

To: The Honorable Mayor and City Council

From: Larry M. Spring, Jr., City Manager



Date: February 13, 2018

RE: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE ISSUANCE, SUBJECT TO THE BOND REFERENDUM HEREIN PROVIDED FOR, OF GENERAL OBLIGATION INDEBTEDNESS IN AN AGGREGATE PRINCIPAL AMOUNT (WITHOUT REGARD TO ORIGINAL ISSUE DISCOUNT OR PREMIUM) NOT TO EXCEED ONE HUNDRED FIFTY-FIVE MILLION DOLLARS \$155,000,000 FOR THE CITY OF NORTH MIAMI, FLORIDA, FOR PROVIDING FUNDS TO FINANCE THE ACQUISITION, CONSTRUCTION, RENOVATION AND IMPROVEMENT OF VARIOUS CAPITAL IMPROVEMENT PROJECTS, PAYABLE FROM THE FULL FAITH, CREDIT AND AD VALOREM TAXING POWER OF THE CITY; PROVIDING FOR AND CALLING A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY; PROVIDING FOR OFFICIAL BALLOTS; PROVIDING FOR BOND REFERENDUM PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

RECOMMENDATION

Staff is requesting that the Mayor and City Council of the city of North Miami, Florida, hereby authorize the issuance of the Bond Referendum in the amount of one hundred and fifty-five million dollars to fund Public and Recreational Facilities, Infrastructure, Police, Technology, and Affordable Housing projects.

BACKGROUND

On April 12, 2016 the Mayor and Council authorized the City Manager to take all necessary preliminary action required to fund Public Facilities, Infrastructure, Technology, Parks, Affordable Housing, and Public Safety by various means, including the issuance of General Obligation Bonds or Revenue Bonds; further authorized the City Manager to engage the services of Bond Counsel, Financial Advisors, Underwriters, Credit Rating Firms, Bond Insurance Firms and related Financial Consultants as needed to issue municipal bonds in accordance with the Florida Constitution, Chapters 100 and 166, Florida Statutes (2015), the North Miami Charter and Code of Ordinances.

ATTACHMENT(s)

Proposed Ordinance
Exhibit A - Notice of Bond Referendum

ORDINANCE NO. ____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE ISSUANCE, SUBJECT TO THE BOND REFERENDUM HEREIN PROVIDED FOR, OF GENERAL OBLIGATION INDEBTEDNESS IN AN AGGREGATE PRINCIPAL AMOUNT (WITHOUT REGARD TO ORIGINAL ISSUE DISCOUNT OR PREMIUM) NOT TO EXCEED ONE HUNDRED FIFTY-FIVE MILLION DOLLARS \$155,000,000 FOR THE CITY OF NORTH MIAMI, FLORIDA, FOR PROVIDING FUNDS TO FINANCE THE ACQUISITION, CONSTRUCTION, RENOVATION AND IMPROVEMENT OF VARIOUS CAPITAL IMPROVEMENT PROJECTS, PAYABLE FROM THE FULL FAITH, CREDIT AND AD VALOREM TAXING POWER OF THE CITY; PROVIDING FOR AND CALLING A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY; PROVIDING FOR OFFICIAL BALLOTS; PROVIDING FOR BOND REFERENDUM PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary and desirable that the City of North Miami, Florida (the "City") finance the acquisition, construction, renovation and improvement of the various capital improvement projects, including but not limited to, public facilities improvements, parks and recreation improvements, affordable housing, technology improvements, infrastructure improvements and community policing improvements, and to pay issuance expenses incurred in connection with the sale of the hereinafter defined Bonds related thereto; and

WHEREAS, the City Council of the City (the "City Council") hereby determines that the qualified electors of the City should make, through a bond referendum, the final decision determining whether to construct the Projects (as defined herein); and

WHEREAS, the City Council hereby determines that it serves a paramount public purpose that the Projects be acquired, constructed, renovated and improved and that it is in the best interest of the City to issue general obligation indebtedness to finance the costs of the Projects; and

WHEREAS, to pay all or a part of the cost of the Projects, it is necessary to issue the general obligation indebtedness of the City as hereinafter provided; and

WHEREAS, the City now desires to issue notes, bonds or other forms of indebtedness in one or more series in an aggregate principal amount (without regard to original issue discount or premium) not to exceed one hundred fifty-five million dollars \$155,000,000 (collectively, the

