

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Donald DiPetrillo, Fire Chief
(954) 797-1213

SUBJECT: Resolution

DOCUMENT PREPARED BY: Raquel B. Gray

AFFECTED DISTRICT: Town wide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CALLING FOR A REFERENDUM REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE TOWN OF DAVIE IN AN AMOUNT NOT TO EXCEED SIXTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE PURPOSE OF CONSTRUCTING AND FURNISHING FIRE AND RESCUE FACILITIES, AND THE PROCUREMENT OF APPARATUS, EQUIPMENT AND TECHNOLOGY, INCLUDING THE IMPROVEMENT OF EMERGENCY MANAGEMENT AND TERRORISM PREPAREDNESS; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Resolution to place upon the March 2003 ballot, a referendum for the issuance of general obligations bonds to construct and furnish fire and rescue facilities, provide for the procurement of apparatus, equipment and technology; including emergency management and terrorism preparedness for the Town.

PREVIOUS ACTIONS: Town Council previously adopted the Capital Projects Program for FY 2003-2007 by resolution number R-2002-133 on June 5, 2002.

CONCURRENCES: N/A

FISCAL IMPACT:

Has request been budgeted? no

If no, amount needed: \$16,500,000

What account will funds be appropriated from: General Obligation bonds

Additional Comments:

RECOMMENDATION(S):

Motion to approve the resolution

Attachment(s):

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CALLING FOR A REFERENDUM REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE TOWN OF DAVIE IN AN AMOUNT NOT TO EXCEED SIXTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE PURPOSE OF CONSTRUCTING AND FURNISHING FIRE AND RESCUE FACILITIES, AND THE PROCUREMENT OF APPARATUS, EQUIPMENT AND TECHNOLOGY, INCLUDING THE IMPROVEMENT OF EMERGENCY MANAGEMENT AND TERRORISM PREPAREDNESS; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie, Florida, wishes to build and furnish fire and rescue facilities, provide for the procurement of apparatus, equipment and technology; including emergency management and terrorism preparedness; and

WHEREAS, the Town Council wishes to seek approval of the electors for the issuance of general obligation bonds in an amount not to exceed Sixteen Million, Five Hundred Thousand Dollars (\$16,500,000) for the purpose of constructing and furnishing such facilities and related emergency equipment; and

WHEREAS, the Constitution of the State of Florida, Article VII, Section 12, as well as Florida Statute 100.211, authorize and require a voter referendum for the approval of the issuance of general obligation bonds by the municipality.

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

SECTION 1. Subject to a referendum provided for herein and pursuant to subsequent proceedings of the Town, the Town will issue general obligation bonds in an aggregate principal amount not exceeding Sixteen Million, Five Hundred Thousand Dollars (\$16,500,000), issuable in one or more series, maturing at such time or times not exceeding thirty (30) years from their date of dates of issuance and bearing interest at a rate or rates not exceeding the legal maximum rate of interest, in each case as shall be determined by resolution of the Town prior to the time of sale thereof (“Bonds”). Such Bonds shall pledge the full faith and credit of the Town and be payable from ad valorem taxes levied by the

Town without limit as to rate or amount on all taxable property within the Town. The Bonds will be issued to provide funds, which, together with other available funds, will enable the Town to construct and furnish fire and rescue facilities and related emergency equipment (the "Project").

SECTION 2. That the Town Council does hereby call a bond referendum pursuant to Article VII, Section 12 of the Constitution of the State of Florida, Florida Statute 100.211, to be held in conjunction with the general election on the 11th day of March, 2003, for the purpose of determining whether the qualified electors of the Town approve the issuance of the Bonds to finance, together with other available funds, the cost to the Town of the Project. Said Referendum shall be held at the same polling places in the several precincts, respectively, in the Town as the polling places for the general election to be held on the same day. The inspectors and clerks who shall conduct said Referendum ("Election Official") shall be the same as those selected and appointed for the general election. The polling places for the Referendum shall be open from 7:00 a.m. to 7:00 p.m. on the same day. In accordance with the Constitution and the laws of the State of Florida, all qualified electors of the Town shall be entitled and permitted to vote in the referendum.

