseann Minnet Mayor-Commissioner

\_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
June White, CMC, Municipal Clerk

By \_\_\_\_\_  
Constance Hoffmann, Municipal Manager

\_\_\_\_ day of \_\_\_\_\_, 2011.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
Susan L. Trevarthen, Municipal Attorney