

**ORDINANCE NO. 14-22**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, ORDERING AND CALLING FOR A BOND REFERENDUM ELECTION TO BE HELD ON MARCH 14, 2023, TO DETERMINE IF THE QUALIFIED ELECTORS RESIDING IN THE VILLAGE APPROVE THE ISSUANCE BY THE VILLAGE OF GENERAL OBLIGATION BONDS IN PHASES FROM TIME TO TIME, WHICH SHALL MATURE NOT LATER THAN TWENTY (20) YEARS FROM THEIR VARIOUS DATES OF ISSUANCE IN AN AGGREGATE TOTAL PRINCIPAL AMOUNT NOT EXCEEDING \$10,000,000 PAYABLE FROM AD VALOREM TAXES LEVIED IN AMOUNTS SUFFICIENT TO PAY DEBT SERVICE ON SUCH BONDS ON ALL TAXABLE PROPERTY WITHIN THE VILLAGE TO FINANCE COSTS RELATING TO THE ACQUISITION AND CAPITAL IMPROVEMENT OF LANDS TO BE USED FOR VARIOUS PURPOSES DESCRIBED HEREIN; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, it is necessary and desirable and in the best interests of the Village of Tequesta, Florida (the "Village" or "Tequesta") to acquire lands that are environmentally sensitive or waterfront or which may be used for recreation, open spaces, archeological or historic preservation or traffic mitigation and to make recreational capital improvements thereto (collectively, the "Land Acquisition Program"), in order to promote, improve, maintain and protect the health, safety and welfare of the residents of the Village; and

**WHEREAS**, the most efficient and fair method of financing costs of the Land Acquisition Program is through the issuance of general obligation bonds in phases from time to time (the "Bonds"), maturing not later than twenty (20) years from their various dates of issuance, and secured by and payable from ad valorem taxes levied in amounts sufficient to pay debt service on such Bonds on all taxable property within the Village (the "Ad Valorem Taxes"); and

**WHEREAS**, in accordance with the Constitution and laws of the State of Florida, the question as to whether or not such Bonds should be issued to finance costs of the Land Acquisition Program must be submitted to the qualified electors of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1:** A bond referendum election of the qualified electors in the Village is hereby ordered and called to be held on March 14, 2023, to determine whether or not the Village shall issue the Bonds in phases from time to time to finance costs of the Land Acquisition Program, as generally provided in Exhibit A hereto. Such Bonds shall mature not later than twenty (20) years from their various dates of issuance, shall be issued in an aggregate total principal amount of not exceeding \$10,000,000, and shall bear interest at a rate not in excess of the maximum lawful rate and shall be secured by and payable from the Ad Valorem Taxes. If the issuance of the Bonds from time to time is approved by the qualified electors, the specific provisions of the Bonds shall be set forth in a resolution or ordinance subsequently adopted by the Village Council.

**SECTION 2:** The referendum election shall be conducted in accordance with applicable law at the same time and places as the general municipal election to be held on March 14, 2023, coordinated by the Supervisor of Elections of Palm Beach County and, to the extent required, the Village Clerk.

**SECTION 3:** The form of ballot to be used shall be as provided in Exhibit B hereto. 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 Palm Beach County in

accordance with applicable law. Electronic balloting may be utilized to the extent allowable by, and in accordance with, applicable law.

**SECTION 4:** Adequate provision shall be made by the Supervisor of Elections of Palm Beach County for "Vote by Mail". Ballots to be used in the referendum election for "Vote by Mail" shall be in substantially the same form as those ballots utilized at the polling places on the day of the referendum election. Ballots for "Vote by Mail" shall be distributed, collected and canvassed in accordance with applicable law.

**SECTION 5:** Returns of the votes cast at the referendum election shall be canvassed in accordance with applicable law including Section 2-232 of the Village's Code. 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 may be issued by the Village. 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 may not be issued by the Village.

**SECTION 6:** A public notice, as generally provided in Exhibit C hereto, shall be published in full in a newspaper of general circulation in the Village 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 Village Clerk is hereby charged with the responsibility of this notice procedure.

**SECTION 7:** The Village Clerk is hereby authorized and directed to coordinate with and through the Supervisor of Elections of Palm Beach County in carrying out the purposes of this Ordinance.

**SECTION 8:** If there is conflict between the provision of this Ordinance and any other Village ordinance or resolution or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

**SECTION 9:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 10:** This Ordinance shall take effect immediately upon adoption.

## **EXHIBIT A**

The Land Acquisition Program consists of the acquisition of lands that are environmentally sensitive or waterfront or which may be used for recreation, open spaces, archeological or historic preservation or traffic mitigation, and for recreational capital improvements on lands acquired, owned, or utilized by the Village for recreational purposes, all as to be specifically determined by the Village Council and as the same may be amended and supplemented from time to time by the Village Council.

**EXHIBIT B**

**Official Ballot  
Village of Tequesta, Florida  
Bond Referendum Election  
March 14, 2023**

**Village of Tequesta General Obligation Bonds for Land Acquisition Program**

Shall Tequesta issue bonds in phases from time to time, not exceeding a total of \$10,000,000, maturing within 20 years of their issuance dates, with interest not exceeding the maximum legal rate, payable from ad valorem property taxes levied in amounts sufficient to pay debt service on such Bonds, to finance acquisition of environmentally sensitive, waterfront, or recreation lands, or lands for open spaces, archeological or historic preservation, or traffic mitigation, and recreational capital improvements.

**INSTRUCTIONS TO VOTERS:**

**YES - FOR BONDS**

**NO - AGAINST BONDS**

## EXHIBIT C

### **Notice to Electors of the Village of Tequesta of a Bond Referendum Election to be held on March 14, 2023 Regarding the Village of Tequesta General Obligation Bonds for Land Acquisition Program**

Notice is hereby given that a bond referendum election will be held on March 14, 2023, to determine whether the Village of Tequesta may issue bonds in phases over time, not exceeding an aggregate total of \$10,000,000, maturing within 20 years of their various issuance dates, with interest not exceeding the maximum legal rate, and payable from ad valorem property taxes levied in amounts sufficient to pay debt service on such Bonds, to finance acquisition of environmentally sensitive lands, waterfront lands, recreation lands, or open spaces, and to finance archeological or historic preservation, traffic mitigation, or recreational capital improvements.

As required by Ordinance No. 14-22, this Notice is given by publishing said Ordinance No. 14-22 in full as follows:

[copy Ordinance]



**ORDINANCE**

**Date**

14-22

11/10/2022

**Upon Second Reading**

**Motion** Council Member Frank D'Ambra

**Second Vice-Mayor** Kyle Stone

	FOR	AGAINST	ABSENT	CONFLICT
Mayor Molly Young	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice-Mayor Kyle Stone Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member Laurie Brandon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Frank D'Ambra	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Aaron Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared the Ordinance duly passed and adopted.

**MAYOR OF TEQUESTA:**

  
 Molly Young

**ATTEST:**



  
 Lori McWilliams, MMC  
 Village Clerk