

ORDINANCE NO. 1735

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, CALLING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 7, 2023 FOR THE PURPOSES OF PROPOSING TO THE ELECTORATE OF THE CITY OF OVIEDO, IN ACCORDANCE WITH CONTROLLING LAW, THE FUNDING OF THE OVIEDO PUBLIC SAFETY BUILDING PROJECT, AND THE ISSUANCE OF GENERAL OBLIGATION BONDS IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$35,500,000, PAYABLE FROM THE LEVY OF AD VALOREM TAXES; FOR THE PURPOSES OF FINANCING ALL OR A PORTION OF THE OVIEDO PUBLIC SAFETY BUILDING PROJECT; PROVIDING FOR THE CONSTRUCTION OF A MODERN PUBLIC SAFETY BUILDING AND RELATED INFRASTRUCTURE; PROVIDING FOR A PLEDGE OF AD VALOREM TAXES; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSES; PROVIDING FOR AUTHORIZATION AND AUTHORITY; PROVIDING FOR BALLOT LANGUAGE; PROVIDING FOR IMPLEMENTING ACTIONS BY VARIOUS OFFICIALS; PROVIDING FOR A SAVINGS PROVISION AND THE EFFECT OF ORDINANCE; PROVIDING FOR AN INTENT TO REIMBURSE; PROVIDING FOR NON-CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 100.341, *Florida Statutes*, relates to bond referendum ballots and provides as follows:

The ballots used in bond referenda shall include a printed description of the issuance of bonds to be voted on as prescribed by the authority calling the referendum. A separate statement of each issue of bonds to be approved, giving the amount of the bonds and interest rate thereon, together with other details necessary to inform the electors, shall be printed on the ballots in connection with the question "For Bonds" and "Against Bonds."

; and

WHEREAS, the City Council of the City of Oviedo desires to ensure and enhance the high quality lifestyle and wellbeing of the citizens of the City of Oviedo; and

WHEREAS, the City Council of the City of Oviedo has determined that the electorate of the City of Oviedo should be provided the opportunity to authorize the levy of ad valorem taxes that will allow for the implementation of projects and the improvement of facilities which activities are aimed at benefitting the citizens of the City of Oviedo and provide for the safety of each citizen, their families, their homeplaces and their businesses; and

WHEREAS, the City Council of the City of Oviedo acknowledges that Section 187.201, *Florida Statutes*, contains the *State Comprehensive Plan* as adopted by the Florida Legislature which sets forth the following specific goals and policies in Section (6) relating to public safety:

(a) Goal.—Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

(b) Policies.—

1. Maintain safe and secure prisons and other correctional facilities with the required number of well-trained staff.

2. Provide effective alternatives to incarceration for appropriate offenders and encourage victim restitution.

3. Make the corrections system as financially cost-effective as possible through prison industries and other inmate work programs and through contractual agreements with public and private vendors.

4. Continue to monitor educational and vocational training of inmates to increase the likelihood of successful reintegration into the community.

5. Provide all inmates with access to adequate health care, including diagnostic and treatment programs for offenders suffering from substance abuse or psychological disorders.

6. Provide incentives to attract and retain high-quality law enforcement and correctional officers.

7. Emphasize the reduction of serious crime, particularly violent, organized, economic, and drug-related crimes.

8. Increase the level of training and technical assistance provided to law enforcement agencies.

9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.

10. Emphasize and protect the rights of crime victims.

11. Continue to implement coordinated and integrated strategies to combat organized crime, economic crime, and drug trafficking.

12. Expand the state's provisions for the protection of witnesses in criminal cases, especially organized crime cases.

13. Strengthen the state's commitment to pursue, both criminally and civilly, those individuals who profit from economic crimes, in a manner that keeps pace with the level and sophistication of these criminal activities.

14. Improve the efficiency of law enforcement through the establishment of a close communication and coordination system among agencies and a comprehensive reporting system for such types of criminal activities as forcible felonies and organized, economic, and drug crimes.

15. Improve the effectiveness of the delinquent juvenile justice system commitment programs to reduce recidivism of juveniles who would otherwise be recommitted to state supervision.

16. Utilize alternative sentencing and dispute resolution when appropriate, particularly in civil disputes and minor criminal violations.

17. Increase the state's commitment to stringent enforcement of laws against drunken or drugged driving.

18. Expand public awareness campaigns that will emphasize the dangers of driving while under the influence of alcohol or drugs.
 19. Promote efforts to encourage the use of personal safety restraint devices for all persons traveling in motor vehicles.
 20. Improve the enforcement of and compliance with safe highway speed limits.
 21. Provide effective and efficient driver licensing systems, including a reliable testing system designed to preclude unqualified drivers from receiving driver licenses.
 22. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.
 23. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.
- ; and

WHEREAS, the International Association of Chiefs of Police has noted that when police facilities continue to operate past the planned life span they become seriously overcrowded, suffer from a lack of sufficient infrastructure (basic building systems, electrical systems, data transmission and collection systems, telecommunication systems and systems and other infrastructure of like importance) and that when law enforcement personnel are required to make due with outdated security and safety systems, these conditions impair law enforcement personnel efficiency and morale, occupant safety, policing effectiveness and public perception of law enforcement departments and personnel; and

