

MEMORANDUM

February 24, 2015

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Clara VanBlargan, MMC, City Clerk

RE: Resolution 2015-03, Amendment One to Interlocal Agreement between Polk County and the City of Lake Wales to extend a 30-year Interlocal Agreement which governs the division and distribution of the Six-Cent Local Option Gas Tax

SYNOPSIS: The approval of Amendment One to the Interlocal Agreement, through the adoption of Resolution 2015-03, provides support to Polk County for its consideration of extending a 30-Year Interlocal Agreement for the division and distribution of the Six-Cent Local Option Gas Tax for thirty additional years.

RECOMMENDATION

Polk County Manager Jim Freeman is requesting that the City Commission take the following action:

1. Adopt Resolution 2015-03 approving Amendment One to the Interlocal Agreement between Polk County and the City of Lake Wales to extend the 30-Year Interlocal Agreement expiring on August 31, 2017, governing the division and distribution of the Six-Cent Local Option Gas Tax for an additional thirty (30) years from September 1, 2017, through August 31, 2047.

BACKGROUND

In 1987, in accordance with Section 336.025 (3)(a)(1), Florida Statutes, the City of Lake Wales entered into a 30-Year Interlocal Agreement with Polk County providing for the division and distribution of proceeds of the six-cent local option gas tax. This agreement is due to expire on August 31, 2017. Polk County is considering extending this agreement for an additional thirty (30) years.

The six-cent local option gas tax has been a critical part of the funding stream for county and city road programs, and therefore, it is necessary that Polk County consider extending the agreement. The first step in the process requires that each municipality enter into an Interlocal Agreement with Polk County. Resolution 2015-03 is presented to the City Commission for that purpose.

OPTIONS

Do not adopt Resolution 2015-03.

FISCAL IMPACT

None

ATTACHMENTS

Resolution 2015-03
Polk County Email

RESOLUTION 2015-03

A RESOLUTION OF THE CITY OF LAKE WALES SUPPORTING THE DECISION OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS TO CONSIDER EXTENDING A 30-YEAR INTERLOCAL AGREEMENT GOVERNING THE DIVISION AND DISTRIBUTION OF THE SIX-CENT LOCAL OPTION GAS TAX BY APPROVING AMENDMENT ONE TO THE INTERLOCAL AGREEMENT BETWEEN POLK COUNTY AND THE CITY OF LAKE WALES.

WHEREAS, Polk County and the City of Lake Wales pursuant to Section 336.025 (3)(a)(1), Fla. Stat., entered into an Interlocal Agreement executed by the Chairman of the Polk County Board of County Commissioners on June 9, 1987 ("Interlocal") to provide for the division and distribution of the proceeds of the six-cent local option gas tax ("Gas Tax"); and

WHEREAS, the Interlocal Agreement is effective from September 1, 1987, to August 31, 2017; and

WHEREAS, Polk County and the City of Lake Wales desire to extend the Interlocal Agreement for an additional thirty (30) years to provide for the division and distribution of the proceeds of any extension of the gas tax by the County.

NOW THEREFORE, the City Commission adopts Resolution 2015-03 approving Amendment One to the Interlocal Agreement between Polk County and the City of Lake Wales to extend the 30-year Interlocal Agreement governing the division and distribution of the Six-Cent Local Option Gas Tax for an additional 30 years through August 31, 2047, including those proceeds not collected or otherwise not available for distribution until after August 31, 2047, should the County decide to proceed with its decision to extend the Interlocal Agreement.

PASSED AND ADOPTED by the Lake Wales City Commission, Lake Wales, Polk County, Florida, this 3rd day of March, 2015.

Eugene Fultz, Mayor

ATTEST:

Clara VanBlargan, MMC, City Clerk

AMENDMENT ONE
TO
INTERLOCAL AGREEMENT
BETWEEN
POLK COUNTY AND MUNICIPALITIES
TO
EXTEND THE INTERLOCAL AGREEMENT GOVERNING THE DIVISION AND
DISTRIBUTION OF THE SIX-CENT LOCAL OPTION GAS TAX

THIS AGREEMENT, made and entered by and between Polk County, a political subdivision of the State of Florida, (“COUNTY”) and the City of Lake Wales, a Florida municipal corporation, (“MUNICIPALITY”).

WITNESSETH:

WHEREAS, the COUNTY and the MUNICIPALITY pursuant to Section 336.025 (3)(a)(1), Fla. Stat., entered into an Interlocal Agreement executed by the Chairman of the Board of Polk County Commissioners on June 9, 1987 (“Interlocal”) to provide for the division and distribution of the proceeds of the six-cent local option gas tax (“Gas Tax”); and

WHEREAS, the Interlocal is effective from September 1, 1987, to August 31, 2017; and

WHEREAS, the COUNTY and the MUNICIPALITY desire to extend the Interlocal for an additional thirty (30) years to provide for the division and distribution of the proceeds of any extension of the Gas Tax by the COUNTY.

NOW THEREFORE, in consideration of the mutual covenants and conditions and for other good and valuable consideration, the parties agree as follows:

SECTION 1. EXTENSION OF INTERLOCAL. The COUNTY and the MUNICIPALITY mutually agree to extend the Interlocal from September 1, 2017, to August

31, 2047, both inclusive. The Interlocal shall govern the division and distribution of proceeds of the Gas Tax imposed through August 31, 2047, including those proceeds not collected or otherwise not available for distribution until after August 31, 2047.

IN WITNESS WHEREOF, the lawful representatives of the parties have executed this Agreement on the day and year indicated above.

CITY OF LAKE WALES

BOARD OF COUNTY COMMISSIONERS

By: _____
Eugene Fultz, Mayor

By: _____
George Lindsey III, Chairman

Date: _____

Date: _____

Attest:

By: _____
Clara VanBlargan, MMC, City Clerk

By: _____
Stacy M. Butterfield, CLERK

By: _____
Deputy Clerk

Approved as to form:

By: _____
City Attorney

By: _____
County Attorney's Office