

Levy County Board of County Commissioners

Agenda Item Summary

1. **NAME/ORGANIZATION/TELEPHONE:**
 Wilbur Dean ,County Coordinator

2. **MEETING DATE:**
 May 16, 2017

3. **REQUESTED MOTION/ACTION:**

Approval of Ordinance 2017-03 amending section 86-2, Levy County code of Ordinances by amending the expiration date of the six cent (\$0.06) Local option Gas Tax; providing for severability; providing an effective date.

4. **Agenda Presentation**

Time Requested: _____

(Request will be granted if possible)

**ALLOTTED TIME NOT
 MORE THAN 15 MINUTES**

5. **IS THIS ITEM BUDGETED (IF APPLICABLE) ? : YES ___ NO ___ IF NO, STATE ACTION REQUIRED**

BUDGET ACTION:

FINANCIAL IMPACT SUMMARY STATEMENT:

DETAILED ANALYSIS ATTACHED?: YES ___ NO ___ BUDGET OFFICER APPROVAL _____ DATE

6. **BACKGROUND: (WHY IS THE ACTION NECESSARY, AND WHAT ACTION WILL BE ACCOMPLISHED)**

Amending the expiration date of the six cent (\$0.06) Local option Gas Tax; providing for severability; providing an effective date.

ALL SUPPORTING DOCUMENTATION MUST BE ATTACHED

7. **RECOMMENDED APPROVAL AND DATE (YES & NO BLOCK INDICATE IF APPROVAL IS/IS NOT REQUIRED)**

DEPARTMENT DIRECTOR	OTHER	OTHER	OTHER	COUNTY ATTORNEY	COUNTY COORDINATOR
YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO

8. **COMMISSION ACTION:**

APPROVED

DENIED

DEFERRED DATE TO BRING BACK:

OTHER SPECIFY:

31 the State of Florida; and

32 **WHEREAS**, the Board has determined that it is in the best interests of the County
33 for the County to amend the expiration date of the levy of the combined six cents (\$0.06)
34 local option gas tax, as directed by the State of Florida Department of Revenue;

35 **BE IT ORDAINED**, by the Board of County Commissioners of Levy County, Florida:

36 Section 1. Section 86-2(a), Levy County Code of Ordinances, shall be revised as
37 follows, with the remainder of such Section 86-2 to remain unchanged (additions are shown
38 as underlined, deletions are shown as ~~stricken through~~):

39 **Sec. 86-2. - Local option gas tax.**
40

41 (a) Effective September 1, 2015, the \$0.06 local option gas tax upon every
42 gallon of motor fuel and special fuel imposed sold in the county and taxed under the
43 provisions of chapter 206, Florida Statutes, imposed by Ordinances 83-3, 84-2, 85-2,
44 86-3, and 88-1, codified as the former Section 86-2 of this Code, is hereby reimposed
45 and relieved as a \$0.06 local option gas tax upon every gallon of motor fuel and diesel
46 fuel for an additional term of thirty (30) years ending on December 31, 2044~~August 31,~~
47 ~~2045~~.

48
49 Section 2. Severability. If any subsection, sentence, clause, phrase, or portion of
50 these sections is for any reason held invalid or unconstitutional by any court of competent
51 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision
52 and such holding shall not effect the validity of the remainder of the chapter.

53 Section 3. Effective Date. This ordinance shall take effect upon filing in the Office
54 of the Secretary of the State, State of Florida.

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PASSED AND DULY ADOPTED this ____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA

John Meeks, Chair

ATTEST: Danny Shipp, Clerk of the Circuit
Court and Ex-Officio Clerk to the Board
Of County Commissioners

Danny Shipp

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Anne Bast Brown

Anne Bast Brown, County Attorney

Z:ord/amend.6cent.gas.tax
LR2004-054
4/3/17

Levy County Board of County Commissioners

Agenda Item Summary

1. **NAME/ORGANIZATION/TELEPHONE:**
 Wilbur Dean ,County Coordinator

2. **MEETING DATE:**
 May 16, 2017

3. **REQUESTED MOTION/ACTION:**

Approval of Ordinance 2017-04 imposing and levying a five cent(0.05) per gallon local option gas tax on every gallon of motor fuel for thirty years until December 31, 2047.

4. **Agenda Presentation**

Time Requested: _____

(Request will be granted if possible)

**ALLOTTED TIME NOT
 MORE THAN 15 MINUTES**

5. **IS THIS ITEM BUDGETED (IF APPLICABLE) ? : Yes_ No_ IF NO, STATE ACTION REQUIRED**

BUDGET ACTION:

FINANCIAL IMPACT SUMMARY STATEMENT:

DETAILED ANALYSIS ATTACHED?: YES__ NO__ BUDGET OFFICER APPROVAL _____ DATE

6. **BACKGROUND: (WHY IS THE ACTION NECESSARY, AND WHAT ACTION WILL BE ACCOMPLISHED)**

Ordinance 2017-04 imposing and levying a five cent(0.05) per gallon local option gas tax on every gallon of motor fuel for thirty years until December 31, 2047; providing for division and distribution of tax proceeds among the County and eligible municipalities pursuant to Florida statute; providing for allowable uses an effective date.

