

ORDINANCE NO. 24-18

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.03 OF THE CITY CHARTER ORDERING AND PROVIDING FOR THE HOLDING OF A REFERENDUM ELECTION TO DETERMINE IF THE ELECTORS OF THE CITY OF KEY WEST, FLORIDA, APPROVE THE ISSUANCE OF NOT EXCEEDING \$65,000,000 GENERAL OBLIGATION BONDS MATURING IN 30 YEARS OR LESS, TO BE ISSUED IN ONE OR MORE SERIES, TO BE SECURED BY AND PAYABLE FROM THE FULL FAITH, CREDIT AND UNLIMITED AD VALOREM TAXING POWER OF THE CITY IN ORDER TO FINANCE THE COST OF ACQUIRING AND CONSTRUCTING IMPROVEMENTS RELATED TO PUBLIC INFRASTRUCTURE ADAPTATIONS FOR WEATHER RESISTANCE AND STORM AND FLOODING MITIGATION; PROVIDING FOR A BOND REFERENDUM TO BE HELD ON NOVEMBER 5, 2024, OR AS SOON THEREAFTER AS PRACTICABLE; ESTABLISHING ITS INTENT TO REIMBURSE SUCH CAPITAL EXPENDITURES INCURRED WITH PROCEEDS OF SUCH GENERAL OBLIGATION BONDS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA:

Section 1. FINDINGS. It is found and declared:

(A) This Ordinance is enacted pursuant to the City Charter, Sections 100.201-100.351, Florida Statutes and other applicable provisions of law.

(B) The City Commission of the City of Key West, Florida (the "City") proposes to acquire and construct improvements related to public infrastructure adaptations for weather resistance and storm and flooding mitigation (the "Project") for the purpose of promoting the health, safety and well-being of the City's citizens.

(C) The City now desires to issue general obligation bonds in one or more series in an amount not to exceed \$65,000,000 (the "Bonds") to be secured by and payable from the full faith,

credit and unlimited ad valorem taxing power of the City. Such amount is calculated to equal the par amount of the Bonds plus any original issue premium, and shall not be reduced by any original issue discount.

(D) Such Bonds will finance the cost of acquiring and constructing the Project, including without limitation, capitalized interest, if necessary, any required reserves and transaction costs.

(E) Section 8.03 of the City Charter provides that "bonds pledging the full faith and credit of the city or the revenues of the city may be issued only upon approval by a vote of the electors of the City".

(F) The Bonds and the Project shall promote the health, safety and general welfare of the City, its citizens, its businesses, its property owners, its workers and its visitors, and thus serves a paramount public purpose.

(G) It is in the best interest of the City to issue such Bonds to finance the cost of acquiring and constructing the Project to be secured as heretofore described.

(H) This Ordinance is intended to constitute a "declaration of official intent" within the meaning of Section 1.150-2 of the Income Tax Regulations which were promulgated pursuant to the Internal Revenue Code of 1986, as amended, with respect to the debt incurred to finance the cost of acquiring and constructing of the Project.

Section 2. BONDS AUTHORIZED. Subject to the referendum election hereafter provided for and the terms and provisions of the City Charter, the City is authorized to issue and sell its general obligation bonds in one or more series (collectively referred to as the "Bonds") in the aggregate principal amount of not exceeding \$65,000,000, for the purpose of financing the cost of

acquiring and constructing the Project for the purposes heretofore described. The Bonds shall be payable over a period of not exceeding thirty (30) years from issuance of the Bonds, shall bear interest payable at an interest rate or rates not exceeding the maximum allowed by law, shall be dated, subject to redemption, in the form and contain reasonable and customary covenants, all as provided by subsequent ordinances and/or resolutions of the City Commission of the City. The Bonds and the interest thereon shall be general obligations of the City for the payment of which the full faith and credit and unlimited ad valorem taxing power of the City shall be pledged.

Section 3. BOND REFERENDUM ORDERED. A bond referendum of the qualified electors residing in the City is hereby called to be held on Tuesday, November 5, 2024, to determine whether or not the issuance of the Bonds in an aggregate amount of not exceeding Sixty-Five Million Dollars (\$65,000,000) in one or more series shall be approved by such qualified electors of the City to finance the cost of the Project.

Section 4. VOTING. The polls will be open at the voting places on the date of such bond referendum from 7:00 A.M. to 7:00 P.M., or as otherwise provided by the Supervisor of Elections. All qualified electors residing within the City shall be entitled and permitted to vote at such bond election as hereinafter provided. The bond election shall be held and conducted in the place or places prescribed by law for general elections in the City. The bond election shall be held and conducted in the manner prescribed by law for holding general elections in the City, and the City Clerk and Supervisor of Elections are directed to take all necessary measures to conduct the election in all manner required by law. The returns shall be properly canvassed by the officials legally responsible to carry out such purpose (collectively, the "Canvassing Board") and all procedures and requirements of state law, the City Charter and other applicable law shall be

complied with for the purpose of conducting the computation of ballots and completion of election procedures, including, without limitation, Section 100.271, Florida Statutes.

