

RESOLUTION NO. 2006- 444

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A SUPPLEMENT TO THE INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE CITY OF ST. AUGUSTINE, FLORIDA, RELATING TO THE DISTRIBUTION OF THE COUNTY'S SIX CENT LOCAL OPTION FUEL TAX AMONG THE COUNTY AND THE MUNICIPALITIES LOCATED WITHIN THE COUNTY; AND AUTHORIZING THE EXECUTION OF SAID SUPPLEMENT TO INTERLOCAL AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

WHEREAS, St. Johns County (the "County") desires to issue additional transportation improvement revenue bonds (the "Bonds") pursuant to St. Johns County Resolution 92-103, as amended and supplemented, and pursuant to Section 336.025 Florida Statutes, as amended; and

WHEREAS, in order to efficiently and advantageously issue the Bonds, the County desires to extend, reimpose and relevy the County's current six (6) cent local option fuel tax from its current expiration date of December 31, 2032, established pursuant to St. Johns County Ordinances 86-61, 2003-91 and 2003-104, to December 31, 2035; and

WHEREAS, the County and the City of St. Augustine (the "City") previously entered into an Amendment to Interlocal Agreement dated June 10, 1986, as supplemented by a Supplement to Amendment to Interlocal Agreement dated October 20, 2003 (collectively, the "Interlocal Agreement"), that provided a distribution formula for dividing the proceeds of local option fuel taxes among County government and all eligible municipalities within the County; and

WHEREAS, in order to relevy, reimpose or extend the County's six (6) cent local option fuel tax at its current expiration date, the County and the City must enter into an interlocal agreement redetermining the method of distribution of the County's extended, reimposed and relevied six (6) cent local option fuel tax among the County and the municipalities located within the County; and

WHEREAS, the County desires to supplement the Interlocal Agreement to confirm and redetermine that the local option fuel tax distribution formula that is set forth in the Interlocal Agreement will continue to be used in the event the County enacts an ordinance in 2006 whereby the County's six (6) cent local option fuel tax is extended, reimposed and/or relevied from January 1, 2033 through and including December 31, 2035; and

WHEREAS, the County has reviewed the terms, provisions, conditions and requirements of the form of Second Supplement to Amendment to Interlocal Agreement (the "Second Supplement Interlocal Agreement") attached hereto and incorporated herein; and

WHEREAS, the County has determined that accepting the terms of the Second Supplement Interlocal Agreement and entering into the Second Supplement Interlocal Agreement will serve the interests of the County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above Recitals are hereby incorporated into the body of this Resolution, and are adopted as Findings of Fact.

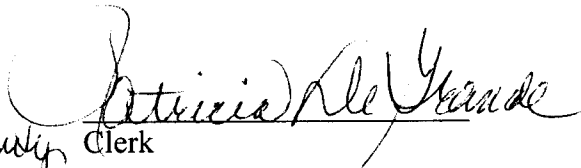
Section 2. The Board of County Commissioners hereby approves the terms, provisions, conditions, and requirements of the Second Supplement Interlocal Agreement between St. Johns County, Florida, and the City of St. Augustine, Florida, and authorizes the Chairman of the Board of County Commissioners to execute the Second Supplement Interlocal Agreement in substantially the form attached hereto on behalf of St. Johns County.

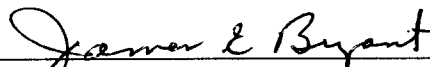
PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this fourteenth day of November, 2006.

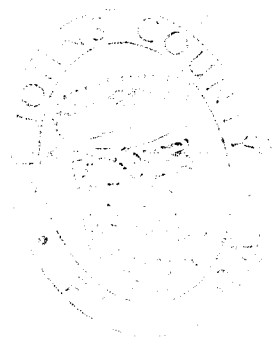
BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

Attest:

By:


Deputy Clerk


Chairman



SECOND SUPPLEMENT
To
AMENDMENT
To
INTERLOCAL AGREEMENT
That Currently Exists Between
ST. JOHNS COUNTY
And
CITY OF ST. AUGUSTINE

This Second Supplement Provides For

DIVISION AND DISTRIBUTION OF THE
PROCEEDS OF THE LOCAL OPTION FUEL TAX THAT MAY
BE EXTENDED, REIMPOSED AND/OR RELEVIED BY ENACTMENT OF A COUNTY
ORDINANCE THAT SUPPLEMENTS OR AMENDS ST. JOHNS COUNTY'S EXISTING
LOCAL OPTION FUEL TAX ORDINANCE

THIS SECOND SUPPLEMENT TO AMENDMENT TO INTERLOCAL AGREEMENT, made and entered into by and between ST. JOHNS COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and CITY OF ST. AUGUSTINE, a municipal corporation existing under the laws of the State of Florida, hereinafter referred to as the "City", WITNESSETH:

WHEREAS, the County desires to issue additional transportation improvement revenue bonds (the "Bonds") pursuant to St. Johns County Resolution 92-103, as amended and supplemented, and pursuant to Section 336.025 Florida Statutes, as amended; and

WHEREAS, in order to efficiently and advantageously issue the Bonds, the County has determined to extend, reimpose and relevy the County's current six (6) cent local option fuel tax (originally referred to as six (6) cent local option gas tax) from its current expiration date of December 31, 2032, established pursuant to St. Johns County Ordinances 86-61, 2003-91 and 2003-104; and