ALL SUPPORTING DOCUMENTATION MUST BE ATTACHED

7. **RECOMMENDED APPROVAL AND DATE (YES & NO BLOCK INDICATE IF APPROVAL IS/IS NOT REQUIRED)**

DEPARTMENT DIRECTOR	OTHER	OTHER	OTHER	COUNTY ATTORNEY	COUNTY COORDINATOR
YES__ NO	YES__ NO	YES__ NO	YES__ NO	YES__ NO	YES__ NO

8. **COMMISSION ACTION:**

APPROVED

DENIED

DEFERRED DATE TO BRING BACK:

OTHER SPECIFY:

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**ORDINANCE
NUMBER 2017-04**

AN ORDINANCE OF LEVY COUNTY, FLORIDA, IMPOSING AND LEVYING A FIVE CENT (\$0.05) PER GALLON LOCAL OPTION GAS TAX ON EVERY GALLON OF MOTOR FUEL FOR THIRTY YEARS UNTIL DECEMBER 31, 2047; PROVIDING FOR DIVISION AND DISTRIBUTION OF TAX PROCEEDS AMONG THE COUNTY AND ELIGIBLE MUNICIPALITIES PURSUANT TO FLORIDA STATUTE; PROVIDING FOR ALLOWABLE USES OF TAX; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, costs of a large portion of transportation expenditures for the Levy County Road Department ("Road Department") have traditionally been funded by taxes on motor fuel and special fuel, thereby placing the burden of funding these expenditures on those purchasing fuel within the County and using the County road system; and

WHEREAS, the Road Department's transportation expenditures have risen over the years and continue to rise, while income to Levy County from taxes on motor fuel and special fuel have not risen at a rate comparable to the rise in costs, thereby requiring partial funding of the County's transportation expenditures from the County's general fund; and

WHEREAS, due to the lack of sufficient income from taxes on motor fuel and special fuel, even as supplemented by the County's general fund, the County has been

34 financially unable to fund expenditures needed for immediate local transportation
35 problems, or to fund transportation expenditures for the construction of new roads, the
36 reconstruction or resurfacing of existing paved roads, or the paving of existing graded
37 roads, all of which would increase road capacity; and,

38 **WHEREAS**, under the authority of Section 336.025(1)(b), Florida Statutes, the
39 Board of County Commissioners ("Board") desires to levy and impose a five cents (\$0.05)
40 local option gas tax upon every gallon of motor fuel sold in Levy County and provide for
41 distribution of the proceeds from the tax between itself and eligible municipalities within
42 Levy County, in order to fund expenditures needed for immediate local transportation
43 problems, or to fund transportation expenditures for the construction of new roads, the
44 reconstruction or resurfacing of existing paved roads, or the paving of existing graded
45 roads, all of which would increase road capacity; and

46 **WHEREAS**, the County intends to seek adoption of interlocal agreements with
47 municipalities in the County representing a majority of the population of the incorporated
48 area in the County providing for division of the proceeds of the local option gas tax prior to
49 the effective date of the imposition of the local option gas tax contained herein; and

50 **WHEREAS**, in the event the County is unable to adopt interlocal agreements with
51 municipalities in the County representing a majority of the population of the incorporated
52 area in the County providing for division of the proceeds of the local option gas tax prior to
53 the effective date of the imposition of the local option gas tax contained herein, the County
54 shall seek distribution of the revenues of such gas tax pursuant to Section 336.025(4),
55 Florida Statutes; and

56 **WHEREAS**, the Board finds it is in the best interest of the public health, safety and
57 general welfare, to impose a five cent (\$0.05) local option gas tax pursuant to the
58 provisions of Section 336.025(1)(b), Florida Statutes, and provide for the distribution of the
59 revenues of such tax with municipalities located within Levy County, as provided herein;

60 **BE IT ORDAINED**, by the Board of County Commissioners of Levy County, Florida:

61 Section 1. The following provisions are hereby adopted and shall be codified as
62 Section 86-5, in the Levy County Code:

63 **Sec. 86-5. - Local option gas tax.**
64

65 (a) Effective January 1, 2018, a local option gas tax of five cents (\$0.05) upon every
66 gallon of motor fuel imposed sold in the county and taxed under the provisions of chapter
67 206, Florida Statutes, and Section 336.025(1)(b), Florida Statutes, is hereby imposed and
68 levied for a term of thirty (30) years ending on December 31, 2047.

