

Prepared by: Nabors Giblin & Nickerson

**ORDINANCE NO. 2016-08**

**AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, ORDERING AND CALLING FOR A BOND REFERENDUM ELECTION TO BE HELD ON NOVEMBER 8, 2016, IN THE CITY OF VENICE, FLORIDA TO DETERMINE IF THE QUALIFIED ELECTORS RESIDING IN THE CITY APPROVE THE ISSUANCE BY THE CITY OF GENERAL OBLIGATION BONDS THAT SHALL MATURE NOT LATER THAN 20 YEARS FROM THEIR DATE OF ISSUANCE IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$18,000,000 PAYABLE FROM AD VALOREM PROPERTY TAXES LEVIED WITHOUT LIMIT AGAINST ALL TAXABLE PROPERTY WITHIN THE CITY IN ORDER TO FINANCE CERTAIN TRANSPORTATION-RELATED CAPITAL IMPROVEMENTS WITHIN THE CITY; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:**

**SECTION 1. Findings.**

(A) It is necessary and in the best interests of the City of Venice, Florida (the "City"), to complete certain transportation-related capital improvements, as generally described in Exhibit A hereto (the "Project"), in order to promote, maintain and protect the health, safety and welfare of the residents of the City.

(B) Pursuant to Article VII, Section 12(a) of the Florida Constitution, the City is authorized to issue bonds that mature more than 12 months of their issuance which are payable from ad valorem property taxes to finance and refinance capital projects authorized by law when such bonds have been approved by a vote of the electors.

(C) It is in the best interests of the City to allow the qualified electors within the City to determine whether or not to finance costs of the Project with proceeds of general obligation bonds (the "Bonds") to be issued in the aggregate principal amount of not exceeding \$18,000,000 with a final maturity of not later than 20 years from their date of issuance and secured by and payable from ad valorem taxes levied without limit against all taxable property within the City (the "Ad Valorem Taxes").

**SECTION 2. Bond referendum election.**

A bond referendum election of the qualified electors in the City is hereby ordered and called to be held on November 8, 2016, to determine whether or not the City shall issue the Bonds in one or more series to finance costs of the Project. Such Bonds shall mature not later than 20 years from their date of issuance, shall be issued in an aggregate principal amount of not exceeding

\$18,000,000, shall bear interest at a rate not in excess of the maximum lawful rate and shall be payable from the Ad Valorem Taxes. If the issuance of the Bonds 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 City Council.

**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 November 8, 2016, coordinated and conducted by the Supervisor of Elections of Sarasota County and, to the extent required, the City 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 B. 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 Sarasota County in accordance with applicable law. Electronic balloting may be utilized to the extent allowable by, and in accordance with, applicable law.

**SECTION 5. Vote by mail.** Adequate provision shall be made by the Supervisor of Elections of Sarasota 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 6. Election results.** Returns of the votes cast at the referendum election shall be certified in accordance with Section 22-6 of the City's Code of Ordinances. If a majority of the votes cast at such election in respect to the proposition stated in the ballot shall be "YES - For Bonds" votes, such proposition shall be approved and the Bonds may be issued by the City. If a majority of the votes cast at such election in respect to the proposition stated in the ballot shall be "NO - Against Bonds" votes, such proposition shall be defeated and the Bonds described herein may not be issued by the City.

**SECTION 7. Notice of bond referendum election.** A public notice, substantially in the form attached hereto as Exhibit C, shall be published in full in a newspaper of general circulation in the City 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 City Clerk is hereby charged with the responsibility of this notice procedure.

**SECTION 8. Supervisors of elections.** The City Clerk is hereby authorized and directed to coordinate with and through the Supervisor of Elections of Sarasota County in carrying out the purposes of this Ordinance.

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

**SECTION 10. Severability.** 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.

**SECTION 11. Effective date.** This Ordinance shall take effect immediately upon its adoption.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 24TH DAY OF MAY, 2016.**

First Reading: May 10, 2016  
Final Reading: May 24, 2016  
Adoption: May 24, 2016

(SEAL)

ATTEST:

By: \_\_\_\_\_  
John W. Holic, Mayor

\_\_\_\_\_  
Lori Stelzer, MMC, City Clerk

I, LORI STELZER, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 24th day of May 2016, a quorum being present. WITNESS my hand and the official seal of said City this 24th day of May, 2016.

\_\_\_\_\_  
Lori Stelzer, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## **EXHIBIT A**

### **General Description of the Project**

The Project generally includes the resurfacing and reconstruction of approximately 70 lane miles of roads throughout the City and the Historic Downtown Corridor. The Project also includes upgrading adjacent pedestrian and bicycle facilities to increase accessibility, multi-modal use and safety.

**EXHIBIT B**

**Official General Election Ballot  
Sarasota County, Florida  
November 8, 2016**

**Approval of General Obligation Bonds to Finance Road and Other Transportation-Related Capital Improvements.**

Shall the City of Venice issue general obligation bonds maturing not later than 20 years from their issuance in a principal amount not exceeding \$18,000,000, bearing interest not in excess of the maximum legal rate, to finance resurfacing/reconstruction of approximately 70 lane miles of roads and the Historic Downtown Corridor and improvements to adjacent pedestrian and bicycle facilities, payable from ad valorem property taxes levied without limit on all taxable property within the City?

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

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

**EXHIBIT C**

**Notice to Electors of City of Venice of a Bond Referendum Election  
to be held on November 8, 2016 Regarding Bonds to be Issued to  
Finance Road and Other Transportation-Related Capital Improvements.**

Notice is hereby given that a bond referendum election will be held on November 8, 2016, to determine whether the City of Venice may issue general obligation bonds maturing not later than 20 years from their issuance in a principal amount not exceeding \$18,000,000, interest upon which will not exceed the maximum legal rate, to finance resurfacing/reconstruction of approximately 70 lane miles of roads and the Historic Downtown Corridor and improvements to adjacent pedestrian and bicycle facilities, which bonds shall be payable from ad valorem property taxes levied without limit on all taxable property within the City, all as further provided in Ordinance No. \_\_\_ enacted by the City Council of the City of Venice, Florida on \_\_\_\_\_, 2016. A copy of such Ordinance No. \_\_\_ may be obtained from the City Clerk of the City of Venice, Florida.

**CITY CLERK  
CITY OF VENICE, FLORIDA**