



RESOLUTION NO. 18-018 R

A RESOLUTION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, CALLING A BOND REFERENDUM ELECTION OF THE QUALIFIED ELECTORS OF THE TOWN TO BE HELD ON MARCH 12, 2019, FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE ALL OR A PORTION OF THE ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPPING OF STORMWATER IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$16,550,000, THE OCEAN WALK MULTIUSE CORRIDOR IN AN AMOUNT NOT TO EXCEED \$11,250,000, AND UNDERGROUNDING UTILITIES IN AN AMOUNT NOT TO EXCEED \$17,200,000, EACH AS DESCRIBED HEREIN, FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$45,000,000, AND TO BE PAYABLE FROM THE FULL FAITH, CREDIT, AND TAXING POWER OF THE TOWN, TOGETHER WITH ANY OTHER LEGALLY AVAILABLE FUNDS; PROVIDING FOR OFFICIAL BALLOTS; PROVIDING FOR BOND REFERENDUM PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article VII, Section 12 of the Constitution of the State of Florida provides that municipalities with taxing powers may issue bonds payable from ad valorem taxation and maturing more than 12-months after issuance only to finance or refinance capital projects authorized by law and only when approved by vote of the electors therein; and

WHEREAS, Section 2.01(30) of the Charter of the Town of Highland Beach, Florida (the "Charter") provides that any single project or cumulation of projects, or extension of services requiring an allocation of more than \$350,000 in any given fiscal year shall not be funded until the purposes and amounts of such allocations shall first have been approved by the majority of votes cast in an election of qualified electors residing within the Town of Highland Beach, Florida (the "Town"); and

WHEREAS, it is necessary and desirable that the Town finance or refinance the acquisition, design, construction, and equipping of (i) stormwater improvements, including, but

not limited to, drainage, removal/conversion of ditches, pipe, water quality treatment, a multi-use path, roadway improvements, and landscaped infiltration areas (the "Stormwater Project"); (ii) the Ocean Walk multiuse corridor, including, but not limited to, roadway improvements, complete streets elements, bike lanes, sidewalks, crosswalks, lighting, park and recreational improvements, landscaping and irrigation, and gateway monument entry and gateway features and signage (the "Ocean Walk Project"); and (iii) undergrounding of electrical, cable, and communications utilities, and the installation of street lighting improvements along all public streets in the Town (the "Undergrounding Project" and, together with the Stormwater Project and the Ocean Walk Project, the "Projects"), and pay issuance expenses incurred in connection with the sale of the hereinafter defined Bonds related thereto; and

**WHEREAS**, the Town Commission of the Town (the "Town Commission") hereby determines that the qualified electors of the Town should make, through three bond referendum questions, the final decision determining whether to acquire, design, construct, and equip the Projects; and

**WHEREAS**, the three bond referendum questions set forth in Section 6 of this Resolution comply with the requirements of Article VII, Section 12 of the State Constitution; Sections 100.201-100.351, Florida Statutes; and Section 2.01(30) of the Charter; and

**WHEREAS**, the Town Commission hereby determines that it serves a paramount public purpose that the Projects be acquired, designed, constructed, and equipped and that it is in the best interest of the Town to issue general obligation bonds to finance or refinance the costs of the Projects; and

**WHEREAS**, to pay all or a part of the cost of the Projects, it is necessary to issue the general obligation bonds of the Town as hereinafter provided; and

**WHEREAS**, the Town now desires to issue general obligation bonds in one or more series, from time to time, in an aggregate amount not to exceed forty five million dollars (\$45,000,000) (without regard to original issue discount or premium) (the "Bonds") pursuant to the terms of an authorizing bond resolution hereinafter to be adopted by the Town Commission if the qualified electors of Town approve one or more of the bond referendum questions authorized herein; and

**WHEREAS**, the Bonds shall be payable from the full faith, credit, and unlimited taxing power of the Town and/or other legally available non-ad valorem revenues budgeted and appropriated by the Town Commission for such purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Findings.** The Town Commission hereby finds and determines that the recitals set forth herein are true and correct and adopts the same as its findings and determinations.