69 (b) Proceeds of the tax hereby imposed and levied shall be divided and distributed
70 among the county and eligible municipalities in accordance with the provisions of an
71 interlocal agreement entered into between the county and municipalities representing a
72 majority of the population of the incorporated area within the county. In the event such
73 interlocal agreement is adopted prior to June 1, 2017, the division and distribution of the
74 tax hereby imposed and levied shall be in accordance with such interlocal agreement from
75 the effective date of the imposition and levy of the tax. In the event that no such interlocal
76 agreement is adopted prior June 1, 2017, the division and distribution of the proceeds of
77 the tax hereby imposed among the county and the eligible municipalities shall be in
78 accordance with subsection (d) hereof, until such an interlocal agreement is subsequently
79 adopted. Any such subsequent interlocal agreement must be adopted prior to June 1 of
80 any year of the duration of the tax levy.

81 (c) The county shall provide the Department of Revenue, State of Florida, with a
82 certified copy of any interlocal agreement between the county and municipalities pursuant
83 hereto containing agreed-upon distribution percentages. The distribution formula for the tax
84 contained in any interlocal agreement shall be reviewed by the county and eligible
85 municipalities at least every five years for the duration of the tax levy. If it is determined that
86 any changes to the distribution formula are desirable or necessary, such changes shall
87 only be implemented by formal amendment to the interlocal agreement, which amendment
88 shall be adopted before June 1 of the year such amendment is approved. A certified copy
89 of any amendment to the interlocal agreement affecting the distribution formula among the
90 county and the municipalities shall be promptly provided to the Department of Revenue.

91 (d) In the event that no interlocal agreement is adopted by June 1, 2017, or by June 1
92 of any year of the duration of the tax levy, as provided in subsection (b) hereof, the
93 proceeds of the tax hereby imposed and levied shall be divided and distributed in
94 accordance with the provisions of Section 335.025(4), Florida Statutes. As provided in
95 such Section 335.025(4), Florida Statutes, the proceeds of the tax shall be distributed
96 among the county and the eligible municipalities based on the transportation expenditures
97 of each for the immediately preceding five (5) fiscal years, as a proportion of the total of
98 such expenditures for the county and all municipalities within the county. In the event the
99 proceeds of the tax hereby imposed are distributed in accordance with the provisions of
100 this subsection (d) and such distribution is not subsequently amended by interlocal
101 agreement between the county and municipalities representing a majority of the population
102 of the incorporated area within the county, after the initial levy of the tax hereby imposed
103 and levied, the proportions shall be recalculated every ten (10) years based on the
104 transportation expenditures of the county and the municipalities for the immediately
105 preceding five (5) years.

106 (e) Proceeds from the tax shall only be used for transportation expenditures needed to
107 meet the requirements of the capital improvements element of the Levy County
108 Comprehensive Plan, as the same may be amended, or for expenditures needed to meet
109 immediate local transportation problems and for other transportation-related expenditures
110 that are critical for building comprehensive roadway networks by the county. Expenditures
111 for the construction of new roads, the reconstruction or resurfacing of existing paved roads,
112 or the paving of existing graded roads that are provided for in the Levy County
113 Comprehensive Plan shall be deemed to increase road capacity, and shall be allowed
114 expenditures of proceeds from the tax. Expenditures for the tax shall not include routine
115 maintenance of roads.

116 (f) Transportation expenditures as used herein means expenditures by the county and
117 the eligible municipalities from local or state shared revenue sources, including the local
118 option motor fuel tax imposed by this section, but excluding expenditures of bond
119 proceeds, for the following programs:

- 120 (1) Public transportation operations and maintenance.
- 121 (2) Roadway and right-of-way maintenance and equipment and structures used
122 primarily for the storage and maintenance of such equipment.
- 123 (3) Roadway and right-of-way drainage.
- 124 (4) Street lighting installation, operation, maintenance and repair.
- 125 (5) Traffic signs, traffic engineering, signalization, and pavement markings,
126 installation, operation, maintenance and repair.
- 127 (6) Bridge maintenance and operation.
- 128 (7) Debt service and current expenditures for transportation capital projects in the
129 foregoing program areas, including construction or reconstruction of roads
130 and sidewalks.

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132 Section 2. Severability. If any subsection, sentence, clause, phrase, or portion of
133 these sections is for any reason held invalid or unconstitutional by any court of competent
134 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision
135 and such holding shall not effect the validity of the remainder of the chapter.

136 Section 3. Effective Date. This ordinance shall take effect on January 1, 2018,
137 provided it has been previously filed in the Office of the Secretary of the State, State of
138 Florida.

139 PASSED AND DULY ADOPTED this ____ day of _____, 2017.

140 BOARD OF COUNTY COMMISSIONERS
141 OF LEVY COUNTY, FLORIDA

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144 _____
145 John Meeks, Chair

146 ATTEST: Danny Shipp, Clerk of the Circuit
147 Court and Ex-Officio Clerk to the
148 Board of County Commissioners

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150 _____
151 Danny Shipp

152 APPROVED AS TO FORM AND
153 LEGAL SUFFICIENCY:

154 *Anne Bast Brown*
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156 Anne Bast Brown, County Attorney
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