

# TAB 7

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# MEMO

To: Mayor and Town Commissioners

From: J. Douglas Drymon *J.D.D.*  
Town Manager

Subject: Resolution Authorizing the Mayor to Execute the  
Palm Beach County League of Cities  
Amendments 1 and 2 to the Gas Tax Interlocal Agreement for Distribution of  
Local Option Gas Tax Proceeds

Date: July 29, 2004

As background, Palm Beach County levies local option gas taxes totaling 11cents per gallon which must be shared with municipalities. Six cents per gallon was first levied in 1986. This amount is distributed pursuant to a Gas Tax Interlocal Agreement entered into in 1986 and renewed in 1995. This agreement provides that the County receive 66 2/3 percent of the revenue and municipalities receive 33 1/3 percent of the revenue. An additional five cents per gallon was first levied in 1993 and is distributed pursuant to a separate interlocal agreement providing for the County to receive 79 percent of the revenue and the municipalities 21 percent. The shares were based on the previous five years' transportation expenditures at the time the agreements were adopted. In each case, the municipal share is then divided among the 37 cities in the county based 30 percent on population and 70 percent on lane miles of public streets.

At the of Wellington's incorporation in 1997, the 33 1/3 percent and 21 percent municipal shares did not change, so Wellington's share had to be taken from the other previously existing cities. As a result, our local option gas tax revenues in 1997 were \$198,000 less than in 1996. In order to avoid a recurrence of this situation, the Palm Beach County League of Cities has been working with the County for the past seven years to have the interlocal agreements regarding distribution of the local option gas tax amended. The attached Amendment 1 and Amendment 2 accomplish that purpose.

The attached agreements provide that if a new municipality is created in Palm Beach County, the new municipality's share of the local option gas tax will come from the county and the municipalities in the same proportion as the tax is currently being divided between the two. That is, the County would contribute 66 2/3 % and 79% respectively from the two gas tax levies, with the balance coming from the municipalities. Then the total County and municipal shares would be recalculated to reduce the County share and increase the municipal share in future years.

Staff recommends that the attached resolution be adopted authorizing the Mayor to execute the attached Amendment 1 and Amendment 2 to the Gas Tax Interlocal Agreement.

Attachments

**Town of Lake Park Town Commission  
Agenda Request Form**

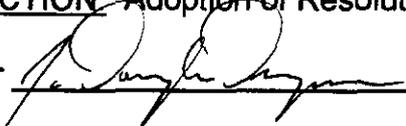
Meeting Date: August 4, 2004

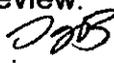
Agenda Item No.

- |                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION<br><br><input type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input type="checkbox"/> CONSENT AGENDA |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**SUBJECT:** Resolution Approving Amendment 1 to the Gas Tax Interlocal Agreement

**RECOMMENDED MOTION/ACTION:** Adoption of Resolution

Approved by Town Manager  Date: 7/29/04

<b>Originating Department:</b> Administration	Costs: \$ -0-  Funding Source:  Acct. #	<b>Attachments:</b> Copy of resolution and staff memorandum
<b>Department Review:</b> <input checked="" type="checkbox"/> Town Attorney <u></u> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:**

Please see attached staff memorandum.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 1 TO THE GAS TAX INTERLOCAL AGREEMENT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Palm Beach County and various municipalities, utilizing the Palm Beach County League of Cities, have met and negotiated mutually acceptable terms and conditions for Amendment 1 to the Gas Tax Interlocal Agreement; and

**WHEREAS**, it has been determined that such amendment would set forth the formula for an equitable distribution of gas tax revenues among Palm Beach County and all Palm Beach County municipalities in the event of an incorporation of a new municipality or the dissolution of an existing municipality; and

**WHEREAS**, the Town Commission has determined that it is in the best interests of the residents and citizens of the Town of Lake Park to execute Amendment 1 to the Gas Tax Interlocal Agreement.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:**

**Section 1.** The foregoing whereas clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**Section 2.** The Town Commission hereby authorizes the Mayor to execute Amendment 1 to the Gas Tax Interlocal Agreement copy of which agreement is attached hereto as Exhibit A and incorporated herein by reference.

