



Item No. 11a

AGENDA ITEM MEMORADUM

Finance Director

Department

Tony Bryan

Department Director

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> April 24, 2012	Apr 13

*Subject to Change

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

FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: 2012 Amendments to the Interlocal Agreements between Broward County and the Town of Lauderdale-By-The-Sea Providing for Division and Distribution of the Proceeds of:

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

EXPLANATION: Annual amendments to the above agreements 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 2011-12 is \$128,000. The amendments must be executed by June 1, 2012 per State Statute.

EXPECTED FISCAL IMPACT: According to the most recent population estimates published by the University of Florida, the Town's population, from 5,891 to 6,074. This results in a .01% increase in the Town's pro rata share of the fuel tax revenues relative to last year. Actual receipts, however, will be affected by fuel prices and consumption.

RECOMMENDATION: Approve the amendments as submitted.

EXHIBITS:

- Letter dated April 5, 2012 from Broward County Office of Management and Budget outlining amendments
 Exhibit 1- Local Option Gas Tax Imposed by the Broward County Local Option Gas Tax Ordinance
 Exhibit 2 - Additional Local Option Gas Tax on Motor Fuel Ordinance
 Exhibit 3 - Fifth Cent Additional Local Option Gas Tax on Motor Fuel for Transit

Reviewed by Town Attorney
 Yes No

Town Manager Initials CA



Office of Management and Budget

115 S. Andrews Avenue, Room 404 • Fort Lauderdale, Florida 33301 • 954-357-6345 • FAX 954-357-6364

April 5, 2012

Dear Municipality:

Attached are amendments to three interlocal agreements requiring approval by your municipal governing board no later than June 1, 2012. The attached amendments are required in order to adjust each City's percentage share based on updated population figures.

Summary of Amendments

The three interlocal agreements and amendments are described below:

- The "original" local option gas tax agreement adopted in 1983 provides for Cities to receive 37.5% of the proceeds of six cents of gas tax. This amendment adjusts each City's percentage share of the 37.5% based on updated population figures.
- The "additional" local option gas tax agreement adopted in 1993 now provides for Cities to receive 51.27% of three cents of gas tax. The Cities' share of this gas tax has increased over the years due to annexations, however, there were no annexations of populated areas effective September 2011 so the Cities share of the three cents of gas tax will remain the same as last year. As a result, this amendment adjusts each City's percentage share of the 51.27% based on updated population figures.
- The "transit gas tax" agreement adopted in 2000 provides for Cities to receive 26% of the proceeds of one cent of gas tax. This amendment includes adjustments to each City's percentage share based on updated population figures.

Revisions to Population Figures

The three interlocal agreements provide for the distribution of gas taxes among the Cities based on population figures published annually by the University of Florida Bureau of Economics and Business Research. The interlocal agreements also provide for the population numbers to be revised annually using the most current published figures.

Please place the three amendments on the agenda for approval by the municipal governing board as soon as possible and return the signed agreements no later than June 1, 2012. If you have any questions about the amendments, please contact Jennifer Steelman from the County's Office of Management and Budget at 357-6226.

Attached are copies of the above discussed amendments. Please return **three** executed originals of each amendment (nine total) to:

Thomas Hutka, Director
Broward County Public Works Department
115 S Andrews Ave, Annex 550
Fort Lauderdale, FL 33301
Ph. (954) 357-6410

Sincerely,

A handwritten signature in black ink, appearing to read 'Kayla Olsen', with a long horizontal flourish extending to the right.

Kayla Olsen, Director
Office of Management and Budget

KO:js
Attachments

2012 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

THE 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 2012 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

THE 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) 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:

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

Recipient	FY 2013 Percent Share of Proceeds
Coconut Creek	1.147576%
Cooper City	0.629520%
Coral Springs	2.626353%
Dania	0.638955%
Davie	1.989470%
Deerfield Beach	1.621892%
Fort Lauderdale	3.588242%
Hallandale	0.803746%
Hillsboro Beach	0.040480%
Hollywood	3.042572%
Lauderdale-by-the-Sea	0.131133%
Lauderdale Lakes	0.707393%
Lauderhill	1.440197%
Lazy Lake	0.000518%
Lighthouse Point	0.224032%
Margate	1.159645%
Miramar	2.655088%