**Section 2. Authority for this Resolution.** This Resolution is adopted pursuant to the Constitution and laws of the State of Florida, including Sections 100.201-100.351, Florida Statutes; Chapter 166, Florida Statutes; the Charter, including Section 2.01(30); and other applicable provisions of law (collectively, the "Act").

**Section 3. Authorization of the Bonds.**

(i) Subject and pursuant to the provisions hereof, general obligation bonds of the Town are authorized to be issued in one or more series, from time to time, in an aggregate amount not to exceed forty five million dollars (\$45,000,000) (without regard to original issue discount or premium) to finance or refinance the cost of the Projects. The monies received and interest earned from the issuance of the Bonds will be used for such purposes. The Bonds shall be tax exempt or taxable general obligations of the Town and shall be secured by the full faith, credit, and unlimited ad valorem taxing power of the Town and/or other legally available non-ad valorem revenues budgeted and appropriated by the Town Commission for such purpose. The Bonds shall mature not later than the legal limits, and the Bonds shall bear interest at a rate not exceeding the maximum rate permitted by law at the time of the sale of the Bonds. Both principal and interest on the Bonds, and redemption premiums, if any, shall be payable at the office of the paying agent to be named by the Town at or prior to the sale of the Bonds.

(ii) The Bonds shall be issued pursuant to authority granted under this Resolution and the Act, but only after approval of one or more of the bond referendum questions hereinafter called and subsequent adoption of authorizing bond resolution(s) by the Town Commission as governing body of the Town.

**Section 4. Bond Referendum Election.**

(i) A bond referendum election, consisting of three bond referendum questions, of the qualified electors residing in the Town is hereby called to be held on March 12, 2019, to determine whether or not the issuance of the Bonds in an aggregate amount of not exceeding forty five million dollars (\$45,000,000) shall be approved by such qualified electors to finance the cost of the Projects; or if not all of the Projects are approved, to determine whether or not (a) the issuance of the Bonds in an aggregate amount of not exceeding sixteen million five hundred fifty dollars (\$16,550,000) shall be approved by such qualified electors to finance the cost of the Stormwater Projects, or (b) the issuance of the Bonds in an aggregate amount of not exceeding eleven million two hundred fifty dollars (\$11,250,000) shall be approved by such qualified

electors to finance the cost of the Ocean Walk Project, or (c) the issuance of the Bonds in an aggregate amount of not exceeding seventeen million two hundred dollars (\$17,200,000) shall be approved by such qualified electors to finance the cost of the Undergrounding Project, or (d) some but not all of the foregoing (a), (b), and (c). All qualified electors in the Town shall be entitled and permitted to vote in the bond referendum election.

(ii) The Supervisor of Elections of Palm Beach County, Florida (the "Supervisor of Elections") shall hold, administer, and conduct the bond referendum election in the manner prescribed by law. The Clerk of the Town (the "Clerk") and the Supervisor of Elections are directed to take all necessary measures to conduct the bond referendum election in accordance with applicable law. The results shall be certified to the Department of State in accordance with Section 100.351, Florida Statutes. All procedures and requirements of the laws of the State of Florida, the Charter, and other applicable law shall be complied with for the purpose of conducting the computation of ballots and completion of the procedures for the bond referendum election.

(iii) The Clerk is hereby designated and appointed as the official representative of the Town Commission in all transactions with the Supervisor of Elections in relation to matters pertaining to the use of the registration books and the holding of the bond referendum election.

(iv) Ballots containing the questions set forth in Section 6 hereof shall be prepared for the use of absent electors entitled to cast such ballots in each bond referendum.