Section 5. BALLOTS. The question appearing on the ballots to be used in the election shall be in substantially the following printed form:

BALLOT

CITY OF KEY WEST GENERAL OBLIGATION BONDS  
FOR INFRASTRUCTURE ADAPTATIONS RELATED TO  
WEATHER/FLOODING MITIGATION

To finance the cost of acquiring and constructing capital improvements related to public infrastructure adaptations for weather resistance and storm and flooding mitigation, shall the City of Key West issue not exceeding \$65,000,000 general obligation bonds, in one or more series, maturing in thirty years or less, bearing interest not exceeding the maximum legal rate, secured by and payable from the full faith, credit and unlimited ad valorem taxing power of the City?

YES (FOR BONDS)                    \_\_\_\_\_  
NO (AGAINST BONDS)                \_\_\_\_\_

Section 6. RESULTS OF ELECTION. Returns of the votes cast at the election shall be made to and canvassed by the Canvassing Board and such Board shall declare the results and certify the same to the City Clerk to be recorded in the minutes of the City. If a majority of the votes cast at such election in respect to the issuance of the Bonds shall be "YES" (in favor of the Bonds), such issuance shall be approved, and may be issued by the City pursuant to the terms and provisions of the City Charter, the Code of Ordinances, this Ordinance and the ballot question authorized herein. Regardless of the results of the election, the City Clerk is hereby directed to submit such results to the Department of State pursuant to Section 100.351, Florida Statutes.

Section 7. PUBLICATION OF NOTICE. At least 30 days' notice of the bond election shall be published in the Key West Citizen, or any other newspaper of general circulation within the City, at least twice, once in the fifth week and once in the third week prior to the week in which the election is held, in the manner provided in Section 100.342, Florida Statutes.

The notice of election shall be in substantially the following form:

NOTICE OF GENERAL OBLIGATION BOND REFERENDUM  
FOR FINANCING PUBLIC INFRASTRUCTURE ADAPTATIONS FOR WEATHER  
RESISTANCE AND STORM AND FLOODING MITIGATION  
TO BE HELD ON NOVEMBER 5, 2024  
CITY OF KEY WEST, FLORIDA

NOTICE IS HEREBY GIVEN THAT A CITY OF KEY WEST, FLORIDA BOND REFERENDUM will be held on the 5th day of November, 2024, in the City of Key West, Florida, for the purpose of determining whether or not general obligation bonds of the City shall be issued to finance the cost of acquiring and constructing capital improvements related to public infrastructure adaptations for weather resistance and storm and flooding mitigation, in one or more series, secured by and payable from the full faith, credit and unlimited ad valorem taxing power of the City, in the aggregate principal amount of not exceeding \$65,000,000, bearing interest, payable at such interest rate or rates not exceeding the maximum rate permitted by law, maturing over a period of not to exceed thirty years from the date of the Bonds.

City Ordinance \_\_\_\_\_, enacted by the City Commission on \_\_\_\_\_, 2024, authorized the holding of such bond referendum and described the purpose of the Bonds. Copies of Ordinance \_\_\_\_\_ are available in the office of the City Clerk & Comptroller, 1300 White Street, Key West, Florida 33040.

In accordance with the Constitution and laws of the State of Florida, all qualified electors residing within the City of Key West shall be entitled qualified and permitted to vote in the bond referendum to which this notice pertains. The polls at said bond referendum will be open from 7:00 A.M. to 7:00 P.M., or as otherwise provided by the Supervisor of Elections, on Tuesday, November 5, 2024, and will be held at polling places in the several precincts of the City.

The City of Key West 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 Key West voting thereon.

CITY OF KEY WEST, FLORIDA  
Teri Johnston, Mayor

Keri O'Brien, City Clerk

SECTION 8. INTENT TO REIMBURSE. The Commission hereby expresses its intention that the City be reimbursed from the proceeds of the Bonds for costs relating to the Project. Pending reimbursement, the City expects to use funds on deposit in the City's general fund or other appropriate fund or account to pay such costs. This Ordinance is intended to constitute with respect to the acquiring and constructing of the Project a "declaration of official intent" within the meaning of Section 1.150-2 of the Income Tax Regulations.

Section 9. LANGUAGES. To the extent required by law or the Supervisor of Elections, the Ballot and Notice of Election shall be published in both the English and Spanish languages.

SECTION 10. REPEALER. Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 11. SEVERABILITY. It is declared to be the intent of the City Commission of the City of Key West, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall be construed as not having contained the said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

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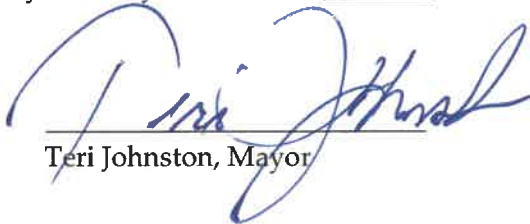
Section 12. EFFECTIVE DATE. This Ordinance shall go into effect immediately upon its passage and enactment and authentication by the signatures of the presiding officer and the City Clerk of the City Commission.

READ AND PASSED on first reading at a regular meeting held by the City Commission of the City of Key West, Florida on this 9th day of May, 2024.

READ AND PASSED on final reading at a special meeting held by the City Commission of the City of Key West, Florida on this 18th day of July, 2024.

Authenticated by the presiding officer and Clerk of the Commission on this 24th day of July, 2024.

Mayor Teri Johnston	<u>Yes</u>
Commissioner Lissette Carey	<u>No</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Samuel Kaufman	<u>No</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>No</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
Teri Johnston, Mayor

ATTEST:

  
Keri O'Brien, City Clerk