Recipient	FY 2013 Percent Share of Proceeds
North Lauderdale	0.890513%
Oakland Park	0.897012%
Parkland	0.526583%
Pembroke Park	0.131673%
Pembroke Pines	3.343937%
Plantation	1.828328%
Pompano Beach	2.165811%
Sea Ranch Lakes	0.014573%
Southwest Ranches	0.158573%
Sunrise	1.821593%
Tamarac	1.308718%
Weston	1.408418%
West Park	0.303933%
Wilton Manors	0.253523%
Total Incorporated	37.500000%

2. Paragraph 3 of the Interlocal Agreement, as previously amended by the Addendum thereto and the prior amendments, is amended to read as follows:

3. The population figures set forth herein are based on the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement shall be adjusted annually based on the current "Florida Estimates of Population."

For the purpose of this Agreement, the following population figures are hereby agreed upon:

Recipient	FY 2013 Population
Coconut Creek	53,155
Cooper City	29,159
Coral Springs	121,651
Dania	29,596
Davie	92,151
Deerfield Beach	75,125
Fort Lauderdale	166,205
Hallandale	37,229

Recipient	FY 2013 Population
Hillsboro Beach	1,875
Hollywood	140,930
Lauderdale-by-the-Sea	6,074
Lauderdale Lakes	32,766
Lauderhill	66,709
Lazy Lake	24
Lighthouse Point	10,377
Margate	53,714
Miramar	122,982
North Lauderdale	41,248
Oakland Park	41,549
Parkland	24,391
Pembroke Park	6,099
Pembroke Pines	154,889
Plantation	84,687
Pompano Beach	100,319
Sea Ranch Lakes	675
Southwest Ranches	7,345
Sunrise	84,375
Tamarac	60,619
Weston	65,237
West Park	14,078
Wilton Manors	11,743
Total Incorporated	1,736,976
Unincorporated Area	16,186
Total County	1,753,162

3. This 2012 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 2012 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 2012 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

5. This 2012 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 2012 Amendment to Interlocal Agreement or a portion of this 2012 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 2012 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 _____, 2012.

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

3/7/12
GASTAX6_2012.doc
THE TOWN OF LAUDERDALE-BY-THE-SEA

2012 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF LAUDERDALE-BY-THE-SEA PROVIDING FOR DIVISION AND DISTRIBUTION OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

MUNICIPALITY

WITNESSES:

THE TOWN OF LAUDERDALE-BY-THE-SEA

By _____
Roseann Minnet, Mayor

____ day of _____, 2012.

ATTEST:

By _____
June White, Town Clerk

Constance Hoffmann, Town Manager

____ day of _____, 2012.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Susan L. Trevarthen, Town Attorney

2012 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

THE 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 2012 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

THE 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 2013 Percent Share of Proceeds
Coconut Creek	1.568966%
Cooper City	0.860681%
Coral Springs	3.590750%
Dania	0.873580%
Davie	2.720004%
Deerfield Beach	2.217451%
Fort Lauderdale	4.905842%
Hallandale	1.098882%
Hillsboro Beach	0.055344%
Hollywood	4.159805%
Lauderdale-by-the-Sea	0.179285%
Lauderdale Lakes	0.967148%
Lauderhill	1.969037%
Lazy Lake	0.000708%
Lighthouse Point	0.306296%
Margate	1.585466%
Miramar	3.630037%
North Lauderdale	1.217510%
Oakland Park	1.226394%
Parkland	0.719945%
Pembroke Park	0.180023%
Pembroke Pines	4.571830%
Plantation	2.499691%
Pompano Beach	2.961097%
Sea Ranch Lakes	0.019924%
Southwest Ranches	0.216801%
Sunrise	2.490481%
Tamarac	1.789280%
Weston	1.925588%
West Park	0.415538%
Wilton Manors	0.346616%
Total Incorporated	51.270000%

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

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

Division, University of Florida. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement, for the division and distribution of the proceeds from the 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:

