

ORDINANCE NO. 22-296

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; PURSUANT TO THE REQUIREMENTS OF THE GENERAL LAWS AND THE CONSTITUTION OF THE STATE OF FLORIDA AND THE TOWN OF MIAMI LAKES CHARTER, FOR THE HOLDING OF A BOND REFERENDUM ELECTION IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION OF THE TOWN OF MIAMI LAKES, FLORIDA, ON NOVEMBER 8, 2022, TO CONSIDER THE QUESTION OF WHETHER THE TOWN SHALL BE AUTHORIZED TO ISSUE GENERAL OBLIGATION BONDS OF THE TOWN IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$25,000,000, PAYABLE FROM UNLIMITED AD VALOREM TAXATION, BEARING INTEREST AT RATES DETERMINED AT THE TIME OF SALE THEREOF, NOT EXCEEDING THE MAXIMUM LEGAL INTEREST RATE AT SUCH TIME, TO IMPROVE COMMUNITY HEALTH AND PUBLIC GREEN SPACE BY RENOVATING RECREATIONAL FACILITIES AT MIAMI LAKES OPTIMIST PARK, AS DESCRIBED HEREIN, AND TO PAY COSTS OF ISSUANCE OF SUCH BONDS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Constitution and laws of the State of Florida, including, without limitation, Chapter 166, Florida Statutes, as amended, and Section 4.3 of the Charter of the Town of Miami Lakes (the “Town Charter”) authorize and empower the Town of Miami Lakes (the “Town”) to enact this ordinance; and

WHEREAS, the Town has determined that it is necessary and desirable for the promotion of various municipal purposes and for the health, safety and welfare of the residents of the Town that it undertake certain improvements and additions to the Town’s Miami Lakes Optimist Park, in order to improve community health and public green space by renovating recreational facilities at Miami Lakes Optimist Park, including, but not limited to, improvements to athletic fields, walking trails and exercise stations, basketball and tennis/pickleball courts, LED lighting, restroom and parking facilities, and improve field and amenity accessibility, all as described in Section 3 herein and Composite Exhibit “A” hereto (the “Miami Lakes Optimist Park Improvements”); and

WHEREAS, in order to pay the cost of the Miami Lakes Optimist Park Improvements, it is necessary to issue general obligation bonds of the Town as hereinafter described; and

WHEREAS, pursuant to Section 100.201, Florida Statutes, as amended, prior to the issuance of general obligation bonds by the Town, the question of the issuance thereof must be approved by a majority of the votes cast at an election in which the qualified electors residing in the Town shall participate; and

WHEREAS, it is deemed advisable and necessary to provide for the submission to the qualified electors of the Town, at a bond referendum election to be scheduled in conjunction with the regular municipal election of the Town on November 8, 2022, the question of whether the Town should issue its general obligation bonds for the purpose of providing funds, together with other available funds of the Town, to enable the Town to pay the costs of the improvements to Miami Lakes Optimist Park, as described in Section 3 hereof, and to pay costs of issuance of such bonds.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The recitals set forth above are true and correct and are incorporated herein by this reference.

SECTION 2. Issuance of Bonds. Subject to the referendum provided for herein and pursuant to subsequent proceedings of the Town, the Town will issue its general obligation bonds in an aggregate principal amount not exceeding Twenty Five Million Dollars (\$25,000,000), 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 or provided for by resolution of the Town prior to the time of sale thereof (the "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 of the Town, will enable the Town to pay the cost of acquiring, constructing, developing, extending, enlarging, improving, renovating, equipping, and furnishing the Town's Miami Lakes Optimist Park Improvements described in Section 3 hereof and to pay all costs of issuance of the Bonds.

