



# Alachua County Board of County Commissioners

Dr. Lee A Niblock, *County Manager*

April 6, 2015

Mr. Russ Blackburn  
City Manager  
City of Gainesville  
P.O. Box 490, Station 6  
Gainesville, FL 32602

Dear Mr. Blackburn:

This letter is to inform you that the enabling ordinance for the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> cents of the local option gas tax expires on August 31<sup>st</sup> of this year. The interlocal agreement, which governs the distribution of these gas taxes, was executed in June of 1985 and expires on August 31, 2105.

The County is interested in renewing this gas tax to the benefit of all Alachua County citizens. Attached is a proposed first amendment to the original agreement. This agreement with the City of Gainesville is needed for the continued distribution of the funds generated. It is important that we reach agreement before June 1<sup>st</sup> to allow for appropriate advertising and hearing schedule, preventing a lapse in the collection of these revenues.

The County is proposing to keep the same distribution formula. Per the terms of the original interlocal, the agreement can be renegotiated every five years. Copies of the original ordinance and amendment to the interlocal are attached for reference.

Please feel free to contact me or my staff if you need any additional information.

Sincerely,

Dr. Lee A. Niblock, CM  
County Manager

LN/MJF/mjf

Enclosures (3)

RCVD '15APR13 PM2:45:10

xc: Michele Lieberman, County Attorney  
James K. Harriott, Jr., P.E.  
Dave Cerlanek, P.E.  
Teresa Scott, P.E.

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OFFICIAL RECORDS  
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CLERK OF CIRCUIT COURT  
ALACHUA COUNTY FL

INTERLOCAL AGREEMENT



THIS INTERLOCAL AGREEMENT, entered into this 28th day of June, A.D., 1985, between Alachua County, a 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, 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 Section 55 of Chapter 83-3, Laws of Florida, Section 336.025, Florida Statutes, as amended.

W I T N E S S E T H:

WHEREAS, Section 55 of Chapter 83-3, Laws of Florida, Section 336.025, Florida Statutes, as amended, permits the County the authority to levy, in addition to other taxes allowed by law, a local option gas tax upon every gallon of motor fuel and special fuel sold in the County and taxed under the provisions of Chapter 206, Florida Statutes; and,

WHEREAS, pursuant to said 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, Alachua County imposed the 1st, 2nd and 3rd cents of the local option gas tax and now seeks to levy and distribute the 4th, 5th, and 6th cents of said tax; and,

WHEREAS, the City which is a party to this agreement 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



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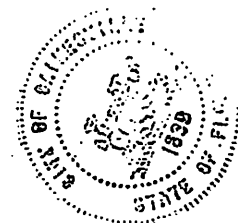
*W*  
*Winters*

within Alachua County, Florida, and desires to jointly establish with the County a distribution formula pursuant to Section 336.025(3)(a)(1); Florida Statutes (1983), as amended, for the 4th, 5th and 6th cents of such tax;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and pursuant to Section 163.01, et seq., Florida Statutes (1981), the "Florida Interlocal Cooperation Act of 1969", and Section 336.025(3)(a), Florida Statutes, as amended, the parties hereto agree as follows:

1. Upon the levy of the 4th, 5th, and 6th cents by the County, the proceeds of the 4th, 5th, and 6th cents of the local option 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>
Alachua County	60.36%
City of Alachua	01.46%
City of Archer	00.52%
City of Gainesville	33.33%
City of Hawthorne	00.72%
City of High Springs	01.62%
Town of Lacrosse	00.07%
Town of Micanopy	00.74%
City of Newberry	00.88%
City of Waldo	00.30%



Every fifth year during the term of this agreement, 16.5673% of Alachua County's total share of 60.36% shall be considered to be subject to renegotiation between Alachua County and the City of Gainesville. It is understood that Alachua County, during the term of this agreement, shall receive at least 50.36% of the proceeds of the 4th, 5th, and 6th cents of the local option gas tax. In order to institute the negotiation process contemplated herein, either party shall serve written notice upon the other by certified mail at least one hundred eighty (180) days prior to each and

every fifth anniversary year during the term of this agreement. In this event, both parties agree to enter into good faith negotiations within twenty (20) days of such notice. In the event the negotiations do not result in a modification of this agreement, then the formula set forth herein in paragraph 1 shall continue in effect.

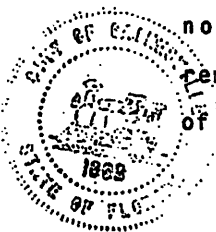
2. This agreement shall take effect on September 1, 1985, and shall terminate on either August 31, 2015, or, if the local option gas tax is levied for less than thirty (30) years, on August 31 of the year in which the levy terminates. It shall also govern the division and distribution of proceeds of the local option gas tax imposed through August 31 but not collected or otherwise available for distribution until after August 31 of the year the agreement terminates.

