

**INTERLOCAL AGREEMENT BETWEEN ALACHUA COUNTY
AND THE CITY OF GAINESVILLE
REGARDING PROCEEDS OF LOCAL OPTION GAS TAX**

THIS INTERLOCAL AGREEMENT is entered into this 22nd day of May, A.D., 2007, between Alachua County, a charter county and 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, a municipal corporation of the State of Florida, 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 Subsection 336.025,(1)(b), Florida Statutes;

WITNESSETH:

WHEREAS, the Florida Legislature amended Section 336.025, Florida Statutes, to allow counties to impose an additional local option gas tax of one cent, two cents, three cents, four cents, or five cents on motor fuel sold in a county, with the revenue generated by such tax to be used by county and municipal governments only for transportation expenditures authorized by law; and,

WHEREAS, pursuant to said statutory 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, the City 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 within Alachua County, Florida, and desires to jointly establish with the County a distribution formula pursuant to Subsection 336.025(1)(b)2, Florida Statutes, for the local option gas tax;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and pursuant to Subsection 163.01, et seq., Florida Statutes, the "Florida Interlocal Cooperation Act of 1969", and Subsection 336.025(1)(b)2, Florida Statutes, as amended, the parties hereto agree as follows:

1. **DISTRIBUTION OF PROCEEDS.** Upon the levy of the local option gas tax, pursuant to Subsection 336.025(1)(b), Florida Statutes, by the County, the proceeds of the local option gas tax shall be divided among and distributed to the County and the eligible municipalities within the County as follows:

Recipient	Share of Proceeds
Alachua County	52.150%
City of Alachua	1.875%
City of Archer	0.855%
City of Gamesville	38.635%
City of Hawthorne	1.060%
City of High Springs	2.110%
Town of LaCrosse	0.295%
Town of Micanopy	0.900%
City of Newberry	1.255%
City of Waldo	0.865%

2. **TERM.** This agreement shall be deemed to be effective on the date set forth above. Distribution of the proceeds of the local option gas tax shall take effect on or after January 1, 2008. This agreement shall terminate six (6) months after December 31 of the year when the tax described herein is no longer imposed. It shall also govern the division and distribution of proceeds of the local option gas tax imposed through December 31, but not

*County must
notify affected
cities
8 months prior
to repeal of
Tax Ordinance!*

collected or otherwise available for distribution until after December 31, of the year the agreement terminates.

3. **USE OF GAS TAX REVENUES.** Funds distributed to the County pursuant to this interlocal agreement shall be used only for unpaved road alternative surface treatments, bicycle pedestrian facilities, resurfacing and reconstruction projects, and roadway safety improvements. The County shall fund the resurfacing of NW 16th Avenue/NW 23rd Avenue and NW 43rd Street within the city limits within 15 years of the imposition of this tax. Funds distributed to the County shall not be used for the construction of new roads or new travel lanes.

4. **REPEAL OF IMPOSITION OF THE GAS TAX.** The County agrees that it will not repeal the ordinance that imposes the gas tax referenced herein without first notifying all the municipalities in the county of its intent to repeal at least 18 months prior to the effective date of the ordinance repealing the imposition of the tax.

5. **PERIODIC REVIEW.** In accordance with subsection 336.025(1)(d), Florida Statutes, the City and the County agree to review, and if appropriate, renegotiate the method of distribution and distribution percentages set forth above every five years during the term of this agreement.

6. **MISCELLANEOUS PROVISIONS.**

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

b. 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.

c. This agreement may be executed in counterparts and each fully executed counterpart shall be deemed an original instrument.

d. Upon adoption of an ordinance levying the local option gas tax, pursuant to Subsection 336.025(1)(b), Florida Statutes, by the County, the County shall provide the State of Florida Department of Revenue a certified copy of this interlocal agreement.

e. 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.

f. This agreement may be amended only in writing, approved by all parties executing this agreement. The County and City agree to review the terms of this agreement every two years after the date the tax described herein is imposed.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

ALACHUA COUNTY, FLORIDA

By: Paula M. DeLaney
Paula M. DeLaney, Chair

ATTEST:

J. K. "Buddy" Irby
J. K. "Buddy" Irby, Clerk

APPROVED AS TO FORM AND LEGALITY:

D. Wayne
Alachua County Attorney

(SEAL)

CITY OF GAINESVILLE

By: Pegeen Hanrahan
Pegeen Hanrahan, Mayor

ATTEST:

Kurt Lannon
Kurt Lannon, Clerk

APPROVED AS TO FORM AND LEGALITY:

Charles A. ...
City of Gainesville Attorney

(SEAL)

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