**Section 3.** This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR PAUL W. CASTRO	_____	_____
VICE-MAYOR G. CHUCK BALIUS	_____	_____
COMMISSIONER PAUL GARRETSON	_____	_____
COMMISSIONER ED DALY	_____	_____
COMMISSIONER JEFF CAREY	_____	_____

The Mayor thereupon declared the foregoing Resolution No. \_\_\_\_\_ duly passed and adopted this 4<sup>th</sup> day of August, 2004.

TOWN OF LAKE PARK, FLORIDA

BY: \_\_\_\_\_  
PAUL W. CASTRO  
MAYOR

ATTEST:

\_\_\_\_\_  
STEPHANIE THOMAS  
INTERIM TOWN CLERK

(TOWN SEAL)

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
THOMAS J. BAIRD,  
TOWN ATTORNEY

## AMENDMENT #1 TO INTERLOCAL AGREEMENT

THIS AMENDMENT #1 to the Interlocal Agreement dated May, 1995, by and between Palm Beach, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY" and \_\_\_\_\_, a municipal corporation located in Palm Beach County, organized and existing in accordance with the laws of the State of Florida, hereinafter referred to as the "MUNICIPALITY", is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004 ("Amendment #1").

### WITNESSETH:

WHEREAS, Section 336.025(1)(a), *Florida Statutes*, authorizes a one (1), two (2), three (3), four (4), five (5), and/or six (6) cent local option gas tax ("the Tax") to be levied upon the sale of every gallon of motor fuel and special fuel within the COUNTY; and

WHEREAS, the COUNTY and various MUNICIPALITIES entered into an Interlocal Agreement in May, 1995, ("Interlocal Agreement") to provide for the distribution formula for dividing the proceeds of the tax among the COUNTY and all eligible municipalities within the COUNTY; and

WHEREAS, the creation of a new municipality (the Village of Wellington) in Palm Beach County negatively impacted the existing eligible municipalities, with no impact on the COUNTY, in terms of this distribution formula; and

WHEREAS, the dissolution of an existing municipality (the Town of Golfview) in Palm Beach County positively impacted, although in a minute way, the existing eligible municipalities, with no impact on the COUNTY, in terms of this distribution formula; and

WHEREAS, the COUNTY and the MUNICIPALITY wish to amend the Interlocal Agreement to provide for an equitable sharing of the impact of either the future creation of a new municipality or the future dissolution of a municipality in Palm Beach County; and

WHEREAS, representatives of the COUNTY and the various municipalities, utilizing the Palm Beach County League of Cities, Inc. (Successor to the Palm Beach County Municipal League

Inc.), have met and negotiated mutually acceptable terms and conditions for this Amendment #1 which are set forth herein; and

WHEREAS, this Amendment #1 will allow for more predictable financial planning for these proceeds by the MUNICIPALITY and the COUNTY; and

WHEREAS, the Florida Legislature, under advisement from the Palm Beach County Legislative Delegation, is the governmental entity which lawfully creates new municipalities and under one method is similarly involved in dissolving a municipal corporation; and

WHEREAS, the COUNTY and the MUNICIPALITY, in conjunction with the Palm Beach County League of Cities, Inc., intends that Palm Beach County Legislative Delegation and the Florida Legislature (and Governor if deemed necessary) be made aware of this Amendment #1 and appropriately incorporate its provisions in any related future legislation.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained and for such other good and valuable consideration, the receipt of which the parties hereby expressly acknowledge, the parties hereto covenant and agree to amend the terms and conditions of the Interlocal Agreement as follows:

Section 1: Section 3. of the Interlocal Agreement shall be amended by the addition of new subsections "C" "D" and "E" which shall hereafter read as follows:

3A. (This subsection shall remain in full force and effect as set forth in the Interlocal Agreement)

3B. (This subsection shall remain in full force and effect as set forth in the Interlocal Agreement)

3C. In the event a new municipality is incorporated in Palm Beach County, its share of the six (6) cent gas tax shall be provided from the shares formerly allocated to the county and the collective municipalities as set forth below.

