

RESOLUTION NO.: 764

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN MARTIN COUNTY AND THE TOWN OF SEWALL'S POINT FOR THE DISTRIBUTION OF LOCAL OPTION FUEL TAXES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Sewall's Point, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, on June 26, 2002, the County and the Town entered into an Interlocal Agreement for the purpose of providing for the distribution of the then existing Local Option Fuel Taxes imposed by the County pursuant to Section 336.025, Florida Statutes, and which expires December 31, 2012.

WHEREAS, pursuant to such Interlocal Agreement, the County and the Town have reviewed historical transportation expenditures for the most recent five (5) years; and

WHEREAS, the transportation expenditures for the most recent five (5) years have changed the distribution percentages among Martin County municipalities and unincorporated Martin County; and

WHEREAS, the Town has requested the distribution percentage applied during 2012 be utilized for 2013 in order to provide additional time to transition to the new percentages; and

WHEREAS, the County and the Town wish to enter into a new Interlocal Agreement governing distribution of the Local Option Fuel Taxes imposed by the County pursuant to Section 336.025, Florida Statutes, which Interlocal Agreement is attached hereto as **Exhibit "A"** and incorporated herein by this reference; and

WHEREAS, the parties are authorized to enter into this Interlocal Agreement pursuant to Section 336.025, Florida Statutes, and Section 163.01, Florida Statutes; and

WHEREAS, the Town of Sewall's Point believes that entering into the new Interlocal Agreement serves the best interests of the health, safety, and welfare of its respective residents.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. The Town of Sewall's Point, Florida, hereby approves the "Interlocal Agreement between Martin County and the Town of Sewall's Point for the Distribution of Local Option Gas Taxes" in a form substantially similar to that attached hereto as **Exhibit "A"**; and

Section 3. This Resolution shall take effect immediately upon adoption.


| | <u>AYE</u> | <u>NAY</u> |
|--------------------------------|-------------------------------------|--------------------------|
| JACQUI THURLOW-LIPPISCH, MAYOR | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PAUL SCHOPPE, VICE MAYOR | <input type="checkbox"/> | <input type="checkbox"/> |
| TOM BAUSCH, Commissioner | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PAM BUSH, Commissioner | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PAUL LUGER, Commissioner | <input checked="" type="checkbox"/> | <input type="checkbox"/> |


The Town Manager thereupon declared this Resolution No. 764 approved and adopted by the Town Commission of the Town of Sewall's Point on this 13th day of September, 2012.

TOWN OF SEWALL'S POINT, FLORIDA


Robert Kellogg, Town Manager

ATTEST:


Ann-Marie S. Basler, Town Clerk
(TOWN SEAL)


Glen J. Torcivia, Town Attorney
Florida Bar No. 343374
Approved as to form and legal sufficiency

**INTERLOCAL AGREEMENT
BETWEEN MARTIN COUNTY AND THE TOWN OF SEWALLS POINT
FOR THE DISTRIBUTION OF LOCAL OPTION FUEL TAXES**

THIS INTERLOCAL AGREEMENT is made by and between the Martin County Board of County Commissioners, a political subdivision of the State of Florida (the "County") and the Town of Sewall's Point, a Florida municipal corporation (the "Town").

WITNESSETH:

WHEREAS, the parties are authorized to enter into this Interlocal Agreement pursuant to Section 336.025, Florida Statutes, and Section 163.01, Florida Statutes, for the purpose of providing for the distribution of the Local Option Fuel Taxes imposed by the County pursuant to Section 336.025, Florida Statutes; and

WHEREAS, on June 26, 2002, the County and the Town entered into an Interlocal Agreement for the purpose of providing for the distribution of the then existing Local Option Fuel Taxes imposed by the County pursuant to Section 336.025, Florida Statutes; and which expires December 31, 2012.

WHEREAS, pursuant to such Interlocal Agreement, the County and the Town have reviewed historical transportation expenditures for the most recent five (5) years; and

WHEREAS, the transportation expenditures for the most recent five (5) years have changed the distribution percentages among Martin County municipalities and unincorporated Martin County; and

WHEREAS, the Town has requested the distribution percentage applied during 2012 be utilized for 2013 in order to provide additional time to transition to the new percentages; and

WHEREAS, the County and the Town wish to enter into a new Interlocal Agreement governing distribution of the Local Option Fuel Taxes imposed by the County pursuant to Section 336.025, Florida Statutes.

NOW, THEREFORE, the County and the Town agree that:

1. The term of this Agreement shall be January 1, 2013, through December 31, 2017.
2. The Town shall receive two and thirty-three one hundredths percent (2.33%) of all Local Option Fuel Taxes levied pursuant to Section 336.025, Florida Statutes for the year 2013 only.
3. The Town shall receive eight hundred sixty two point two thousands (0.8624%) of the proceeds of all Local Option Fuel Taxes levied pursuant to Section 336.025, Florida

Statutes for the years 2014, 2015, 2016, and 2017, which is the distribution percentage derived from the transportation expenditures during the five (5) years prior to 2012.

4. In the event the Local Option Fuel Taxes levied pursuant to Section 336.025, Florida Statutes, are imposed or increased, the County and the Town agree to negotiate the division and distribution of such.

5. The division and distribution of the Local Option Fuel Taxes levied pursuant to Section 336.025, Florida Statutes, shall be periodically reviewed at such times as mutually agreed by the County and the Town, but in any event the division and distribution shall be reviewed at least every five (5) years.

IN WITNESS WHEREOF, the parties hereto have caused the execution hereof by their duly authorized officials on the dates stated below.

DULY EXECUTED by MARTIN COUNTY this _____ day of _____, 2012.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

MARSHA EWING, CLERK

EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND
CORRECTNESS

STEPHEN FRY, COUNTY ATTORNEY

DULY EXECUTED by SEWALLS POINT this 13th day of September, 2012.

ATTEST:

TOWN OF SEWALL'S POINT

Ann-Marie Basler
ANN-MARIE BASLER, CLERK

Jacqui Thurlow-Lippisch
JACQUI THURLOW-LIPPISCH, MAYOR

APPROVED AS TO FORM AND
CORRECTNESS

Glen J. Torcivia
GLEN J. TORCIVIA, TOWN ATTORNEY

