

**Legislative #
170700**

**FIRST AMENDMENT TO ALACHUA COUNTY AND CITY OF GAINESVILLE
AGREEMENT FOR COUNTYWIDE LOCAL OPTION FUEL TAX DISTRIBUTION**

This First Amendment ("Amendment") is entered into by and between ALACHUA COUNTY, a charter county and political subdivision of Florida ("County"), and the CITY OF GAINESVILLE, a municipal corporation ("City").

RECITALS

WHEREAS, Section 336.025, Fla. Stat., permits the County the authority to levy, in addition to other taxes allowed by law, local option fuel taxes ("Countywide Local Option Fuel Tax") upon every gallon of motor fuel and special fuel sold in the County and taxed under the provisions of Chapter 206, Fla. Stat.; and

WHEREAS, the County desires to levy eleven cents of available Countywide Local Option Fuel Tax to a term from January 1, 2019, through December 31, 2028; and

WHEREAS, Section 336.025, Fla. Stat., permits the County may, prior to levy of the Countywide Local Option Fuel 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; and

WHEREAS, the City is a municipality located within Alachua County, Florida, eligible to receive a portion of the Countywide Local Option Fuel Tax, and represents a majority of the population of the incorporated area within the County; and

WHEREAS, the County and City entered into an Interlocal agreement to provide for the division and distribution of the proceeds of any extension of the Countywide Local Option Fuel Tax by the County, executed on February 19, 2018, recorded in the Alachua County Official Records at Book 4577, Page 1634; and

WHEREAS, the County and City desire to amend the division and distribution of the proceeds in the interlocal agreement.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the City and the County (collectively, "Parties") agree as follows:

Section 1. Section a of paragraph 4 shall be replaced in its entirety with the following provision. All other sections of paragraph 4 shall remain as written in the interlocal agreement.

4. Terms of Agreement.

a. Distribution of Countywide Local Option Fuel Tax.

- i. The distribution of the 1st, 2nd, 3rd, 4th, 5th and 6th cents Countywide Local Option Fuel Tax and the distribution of the 5 cents Countywide Local Option Fuel Tax shall continue as described in interlocal agreements recorded in Alachua County Official Records OR Book 1672, Page 2726; Book 4518, Page 2344; and Book 3622, Page 181.
- ii. Upon the levy of the 1st, 2nd, 3rd, 4th, 5th and 6th cents Countywide Local Option Fuel Tax by the County and upon the levy of the 5 cents Countywide Local Option Fuel Tax by the County, the proceeds shall be divided among, and distributed to the County and the eligible municipalities within the County from the period of January 1, 2019, through December 31, 2019, as follows:

<u>Recipient</u>	<u>Share of Proceeds</u>
Alachua County	50.00%
City of Alachua	1.87%
City of Archer	0.86%
City of Gainesville	40.80%
City of Hawthorne	1.05%
City of High Springs	2.10%
Town of Lacrosse	0.30%
Town of Micanopy	0.90%
City of Newberry	1.25%
City of Waldo	0.87%

- iii. From January 1, 2020, through December 31, 2020, as follows:

<u>Recipient</u>	<u>Share of Proceeds</u>
Alachua County	50.00%
City of Alachua	2.02%
City of Archer	0.77%
City of Gainesville	40.80%
City of Hawthorne	0.95%
City of High Springs	2.14%
Town of Lacrosse	0.26%
Town of Micanopy	0.81%
City of Newberry	1.48%
City of Waldo	0.77%

iv. From January 1, 2021, through December 31, 2021, as follows:

<u>Recipient</u>	<u>Share of Proceeds</u>
Alachua County	50.00%
City of Alachua	2.16%
City of Archer	0.67%
City of Gainesville	40.80%
City of Hawthorne	0.87%
City of High Springs	2.17%
Town of Lacrosse	0.22%
Town of Micanopy	0.71%
City of Newberry	1.73%
City of Waldo	0.67%

v. From January 1, 2022, through December 31, 2022, as follows:

<u>Recipient</u>	<u>Share of Proceeds</u>
Alachua County	50.00%
City of Alachua	2.32%
City of Archer	0.58%
City of Gainesville	40.80%
City of Hawthorne	0.77%
City of High Springs	2.21%
Town of Lacrosse	0.17%
Town of Micanopy	0.62%
City of Newberry	1.97%
City of Waldo	0.56%

vi. From January 1, 2023, through December 31, 2023, as follows:

<u>Recipient</u>	<u>Share of Proceeds</u>
Alachua County	50.00%
City of Alachua	2.47%
City of Archer	0.49%
City of Gainesville	40.80%
City of Hawthorne	0.67%
City of High Springs	2.24%
Town of Lacrosse	0.13%
Town of Micanopy	0.53%
City of Newberry	2.21%
City of Waldo	0.46%

vii. From January 1, 2024, through December 31, 2028, as follows:

<u>Recipient</u>	<u>Share of Proceeds</u>
Alachua County	50.00%
City of Alachua	2.62%
City of Archer	0.39%
City of Gainesville	40.80%
City of Hawthorne	0.57%
City of High Springs	2.29%
Town of Lacrosse	0.09%
Town of Micanopy	0.44%
City of Newberry	2.44%
City of Waldo	0.36%

IN WITNESS WHEREOF, the parties hereto have made and executed this First Amendment on the respective dates beneath each signature.

ALACHUA COUNTY:

ATTEST:



for Jesse Kirby, II, Clerk

By: 

Lee Pinkoson, Chair
Board of County Commissioners

Date: 02/13/2018

APPROVED AS TO FORM AND LEGALITY:



Sylvia Torres, Interim County Attorney

CITY OF GAINESVILLE:

ATTEST:

Kurt Lannon, Clerk of the Commission
City of Gainesville

By: _____
Lauren Poe, Mayor

Date: _____

APPROVED AS TO FORM AND LEGALITY:

Nicolle M. Shalley, City Attorney