**Section 5. Notice of Bond Referendum Election.** Notice of the bond referendum election shall be published in a daily newspaper of general circulation in the Town, at least twice, once in the fifth week and once in the third week prior to the week in which the bond referendum election is held, the date of first publication in said newspaper to be at least thirty (30) days before the bond referendum election, in substantially the form attached hereto as Exhibit A and in the manner provided in Section 100.342, Florida Statutes. The Clerk is hereby authorized and directed to publish such notice.

**Section 6. Official Ballot.** The ballots for voting in the bond referendum election for the Stormwater Project, the Ocean Walk Project, and the Undergrounding Project, shall be comprised of three bond referendum questions and be in substantially the following form:

**TOWN OF HIGHLAND BEACH, FLORIDA  
GENERAL OBLIGATION BONDS  
STORMWATER IMPROVEMENT PROJECT**

Shall the Town be authorized to issue bonds, in one or more series, in an aggregate principal amount not exceeding \$16,550,000, bearing interest rates not exceeding the maximum legal rate, maturing within 30 years from their respective issuance, payable from unlimited ad valorem taxes and/or other revenues to finance stormwater improvements, including drainage,

removal/conversion of ditches, pipes, water quality treatment, a multiuse path, roadway improvements, and landscaped infiltration areas.

\_\_\_\_\_ Yes - For Bonds

\_\_\_\_\_ No - Against Bonds

**TOWN OF HIGHLAND BEACH, FLORIDA  
GENERAL OBLIGATION BONDS  
OCEAN WALK MULTIUSE CORRIDOR PROJECT**

Shall the Town be authorized to issue bonds, in one or more series, in an aggregate principal amount not exceeding \$11,250,000, bearing interest rates not exceeding the maximum legal rate, maturing within 30 years from their respective issuance, payable from unlimited ad valorem taxes and/or other revenues to finance roadway improvements, complete streets elements, park and recreational improvements, and gateway monuments; such bonds shall be issued only if the stormwater improvements are voter approved.

\_\_\_\_\_ Yes - For Bonds

\_\_\_\_\_ No - Against Bonds

**TOWN OF HIGHLAND BEACH, FLORIDA  
GENERAL OBLIGATION BONDS  
UNDERGROUNDING UTILITIES PROJECT**

Shall the Town be authorized to issue bonds, in one or more series, in an aggregate principal amount not exceeding \$17,200,000, bearing interest rates not exceeding the maximum legal rate, maturing within 30 years from their respective issuance, payable from unlimited ad valorem taxes and/or other revenues to finance undergrounding of electrical, cable, and communications utilities, and street lighting improvements along all public streets in the Town.

\_\_\_\_\_ Yes - For Bonds

\_\_\_\_\_ No - Against Bonds

**Section 7. Bond Referendum Election Results.** Returns of the votes cast at the bond referendum election shall be made as required by law. If a majority of the votes cast for a bond referendum question shall be "Yes - For Bonds," the Bonds for the Project thereby affected (that is, the Stormwater Project, the Ocean Walk Project, or the Undergrounding Project) shall be approved, and then the Bonds may be issued pursuant to this Resolution and as provided by the authorizing bond resolution(s) of the Town Commission, as governing body of the Town. If

less than a majority of the votes cast for a bond referendum question shall be "Yes - For Bonds," the Bonds for the Project thereby affected (that is, the Stormwater Project, the Ocean Walk Project, or the Undergrounding Project) shall be defeated, and no Bonds shall be issued pursuant to this Resolution.

**Section 8. Languages.** To the extent required by law, the official ballot and notice of the bond referendum election shall be published in both the English and the Spanish languages.

**Section 9. Repealer.** All resolutions or parts thereof in conflict with the provisions hereof are to the extent of such conflict superseded and repealed.

**Section 10. Effective Date.** This Resolution shall take effect immediately upon its adoption by the Town.

**DONE AND ADOPTED** by the Town Commission of the Town of Highland Beach, Florida, this 18<sup>th</sup> day of December 2018.