SECTION 3. Authorization of Projects. The Town's Miami Lakes Optimist Park Improvements to be financed with proceeds of the Bonds include the acquisition, construction, development, extension, enlargement, improvement, renovation, equipping and furnishing of the Miami Lakes Optimist Park Improvements identified in Composite Exhibit "A" attached hereto and incorporated herein. The dollar amounts set forth for the Miami Lakes Optimist Park Improvements in Composite Exhibit "A" are good faith estimates of the cost of the improvements to be undertaken in connection with the Miami Lakes Optimist Park Improvements; such dollar amounts are not binding. The expenditure for the Miami Lakes Optimist Park Improvements shall depend on the actual improvements undertaken in connection with the particular project, it being understood that the Town shall make its best efforts to undertake and complete all of the Miami Lakes Optimist Park Improvements listed in Composite Exhibit "A" and the specific improvements described in connection therewith. The foregoing notwithstanding, the Town may, in its sole discretion, by official action evidenced by a resolution of the Town's Council adopted from time to time, modify or amend all or any portion of the Miami Lakes Optimist Park Improvements listed in Composite Exhibit "A" or any component thereof, to (1) delete one or more of such Miami Lakes Optimist Park Improvements or any component thereof, if the Town determines it is not feasible or is otherwise not in the best interests of the Town to pursue or (2) substitute or modify one or more of such Miami Lakes Optimist Park Improvements, if the Town determines such substitution or modification better serves Town purposes; provided such modified or substituted facility, improvement or equipment is a Miami Lakes Optimist Park Improvement. The Town hereby finds, declares and determines that the Miami Lakes Optimist Park Improvements described in this Section 3 will further important municipal purposes of the Town and will promote the health, safety and welfare of its residents.

SECTION 4. Bond Referendum. A bond referendum (the "Referendum") is hereby called to be held in the Town in conjunction with the regular municipal election of the Town from 7:00 a.m. to 7:00 p.m. on November 8, 2022, 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 of the Town, the cost of acquiring, constructing, developing, extending, enlarging, improving, renovating, equipping and furnishing the Miami Lakes Optimist Park Improvements described in Section 3 hereof, and to pay the costs of issuance of said Bonds.

SECTION 5. Conduct of Referendum. The appropriate Miami-Dade County election officials (the "Election Officials") shall conduct the Referendum hereby called, with acceptance of the Election Officials' certification of the results of the Referendum to be performed by the Town's Council. The official returns of each precinct shall be furnished to the Town Clerk of the Town as soon as the ballots from all precincts have been tabulated and results duly accepted by said Election Officials.

SECTION 6. Polling Places and Voting Precincts. The voting precincts for the Referendum shall be as established by the Election Officials. All electors shall vote at the polling places and the voting precincts as determined by the Election Officials. The polling places for the Referendum shall be open from 7:00 a.m. to 7:00 p.m. on the day of the Referendum. 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. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone (305) 499-8683.

SECTION 7. Ballots. Vote recorders, electronic voting or other means approved by the Supervisor of Elections of Miami-Dade County (the “Supervisor of Elections”) shall be used in the Referendum. The official ballot to be used in the Referendum shall be in substantially the following form:

TOWN OF MIAMI LAKES
GENERAL OBLIGATION BONDS FOR MIAMI LAKES OPTIMIST PARK

Shall the Town of Miami Lakes issue general obligation bonds, not exceeding \$25 million, payable from ad valorem taxes, bearing interest at legally permissible market rates maturing within 30 years of their issuance, to improve community health and public green space by renovating recreational facilities at Miami Lakes Optimist Park including baseball and athletic fields, walking trails and exercise stations, basketball and tennis/pickleball courts, LED lighting, concession stand restroom and parking facilities and improve field and amenity accessibility, shall the Town of Miami Lakes issue general obligation bonds, not exceeding \$25 million, payable from ad valorem taxes, bearing interest not exceeding maximum legal rates, maturing within 30 years of their issuance?

FOR BONDS

AGAINST BONDS

SECTION 8. Voting Instructions. Electors desiring to vote for the issuance of the Bonds shall be instructed to do so by placing a mark adjacent to the words “FOR BONDS” following the statement of the question relating to the Bonds. Electors desiring to vote against the issuance of the Bonds shall be instructed to do so by placing a mark adjacent to the words “AGAINST BONDS” following the statement of the question relating to the Bonds.

SECTION 9. Printing of Ballot. The Town Clerk is hereby authorized and directed to deliver a form of the Ballot set forth herein to the Supervisor of Elections 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 10. Public Availability of Ballot Question. Copies of the ballot question shall be made available to the electors at the Office of the Town Clerk from 8:00 a.m. to 5:00 p.m. each day, Saturdays, Sundays, and holidays excepted, not later than thirty (30) days prior to the date of the Referendum.

