

**ORDINANCE NO: 2016-292**

**AN ORDINANCE OF THE TOWN OF HILLSBORO BEACH, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF HILLSBORO BEACH FOR AN AMENDMENT OF ARTICLE V, ENTITLED "FINANCE", TO DELETE SECTION 20 ENTITLED "DEBT LIMITS; TO DELETE SECTION 21 ENTITLED "REFERENDUM OF ALL BOND ISSUES REQUIRED", TO DELETE SECTION 22 ENTITLED "TERMS OF DEBT INSTRUMENTS", TO DELETE SECTION 23 ENTITLED "BONDS; GENERAL PROVISIONS", TO DELETE SECTION 24 ENTITLED "REVENUE BONDS"; TO PROVIDE THE TOWN WITH GREATER FLEXIBILITY TO BORROW FUNDS AND TO OBTAIN REVENUE; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF HILLSBORO BEACH, ON THE MARCH 14, 2017 MUNICIPAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article II, Section 2 of the Town of Hillsboro Beach Charter (the "Charter") provides that the Charter may be amended from time to time by a duly enacted act of Legislature of the State of Florida; and

**WHEREAS**, Chapter 166, Florida Statutes, as amended, further provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Hillsboro Beach, Florida (the "Town"); and

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Commission of the Town of Hillsboro Beach, Florida, in an ordinance format; and

**WHEREAS**, the Town Commission deems it to be in the best interest of the citizens and residents of the Town to provide the Town with greater flexibility to borrow funds and obtain revenue.

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**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, THAT:**

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** Article V, entitled "Finance" shall be amended as follows:

**Article V. Finance.**

...

**Section 20. Debt Limits.**

~~Debt limits relating to the various types of debt which the Town is authorized to incur shall be as follows:~~

~~(1) The total amount of general obligation indebtedness outstanding at any time, which shall include bonds authorized but not issued, shall not exceed twenty (20) percent of the total assessed value of taxable real property in the Town. For the purpose of computing the Town's general obligation debt margin, the full amount of any sinking fund maintained for principal or interest payments on general obligation bonded debt shall be deducted from the outstanding indebtedness, and the full outstanding amount of any lease purchase agreement executed by the Town as vendee or as lessee shall be added to the outstanding general obligation indebtedness. Outstanding notes issued pursuant to this section shall not be chargeable against the debt limit.~~

~~(2) Notes issued in anticipation of the receipt of revenue of the general fund or any special revenue fund shall not exceed twenty (20) percent of the revenues officially estimated to be collected for that fund during the remainder of the fiscal year.~~

~~(4) Notes issued to provide cash for the special assessment working capital fund shall not exceed fifty (50) percent of the sum of (a) assessments receivable, and (b) the contract amounts for work in progress which is ultimately to be assessed against property owners.~~

~~(5) The amount of revenue bond indebtedness shall be determined by the authorizations of such indebtedness approved by the electors.~~

~~Section 21. Referendum of all Bond Issues Required.~~

~~No general obligation or revenue bonds of the Town in excess of twenty five thousand and no/100~~

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~~dollars (\$25,000.00) shall be issued in anyone fiscal year until authorized by a majority of the qualified electors voting on the question as to their issuance. Bond authorization questions submitted to the electors shall not relate to more than one issue and one subject and shall specify the purpose of the issue and the maximum amount of bonds to be issued for that purpose. Should the Commission determine that any portion of an authorized bond issue is not required for the accomplishment of the objectives in connection therewith, it may cancel such portion as is unneeded and unissued. Canceled portions of any general obligation bond issue shall not be charged against the debt margin.~~

#### ~~Section 22. Terms of Debt Instruments.~~

~~Limitations on the terms of the various types of debt instruments which the Town is authorized to issue shall be as follows:~~

- ~~(1) General obligation bonds of the Town shall mature in substantially equal installments commencing not more than five (5) years from the date of issue. The final maturity shall be for a period of years not exceeding the estimated life of the property or improvement to be acquired from the proceeds thereof, provided that no general obligation bonds of any type shall mature before the date of sale thereof.~~
- ~~(2) Notes issued in anticipation of the receipt of revenue of the general fund or any special revenue fund shall mature within the same fiscal year in which issued.~~
- ~~(3) Notes issued in anticipation of the sale of bonds previously authorized shall mature within one (1) year.~~
- ~~(4) Notes issued to provide cash for the special assessment working capital fund shall mature within one (1) year.~~
- ~~(5) Revenue bonds shall be issued for such terms as the Ordinance authorizing them shall prescribe but shall not mature more than twenty-five (25) years after the date of the sale thereof.~~

#### ~~Section 23. Bonds; General Provisions~~

~~General provisions concerning the form, issuance, interest rates, and other matters relating to bonds shall be as follows:~~