WHEREAS, a general consensus exists within the law enforcement community that the incapacity or destruction of the critical public safety infrastructure necessary to protect the public (systems and assets, whether physical or virtual) would have a debilitating impact on the security of the public and the economic security of our Nation; and

WHEREAS, the Department of Homeland Security (DHS) and its many partners across the government agencies, the private sector, and communities across the Nation have worked to build a homeland security enterprise to better mitigate and defend the citizens of our Nation against dynamic threats, to minimize risks to our way of life, and to maximize the ability to respond to and recover from attacks and disasters of all kinds which threaten the security of citizens; and

WHEREAS, when police facilities are deficient, the public safety is endangered and when police facilities are modern the public safety is enhanced and the safety of citizens is secured; and

WHEREAS, the City Council of the City of Oviedo has consistently and determinedly ensured that the citizens of Oviedo are provided adequate and high quality law enforcement and public safety services in a fiscally prudent manner; and

WHEREAS, the citizens of Oviedo and, indeed, our State and Nation observe in the daily news the threat upon the security of our hometowns and the homeplaces of our families as well as the tragic attacks upon law enforcement personnel; and

WHEREAS, the City Council of the City of Oviedo has concluded that the citizens of the City of Oviedo would receive benefits should the City Council be authorized to implement the Oviedo Public Safety Building Project that encompasses the construction of a modern Public Safety Building and related infrastructure all of which will favorably impact the City and its citizens and protect the safety and welfare of the citizens of the City in the face of the challenges to their security that are inherent in today's world; and

WHEREAS, the City of Oviedo City Council adopted Ordinance No. 1640 at its August 29, 2016 meeting authorizing a referendum election to be held on November 8, 2016, for the purposes of recommending to the City's electorate the financing of all or a portion of public safety improvements through the issuance of general obligation bonds in an amount not to exceed \$11,400,000 payable from the levy of ad valorem taxes to provide for the construction of a modern police station and related infrastructure and the renovation of the existing public safety building; and

WHEREAS, the City's electorate approved the \$11,400,000 financing for the construction of a modern police station and related infrastructure and the renovation of the existing public safety building approving the referendum in the election held on November 8, 2016; and

WHEREAS, at its June 28, 2023, work session, the City Council directed the City Manager to prepare cost estimates for constructing a modern public safety building and related infrastructure to be considered by the City's electorate in a referendum election to be held on November 7, 2023; and

WHEREAS, the City will need an additional \$35,500,000 over the approved \$11,400,000 to construct a modern public safety building and related infrastructure (Oviedo Public Safety Building Project) for a total estimated cost of \$46,900,000; and

WHEREAS, pursuant to the City's Charter and the Constitution of the State of Florida, financing of the additional \$35,500,000 needed to construct the Oviedo Public Safety Building Project must be approved in a referendum election by the City's electorate; and

WHEREAS, the City Council authorizes a referendum election to be held on November 7, 2023, for the purposes of recommending to the City's electorate the financing of all or a portion of the Oviedo Public Safety Building Project through the issuance of additional general obligation bonds in an amount not to exceed \$35,500,000 payable from the levy of ad valorem taxes to provide for the construction of the Oviedo Public Safety Building Project; and

WHEREAS, the City Council of the City of Oviedo hereby finds that the improvements provided in the Oviedo Public Safety Building Project will serve a valid public purpose; and

WHEREAS, the City Council of the City of Oviedo has concluded that it is in the best interests of the citizens of the City of Oviedo to issue additional general obligation bonds (the

“Bonds”) in the aggregate amount of not exceeding \$35,500,000, in one or more series, pledging the City’s full faith and credit, maturing at such time or times not exceeding thirty (30) years from the date of issuance of said Bonds, bearing interest at a rate or rates not exceeding the legal maximum rate of interest and payable at such times or in such manner as shall be determined by subsequent proceeding of the City Council of the City of Oviedo. The Bonds shall be issued to finance all or a portion of the cost of the Oviedo Public Safety Building Project, including all cost incidental thereto, and to pay the costs of issuing the Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT; PROJECTS.

(a). The City Council of the City of Oviedo hereby adopts and incorporates into this Ordinance the City staff report and City Council agenda memorandum relating to this Ordinance, as well as the above recitals (whereas clauses).

(b). The Project that is the subject of this Ordinance is generally known as the “Oviedo Public Safety Building Project” which includes and encompasses the construction of a modern Public Safety Building and related infrastructure all of which will favorably impact the City and its citizens and protect the safety and welfare of the citizens of the City in the face of the challenges to their security that are inherent in today’s world. This project will provide for a modern facility in keeping with the needs of law enforcement to protect the citizens of the City.