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

4. It is recognized that, through this and a previous Interlocal Agreement dated June 30, 1983 distributing the 1st, 2nd, and 3rd cents of the local option gas tax, the County has met its obligation to public transit, provided that in any extension of the previous Interlocal Agreement the share of the proceeds shall not be reduced below the amount agreed upon in the previous Interlocal Agreement, and no further funding requests will be made by the City for public transit purposes during the term of this Agreement. Within this paragraph, the term public transit shall mean main bus.

5. 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.

6. This agreement may be executed in counterparts and



each fully executed counterpart shall be deemed an original instrument.

7. Upon adoption of an ordinance levying the local option gas tax by the County, the County shall provide the State of Florida Department of Revenue the distribution proportions established by this agreement prior to September 1, 1985.

8. 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.

9. This agreement may be amended only in writing, approved by all parties executing this agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Interlocal Agreement to be executed by their duly authorized officials on the day and year first above-written.

ALACHUA COUNTY, FLORIDA

BY: *Thomas Bustin*  
Thomas Bustin  
County Attorney

BY: *Leveda Brown*  
Leveda Brown, Chairman  
Board of County  
Commissioners

ATTEST:  
*A. Curtis Powers*  
A. Curtis Powers, Clerk  
(SEAL)

CITY OF GAINESVILLE

BY: *Gary Gordon*  
Gary Gordon, Mayor/Commissioner

BY: *Marion Radson* 6/28/85  
Marion Radson  
Deputy City Attorney

ATTEST:  
*Mary Ann B. Frazer*  
Mary Ann B. Frazer, Clerk of the City Commission  
(SEAL)

Alachua County  
Board of County Commissioners

ORDINANCE 85-8

AN ORDINANCE IMPOSING AN ADDITIONAL THREE-CENT LOCAL OPTION GAS TAX UPON EVERY GALLON OF MOTOR FUEL AND SPECIAL FUEL SOLD IN ALACHUA COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES; PROVIDING THAT THE IMPOSITION OF SUCH TAX SHALL BE EFFECTIVE FOR A PERIOD OF THIRTY (30) YEARS BEGINNING SEPTEMBER 1, 1985; PROVIDING FOR A DISTRIBUTION FORMULA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners, after entering into an interlocal agreement with the City of Gainesville, Florida, passed Ordinance 83-4 imposing a three- (3) cent tax pursuant to Section 336.025, Florida Statutes; and,

WHEREAS, Section 336.025, Florida Statutes, has been amended to permit a gasoline tax to be levied up to six (6) cents; and,

WHEREAS, the Board of County Commissioners, having entered in an interlocal agreement prior to July 1, 1985, desires to impose an additional three- (3) cent tax on every gallon of motor fuel and special fuel sold in Alachua County and taxed under the provisions of Chapter 206, Florida Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Section 1. This ordinance is authorized by Section 336.025, Florida Statutes, as amended, and other applicable law.

Section 2. There is hereby imposed an additional three- (3) cent local option gas tax upon every gallon of motor fuel and

special fuel sold in Alachua County and taxed under the provisions of Chapter 206, Florida Statutes.

Section 3. The additional tax hereby imposed shall be effective from September 1, 1985, to August 31, 2015, both inclusive.

Section 4. Pursuant to the interlocal agreement entered into between Alachua County and the municipalities within the County, representing a majority of the population of the incorporated area within the County, the proceeds of the tax hereby imposed shall be divided and distributed by the Florida Department of Revenue to Alachua County and the eligible municipalities in the following proportions:

<u>Recipient</u>	<u>Share of Proceeds</u>
Alachua County	60.36%
City of Alachua	01.46%
City of Archer	00.52%
City of Gainesville	33.33%
City of Hawthorne	00.72%
City of High Springs	01.62%
Town of Lacrosse	00.07%
Town of Micanopy	00.74%
City of Newberry	00.88%
City of Waldo	00.30%

Section 5. If, during the term of the imposition of this additional tax, the County or any of the municipalities becomes ineligible to receive a share of the local option gas tax for any reason, any funds otherwise undistributed because of

ineligibility shall be distributed by the Department of Revenue to eligible governments within Alachua County in proportion to other monies distributed pursuant to this section.

Section 6. The distribution formula established herein for the additional tax shall also govern the division and distribution of the proceeds of the local option gas tax imposed through August 31, but not collected or otherwise available for distribution until after August 31 of the year this additional levy terminates.

Section 7. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon receipt of official acknowledgment from that office that same has been filed.

DULY ADOPTED in regular session, this 23rd day of July, A.D., 1985.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By: Leveda Brown  
Leveda Brown, Chairman

ATTEST:

A. Curtis Powers for  
A. Curtis Powers, Clerk

(SEAL)