

**ORDINANCE NO. 2021-12 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE INCURRENCE BY THE CITY OF DEBT TO FUND REQUIRED CITY FINANCIAL OBLIGATIONS WITH RESPECT TO ITS RETIREMENT PLAN FOR EMPLOYEES; PROVIDING THAT SUCH OBLIGATIONS OF THE CITY DO NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY OR THE STATE BUT SHALL BE PAYABLE FROM LEGALLY AVAILABLE REVENUES APPROPRIATED FOR SUCH PURPOSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Commission (the “Commission”) of the City of Lake Worth Beach, Florida (the “City”) desires to consider a financing plan to provide for the funding of required City obligations with respect to its retirement plan for employees; and

**WHEREAS**, the Commission hereby deems such financing to be for an essential public purpose and to constitute a “project” within the meaning of Section 166.111, Florida Statutes, as amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA that:**

**SECTION 1. DEFINITIONS.** When used in this ordinance, the following terms shall have the following meanings, unless the context clearly otherwise requires:

“City” shall mean the City of Lake Worth Beach, Florida, a municipal corporation and public body corporate and politic.

“Non-Ad Valorem Revenues” shall mean legally available revenues of the City derived from sources other than ad valorem taxation.

“Obligations” shall mean debt obligations issued by the City, the proceeds from the sale of which shall be used to finance the Project.

“Project” shall mean the funding of amounts to be held for the benefit of obligees under the City's defined benefit retirement plan for employees.

The words “herein”, “hereunder”, “hereby”, “hereto”, “hereof”, and any similar terms shall refer to this ordinance.

Words importing the singular number include the plural number, and vice-versa.

**SECTION 2. FINDINGS.** The City Commission of the City hereby finds and determines that:

(a) The City's defined benefit retirement plan (the "Plan") currently experiences certain deficits in amounts needed in the future to fully fund said Plan.

(b) It is vital to the employees of the City and its citizens that said Plan be fully solvent, in order to continue to attract qualified employees and provide basic city services to citizens.

(c) The City desires to incur short-term Obligations to provide funding to the Plan as a "Project" vital to the needs of citizens of the City.

**SECTION 3. ISSUANCE OF OBLIGATIONS.** (a) The City Commission shall have the power, and it is hereby authorized to provide by resolution, to incur Obligations to finance the Project. The proceeds from the Obligations shall be used to finance the cost of the Project, establish a debt service reserve fund, if needed, pay interest on the Obligations and pay costs of issuance.

(b) The Obligations shall be payable from payments made under a covenant to budget and appropriate Non-Ad Valorem Revenues of the City, moneys in certain funds and accounts held by the City and moneys derived from any credit enhancement of the Obligations. The Obligations shall not constitute a direct obligation of the City and shall be payable solely from the Non-Ad Valorem Revenues budgeted and appropriated as provided herein.

**SECTION 4. OBLIGATIONS NOT DEBT OF CITY.** Obligations issued under the provisions of any resolution shall not be deemed to constitute a debt of the City or a pledge of the faith and credit of the City, but such Obligations shall be payable solely from Non-Ad Valorem Revenues as described herein. The obligation of the City to repay such Obligations is a limited and special obligation, subject to annual appropriation of the City from Non-Ad Valorem Revenues.

**SECTION 5. REMEDIES OF OBLIGATION HOLDERS.** Any holder of Obligations, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such Obligations, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such resolution, and may enforce and compel the performance of all duties required by such resolution to be performed by the City or by any officer thereto.

**SECTION 6. ALTERNATIVE METHOD.** This ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby, shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This ordinance, being necessary for

the welfare of the inhabitants of the City, shall be liberally construed to affect the purposes thereof.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect immediately upon its enactment.

The passage of this ordinance on first reading was moved by Commissioner \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Herman Robinson
- Commissioner Sarah Malega
- Commissioner Christopher McVoy
- Commissioner Kim Stokes

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2021.

The passage of this ordinance on second reading was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Herman Robinson
- Commissioner Sarah Malega
- Commissioner Christopher McVoy
- Commissioner Kim Stokes

The Mayor thereupon declared this ordinance duly passed and enacted on the \_\_\_\_ day of \_\_\_\_\_, 2021.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, City Clerk