



RESOLUTION NO. 2023-031

A RESOLUTION OF THE TOWN OF HIGHLAND BEACH FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF HIGHLAND BEACH TO BE HELD ON MARCH 19, 2024, AS TO WHETHER THE TOWN SHALL BE AUTHORIZED TO (A) FINANCE AND IMPLEMENT A SANITARY SEWER LINING REHABILITATION PROJECT TO REPAIR, REPLACE, AND PREVENT STRUCTURAL DAMAGE TO THE SEWER LINES FOR A NOT TO EXCEED COST OF \$3.5 MILLION DOLLARS, AND (B) ISSUE ITS GENERAL OBLIGATION BONDS, PAYABLE FROM THE FULL FAITH AND UNLIMITED AD VALOREM TAXING POWER OF THE TOWN, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3.5 MILLION DOLLARS TO FINANCE THE COST THEREOF; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach, Florida (“Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, pursuant to Article II, Section 2.01(30) of the Town’s Charter, “Any single project...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...”; and

WHEREAS, the Town Commission hereby finds that it is in the best interests of the Town and serves the public health, welfare and safety to finance and implement a sanitary sewer lining rehabilitation project to repair, replace, and prevent structural damage to the sewer lines for a not to exceed cost of \$3.5 million dollars (the “Project”); and

WHEREAS, the Town Commission hereby finds that it is in the best interests of the Town and serves the public health, welfare and safety for the Town issue its general obligation bonds to finance or reimburse, all or in part, the cost of the Project, together with other legally available funds, as provided for herein.

WHEREAS, pursuant to Section 101.161(1), Florida Statutes, the ballot title and summary for a referendum (that does not amend the Town's Charter) may be embodied in an enabling resolution; and

WHEREAS, pursuant to Section 2.01(30) of the Charter, the Town Commission deems it to be in the best interests of the Town and serving a valid public purpose to conduct a referendum on the question of whether the Town shall be authorized to undertake and fund the Project for a not to exceed cost of \$3.5 million dollars; and

WHEREAS, in furtherance of the foregoing, and subject to said referendum (the "Referendum") as provided for herein, the Town authorizes the issuance of its general obligations bonds in an aggregate principal amount not exceeding \$3.5 million dollars for the principal purpose of financing, all or in part, together with other legally available funds, the cost of acquiring, constructing, equipping and improving the Project (the "Bonds"). The Bonds shall be general obligations of the Town, shall pledge the full faith, credit and ad valorem taxing power of the Town and shall be payable from ad valorem taxes levied without limit as to rate or amount on all taxable property in the Town.

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

Section 1. **Findings adopted.** The findings of the Town Commission set forth in the foregoing recitals are hereby adopted as true and correct statements and specifically made a part of this enabling resolution ("Resolution").

Section 2. **Issuance of Bonds.** Subject to the herein described Referendum and the provisions of this Resolution, the Town authorizes the issuance of the Bonds in an aggregate principal amount not exceeding \$3,500,000 for the principal purpose of financing, all or in part, together with other legally available funds, the cost of acquiring, constructing, equipping and improving the Project, in one or more series, maturing at such time or times not exceeding ___ years from their date or dates of issuance and bearing interest at a rate or rates not exceeding the legal maximum rate of interest at the time of sale, all as shall be determined by resolution or ordinance of the Town prior to the time of sale thereof. Proceeds of the Bonds will also be applied to fund necessary reserves, pay costs of issuance and fund other costs necessary or incidental to the issuance of such Bonds and the related Project. The Bonds shall be general obligations of the Town, shall pledge the full faith, credit and ad valorem taxing power of the Town and shall be payable from ad valorem taxes levied by the Town without limit as to rate or amount on all taxable property within the Town. To the extent required by the Town's Charter, the issuance of any particular Bonds (or series of Bonds), if approved at the Referendum, shall be authorized by ordinance enacted or resolution adopted by the Town Commission. Nothing in this Resolution shall be deemed to require the Town to issue any or all of the Bonds, if same are approved at the

Referendum and/or to apply proceeds of the Bonds (or any series thereof), if issued, to finance any specific components of the Project.

Section 3. Referendum declared. A referendum election is hereby called for and shall be held in the Town on the 19th day of March, 2024, to determine whether or not a majority of the electors voting in the referendum support the Project and the issuance of general obligation bonds to finance the Project as described in this Resolution (“Referendum”).

Section 4. Ballot title. The ballot title which is the subject of this Referendum election shall be commonly referred to as “**Financing and Implementation of Sanitary Sewer Lining Rehabilitation Project.**”

Section 5. Ballot summary. There shall be placed on the March 19, 2024, election ballot the following ballot question:

SHALL THE TOWN OF HIGHLAND BEACH UNDERTAKE AND FUND A SANITARY SEWER LINING REHABILITATION PROJECT FOR A COST NOT EXCEEDING \$3,500,000 AND ISSUE BONDS NOT EXCEEDING SUCH AMOUNT, IN ONE OR MORE SERIES, BEARING INTEREST NOT EXCEEDING THE MAXIMUM LEGAL RATE, MATURING NOT LATER THAN ____ YEARS FROM ISSUANCE, PLEDGING THE TOWN’S FULL FAITH AND CREDIT AND AD VALOREM REVENUES COLLECTED TO PAY SUCH BONDS, ALL AS DESCRIBED IN RESOLUTION NUMBER ____?

_____ **YES (FOR BONDS)**

_____ **NO (AGAINST BONDS)**

Section 6. Conduct of Referendum. The Town shall determine the polling locations or places in coordination with the Palm Beach County Supervisor of Elections, and all qualified electors of the Town of Highland Beach, Florida, who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Highland Beach, Florida, shall be permitted to vote on this Referendum question.

Section 7. Notice and advertising of the Referendum. The Town Clerk shall prepare and give notice of the proposed Referendum by causing appropriate notice to be published in accordance with the provisions of Section 100.342, Florida Statutes, which provides for at least one publication each week during the third and fifth weeks preceding the week in which the Referendum is to be held. The publications shall be placed in a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth, and these two affidavits shall be part of the record of the Town Commission.

Section 8. Canvassing. The election returns of the Referendum shall be canvassed in the manner provided by law, and the returns shall be certified to the Town Commission, which shall declare the result thereof. Upon canvassing the returns of the Referendum, the result of the Referendum shall be recorded in the minutes of the Town Commission in the manner prescribed by law.

Section 9. Referendum results. If a majority of the votes cast for the ballot question shall be “YES,” the Bonds shall be approved, and such Bonds may be issued in one or more series, from time to time, as the Town Commission may in its discretion hereafter determine by subsequent proceedings of the Town Commission. If a majority of the votes cast for the ballot question shall be “NO,” the Bonds shall be defeated and such Bonds shall not be issued. The approval or defeat of the ballot question considered at the Referendum shall not impact the approval or defeat of any other ballot question considered at the same time as the Referendum. If approved at the Referendum, the appropriate representatives of the Town are authorized to seek judicial validation by the Circuit Court in and for the 15th Judicial Circuit of the State of Florida of the Bonds so approved.

Section 10. Severability. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative or unenforceable to any extent whatsoever.

Section 11. Conflicts. All resolutions or parts thereof in conflict herewith are hereby repealed.

Section 12. Effective Date. The Resolution shall take effect immediately upon passage.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida, this
____ day of _____, 2023.

ATTEST:

Natasha Moore, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Natasha Moore
Vice Mayor David Stern
Commissioner Evalyn David
Commissioner Donald Peters
Commissioner Judith M. Goldberg