

ORDINANCE NO. 2003- 91

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, SUPPLEMENTING ST. JOHNS COUNTY ORDINANCE 86-61 WHICH IS THE ORDINANCE THAT IMPOSED AND LEVIED THE COUNTY SIX (6) CENT LOCAL OPTION GAS TAX. THIS ORDINANCE REIMPOSES, EXTENDS AND RELEVIES THE SIX (6) CENT LOCAL OPTION FUEL TAX UPON EVERY GALLON OF MOTOR FUEL AND DIESEL FUEL SOLD IN ST. JOHNS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES; PROVIDES THAT THE REIMPOSITION, EXTENSION AND RELEVY SHALL BE EFFECTIVE BEGINNING SEPTEMBER 1, 2016 AND SHALL CONTINUE TO AUGUST 31, 2033; REDETERMINES THE METHOD OF DISTRIBUTION OF THE TAX REVENUE AMONG THE COUNTY AND MUNICIPALITIES PURSUANT TO A SUPPLEMENT TO AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE; PROVIDES FOR COLLECTION AND USE OF THE FUEL TAX; PROVIDES SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE:

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

WHEREAS, in order to issue the Bonds, St. Johns County must extend, reimpose and relevy the County's current Six (6) cent local option fuel tax from its current expiration date of August 31, 2016.

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

Section 1. This ordinance is authorized by Section 336.025, Florida Statutes, 2002, and other applicable law and supplements St. Johns County ordinance 86-61 which is the ordinance that imposed and levied the County Six (6) cent local option gas tax.

Section 2. The Six (6) cent local option fuel tax imposed and levied by St. Johns County ordinance 86-61 is hereby extended, reimposed and relevied effective September 1, 2016 and continuing to August 31, 2033, both dates inclusive. Such tax shall be levied upon every gallon of motor fuel and diesel fuel sold in St. Johns County, Florida and taxed under the provisions of part 1 or part 11 of Chapter 206 Florida Statutes.

Section 3. The proceeds of the Six (6) cent local option fuel tax hereby extended, reimposed and relevied shall be distributed among St. Johns County and the eligible municipalities located within St. Johns County in the manner provided and redetermined in the

attached Supplement to Amendment to Interlocal Agreement between St. Johns County and the City of St. Augustine.

Section 4. The Six (6) cent local option fuel tax hereby extended, reimposed and relieved shall be collected and remitted as provided in Florida Statute §336.025 and shall be utilized by St. Johns County and the eligible municipalities located therein only for transportation expenditures as permitted by such statute.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof; provided, however, that the remaining provisions when read together will constitute a feasible, reasonable, workable plan to accomplish the purposes contemplated hereby.

Section 6. This Ordinance shall take effect immediately upon the filing of a certified copy of this Ordinance with the Department of State.

PASSED, ENACTED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, this 4 day of November, 2003.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Jamie D. Bryant
Chairman

ATTEST: Cheryl Strickland, Clerk

By: Robin L. Platt
Clerk

RENDITION DATE November 7, 2003

EFFECTIVE DATE: November 10, 2003

FILED

03 OCT 20 AM 9:18

CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

SUPPLEMENT TO
AMENDMENT TO
INTERLOCAL AGREEMENT

That Currently Exists

Between

ST. JOHNS COUNTY

And the

CITY OF ST. AUGUSTINE

This 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 GAS TAX ORDINANCE

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

WITNESSETH:

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

WHEREAS, in order to issue the Bonds, the County must extend, reimpose and relevy the County's current Six (6) cent local option fuel tax from its current expiration date of August 31, 2016; 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 gas taxes among County

government and all eligible municipalities within the County, provided that the County enacted a Local Option Gas Tax Ordinance in 1986; and

WHEREAS, the County enacted its Local Option Gas Tax Ordinance number 86-61 in 1986 (the "Original Ordinance") imposing and levying a Six (6) cent local option gas tax effective September 1, 1986 to August 31, 2016; and

WHEREAS, The Original Ordinance provided that the Six (6) cent local option gas 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; and

WHEREAS, the City and the County will both benefit if the Six (6) cent local option gas tax – now referred to as the Six (6) cent local option fuel tax – is extended, reimposed and relieved from September 1, 2016 through and including August 31, 2033; and

WHEREAS, Sections 336.025 (1) (a) 1; 336.025 (1) (a) 3 and 336.025 (3) Florida Statutes 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 Amendment to Interlocal Agreement to confirm and redetermine that the local option gas tax distribution formula that is set forth in the current Amendment to Interlocal Agreement will continue to be used in the event the County adopts an ordinance in 2003 whereby the County's Six cent local option fuel tax is extended, reimposed and/or relieved from September 1, 2016 through and including August 31, 2033.

