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**Resolution Number 27-23**

**A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida providing for the issuance of not to exceed \$55,000,000 aggregate principal amount of City of Riviera Beach, Florida, General Obligation Bonds for the principal purpose of financing or reimbursing, all or in part, together with other legally available funds, the cost of acquiring, constructing, equipping, renovating, replacing and improving certain parks, recreation and leisure facilities, as more fully described herein, subject to the bond referendum herein provided for and subsequent proceedings of the City Council of the City, such bonds to be payable from the full faith and credit and unlimited ad valorem taxing power of the City; providing for and calling a bond referendum of the qualified electors of the City to be held on March 19, 2024; providing for official ballots, bond referendum procedures, other related matters, and general authorizations in connection with the foregoing; and providing for severability, repealing clauses and an effective date.**

**Section 1. Authority for this Resolution.** This resolution is adopted pursuant to the provisions of the Florida Constitution, Chapter 166, Florida Statutes, the Charter of the City of Riviera Beach, Florida (the “Charter”) and other applicable provisions of law, including Sections 100.201 – 100.351, Florida Statutes.

**Section 2. Findings.** The City Council of the City of Riviera Beach, Florida (the “City Council”) hereby finds and determines as follows:

A. The City of Riviera Beach, Florida (the “City”) has developed a list of capital improvements located or to be located within the boundaries of the City which may be financed (or the cost of which may be reimbursed), all or in part, with proceeds of its general obligation bonds and other legally available funds, as set forth on Exhibit A hereto (the “GOB Parks Projects List”). The City undertook various efforts to develop the GOB Parks Projects List, including (i) in 2022, the City Council approved a Parks and Recreation Master Plan, which identified improvements to be made to existing parks, recreation and leisure facilities and recommended new parks, recreation and leisure facilities to meet City needs; and (ii) soliciting input from residents in the City as part of the process of developing the GOB Parks Projects List. Of the projects on the GOB Parks Project List, the City has determined to finance the projects set forth on Exhibit A hereto. The facilities and other improvements set forth on Exhibit A, as amended or supplemented in the manner hereinafter described, are referred to collectively herein as the “Parks Projects.”

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48  
49           B.     The City Council hereby determines that it is necessary and desirable for the  
50 promotion of various municipal purposes and for the health, safety and welfare of the residents  
51 of the City, and serves a paramount public purpose, for the City to undertake one or more  
52 components of the Parks Projects and to issue its general obligation bonds to finance or  
53 reimburse, all or in part, the cost thereof, together with other legally available funds, as provided  
54 for herein (with any benefit to private parties from the Parks Projects being incidental for  
55 purposes of the Florida Constitution).

56  
57           C.     In furtherance of the foregoing, and subject to a bond referendum as provided for  
58 herein (the “Referendum”), the City desires to authorize the issuance of its general obligation  
59 bonds in an aggregate principal amount not exceeding \$55,000,000 for the principal purpose of  
60 financing or reimbursing, all or in part, together with other legally available funds, the cost of  
61 acquiring, constructing, equipping, renovating, replacing and improving the Parks Projects (the  
62 “Bonds”).

63  
64           D.     As a condition to the issuance of the Bonds, it is necessary to call and hold the  
65 Referendum to determine whether a majority of the qualified electors of the City voting in the  
66 Referendum approve the issuance of the Bonds.

67  
68           **Section 3. Park Projects; Bonds; and Reimbursement.**

69  
70           A.     The Parks Projects are hereby approved and the findings set forth in Section 2(B)  
71 hereof with respect thereto confirmed. The City may, in its sole discretion, by official action  
72 evidenced by a resolution or ordinance of the City Council adopted or enacted from time to time,  
73 modify or amend all or any portion of the items included in the Parks Projects to (1) delete one  
74 or more of the listed items if the City determines it is not feasible or is otherwise not in the best  
75 interests of the City to pursue or (2) substitute or modify one or more of the listed items, if the  
76 City determines such substitution or modification better serves City purposes, provided such  
77 modified or substituted facility, improvement or equipment shall be included in the City’s five-  
78 year capital improvement program, as adopted from time to time, and be related to parks,  
79 community centers, piers, amphitheaters, pavilions, ballfields or other recreational and leisure  
80 purposes with respect to the Parks Projects.

81  
82           B.     Subject to the Referendum and the provisions of this Resolution, the Bonds are  
83 authorized to be issued in the aggregate principal amount and for the purposes set forth in  
84 Section 2(C) hereof in one or more series, maturing at such time or times not exceeding thirty  
85 (30) years from their date or dates of issuance and bearing interest at a rate or rates not exceeding  
86 the legal maximum rate of interest at the time of sale, all as shall be determined by resolution or  
87 ordinance of the City Council prior to the time of sale thereof. Proceeds of the Bonds will also  
88 be applied to fund necessary reserves, pay costs of issuance and fund other costs necessary or  
89 incidental to the issuance of the Bonds and financing the Parks Projects. The Bonds shall be  
90 general obligations of the City, shall pledge the full faith, credit and ad valorem taxing power of  
91 the City and shall be payable from ad valorem taxes levied by the City, without limit as to rate or

92           **Resolution 27-23**

93           **Page 3 of 6**

94

95 amount, on all taxable property within the City. To the extent required by the Charter, the  
96 issuance of any particular Bonds (or series of Bonds), if approved at the Referendum, shall be  
97 authorized by ordinance enacted or resolution adopted by the City Council.

98

99           C.       A portion of the costs of the Parks Projects may be paid or incurred before the  
100 related Bonds are issued, in anticipation of the reimbursement of such expenditures from  
101 proceeds of the Bonds. Section 1.150-2 of the Federal income tax regulations requires the City  
102 to officially declare its intent to use proceeds of the Bonds to reimburse expenditures paid prior  
103 to issuance thereof as a prerequisite to the proceeds being treated as used for reimbursement  
104 purposes if the interest on such Bonds is to be excluded from gross income for Federal income  
105 tax purposes. The City Council, by the adoption of an official intent resolution on August 2,  
106 2023, evidenced the City’s intent, within the meaning of Section 1.150-2 of the Federal income  
107 tax regulations, to issue the Bonds for the purpose of providing reimbursement from a portion of  
108 the proceeds thereof, if such issuance is approved at the Referendum.

109

110           D.       Nothing in this Resolution shall be deemed to require the City to issue any or all  
111 of the Bonds, if the Bonds are approved at the Referendum and/or to apply proceeds of the  
112 Bonds (or any series thereof), if issued, to finance any specific components of the Parks Projects.

113

114           **Section 4. Referendum.** The Referendum is hereby called to be held in conjunction  
115 with the special election to be held on March 19, 2024, inclusive of all early voting dates, for the  
116 purpose of determining whether a majority of the qualified electors of the City voting in the  
117 Referendum approve issuance of the Bonds in an aggregate principal amount and for the  
118 purposes provided in this Resolution. All qualified electors in the City shall be entitled and  
119 permitted to vote in the Referendum.

120

121           **Section 5. Conduct of Referendum.** The Supervisor of Elections of Palm Beach  
122 County, Florida (the “Supervisor”) shall hold, administer and conduct the Referendum in the  
123 manner prescribed by applicable law. The City Clerk of the City (the “Clerk”) and the Supervisor  
124 are directed to take all necessary action to conduct the Referendum in accordance with applicable  
125 law, including Sections 100.211 and 100.221, Florida Statutes. The Clerk or her designee is  
126 hereby designated and appointed as the official representative of the City in all transactions with  
127 the Supervisor relating to matters pertaining to the use of the registration books for the  
128 Referendum and the holding of the Referendum.

129

130           The Referendum shall be held at the same polling places in the several precincts,  
131 respectively, in the City as the polling places for the special election to be held on the same day.  
132 The inspectors and clerks who shall conduct the Referendum shall be the same as those selected  
133 and appointed for the special election to be held on the same day. Unless otherwise provided by  
134 law, the polling places for the Referendum shall be open from 7:00 a.m. to 7:00 p.m. on the same  
135 day. The returns of the Referendum shall show the number of qualified electors who voted at the  
136 Referendum on the ballot question and the number of votes cast for and against the ballot  
137 question. The returns shall be properly canvassed in accordance with applicable law and the

138 **Resolution 27-23**

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140  
141 results of the Referendum shall be certified to the Florida Department of State in accordance  
142 with Section 100.351, Florida Statutes. All procedures and requirements of the laws of the State  
143 of Florida, the Charter and other applicable law shall be complied with for the purpose of  
144 conducting the computation of ballots and completion of Referendum procedures.

145  
146 **Section 6. Notice of Referendum.** Notice of the Referendum shall be published in a  
147 newspaper of general circulation in the City once a week for the four (4) consecutive weeks  
148 during the thirty (30) days prior to the date of the Referendum. Such publication shall be  
149 accomplished in a manner which results in notice being published at least once in the fifth week  
150 and once in the third week prior to the week in which the Referendum is held, with the date of  
151 first publication to be at least thirty (30) days prior to the date of the Referendum, all as provided  
152 by the Charter and Section 100.342, Florida Statutes. Such notice shall be in substantially the  
153 form attached hereto as Exhibit B, with such additions, deletions or modifications as shall be  
154 approved by the Clerk, the publication of the notice as directed herein being conclusive evidence  
155 of such approval. The Clerk is hereby authorized and directed to publish such notice and to  
156 secure from the publisher of the newspaper where such notice is published appropriate affidavits  
157 of proof that the notice was duly published. Such affidavits shall be made a part of the official  
158 records of the City.