"Bonds") pursuant to the terms of an authorizing ordinance hereinafter to be enacted by the City Council if the qualified electors of the City approve the bond referendum authorized herein; and

WHEREAS, the Bonds shall be payable from the full faith, credit and ad valorem taxing power of the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA THAT:

SECTION 1. AUTHORITY FOR THIS ORDINANCE. This Ordinance is enacted pursuant to the Constitution and laws of the State of Florida, including Sections 100.201-100.351, Florida Statutes, Chapter 166, Florida Statutes, the Charter of the City and other applicable provisions of law (hereinafter collectively referred to as the "Act").

SECTION 2. FINDINGS. The City Council hereby finds and determines that the recitals set forth herein are true and correct and adopts the same as its findings and determinations.

SECTION 3. DEFINITIONS. All capitalized undefined terms shall have the following meanings herein, unless the text expressly requires otherwise, for purposes of this Ordinance.

“Affordable Housing” means single family and multi-family housing units which are available for occupancy by low-income residents at affordable rates and which are located within the municipal limits of the City.

“Affordable Housing Improvements” means (i) acquisition of land for Affordable Housing, (ii) acquisition and construction and/or renovation of Affordable Housing to include both single family and multifamily housing, and (iii) subsidies, which may be in the form of grants, to facilitate the development or retention of Affordable Housing.

“Infrastructure Improvements” means sidewalks, landscaping, green spaces, lighting, construction and replacement of sidewalks, resurfacing of roadways, construction of a transit station village and drainage and sustainability improvement projects.

“Projects” means collectively, the Public Facilities Improvements, the Affordable Housing Improvements, the Technology Improvements and the Infrastructure Improvements.

“Public Facilities Improvements” means the construction, renovation and improvement of buildings, facilities, equipment and infrastructure of (i) a governmental complex, including furniture, fixtures and equipment, (ii) a parking garage, (iii) upgrades, renovation and expansions of various recreational and sporting venues, lighting, turf replacement, playgrounds, parking, landscaping and fencing, and (iv) community centers and senior centers within various neighborhoods located throughout the City, whose primary municipal purpose and use is to enhance the community, and provide locations for citizens to enjoy quality education, fitness, arts and culture, recreation and social opportunities.

“Technology Improvements” means acquisition of infrastructure and equipment including, but not limited to, improved and up-to-date replacement and acquisition of City-wide servers, Wi-Fi equipment, police equipment, shots-fired technology, automatic license plate reader systems and security, all technology related.

SECTION 4. AUTHORIZATION OF BONDS. Subject and pursuant to the provisions hereof, the Bonds of the City are authorized to be issued in the aggregate principal amount (without regard to original issue discount or premium) not to exceed one hundred fifty-five million dollars \$155,000,000 to finance the cost of the Projects and to pay the cost of issuing the Bonds, if the Bonds are approved by the bond referendum authorized herein. The monies received and interest earned from the issuance of the Bonds will be used for such purpose. The Bonds shall be general obligations of the City and shall be secured by the full faith, credit, and unlimited ad valorem taxing power of the City. The Bonds shall mature not more than thirty (30) years from the date of issuance, and the Bonds shall bear interest at a rate not exceeding the maximum rate permitted by law at the time of the sale of the Bonds. Such Bonds may be issued in one or more series. Both principal and interest on the Bonds, and redemption premiums, if any, shall be payable at the office of the paying agent to be named by the City at or prior to the sale of the Bonds.

The Bonds shall be issued pursuant to authority granted under this Ordinance and the Act, but only after approval of the bond referendum hereinafter called and subsequent enactment of an authorizing bond ordinance(s) by the City Council, as the governing body of the City.

SECTION 5. BOND REFERENDUM. A bond referendum of the qualified electors residing in the City is hereby called and authorized to be held on April 24, 2018 to determine whether or not the issuance of the Bonds in an aggregate principal amount (without regard to original issue discount or premium) of not exceeding one hundred fifty-five million dollars \$155,000,000 shall be approved by such qualified electors to finance the cost of the Projects; or if not all of the Projects are approved, to determine whether or not (i) the issuance of the Bonds in an aggregate principal amount (without regard to original issue discount or premium) of not exceeding eighty-six million, three hundred thousand dollars (\$86,300,000) shall be approved by such qualified electors to finance the cost of the Public and Recreational Facilities Improvements, or (ii) the issuance of the Bonds in an aggregate principal amount (without regard to original issue discount or premium) of not exceeding forty-three million, two hundred and fifty thousand dollars (\$43,250,000) shall be approved by such qualified electors to finance the cost of Infrastructure, or (iii) the issuance of the Bonds in an aggregate principal amount (without regard to original issue discount or premium) of not exceeding five million, four hundred and fifty thousand dollars (\$5,450,000) shall be approved by such qualified electors to finance the cost of the Community Policing and Technology Improvements, or (iv) the issuance of Bonds in an aggregate principal amount (without regard to original issue discount or premium) of not exceeding twenty million dollars (\$20,000,000) to finance the cost of Affordable Housing Improvements, or (v) some but not all of the foregoing (i), (ii), (iii) or (iv). All qualified electors in the City shall be entitled and permitted to vote in the bond referendum.

The Supervisor of Elections of Miami-Dade County, Florida (the "Supervisor of Elections") shall hold, administer and conduct the bond referendum in the manner prescribed by law. The City Clerk of the City (the "City Clerk") and the Supervisor of Elections are directed to take all necessary measures to conduct the bond referendum in accordance with applicable law. The results shall be certified to the Department of State in accordance with Section 100.351, Florida Statutes. All procedures and requirements of the laws of the State of Florida, the Charter of the City and other applicable law shall be complied with for the purpose of conducting the computation of ballots and completion of bond referendum procedures.

Michael A. Etienne, Esq., City Clerk of the City of North Miami, Florida, is hereby designated and appointed as the official representative of the City Council in all transactions with

the Supervisor of Elections in relation to matters pertaining to the use of the registration books and the holding of said bond referendum.

Ballots containing the questions set forth in Section 7 hereof shall be prepared for the use of absent electors entitled to cast such ballots in said bond referendum.

SECTION 6. NOTICE OF BOND REFERENDUM. Notice of the bond referendum shall be published in a newspaper of general circulation in the City, at least twice, once in the fifth week and once in the third week prior to the week in which the bond referendum is held, the date of first publication in said newspaper to be at least thirty (30) days before said bond referendum, in substantially the form attached hereto as Exhibit A and in the manner provided in Section 100.342, Florida Statutes. The City Manager is hereby authorized to make additional changes and insertions to such notice. The City Clerk is hereby authorized and directed to publish such notice.

SECTION 7. OFFICIAL BALLOT. The ballot for voting in the bond referendum shall be in substantially the following form:

**CITY OF NORTH MIAMI, FLORIDA
GENERAL OBLIGATION BONDS
PUBLIC FACILITIES IMPROVEMENTS**

Shall the City of North Miami, Florida issue bonds in one or more series not exceeding the aggregate principal amount of \$86,300,000, bearing interest rates not exceeding the maximum legal rate, maturing within thirty years from issuance, pledging the City's ad valorem tax revenues to finance the acquisition, renovation and improvement of various public and recreational facilities projects, governmental complex, parking garage, community centers, senior centers, a new sports complex and other park improvements?

Yes – For Bonds _____

No – Against Bonds _____

CITY OF NORTH MIAMI, FLORIDA

GENERAL OBLIGATION BONDS

INFRASTRUCTURE IMPROVEMENTS

Shall the City of North Miami, Florida issue bonds in one or more series not exceeding the aggregate principal amount of \$43,250,000, bearing interest rates not exceeding the maximum legal rate, maturing within thirty years from issuance, pledging the City's ad valorem tax revenues to finance various sustainability and infrastructure projects, including, sidewalks, street resurfacing, landscaping, lighting, green space, drainage and transit related improvements?

Yes – For Bonds _____

No – Against Bonds _____

CITY OF NORTH MIAMI, FLORIDA

GENERAL OBLIGATION BONDS

TECHNOLOGY IMPROVEMENTS

Shall the City of North Miami, Florida issue bonds in one or more series not exceeding the aggregate principal amount of \$5,450,000, bearing interest rates not exceeding the maximum legal rate, maturing within thirty years from issuance, pledging the City's ad valorem tax revenues to finance the renovation and improvement of various community policing and technology projects for safety, including police equipment, servers, Wi-Fi, security cameras, and broadcasting and emergency operations?