1. In the first full fiscal year following incorporation, the new municipality will receive a sum based solely on its population as opposed to

the usual distribution formula of lane miles and population as set forth in Section 4. of the Interlocal Agreement. Said sum shall be determined by multiplying the **population of the new municipality times the municipal per capita distribution amount from the most recently available fiscal year and shall be funded from the county's and collective municipalities' shares in accordance with the same percentages due to the county and the collective municipalities** as set forth in Section 3A above or any amendment thereto (i.e. currently sixty-six and two thirds percent ( $66\frac{2}{3}\%$ ) from the county's share and thirty-three and one third percent ( $33\frac{1}{3}\%$ ) from the collective municipalities' share; see Attachment 1 attached hereto which shows an example of the calculations for a hypothetical new municipality with a population of 40,000).

a. The combined county and collective municipalities' contributions shall equal one hundred percent (100%) of the new municipality's share.

b. Section 4 below shall continue to apply as the distribution formula for the remaining municipalities after their contribution to the new municipality's amount as set forth in Section 3C1 above.

2. In the subsequent fiscal years after the first full fiscal year following incorporation of the new municipality:

a. The percentage allocated to the county as set forth in Section 3A above or any current amendment thereto, shall be amended by reducing it in an amount that reflects the county's contribution to the new municipality's amount as set forth in Section 3C1, above.

b. Likewise, the percentage allocated to the collective municipalities, including the new municipality, as set forth in Section 3A above or any current amendment thereto, shall be amended by increasing it in an amount that reflects the county's contribution to the new municipality's amount as set forth in Section 3C1 above.

c. Section 4 below shall apply to the new municipality in all annual distributions in the years after the first full fiscal year following incorporation of the new municipality.

3D. In the event an existing municipality in Palm Beach County is dissolved, the former municipality's share of the six (6) cent gas tax shall be distributed to the county and to the remaining collective municipalities by applying in reverse the process set forth in Section 3C, above.

3E. In the event of proposed legislation which would either create or dissolve a municipality in Palm Beach County, the county and the subject municipality agree that the Palm Beach County Legislative Delegation and the Florida Legislature (and Governor, if deemed necessary) be made aware of this Amendment #1 and appropriately incorporate its provisions into such proposed legislation. The subject municipality may accomplish this by supporting the Palm Beach County League of Cities, Inc., as the organization that is in place to convey municipal consensus on legislative matters.

Section 2: This Amendment #1 shall be attached to the Interlocal Agreement and shall become a part thereof. All other Sections of the current Interlocal Agreement shall remain in full force and effect as set forth in that Agreement and there shall be no changes to that Agreement with the exception of those items specifically set forth in this Amendment #1.

Section 3: This Amendment #1 to the Interlocal Agreement shall take effect only upon execution both by the COUNTY and those municipalities representing a majority of the population of the incorporated areas of the COUNTY. In the event that either the COUNTY fails to execute this Amendment #1 or in the event that those municipalities representing a majority of the population of the incorporated areas of the COUNTY fail to execute this Amendment #1, then this Amendment #1 shall be null and void and the parties hereto shall have no further rights or responsibilities hereunder.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals in the day set forth above.

ATTEST:

TOWN OF LAKE PARK

By: \_\_\_\_\_  
Stephanie Thomas  
Interim Town Clerk

By: \_\_\_\_\_  
Paul W. Castro, Mayor

(SEAL)

Approved as to form and legal sufficiency



Thomas J. Baird, Town Attorney

ATTEST:

PALM BEACH COUNTY, FLORIDA BY  
ITS BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
Chair

(SEAL)