NOW THEREFORE, in consideration of the mutual terms, conditions, promises, covenants and premises hereinafter set forth and pursuant to the authorization of paragraph (3) (a) 1 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 in 2003 an amendment or supplement to its original local option gas tax ordinance number 86-61 which extends, reimposes and/or relieves the County's Six (6) cent local option fuel tax from and including September 1, 2016 to and including August 31, 2033, then the City and the County agree that the current Amendment to Interlocal Agreement between the County and the City dated June 10, 1986 is hereby automatically supplemented effective September 1, 2016 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 current Amendment to Interlocal Agreement shall continue uninterrupted from August 31, 2016 until St. Johns County ordinance 86-61 and the 2003 St. Johns County ordinance that amends or supplements ordinance 86-61 are repealed.

3 In the event the County does not amend or supplement its ordinance 86-61 in 2003 in the manner set forth in paragraph 2 above, this Supplement to Amendment to Interlocal Agreement shall be of no force and effect and the Amendment to Interlocal Agreement shall remain in effect unamended and unsupplemented.

4 A copy of this 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 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 2003 County ordinance.

6 This Supplement to Amendment to Interlocal Agreement shall take effect immediately upon being executed by both the City and the County. If this Supplement to Amendment to Interlocal Agreement is not executed by both the City and the County on or before Tuesday October 21, 2003 then it shall be void ab initio and of no effect.

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

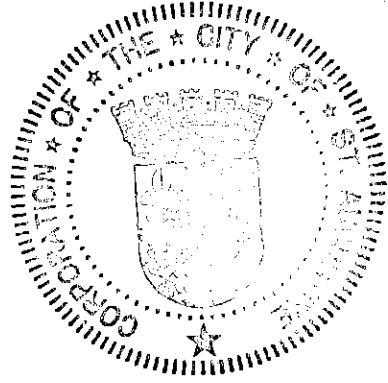
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James D. Bryant
Chairman

October 20, 2003

ATTEST: Cheryl Strickland, Clerk

By: Cheryl Strickland
Clerk



CITY OF ST. AUGUSTINE

By: [Signature]
Mayor-Commissioner

October 13, , 2003

ATTEST: [Signature]

Martha V. Porter
City Clerk

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared LINDA Y MURRAY

who on oath says that she is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a

NOTICE OF PUBLIC HEARING

In the matter of ORDINANCE # 86-61

SIX (6) CENT LOCAL OPTION GAS TAX

in the Court, was published in said newspaper in the issues of

OCTOBER 20, 2003

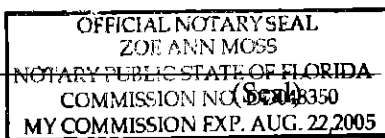
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 21st day of OCTOBER 2003

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Notary Public]

Zoe Ann Moss



COPY OF ADV

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, November 4, 2003 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S.1 North, St. Augustine, Florida, to consider adoption of the following ordinance: AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, SUPPLEMENTING ST. JOHNS COUNTY ORDINANCE 86-61 WHICH IS THE ORDINANCE THAT IMPOSED AND LEVIED THE COUNTY SIX (6) CENT LOCAL OPTION GAS TAX. THIS ORDINANCE REIMPOSES, EXTENDS AND RELEVIES THE SIX (6) CENT LOCAL OPTION FUEL TAX UPON EVERY GALLON OF MOTOR FUEL AND DIESEL FUEL SOLD IN ST. JOHNS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES; PROVIDES THAT THE REIMPOSITION, EXTENSION AND RELEVY SHALL BE EFFECTIVE BEGINNING SEPTEMBER 1, 2016 AND SHALL CONTINUE TO AUGUST 31, 2033; REDETERMINES THE METHOD OF DISTRIBUTION OF THE TAX REVENUE AMONG THE COUNTY AND MUNICIPALITIES PURSUANT TO A

SUPPLEMENT TO AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE; PROVIDES FOR COLLECTION AND USE OF THE FUEL TAX; PROVIDES SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE:

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084.

For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service; 1-800-955-8770, no later than 5 days prior to the date of the hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Patricia DeGrande, Deputy Clerk 12352-3 Oct 20, 2003

ORDINANCE BOOK 32 PAGE 562



STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

GLEND A. HOOD
Secretary of State

November 5, 2003

Honorable Cheryl Strickland
Clerk to Board of Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Yvonne King
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 7, 2003 and certified copies of St. Johns County Ordinance Nos. 2003-91 through 2003-95, which were filed in this office on November 10, 2003.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/mp

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BUREAU OF ADMINISTRATIVE CODE • DIVISION OF ELECTIONS
The Collins Building, Room L43 • 107 W. Gaines Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270 • Facsimile: (850) 245-6282 • WWW: <http://www.dos.state.fl.us>
E-Mail: DivElections@mail.dos.state.fl.us