

RESOLUTION NO. 2024- 3276

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A BOND REFERENDUM REGARDING THE ISSUANCE OF REVENUE BONDS OR NOTE BY THE TOWN OF SURFSIDE IN AN AMOUNT NOT TO EXCEED TEN MILLION (\$10,000,000.00) DOLLARS FOR THE PURPOSE OF CONSTRUCTING THE ABBOTT AVENUE STORMWATER IMPROVEMENTS PROJECT; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH REFERENDUM; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) currently imposes a stormwater utility fee (the “Stormwater Fee”) pursuant to Section 34-75 of the Town Code of Ordinances (the “Code”) which is used exclusively to pay the costs for planning, financing, constructing, operating and maintaining the Town’s stormwater management system (the “System”); and

WHEREAS, as part of the System, it has been determined that a certain residential area of the Town from Abbott Avenue to Bay Drive along 91st Street and 92 Street experience significant flooding during rainfall events, thereby necessitating roadway drainage improvements to mitigate the flooding condition (the “Abbott Avenue Stormwater Improvements Project”); and

WHEREAS, the Town engaged an engineering firm to design the improvements and issued two (2) separate Invitations to Bid for the Abbott Avenue Stormwater Improvements Project, with both solicitation resulting in bids well exceeding the Town’s construction cost estimate and budget for the work, and which solicitations were cancelled by the Town due to lack of budgeted funding; and

WHEREAS, due to the increasing cost of construction, the Town finds it necessary to issue revenue bonds or a note payable from the Stormwater Fee, in order to provide for the financing of the construction of the Abbott Avenue Stormwater Improvements Project; and

WHEREAS, under general law and Section 83 of the Town Charter, except as may be required by Section 93(e) of the Town Charter, voter approval for bonds or other debt obligations issued as revenue bonds payable from Stormwater Fees is not required; and

WHEREAS, Section 93(e) of the Town Charter provides for limitations on indebtedness incurred by the Town, specifically that any indebtedness incurred exceeding 15% of the Town's average annual property tax revenue for the preceding five years, which is not fully repayable within seven years shall require, in addition to other things, approval by referendum of the Town electors by majority vote; and

WHEREAS, fifteen percent of the Town's average annual property tax revenue for the preceding five years is approximately \$1,850,000.00, and the proposed indebtedness to be incurred with respect to the Abbott Avenue Stormwater Improvements Project is approximately \$10,000,000; and

WHEREAS, the Town Commission wishes to seek the approval of the electors by holding a bond referendum for the issuance of revenue bonds or note in an amount not to exceed Ten Million (\$10,000,000) Dollars for the purpose of financing the costs of construction of the Abbott Avenue Stormwater Improvements Project (the "Project"), to be payable from the Stormwater Fees and/or other available non-ad valorem revenues of the Town; and

WHEREAS, in accordance with provisions of the Charter of the Town and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the Town of Surfside, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 5, 2024 for the purpose of submitting to the electorate the proposed bond referendum ballot question regarding issuance of revenue bonds or note for financing the costs of the Project as set forth herein; and

WHEREAS, not less than thirty (30) days' notice of the adoption of this Resolution and of its provisions calling for a referendum shall be given by publication in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. Such publication shall be made once in the fifth week before the election and once in the third week before the election in accordance with the provisions of Section 100.342, Florida Statutes, and the Town Charter and Code; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Special Election Called; Notice of Election. That a special election is hereby called, to be held on Tuesday, November 5, 2024, to hold a bond referendum and present to the qualified electors of the Town, the ballot question provided in this Resolution. Notice of said election and referendum shall be published in accordance with Section 100.342, Florida Statutes, in the Miami Herald, a newspaper of general circulation in Surfside, Miami-Dade County, Florida. at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing Sunday, September 29, 2024), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 13, 2024), and shall be in substantially the following form:

“THE TOWN OF SURFSIDE, FLORIDA

NOTICE OF REVENUE BOND REFERENDUM

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. _____ ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE TOWN ON TUESDAY, NOVEMBER 5, 2024, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING BOND REFERENDUM SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN FOR APPROVAL OR REJECTION:

BOND REFERENDUM ABBOTT AVENUE STORMWATER IMPROVEMENTS PROJECT

Shall the Town issue revenue bonds or note not exceeding \$10 million dollars, maturing not later than 30 years from their issuance dates, bearing interest not exceeding the maximum allowable by law, payable from stormwater utility fees and/or other available non-ad valorem revenues, for the purpose of financing the costs of the Abbott Avenue Stormwater Improvements Project?