SECTION 11. Absentee Ballots. Absentee ballots containing the question set forth in Section 7 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, as amended.

SECTION 12. Vote-by-Mail. Voters participating in the Referendum via vote-by-mail ballot shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to such voting.

SECTION 13. Referendum Procedure. The Referendum shall be held and conducted in the manner prescribed by law for holding such elections in the Town. The Election Officials at each polling place in the several precincts shall prepare and file returns of such Referendum and deliver the same to the Supervisor of Elections for canvassing in the manner provided by applicable law. The Town Council shall cause the Town Clerk to record the election results in the records of the Town Council.

SECTION 14. Referendum Results. If a majority of the votes cast by qualified electors of the Town at the Referendum approve the Ballot question concerning the Bonds the Town shall be authorized to issue the Bonds, in the aggregate principal amount not exceeding Twenty Five Million Dollars (\$25,000,000), 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 hereafter determine by subsequent resolution.

SECTION 15. Qualified Electors. The Supervisor of Elections is hereby authorized and requested to prepare 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 Town Council.

SECTION 16. Notice of Referendum. Notice of the Referendum shall be given by publication in a newspaper of general circulation in the Town. Consistent with Section 100.342, Florida Statutes, as amended, the publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the Referendum is to be held, with the first publication to be not less than thirty (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 said notice has been duly published and said affidavit shall be made a part of the record of the Town Council.

SECTION 17. The notice of the Referendum shall be substantially in the following form:

TOWN OF MIAMI LAKES, FLORIDA
NOTICE OF BOND REFERENDUM

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AND WILL BE HELD IN SAID TOWN FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 8th DAY OF NOVEMBER 2022, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE TOWN OF MIAMI LAKES THE FOLLOWING QUESTION:

Shall the Town of Miami Lakes issue general obligation bonds, not exceeding \$25 million, payable from ad valorem taxes, bearing interest at legally permissible market rates maturing within 30 years of their issuance, to improve community health and public green space by renovating recreational facilities at Miami Lakes Optimist Park including baseball and athletic fields, walking trails and exercise stations, basketball and tennis/pickleball courts, LED lighting, concession stand restroom and parking facilities and improve field and amenity accessibility. shall the Town of Miami Lakes issue general obligation bonds, not exceeding \$25 million, payable from ad valorem taxes, bearing interest not exceeding maximum legal at legally permissible market rates maturing within 30 years of their issuance?

FOR BONDS

AGAINST BONDS

SECTION 18. Severability. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 19. Repealing Clause. All ordinances or parts thereof in conflict herewith are to the extent of such conflict superseded and repealed.

SECTION 20. Effective Date. This ordinance shall take effect immediately upon approval at Second Reading.

FIRST READING

The foregoing ordinance was offered by Vice Mayor Rodriguez who moved its adoption on first reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Yes
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	No
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	Yes

Passed on first reading this 10th day of May, 2022

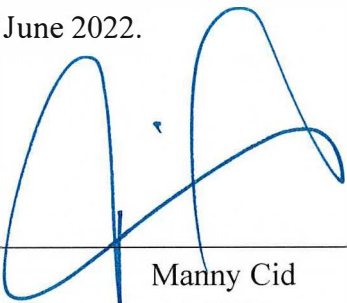
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SECOND READING

The foregoing ordinance was offered by Councilmember Collazo who moved its adoption on second reading. The motion was seconded by Mayor Cid and upon being put to a vote, the vote was as follows:

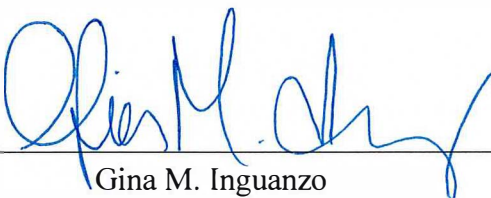
Mayor Manny Cid	Yes
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	No
Councilmember Tony Fernandez	No
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 14th of June 2022.



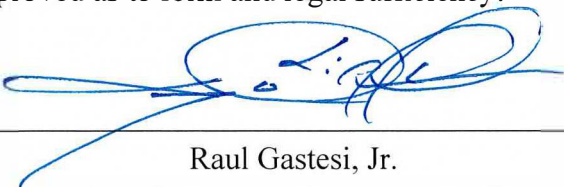
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY