

CITY OF MARGATE, FLORIDA

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, CALLING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 5, 2024 TO DETERMINE IF A MAJORITY OF THE ELECTORS OF THE CITY OF MARGATE APPROVE THE ISSUANCE OF WATER AND WASTEWATER IMPROVEMENT REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$120,000,000.00 FOR THE PURPOSE OF FINANCING THE COST OF IMPROVEMENTS TO THE WATER AND WASTEWATER SYSTEM; PROVIDING FOR THE FORM OF BALLOT QUESTION; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR THE CITY CLERK TO PROVIDE A CERTIFIED COPY OF THIS RESOLUTION TO THE BROWARD COUNTY SUPERVISOR OF ELECTIONS; AUTHORIZING CITY OFFICIALS TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission (the "City Commission") of the City of Margate, Florida (the "City") has determined that the City's Water and Wastewater System (the "System") needs numerous upgrades and repairs; and

WHEREAS, pursuant to Section 5.09 of the City Charter, prior to the issuance of any governmental bonds by the City, except those bonds relating to special assessments, such bonds are required to be approved by a majority of the votes of qualified electors cast in a general or special election held for such purpose; and

WHEREAS, the City Commission desires to seek approval of the qualified electors of the City for the issuance of not to exceed \$120,000,000 Water and Wastewater Improvement Revenue Bonds for the purpose of providing for repairs and improvements to the System (the "Project").

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

**SECTION 1: Findings.** The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of the Resolution.

**SECTION 2: Intent to Issue Bonds.** Subject to a referendum provided for herein and pursuant to subsequent proceedings of the City, the City intends to authorize the issuance of its Water and

Wastewater Improvement Revenue Bonds in an aggregate principal amount not exceeding \$120,000,000, issuable as tax-exempt and/or taxable bonds, in one or more series, 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 City prior to the time of sale thereof (the "Bonds"). Such Bonds, if issued, shall pledge the revenues of the System and be payable solely from the net revenues of the System. The Bonds will be issued for the purpose of providing funds to finance costs of the Project.

**SECTION 3: Calling of Bond Referendum.** The City Commission does hereby call a bond referendum pursuant to Section 5.09 of the City Charter, and Florida Statutes Section 100.211, to be conducted in accordance with Florida Statutes Chapter 101 and the requirements of the Supervisor of Elections of Broward County ("Supervisor"), for the purpose of determining whether the qualified electors of the City approve the issuance of the Bonds to finance the cost to the City of the Project. In accordance with the Constitution and the laws of the State of Florida, all qualified electors of the City shall be entitled and permitted to vote in the referendum. The City Clerk and City Attorney are hereby directed and empowered to do such things as may be necessary and proper in accordance with the laws of the City and the laws of the State of Florida to provide for such election on the proposition herein contemplated.

**SECTION 4: Ballot Question.** The following bond referendum question shall be placed on the ballot:

"To ensure the public's safety and health and to comply with environmental regulatory requirements, shall the City of Margate issue not exceeding \$120,000,000 water and wastewater improvement revenue bonds, in one or more series, bearing interest at rates not exceeding the maximum legal rate and maturing not later than thirty years after the issuance date(s), payable from water and wastewater revenues, to finance the cost of improvements to the City's water and wastewater system?"

**SECTION 5: Form of Ballot.** The form of ballot for the election is attached hereto as Exhibit "A".

**SECTION 6: City Clerk Responsibilities.** The City Clerk is hereby authorized and directed to deliver copies of the ballot set forth herein to the Supervisor 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 mail ballots and absentee ballots.

**SECTION 7: Absentees Ballots.** Absentee ballots containing the question set forth in Section 4 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.

**SECTION 8: 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 November 5, 2024, at the regular polling place for City elections. Vote-by-mail ballots and early voting shall be provided as authorized by law. All qualified City 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 Broward County Canvassing Board for canvassing in the manner provided by applicable law. Said returns shall be certified to the City Commission, which shall declare the results thereof and record the same in its minutes along with the number of qualified electors of the City who voted at the Referendum on the question proposed and the number of votes cast for and against approval of the Bonds. The City 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 9: Bond Authorization.** If a majority of the votes cast by qualified electors of the City at the Referendum approves the ballot question concerning the Bonds, the City shall be authorized to issue the Bonds in the manner provided herein. The Bonds may be issued all at one time or in part from time to time as the City may in its discretion thereafter determine by subsequent ordinance or resolution.

**SECTION 10: List of Qualified Electors.** The Supervisor is hereby authorized and requested to make up and certify a list of the names of all qualified electors residing in the City. A certified copy of such list shall be furnished to the City Clerk and filed among the records of the City Commission.

**SECTION 11: Publication of Notice.** The City Clerk shall cause a Notice of Referendum to be published in the manner provided in Section 100.342, and Section 50.0311, Florida Statutes once in the fifth and third weeks prior to the week in which the Referendum is to be held, the first publication to be not less than 30 days prior to the date of such Referendum. The City Clerk shall secure from the publisher of said newspaper an appropriate affidavit of proof

that the Notice of Referendum has been duly published and said affidavit shall be made a part of the record of the City Commission. The Notice of Referendum shall be substantially in the form attached hereto as Exhibit "B". The special election date indicated in Exhibit "B" is subject to the final approval of the Supervisor. In the event the Supervisor determines that the election shall be held on a different date, the City Clerk is authorized and directed to change the date indicated in Exhibit "B" prior to publication. Copies of this Resolution are on file at the offices of the City Clerk located at City Hall 5790 Margate Boulevard, Margate, Florida 33063, and are available for public inspection during regular business hours.

**SECTION 12: Authority.** The City Attorney and City Clerk are hereby authorized to make any such amendments to the ballot title and/or question based upon the rules, regulations, and policies of the Supervisor, and are hereby authorized to take all steps necessary to fulfill the intent of this Resolution.

**SECTION 13: Severability.** In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holdings shall not affect any other word, clause, phrase, sentence or paragraph hereof.

**SECTION 14: Effective Date.** This Resolution shall be in full force and take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2024.

ATTEST:

\_\_\_\_\_  
JENNIFER M. JOHNSON  
CITY CLERK

\_\_\_\_\_  
MAYOR TOMMY RUZZANO

RECORD OF VOTE

Caggiano	_____
Simone	_____
Arserio	_____
Schwartz	_____
Ruzzano	_____

**EXHIBIT "A"**

REFERENDUM FOR  
CITY OF MARGATE REVENUE BONDS FOR  
WATER AND WASTEWATER SYSTEM CAPITAL IMPROVEMENT PLAN

"To ensure the public's safety and health and to comply with environmental regulatory requirements, shall the City of Margate issue not exceeding \$120,000,000 water and wastewater improvement revenue bonds, in one or more series, bearing interest at rates not exceeding the maximum legal rate and maturing not later than thirty years after the issuance date(s), payable from water and wastewater revenues, to finance the cost of improvements to the City's water and wastewater system?"

\_\_\_\_\_ FOR BONDS

\_\_\_\_\_ AGAINST BONDS

**EXHIBIT "B"**

NOTICE OF BOND REFERENDUM

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 24- \_\_\_\_ ADOPTED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA (THE "CITY") AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY ON TUESDAY, THE 5TH DAY OF NOVEMBER, 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 CITY FOR APPROVAL OR REJECTION.

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\_\_\_\_\_ FOR BONDS

\_\_\_\_\_ AGAINST BONDS

**The full text of Resolution No. 24- \_\_\_\_ is available at the offices of the City Clerk located at City Hall 5790 Margate Boulevard, Margate, Florida 33063.**

\_\_\_\_\_  
City Clerk