SECTION 3. That the following bond referendum questions be placed on the ballot of the March 2003, general election:

"Shall the Town of Davie issue general obligation bonds not exceeding \$16,500,000, issuable in one or more series, maturing not later than 30 years from their issuance dates, bearing interest not exceeding the maximum allowable by law, payable from ad valorem taxes levied by the Town, to construct and furnish fire and rescue facilities, and the procurement of apparatus, equipment and technology; including emergency management and terrorism preparedness?"

SECTION 4. The form of ballot for the election is attached hereto as Exhibit "A".

SECTION 5. The Town Clerk is hereby authorized and directed to deliver copies of the ballot set forth herein to the Supervisor of Elections of Broward County ("Supervisor") for printing; to ascertain that the wording of the ballot is correctly printed thereon; and to ensure that any reprinting, if necessary, is ordered by the Supervisor, all within such time as is necessary to allow compliance with any mailing requirements imposed by law in connection with absentee ballots.

SECTION 6. Absentee ballots containing the questions set forth in Section 3 above shall be

prepared for the use of absent, qualified electors entitled to cast such ballots in the Referendum in accordance with Chapter 101, Florida Statutes.

SECTION 7. The Referendum shall be held and conducted in the manner prescribed by law for holding general elections in the Town. The Election Officials at each polling place in the several precincts, respectively, shall prepare and file returns of such Referendum and deliver the same to the Broward County Canvassing Board for canvassing in the manner provided by applicable law. Said returns shall be certified to the Town Council of the Town (“Council”), which shall declare the results thereof and record the same in its minutes along with the number of qualified electors of the Town who voted at the Referendum on each question proposed and the number of votes cast for and against approval of the ballot question. The Council shall certify the results of said Referendum to the Florida Department of State in the manner provided by applicable law.

SECTION 8. If a majority of the votes cast by qualified electors of the Town at the Referendum approves the ballot question concerning the Project, the Town shall be authorized to issue the Bonds in the manner provided herein. The bonds may be issued all at one time or in part from time to time as the Town may in its discretion thereafter determine by subsequent resolution.

SECTION 9. The Supervisor is hereby authorized and requested to make up and certify a list of the names of all qualified electors residing in the Town. A certified copy of such list shall be furnished to the Town Clerk and filed among the records of the Council.

SECTION 10. The Town Clerk shall prepare a notice of Referendum in the manner required by law and cause a copy of this Resolution to be published in full, as part of the Notice of Referendum, together with an appropriate caption in such form as the Town Clerk shall determine in the Sun Sentinel/Fort Lauderdale News or any other newspaper of general circulation within the Town, once in the fifth and third weeks prior to the week in which the Referendum is to be held, the first publication to be not less than 30 days prior to the date of such Referendum. The Town Clerk shall secure from the publisher of said newspaper an appropriate affidavit of proof that this Resolution has been duly published, and said affidavit shall be made a part of the record of the Council.

SECTION 11. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holdings shall not effect any court of competent jurisdiction, such holdings shall not affect any other word, clause, phrase, sentence of paragraph hereof.

SECTION 12. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003

EXHIBIT "A"

**BOND REFERENDUM FOR FIRE RESCUE FACILITIES, APPARATUS, EQUIPMENT,
TECHNOLOGY AND EMERGENCY/TERRORISM PREPAREDNESS.**

“Shall the Town of Davie issue general obligation bonds not exceeding \$16,500,000, issuable in one or more series, maturing not later than 30 years from their issuance dates, bearing interest not exceeding the maximum allowable bylaw, payable from ad valorem taxes levied by the Town, to construct and furnish fire and rescue facilities, and the procurement of apparatus, equipment and technology; including emergency management and terrorism preparedness?”

_____ FOR BONDS

_____ AGAINST BONDS