WHEREAS, the City represents a majority of the population of the incorporated areas within the County; and

WHEREAS, pursuant to the provisions of Florida Statutes 336.025(3)(a) (1985), the parties previously entered into an Amendment to Interlocal Agreement dated June 10, 1986, that provided a distribution formula for dividing the proceeds of local option fuel taxes among County government and all eligible municipalities within the County, provided that the County enacted a local option fuel tax ordinance in 1986; and

WHEREAS, the County enacted St. Johns County Ordinance 86-61 in 1986 (the "Original Ordinance") imposing and levying a six (6) cent local option fuel tax effective September 1, 1986 to August 31, 2016, both inclusive; and

WHEREAS, the Original Ordinance provided that the six (6) cent local option fuel tax would be distributed among the County and the eligible municipalities located within the County in the manner provided in the June 10, 1986 Amendment to Interlocal Agreement between the County and the City (the "Original Interlocal Agreement"); and

WHEREAS, the County enacted St. Johns County Ordinance 2003-91 and entered into a Supplement to Amendment to Interlocal Agreement with the City dated October 20, 2003, which reimposed, extended and relieved the six (6) cent local option fuel tax effective September 1, 2016 and continuing to August 31, 2033, both dates inclusive; and

WHEREAS, the County enacted St. Johns County Ordinance 2003-104 which deleted and substituted Section 2 of said Ordinance 2003-91 and reimposed, extended and relieved the six (6) cent local option fuel tax effective September 1, 2016 and continuing to December 31, 2032, both dates inclusive; and

WHEREAS, the City and the County will both benefit if the six (6) cent local option fuel tax is extended, reimposed and relieved from January 1, 2033 and continuing to December 31, 2035, both dates inclusive; and

WHEREAS, Sections 336.025(1)(a)1, 336.025(1)(a)3 and 336.025(3) Florida Statutes, as amended, provide that in order to relevel, reimpose or extend the County's six (6) cent local option fuel tax at its current expiration date, the City and the County must either enter into an interlocal agreement redetermining the method of distribution of the County's extended, reimposed and relieved six (6) cent local option fuel tax among the County and the municipalities located within the County or if such interlocal agreement is not entered into, the County must adopt a resolution of intent to extend, reimpose and relevel the currently existing six (6) cent local option fuel tax; and

WHEREAS, the City and the County desire to supplement the current Original Interlocal Agreement, as supplemented, to confirm and redetermine that the local option fuel tax distribution formula that is set forth in the current Original Interlocal Agreement will continue to be used in the event the County enacts an ordinance in 2006 whereby the County's six (6) cent local option fuel tax is extended, reimposed and/or relieved from January 1, 2033 through and including December 31, 2035;

NOW THEREFORE, in consideration of the mutual terms, conditions, promises, covenants and premises hereinafter set forth and pursuant to the authorization of Section 336.025, Florida Statutes, as amended, the County and the City agree as follows:

1. The City is a municipality located within St. Johns County, Florida; the City represents a majority of the population of the incorporated areas within the County; and the City is eligible to receive a portion of the six (6) cent local option fuel tax.

2. In the event the County enacts by ordinance in 2006 an amendment or supplement to St. Johns County Ordinance 86-61, as supplemented, which extends, reimposes and/or relieves

the County's six (6) cent local option fuel tax from and including January 1, 2033 and continuing to December 31, 2035, both dates inclusive, then the City and the County agree that the Original Interlocal Agreement, as supplemented, is hereby automatically supplemented effective January 1, 2033 to confirm, reestablish and redetermine that the method of distribution of the County's six (6) cent local option fuel tax that is provided and set forth in the Original Interlocal Agreement, as supplemented, shall continue uninterrupted from December 31, 2032 until St. Johns County Ordinance 86-61, as supplemented, and the above-referenced 2006 St. Johns County ordinance that amends or supplements said Ordinance 86-61 are repealed.

3. In the event the County does not amend or supplement said Ordinance 86-61 in 2006 in the manner set forth in paragraph 2 above, this Second Supplement to Amendment to Interlocal Agreement shall be of no force and effect and the Original Interlocal Agreement, as supplemented, shall remain in effect unamended and unsupplemented hereby.

4. A copy of this Second Supplement to Amendment to Interlocal Agreement shall be filed by the County Administrator or his designee with the Clerk of the Circuit Court of St. Johns County, Florida, upon its execution by all parties hereto.

5. The parties agree that if the County extends, reimposes and/or relieves the County's six (6) cent local option fuel tax as contemplated herein, this Second Supplement to Amendment to Interlocal Agreement shall constitute an Interlocal Agreement that confirms, reestablishes and redetermines the method of distribution of the six (6) cent local option fuel tax that is extended, reimposed and/or relieved by the above-referenced 2006 St. Johns County ordinance.

6. This Second Supplement to Amendment to Interlocal Agreement shall take effect immediately upon being executed by both the City and the County.

IN WITNESS WHEREOF, the parties hereto have made and executed this Second Supplement to Amendment to Interlocal Agreement on the respective dates under each signature.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Chairman

Date: _____, 2006

ATTEST:

By: _____
Clerk

CITY OF ST. AUGUSTINE

By: _____
Mayor-Commissioner

Date: _____, 2006

ATTEST:

By: _____
City Clerk