FOR REVENUE BONDS

AGAINST REVENUE BONDS

The polling place for the Special Election shall be the Surfside Town Hall located at 9293 Harding Avenue, Surfside, Florida 33154 and any other polling places provided for the Town election. All Town electors who are timely registered shall be eligible to vote. The enabling Resolution, including the ballot question are available at the Office of the Town Clerk, located at the Surfside Town Hall.

Sandra McCready, MMC, Town Clerk”

Section 3. Intent to Issue Bonds. Subject to a referendum as required by the Town Charter and as provided for herein and pursuant to subsequent proceedings of the Town, the Town intends to enact an ordinance to authorize the issuance of revenue bonds or note in an aggregate principal amount not exceeding \$10 million dollars issuable as tax-exempt and/or taxable bonds, maturing at such time or times not exceeding thirty (30) years from their date or 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 ordinance or resolution of the Town as required by the Town Charter and State law prior to the time of sale thereof (the “Bonds”). Such Bonds, if issued, shall be payable from stormwater fees and/or other available non-ad valorem revenues. The Bonds will be issued for the purpose of providing funds to finance the costs of the Abbott Avenue Stormwater Improvements Project.

Section 4. Calling of Bond Referendum. The Town Commission does hereby call a bond referendum election pursuant to Article VII, Section 12 of the Constitution of the State of Florida, and Florida Statutes Section 100.211, to be conducted by special election in accordance with Florida Statutes Chapter 101 and the requirements of the Supervisor of Elections of Miami-

Dade County (“Supervisor”), for the purpose of determining whether the qualified electors of the Town approve the issuance of the Bonds to finance the costs of the Project. 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. The Town Clerk and Town Attorney are hereby directed and empowered to do such things as may be necessary and proper in accordance with the laws of the Town and the laws of the State of Florida to provide for such election on the proposition herein contemplated.

Section 5. Form of Ballot; Ballot Question. The form of ballot and question for the referendum shall be substantially as follows:

**“BOND REFERENDUM ABBOTT AVENUE STORMWATER
IMPROVEMENTS PROJECT**

Shall the Town issue revenue bonds or note not exceeding \$10 million dollars, maturing not later than 30 years from their issuance dates, bearing interest not exceeding the maximum allowable by law, payable from stormwater utility fees and/or other available non-ad valorem revenues, for the purpose of financing the costs of the Abbott Avenue Stormwater Improvement Project?

_____ FOR REVENUE BONDS
_____ AGAINST REVENUE BONDS”

The form of the ballot to be used in this bond referendum and its preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

Section 6. Conduct of Referendum. That the referendum shall be conducted between the hours of 7:00 a.m. until 7:00 p.m. on election day at the regular polling place for Town elections. Vote-by-mail ballots and early voting shall be provided as authorized by law. All qualified Town electors who are timely registered in accordance with law shall be entitled to vote. The marked ballots shall be returned to the Supervisor, who shall deliver the same to the Miami-

Dade County Canvassing Board for canvassing in the manner provided by applicable law. Said returns shall be certified to the Town Commission, 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 the question proposed and the number of votes cast for and against approval of the Bonds. The Town Commission shall certify the results of said Referendum to the Florida Department of State and/or other applicable entity in the manner provided by applicable law.

Section 7. Available for Public Inspection; Town Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections. Copies of this Resolution providing for the referendum are on file in the Office of the Town Clerk located at 9293 Harding Avenue, Surfside, Florida and are available for public inspection during regular business hours. Furthermore, the Town Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the referendum. The Town shall pay all expenses for conducting the special election and referendum and will pay such expenses to Miami-Dade County upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

Section 8. Bond Authorization. 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, but not obligated, to issue the Bonds in the manner provided herein. The Bonds, at a future date or dates, may be issued all at one time or in part from time to time as the Town Commission may in its discretion thereafter determine by subsequent ordinance or resolution in accordance with the Town Charter and State law.

Section 9. Authorization of Town Officials. The Town Manager, Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution and

implementation of the terms and purposes of this Resolution, and the Special Election Referendum if adopted and effective.

Section 10. Effective Date. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED this 12th day of March, 2024.

Moved By: Vice Mayor Rose
Second By: Commissioner Landsman

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meisheid	<u>No</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Jeffrey Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>

Shlomo Danzinger, Mayor

ATTEST:

Sandra McCready, MMC, Town Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE RELIANCE OF THE TOWN OF SURFSIDE ONLY:

Town Attorney