Recipient	FY 2013 Population
Coconut Creek	53,155
Cooper City	29,159
Coral Springs	121,651
Dania	29,596
Davie	92,151
Deerfield Beach	75,125
Fort Lauderdale	166,205
Hallandale	37,229
Hillsboro Beach	1,875
Hollywood	140,930
Lauderdale-by-the-Sea	6,074
Lauderdale Lakes	32,766
Lauderhill	66,709
Lazy Lake	24
Lighthouse Point	10,377
Margate	53,714
Miramar	122,982
North Lauderdale	41,248
Oakland Park	41,549
Parkland	24,391
Pembroke Park	6,099
Pembroke Pines	154,889
Plantation	84,687
Pompano Beach	100,319
Sea Ranch Lakes	675

Recipient	FY 2013 Population
Southwest Ranches	7,345
Sunrise	84,375
Tamarac	60,619
Weston	65,237
West Park	14,078
Wilton Manors	11,743
Total Incorporated	1,736,976
Unincorporated Area	16,186
Total County	1,753,162

3. This 2012 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 2012 Amendment to Interlocal Agreement or a portion of this 2012 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 2012 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

6. This 2012 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.

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IN WITNESS WHEREOF, the parties have made and executed this 2012 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 _____, 2012.

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

3/7/12
GASTAX3_2012.doc
«Municipality»

2012 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF THE 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

MUNICIPALITY

WITNESSES:

THE TOWN OF LAUDERDALE-BY-THE-SEA

By _____
Roseann Minnet, Mayor

____ day of _____, 2012.

ATTEST:

By _____
June White, Town Clerk

Constance Hoffmann, Town Manager

____ day of _____, 2012.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Susan L. Trevarthen, Town Attorney

2012 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 2012 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 additional local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

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

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

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

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

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

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

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

Population of Individual CITY

Total incorporated area Population X 26.0000%

Recipient	FY 2013 Population	FY 2013 Percent Share of Proceeds
Coconut Creek	53,155	0.795653%
Cooper City	29,159	0.436468%
Coral Springs	121,651	1.820938%
Dania	29,596	0.443009%
Davie	92,151	1.379366%
Deerfield Beach	75,125	1.124512%
Fort Lauderdale	166,205	2.487846%
Hallandale	37,229	0.557264%
Hillsboro Beach	1,875	0.028066%
Hollywood	140,930	2.109517%
Lauderdale-by-the-Sea	6,074	0.090919%
Lauderdale Lakes	32,766	0.490459%
Lauderhill	66,709	0.998537%
Lazy Lake	24	0.000359%
Lighthouse Point	10,377	0.155329%
Margate	53,714	0.804020%
Miramar	122,982	1.840861%
North Lauderdale	41,248	0.617422%

Recipient	FY 2013 Population	FY 2013 Percent Share of Proceeds
Oakland Park	41,549	0.621928%
Parkland	24,391	0.365098%
Pembroke Park	6,099	0.091293%
Pembroke Pines	154,889	2.318463%
Plantation	84,687	1.267641%
Pompano Beach	100,319	1.501629%
Sea Ranch Lakes	675	0.010104%
Southwest Ranches	7,345	0.109944%
Sunrise	84,375	1.262971%
Tamarac	60,619	0.907378%
Weston	65,237	0.976503%
West Park	14,078	0.210727%
Wilton Manors	11,743	0.175776%
Total Incorporated	1,736,976	26.000000%

Unincorporated Area	16,186
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Total County	1,753,162
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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 2012 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 2012 Amendment to Interlocal Agreement or a portion of this 2012 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 2012 Amendment and the Interlocal Agreement, as previously amended, the parties hereby agree that this document shall control.

5. This 2012 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 2012 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 _____, 2012.

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

3/9/12
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TOWN OF LAUDERDALE-BY-THE-SEA

2012 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

MUNICIPALITY

WITNESSES:

TOWN OF LAUDERDALE-BY-THE-SEA

By _____
Roseann Minnet, Mayor

____ day of _____, 2012.

ATTEST:

June White, Town Clerk

By _____
Constance Hoffmann, Town Manager

____ day of _____, 2012.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Susan L. Trevarthen, Town Attorney