

**SECOND AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
ALACHUA COUNTY AND THE CITY OF GAINESVILLE
FOR THE DISTRIBUTION OF THE LOCAL OPTION GAS TAX**

This Second Amendment to the Interlocal Agreement between Alachua County and the City of Gainesville for the Distribution of the Local Option Gas Tax, (the “Second Amendment”) is entered into by and between ALACHUA COUNTY, a charter county and political subdivision of the State of Florida (the “County”), and the CITY OF GAINESVILLE, a municipal corporation (the “City”).

WITNESSETH

WHEREAS, Section 336.025, Fla. Stat., permits the County the authority to levy, in addition to other taxes allowed by law, a local option gas tax (“Gas 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 and City entered into an Interlocal Agreement on June 28, 1985, (“Interlocal”) to provide for the division and distribution of the proceeds of the 4th, 5th and 6th cents of the Gas Tax; and

WHEREAS, the Interlocal was effective from September 1, 1985, to August 31, 2015; and

WHEREAS, the County and City entered into the First Amended Interlocal Agreement (“First Amendment”) on May 28, 2015, for extension of the 4th, 5th and 6th cents of the Gas Tax until August 31, 2016; and

WHEREAS, the County and City desire to further extend the Interlocal to provide for the division and distribution of the proceeds of any extension of the Gas Tax by the County; and

WHEREAS, the County and City are required by the Florida Department of Revenue to extend the tax to conclude on a date certain of December 31st; 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 population of the incorporated area within the county.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Interlocal is hereby amended as follows:

- (1) Paragraph 1 of the Interlocal is hereby amended to establish the existing provisions as subsection (a) and to add subsection (b) as follows:

“(b) Upon the levy of the 4th, 5th and 6th cents 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, 2017, through December 31, 2017, as follows:

<u>Recipient</u>	<u>Share of Proceeds</u>
Alachua County	55.557%
City of Alachua	01.344%
City of Archer	00.479%
City of Gainesville	38.635%
City of Hawthorne	00.663%
City of High Springs	01.491%
Town of Lacrosse	00.064%
Town of Micanopy	00.681%
City of Newberry	00.810%
City of Waldo	00.276%”

(2) Paragraph 2 of the Interlocal is hereby deleted and the following shall be inserted in its place:

“This Second Amendment shall take effect on September 1, 2016, and shall terminate on December 31, 2017. For the period from September 1, 2016, to December 31, 2016, this Amendment shall operate as an extension of the First Amendment, which shall govern the division and distribution of the proceeds of the 4th, 5th and 6th cents of the local option gas tax imposed through December 31, 2016, but not collected or otherwise available for distribution until after December 31, 2016. The division and distribution of proceeds specified in Section 1 of this Second Amendment shall govern the division and distribution of proceeds of the 4th, 5th and 6th cents of the local option gas tax imposed from the period of January 1, 2017, through December 31, 2017, but not collected or otherwise available for distribution until after December 31, 2017.”

(3) Except as expressly amended herein, all other terms and provisions of the original Interlocal between the parties, as amended, shall be and remain in full force and effect.

(4) Should there be any conflict between the terms of the Interlocal, the First Amendment and this Second Amendment, the terms of this Second Amendment shall govern.

(5) This Amendment shall be effective on September 1, 2016.

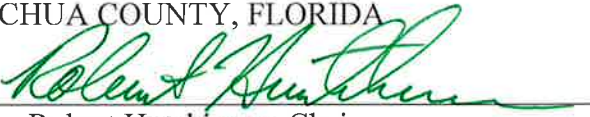
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IN WITNESS WHEREOF, the parties hereto have made and executed this Second Amendment to Interlocal Agreement between Alachua County and the City of Gainesville for the Distribution of the Local Option Gas Tax on the respective dates beneath each signature.

ALACHUA COUNTY:

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

ATTEST:

By: 
Robert Hutchinson, Chair
Board of County Commissioners
Date: 5/26/16


J.K. Irby, Clerk


(SEAL)

APPROVED AS TO FORM


Alachua County Attorney

CITY OF GAINESVILLE:

CITY OF GAINESVILLE, FLORIDA

By: 
Lauren Poe, Mayor
City of Gainesville
Date: 5/26/16

ATTEST:


Kurt Lannon, Clerk of the Commission

(SEAL)

APPROVED AS TO FORM AND LEGALITY

City of Gainesville Attorney