

Town of Fort Myers Beach  
 Public Works Services, Inc.  
 Agenda Item Summary

Blue Sheet Number: 2011-107

1. **Requested Motion:** Motion to approve Resolution 11-18, Bond Referendum **Meeting Date:** 9/26/11

**Why the action is necessary:** The Town Charter requires a referendum in order to incur debt with a repayment period in excess of three years. The Supervisor of Elections requires a resolution authorizing the referendum before it can be placed on the ballot.

**What the action accomplishes:** Authorizes a referendum election to consider whether to incur debt to finance the acquisition and construction of a Town Hall.

2. **Agenda:**

Consent  
 Administrative

3. **Requirement/Purpose:**

Resolution  
 Ordinance  
 Other

4. **Submitter of Information:**


Council  
 Town Staff  
 Town Attorney

5. **Background:** The Town Charter requires a referendum in order for the Town to incur debt with a repayment period that is in excess of three years. This resolution will call for a referendum so that the electorate can vote on whether the Town should be authorized to incur debt to finance the acquisition and construction of a Town Hall where the repayment period for the debt will exceed three years.

6. **Alternative Action:** Decline to approve the resolution.

7. **Management Recommendations:** Approve the resolution.

8. **Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

9. **Council Action:**

Approved  Denied  Deferred  Other

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 11-18

A RESOLUTION ORDERING AND CALLING FOR A BOND REFERENDUM ELECTION TO BE HELD IN THE TOWN OF FORT MYERS BEACH, FLORIDA TO DETERMINE IF THE QUALIFIED ELECTORS RESIDING IN THE TOWN APPROVE THE ISSUANCE BY THE TOWN OF REVENUE AND/OR GENERAL OBLIGATION BONDS TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A TOWN HALL, WHICH BONDS SHALL MATURE NOT LATER THAN 30 YEARS FROM THEIR DATE OF ISSUANCE IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$ \_\_\_\_\_ PAYABLE FROM AD VALOREM TAXES LEVIED WITHOUT LIMIT ON ALL TAXABLE PROPERTY WITHIN THE TOWN IN ADDITION TO OTHER AVAILABLE REVENUE SOURCES, PROVIDING AN EFFECTIVE DATE.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

**SECTION 1. FINDINGS.** The Town Council of the Town of Fort Myers Beach, Florida (the "Town") hereby finds and determines that:

(a) Section 11.03(b) of the Town Charter provides:

Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multi-year contracts all for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of 36 months, unless mandated by state or federal governing agencies.

(b) The current Town Hall facility is being leased by the Town at an annual cost of approximately \$135,000.

(c) The Town Council has determined that it would be in the best interests of the Town to either purchase the property and building where the Town Hall is currently located or purchase other property and construct a new Town Hall facility on that property.

(d) The Town will have to borrow funds in order to acquire property for a Town Hall. In order to provide for a manageable annual debt service payment, the term of the loan will exceed three years.

(e) The Town Charter requires a referendum election whenever the Town desires to borrow funds for a term in excess of three (3) years.

**SECTION 2. BOND REFERENDUM ELECTION.** A bond referendum election of the qualified electors in the Town is hereby ordered and called to be held on January \_\_\_\_, 2012, to

determine whether or not the Town shall be authorized to issue the Bonds to finance the acquisition and construction of a Town Hall. Such Bonds shall mature not later than 30 years from their date of issuance, shall be issued in an aggregate principal amount of not exceeding \$\_\_\_\_\_ and shall be payable from the Ad Valorem Taxes in addition to other available revenue sources.

**SECTION 3. MANNER OF VOTING.** The referendum election shall be conducted in accordance with applicable law at the same time and places as the general election to be held on January \_\_\_\_, 2012, coordinated by the Supervisor of Elections of Lee County and, to the extent required, the Town Clerk. Early voting may be utilized to the extent allowable by, and in accordance with, applicable law.

**SECTION 4. OFFICIAL BALLOT.** The form of ballot to be used shall be in substantially the form as attached hereto as Exhibit A. The ballots to be used in the referendum election, including any required sample ballots, shall be prepared and distributed by the Supervisor of Elections of Lee County in accordance with applicable law. Electronic balloting may be utilized to the extent allowable by, and in accordance with, applicable law.

