

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Monroe D. Kiar, Town Attorney, (954) 584-9770

SUBJECT: Ordinance

AFFECTED DISTRICT: All Districts

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE DAVIE TOWN COUNCIL TO SUBMIT TO THE VOTE OF THE RESIDENTS OF DAVIE BY REFERENDUM, A MEASURE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$25,000,000.00 FOR THE PURPOSE OF PRESERVING OPEN SPACE, PROTECTING NATURAL ACRES FROM OVER-DEVELOPMENT, PRESERVING AND IMPROVING WILDLIFE HABITAT, PRESERVING THE WATER QUALITY OF WATER BODIES WITHIN THE TOWN OF DAVIE, THE CONSTRUCTION AND MAINTENANCE OF PARKS AND THE COMPLETION OF THE TOWN OF DAVIE'S RECREATIONAL TRAIL SYSTEM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

This ordinance authorizes the Town Council to place on the ballot for the approval or denial of the residents of Davie, a bond issuance measure authorizing the Town to issue bonds, not to exceed \$25,000,000 for the purpose of preserving Davie's natural acres, preserving and protecting wildlife habitat, constructing and improving park and recreational areas, and preserving the quality of the Town's water bodies. If the measure is adopted, the Town will utilize funds from the bond issuances evenly throughout the Town and strictly for the purposes specified within the ballot.

PREVIOUS ACTIONS: None

CONCURRENCE: N/A

FISCAL IMPACT: Approximately \$25,000,000.00

RECOMMENDATION(S): This Ordinance is suitable for transmittal to the Town Council for its deliberations.

Attachments: Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE DAVIE TOWN COUNCIL TO SUBMIT TO THE VOTE OF THE RESIDENTS OF DAVIE BY REFERENDUM, A MEASURE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$25,000,000.00 FOR THE PURPOSE OF PRESERVING OPEN SPACE, PROTECTING NATURAL ACRES FROM OVER-DEVELOPMENT, PRESERVING AND IMPROVING WILDLIFE HABITAT, PRESERVING THE WATER QUALITY OF WATER BODIES WITHIN THE TOWN OF DAVIE, THE CONSTRUCTION AND MAINTENANCE OF PARKS AND THE COMPLETION OF THE TOWN OF DAVIE'S RECREATIONAL TRAIL SYSTEM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the protection and preservation of Davie's existing natural acres and pristine water bodies are of the utmost importance to maintaining the quality of life of all of Davie's residents and the unique characteristics of the Town of Davie; and

WHEREAS, the Davie Town Council is desirous of protecting Davie's natural acres from over-development as well as preserving open-space throughout the Town and creating recreational and park areas for the benefit and enjoyment of Davie's residents; and

WHEREAS, it has been determined that in order to facilitate the purchase of natural acres within Davie for the purpose of preserving Davie's open spaces and the construction and improvements of recreational areas throughout Davie and in order to facilitate the preservation of Davie's vital water bodies, general obligation bonds, not to exceed \$25,000,000.00, may be issued; and

WHEREAS, the Davie Town Council has determined that in accordance with the specifications set forth within Chapter 101 of the Florida Statutes, a public measure authorizing the issuance of bonds for the purpose of preserving Davie's natural acres, and water bodies should be placed on the ballot for the approval or denial of Davie's residents.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1: The Town of Davie shall place on the ballot for the approval or denial of the residents of Davie a measure authorizing the Town of Davie to issue general obligation bonds, not to exceed (\$25,000,000.00) Twenty-five million dollars for the purpose of preserving Davie's natural areas, preserving and protecting wildlife habitat, constructing and improving park and recreational areas, and preserving the quality of the Town's water bodies.

SECTION 2: In the event that the bond issuance measure is approved by the residents of Davie, all funds derived from the issuance of these bonds shall be utilized evenly throughout Davie and shall be utilized solely for the purposes specified within the ballot.

SECTION 3: The Referendum shall read as follows:

To protect natural areas from over-development, preserve and improve wildlife habitat, parks, and water quality of water bodies, complete the recreational trails system, and with funds distributed evenly, shall the Town of Davie be authorized to issue general obligation bonds maturing no later than 20 years at interest rates not exceeding the legal maximum in an amount not exceeding \$25,000,000 payable from ad valorem taxes not exceeding 0.38 mil, subject to annual public audit?

FOR BONDS
AGAINST BONDS

SECTION 4: 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 holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5: This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2005

PASSED ON SECOND READING THIS _____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ___ DAY OF _____, 2005

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