(c). If the issuance by the City of Bonds in the amount of \$35,500,000 is approved by the City’s electorate in the referendum election held on November 7, 2023, the intent of the City Council is to issue Bonds in an aggregate amount not to exceed \$46,900,000 consisting of the \$11,400,000 bond issuance approved by the City’s electorate in a referendum election held on November 8, 2016 and the \$35,500,000 bond issuance provided for in this Ordinance.

(d). The City of Oviedo has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(e). The City Council of the City of Oviedo hereby finds that it will be in the public interest to finance all or a portion of the Oviedo Public Safety Building Project by means of issuance of general obligation bonds as provided herein.

SECTION 2. AUTHORIZATION AND AUTHORITY. This Ordinance and the matters set forth herein are authorized by the *Constitution of the State of Florida*, and Chapter 100, *Florida Statutes*; Chapter 166, *Florida Statutes*, and the *City of Oviedo* Charter, and other applicable and controlling law.

SECTION 3. BALLOT QUESTION; FUNDING OF THE OVIEDO PUBLIC SAFETY BUILDING PROJECT.¹

¹ See, Section 101.161, *Florida Statutes*, relating to referenda and ballots relating thereto.

The form of the ballot for the referendum election called in Section 4 of this Ordinance shall be as follows:

Oviedo Public Safety Building Project; General Obligation Bonds.

The Oviedo Public Safety Building project requires an estimated \$46,900,000 to construct. Voters approved \$11,400,000 for the project in 2016. Shall the City issue additional bonds not exceeding \$35,500,000 bearing interest not exceeding maximum legal rates pledging the City's full faith and credit for up to thirty years from date of issuance, payable from ad valorem taxes on all City taxable property, without limitation as to rate or amount, as provided in Ordinance No. 1735?

Yes - For Bonds ☐

No - Against Bonds ☐

SECTION 4. REFERENDUM ELECTION.

(a). A referendum election is hereby called to be held on November 7, 2023 to present to the electorate of the City of Oviedo the ballot question provided for in Section 3 of this Ordinance.

(b). The Supervisor of Elections of Seminole County is hereby requested to coordinate all matters relating to the said referendum election with the City Clerk, the Division of Elections of the Florida Department of State, and the City Attorney.

(c). Should the Supervisor of Elections of Seminole County discern any issue with the ballot question set forth in Section 3 or any other substantive or procedural matter involving this Ordinance or the referendum election called in this Ordinance, the City Clerk and City Attorney are hereby delegated authority to revise the ballot question to conform with the controlling requirements of state law.

SECTION 5. DUTIES OF CITY CLERK; ADVERTISEMENT.

(a). The City Clerk is directed to coordinate all matters relating to the referendum election and coordinate with the City Attorney as needed.

(b). The City Clerk is hereby directed to ensure that the advertising and notice requirements of Section 100.342, *Florida Statutes*,² are complied with and to coordinate all activities necessary to conduct the referendum election called in this Ordinance with the Supervisor of Elections of Seminole County and to ensure that the referendum election otherwise

² The statutory provision reads as follows:

100.342 Notice of special election or referendum.—In any special election or referendum not otherwise provided for there shall be at least 30 days' notice of the election or referendum by publication in a newspaper of general circulation in the county, district, or municipality, as the case may be. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held. If there is no newspaper of general circulation in the county, district, or municipality, the notice shall be posted in no less than five places within the territorial limits of the county, district, or municipality.

occurs in accordance with the provisions of all controlling law. Proof of publication shall be provided to the City Manager by the City Clerk.

SECTION 6. ADDITIONAL IMPLEMENTING ADMINISTRATIVE ACTIONS.

(a). The City Manager, or designee, and the City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be necessary and convenient in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

(b). The City Attorney is hereby authorized and directed, in cooperation and collaboration with City bond counsel, to engage in such bond validation actions and activities as may be deemed necessary and advisable.

SECTION 7. SAVINGS; EFFECT OF ORDINANCE. The prior actions of the City of Oviedo in terms of the funding of City infrastructure and other public projects and the issuance of debt related thereto, as well as any and all activities of the City of Oviedo pertaining thereto or of an associated nature, are hereby ratified and affirmed.

SECTION 8. INTENT TO REIMBURSE. The City Council of the City of Oviedo hereby expresses its intention that the City be reimbursed from the proceeds of the Bonds for costs relating to the acquisition and improvement of the Projects. 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 construction of the Projects a "declaration of official intent" within the meaning of Section 1.150-2 of the *Income Tax Regulations*.

SECTION 9. CODIFICATION; CORRECTION OF SCRIVENER'S ERRORS.

(a). This Ordinance shall not be codified.

(b). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 10. SEVERABILITY. Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

SECTION 11. EFFECTIVE DATE. The provisions of this Ordinance shall take effect immediately upon enactment.

FIRST READING: June 19, 2023

2nd FIRST READING: July 3, 2023

SECOND READING: July 17, 2023

PASSED AND ADOPTED this 17th day of July, 2023.

ATTEST:

Megan Sladek
Mayor of the City of Oviedo, Florida

Elianne Rivera
City Clerk