AYE NAY

Mayor Feldman	_____	_____	Absent
			Carl Feldman, Mayor
Vice Mayor Nila	✓ _____	_____	Alysen A. Nila
			Alysen A. Nila, Vice Mayor
Commissioner Zelniker	✓ _____	_____	Rhoda Zelniker
			Rhoda Zelniker, Commissioner
Commissioner Riesa	✓ _____	_____	Elyse Riesa
			Elyse Riesa, Commissioner
Commissioner Gossett-Seidman	✓ _____	_____	Peggy Gossett-Seidman
			Peggy Gossett-Seidman, Commissioner

ATTEST:

REVIEWED FOR LEGAL SUFFICIENCY

  
 Lanelda Gaskins, MMC  
 Town Clerk

  
 Pamela H. Ryan, Town Attorney  
 Town of Highland Beach

**EXHIBIT A**

**NOTICE OF BOND REFERENDUM ELECTION FOR GENERAL OBLIGATIONS BONDS  
TO BE HELD ON MARCH 12, 2019**

**TOWN OF HIGHLAND BEACH, FLORIDA**

To be held on Tuesday, March 12, 2019,  
as provided by Resolution No. 18-018 R of the Town Commission,  
as governing body of the Town of Highland Beach, Florida adopted on December 18, 2018.

Notice is hereby given that a bond referendum election, consisting of three bond referendum questions, will be held in the Town of Highland Beach, Florida (the "Town") on Tuesday, March 12, 2019. The bond referendum election will be held to determine whether there shall be issued General Obligation Bonds (the "Bonds") of the Town to finance all or a portion of the acquisition, design, construction, and equipping of the Stormwater Project in an amount not to exceed \$16,550,000, the Ocean Walk Project in an amount not to exceed \$11,250,000, and the Undergrounding Project in an amount not to exceed \$17,200,000, for an aggregate amount not to exceed \$45,000,000, each as further specified in the Resolution. The Bonds shall be secured by the full faith, credit, and unlimited ad valorem taxing power of the Town and/or other legally available non-ad valorem revenues budgeted and appropriated by the Town Commission for such purpose. The Bonds shall mature not later than legal limits, and the Bonds shall bear interest at not exceeding the maximum rate permitted by law at the time of the sale of the Bonds. The Stormwater Project includes the acquisition, design, construction, and equipping of stormwater improvements, including, but not limited to, drainage, removal/conversion of ditches, pipe, water quality treatment, a multi-use path, roadway improvements, and landscaped infiltration areas. The Ocean Walk Project includes the acquisition, design, construction, and equipping of the a multiuse corridor, including, but not limited to, roadway improvements, complete streets elements, bike lanes, sidewalks, crosswalks, lighting, park and recreational improvements, landscaping and irrigation, and gateway monument entry and gateway features and signage. The Undergrounding Project includes the acquisition, design, construction, and equipping of undergrounding of electrical, cable, and communications utilities, and the installation of street lighting improvements along all public streets in the Town. From time to time, the Town may include additional specifics concerning the Stormwater Project, the Ocean Walk Project, or the Undergrounding Project, and so for any for additional information regarding specific projects, please contact the Office of the Town Clerk at 561-278-4548.

The issuance of such Bonds and the holding of such bond referendum have been authorized by Resolution No. 18-018 R of the Town Commission of the Town adopted on December 2018 (the "Resolution").

Resolution No. 18-018 R

In accordance with the Constitution and laws of the State of Florida, all qualified electors of the Town, shall be entitled to vote in the bond referendum election to which this notice pertains. The polls at said bond referendum election will be open from 7 o'clock a.m. until 7 o'clock p.m. on March 12, 2019, and will be held at polling places in the several precincts of the Town.

The Town shall be authorized to issue the bonds covered by the bond referendum questions hereinabove set forth only if such issuance shall have been approved by vote of a majority of the qualified electors of the Town voting thereon.

By order of the Mayor and Town Commission of the Town of Highland Beach, Florida.

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Town Clerk  
Town of Highland Beach, Florida