Yes – For Bonds _____

No – Against Bonds _____

CITY OF NORTH MIAMI, FLORIDA
GENERAL OBLIGATION BONDS
AFFORDABLE HOUSING IMPROVEMENTS

Shall the City of North Miami, Florida issue bonds in one or more series not exceeding the aggregate principal amount of \$20,000,000, bearing interest rates not exceeding the maximum legal rate, maturing within thirty years from issuance, pledging the City's ad valorem tax revenues to finance various affordable housing projects, including, acquisition and construction of affordable housing, including both single family and multifamily projects?

Yes – For Bonds _____

No – Against Bonds _____

SECTION 8. BOND REFERENDUM RESULTS. Returns of the votes cast at the bond referendum shall be made as required by law. If a majority of the votes cast at the bond referendum shall be "Yes - For Bonds," the Bonds shall be approved, and then the Bonds for the improvements thereby affected (i.e. public facilities, affordable housing, technology and infrastructure) shall be approved, and then the Bonds may be issued pursuant to this Ordinance and as provided by an authorizing bond ordinance of the City Council, as the governing body of the City. If less than a majority of the votes cast at the bond referendum shall be "Yes - For Bonds," the Bonds for the improvements thereby affected shall be defeated, and no Bonds for such improvements shall be issued pursuant to this Ordinance.

SECTION 9. LANGUAGES. To the extent required by law, the official ballot and notice of bond referendum shall be published in the English, the Spanish and the Creole languages.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be in full force and take effect immediately upon its enactment.

PASSED AND ADOPTED by _____ vote of the Mayor and City Council on first reading this _____ day of _____, 2018.

PASSED AND ADOPTED by _____ vote of the Mayor and City Council on second reading this _____ day of _____, 2018.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Dr. Smith Joseph, D.O., Pharm. D.	_____ (Yes)	_____ (No)
Vice Mayor Scott Galvin	_____ (Yes)	_____ (No)
Councilman Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilman Philippe Bien Aime	_____ (Yes)	_____ (No)
Councilman Alix Desulme	_____ (Yes)	_____ (No)

**EXHIBIT A
FORM OF
NOTICE OF BOND REFERENDUM
FOR GENERAL OBLIGATION BONDS
TO BE HELD ON TUESDAY, _____, 2018**

CITY OF NORTH MIAMI, FLORIDA

To be held on Tuesday, _____, 2018, as provided by Ordinance No. ____ of the City of North Miami, Florida enacted on _____, 2018.

Notice is hereby given that a bond referendum will be held in the City of North Miami, Florida on Tuesday, _____, 2018. The bond referendum will be held to determine whether there shall be issued General Obligation Bonds (the "Bonds") of the City, in an aggregate principal amount (without regard to original issue discount or premium) not exceeding one hundred fifty-five million dollars \$155,000,000. The Bonds shall be general obligations of the City and shall be secured by the full faith, credit, and unlimited ad valorem taxing power of the City. The Bonds may be issued in one or more series, shall mature in not more than thirty (30) years after issuance, and the Bonds shall bear interest at not exceeding the maximum rate permitted by law at the time of the sale of the Bonds. The monies received and interest earned from the issuance of the Bonds will be used to finance Public Facilities Improvements, Affordable Housing Improvements, Technology Improvements and Infrastructure Improvements (as further specified in the Ordinance). [Insert further descriptions of project]. From time to time, the City may include additional specifics concerning the Public Facilities Improvements, the Affordable Housing Improvements, the Technology Improvements, and the Infrastructure Improvements, and so for any for additional information regarding specific projects, please contact the Office of the City Clerk of North Miami at 305-899-0497.

The issuance of such Bonds and the holding of such bond referendum have been authorized by Ordinance No. _____ of the City Council of the City enacted on _____, 2018.

In accordance with the Constitution and laws of the State of Florida, all qualified electors of the City of North Miami, Florida, shall be entitled to vote in the bond referendum to which this notice pertains.

The City of North Miami shall be authorized to issue the Bonds covered by the question hereinabove set forth only if such issuance shall have been approved by vote of a majority of the qualified electors of the City of North Miami voting thereon.

By order of the Mayor and City Council of the City of North Miami, Florida.

City Clerk
City of North Miami, Florida