**SECTION 5. ABSENTEE VOTING.** Adequate provision shall be made by the Supervisor of Elections of Lee County for absentee voting. Ballots to be used in the referendum election for absentee voting shall be in substantially the same form as those ballots utilized at the polling places on the day of the referendum election. Ballots for absentee voting shall be distributed, collected and canvassed in accordance with applicable law.

**SECTION 6. ELECTION RESULTS.** Returns of the votes cast at the referendum election shall be made to and canvassed by the Lee County canvassing board. Such canvassing board shall certify the results to the Supervisor of Elections of Lee County and to the Town Council of the Town. If a majority of the votes cast at such election in respect to the aforestated proposition shall be "YES - For Bonds" votes, such proposition shall be approved and the bonds described herein may be issued by the Town. If a majority of the votes cast at such election in respect to the aforestated proposition shall be "NO - Against Bonds" votes, such proposition shall be defeated and the bonds described herein may not be issued by the Town.

**SECTION 7. NOTICE OF BOND REFERENDUM ELECTION.** A public notice, substantially in the form attached hereto as Exhibit B, shall be published in full in a newspaper of general circulation in the Town in the manner provided by law. The notice shall be published at least 30 days prior to the bond referendum election, once in the fifth week prior and once again in the third week prior to the week in which the bond referendum election is held, all in the manner provided in Section 100.342, Florida Statutes. The Town Clerk is hereby charged with the responsibility of this notice procedure.

**SECTION 8. SUPERVISORS OF ELECTIONS.** The Town Clerk is hereby authorized and directed to coordinate with and through the Supervisor of Elections of Lee County in carrying out the purposes of this Resolution.

**SECTION 9. CONFLICTS.** If there is conflict between the provision of this Resolution and any other ordinance or resolution or portions thereof, the provisions of this Resolution shall prevail to the extent of such conflict.

**SECTION 10. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach, Florida.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED ON THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2011.

Larry Kiker, Mayor  
Joe Kosinski, Councilmember  
Alan Mandel, Councilmember

Bob Raymond, Vice Mayor  
Jo List, Councilmember

ATTEST:

TOWN OF FORT MYERS BEACH

By: \_\_\_\_\_  
Michelle Mayher, Town Clerk

By: \_\_\_\_\_  
Larry Kiker, Mayor

Approved as to legal sufficiency by:

By: \_\_\_\_\_  
Fowler White Boggs, Town Attorney

**EXHIBIT A**

**Official Ballot  
Town of Fort Myers Beach, Florida  
Bond Referendum Election  
January \_\_, 2012**

**Approval of Bonds to Finance the Acquisition and Construction of a Town Hall.**

Shall the Town of Fort Myers Beach issue bonds, including general obligation bonds, maturing not later than 30 years from their issuance, in a principal amount not exceeding \$\_\_\_\_\_, bearing interest at market rates, to finance the acquisition and construction of a Town Hall, which bonds may be secured by and payable from ad valorem property taxes levied without limit on all taxable property within the Town in addition to other available revenue sources?

**INSTRUCTIONS TO VOTERS:**

\_\_\_\_\_ **YES - FOR BONDS**

\_\_\_\_\_ **NO - AGAINST BONDS**

## EXHIBIT B

### **Notice to Electors of Town of Fort Myers Beach of a Bond Referendum Election to be held on January \_\_\_\_, 2012 Regarding Bonds that may be Issued to Finance the Acquisition and Construction of a Town Hall**

Notice is hereby given that a bond referendum election will be held on January \_\_\_\_, 2012 to determine whether the Town of Fort Myers Beach may issue revenue and/or general obligation bonds maturing not later than 30 years from their issuance in a principal amount not exceeding \$\_\_\_\_\_, bearing interest at market rates, to finance the acquisition and construction of a Town Hall, which bonds may be payable from ad valorem property taxes levied without limit on all taxable property within the Town, in addition to other available revenue sources, all as further provided in Resolution No.11-18 enacted by the Town Council of the Town of Fort Myers Beach, Florida on September 26, 2011. A copy of such Resolution No. 11-18 may be obtained from the Town Clerk of the Town of Fort Myers Beach, Florida.