- ~~(1) Bonds of the Town and coupons attached thereto shall be prepared under the direction of the Commission, shall be signed by the Mayor, and countersigned by the Town Clerk. Bonds shall be sold and disposed of by and under direction of the Commission and shall be delivered to the Town Treasurer in all cases except where an exchange of bonds shall be stated on the bonds, and the proceeds received from the sale thereof shall be used for no other purpose.~~

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~~(2) General obligation bonds of the Town shall not be sold or exchanged for less than par. Revenue bonds shall be sold at par or at discounts not exceeding eight (8) percent. Interest on all bonds shall be paid semi-annually.~~

~~(3) Bonds shall be payable at the office or place provided by general law or Ordinance governing the payment of bonds of the Town.~~

~~(4) The Commission may provide for the registration of bonds by the Treasurer as to principal only.~~

~~(5) Signatures upon bonds and coupons shall be in such form as the Commission may ordain, and facsimile signatures may be used in all cases.~~

~~(6) Bonds of the Town must contain a provision for call in advance of maturity as the Commission may ordain or as may be required by the general laws of the state. Bonds called for refunding shall not be called prior to sale of refunding bonds.~~

~~(7) Interim bonds or notes may be issued pending the issuance of permanent bonds and shall have the same qualities of negotiability as outstanding permanent bonds of the Town. Owners thereof shall have the same rights as owners of permanent bonds.~~

~~(8) General obligation bonds validated and issued shall be considered a valid obligation of the Town and shall constitute a lien upon the ad valorem tax revenues of the Town.~~

#### ~~Section 24. Revenue Bonds.~~

~~Provisions concerning revenue bonds shall be as follows:~~

~~(1) The Town may issue revenue bonds for the purpose of acquiring, extending or improving any revenue producing facility for public use that it may legally acquire, improve or operate under the Constitution or Laws of the State of Florida.~~

~~(2) Revenue bonds shall be of such form, denomination, and other features as the Commission shall determine.~~

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~~(3) Any Ordinance authorizing revenue bonds may contain such covenants and provisions to protect and safeguard the security of the holders of such bonds as shall be deemed necessary to assure the prompt payment of the principal thereof and the interest thereon.~~

~~(4) Revenue bonds and any indenture executed in connection therewith shall constitute a contract of the Town with every holder of said bonds and shall be enforceable by mandamus or other appropriate action at law or in equity in any court of competent jurisdiction.~~

~~(5) Bonds or notes issued pursuant to this section shall not be a debt of the Town within the meaning of any constitutional, statutory, or Charter limitation upon the creation of general obligation indebtedness of the Town, and the Town shall not be liable for the payment thereof out of any funds of the Town other than the revenues pledged to the payment thereof, and all bonds or notes issued pursuant to this section shall contain a recital to that effect. The holders of all revenue bonds or notes shall have a lien on the revenues of the project with respect to which they are issued subject to the conditions provided in the Ordinance authorizing the issuance of such bonds or notes.~~

~~(6) Whenever the Commission shall have issued any revenue bonds or notes, it shall establish, maintain, revise, and collect charges at least sufficient to provide for all costs associated with the ownership, operation, maintenance, renewal, and replacement of the facility acquired from the proceeds of such bonds and the payment of the principal and interest on all indebtedness with respect thereto.~~

**SECTION 3.** The Ballot Title shall be as follows:

FLEXIBILITY FOR THE TOWN TO BORROW FUNDS AND OBTAIN REVENUE

**SECTION 4.** At the General Municipal Election on March 14, 2017, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Hillsboro Beach, Florida, and shall read as follows:

The Charter of Hillsboro Beach currently includes restrictions pertaining to revenue bonds. Shall the Charter be amended to provide the Town with greater flexibility to borrow funds and obtain revenue by deleting restrictive provisions?

YES  NO

**SECTION 5. Advertisement.** The Town Clerk of the Town of Hillsboro Beach is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the Town of Hillsboro Beach, Florida, as well as the State of Florida Election Code and to coordinate with the Broward County Supervisor of Elections office

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the submittal of this Ordinance to referendum to be voted on at the March 14, 2017 municipal election.

**SECTION 6. Codification.** It is the intention of the Town Commission of the Town of Hillsboro Beach that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Hillsboro Beach, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention if the question set forth above in Section 4 is approved by the majority of votes cast by the electorate at the March 14, 2017 municipal election.

**SECTION 7. Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Ordinance.

**SECTION 8. Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 9. Effective Date.** This Ordinance shall take effect fifteen (15) days from its adoption by the Town Commission and shall be submitted to referendum as set forth herein.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS 1<sup>ST</sup> DAY OF NOVEMBER, 2016.**

**PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 6<sup>TH</sup> DAY OF DECEMBER, 2016.**

By: Deborah L. Tarrant  
Deborah L. Tarrant, Mayor

ATTEST:  
By: [Signature]  
Yude Alvarez, CMC, Town Clerk

APPROVED AS TO FORM:  
By: [Signature]  
Donald J. Doody, Town Attorney



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