159  
160 **Section 7. Official Ballot.** The ballot question for voting in the Referendum shall be in  
161 substantially the form set forth below. The provisions of this Resolution shall be deemed  
162 incorporated in said ballot question. The Clerk is hereby authorized and directed to deliver a  
163 form of the ballot question set forth herein to the Supervisor for printing, to ascertain that the  
164 wording of the ballot question is correctly printed on the ballots, and to ensure that any  
165 reprinting, if necessary, is ordered by the Supervisor, all within such time as is necessary to  
166 comply with all applicable legal and administrative requirements, including any mailing  
167 requirements imposed by law in connection with absentee ballots. Without limiting the  
168 generality of the foregoing, ballots containing the question set forth in this Section 7 shall be  
169 prepared for the use of absent, qualified electors entitled to cast such ballots in the Referendum  
170 in accordance with Chapter 101, Florida Statutes.

171  
172 **OFFICIAL BALLOT**

173 **CITY OF RIVIERA BEACH, FLORIDA**

174 **PARKS, RECREATIONAL AND LEISURE PROJECTS GENERAL OBLIGATION**  
175 **BONDS**

176 To acquire, construct, equip, renovate, replace and improve parks, recreational and leisure  
177 facilities and pay related costs shall the City of Riviera Beach, Florida issue bonds not exceeding  
178 \$55,000,000, in one or more series, bearing interest not exceeding the maximum legal rate,  
179 maturing not later than 30 years from their issuance date(s), pledging the City's full faith, credit  
180 and ad valorem taxing power to pay such bonds, all as described in City Resolution Number 27-  
181 23.

184  
185 FOR BONDS           \_\_\_\_\_

186 AGAINST BONDS    \_\_\_\_\_

187           **Section 8. Referendum Results.** Returns of the votes cast at the Referendum shall be  
188 made as required by applicable law. If a majority of the votes cast for the ballot question shall be  
189 “For Bonds,” the Bonds shall be approved, and such Bonds may be issued in one or more series,  
190 from time to time, as the City Council may in its discretion hereafter determine by subsequent  
191 proceedings of the City Council. If a majority of the votes cast for the ballot question shall be  
192 “Against Bonds,” the Bonds shall be defeated and such Bonds shall not be issued. The approval  
193 or defeat of the particular ballot question considered at the Referendum shall not impact the  
194 approval or defeat of any other ballot question considered at the same time as the Referendum.  
195 If approved at the Referendum, the appropriate representatives of the City are authorized to seek  
196 judicial validation by the Circuit Court in and for the 15<sup>th</sup> Judicial Circuit of the State of Florida  
197 of the Bonds so approved.

198  
199           **Section 9. Languages.** To the extent required by law, the ballot question at the  
200 Referendum and the notices of the Referendum shall be published in the English, Spanish and  
201 Creole languages.

202           **Section 10. Severability of Invalid Provisions.** If any one or more of the covenants,  
203 agreements or provisions herein contained shall be held contrary to any express provision of law  
204 or contrary to the policy of express law, though not expressly prohibited, or against public  
205 policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or  
206 provisions shall be null and void and shall be deemed separable from the remaining covenants,  
207 agreements or provisions, and shall in no way affect the validity of any of the other provisions  
208 hereof.

209           **Section 11. Authorization to City Staff.** City staff is hereby authorized and  
210 empowered, collectively and individually, to take all action and steps and to execute and deliver,  
211 on behalf of the City, and in their official capacities, any and all instruments, documents, or  
212 certificates which are necessary or desirable in connection with the actions authorized hereunder.

213           **Section 12. Repealing Clause.** All resolutions or parts thereof of the City in conflict  
214 herewith are, to the extent of such conflict, hereby modified to the extent of such conflict.

215           **Section 13. Effective Date.** This Resolution shall take effect upon its passage and  
216 approval by the City Council.

217           **Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

218

219

220 **Resolution 27-23**

221 **Page 6 of 6**

222

223 **Approved:**

224

\_\_\_\_\_  
**Ronnie L. Felder**

225

**Mayor**

226

227

**Attest:**

228

229

230

\_\_\_\_\_  
**Tawanna Smith**

231

**Certified Municipal Clerk**

232

**City Clerk**

233

234

**Motioned By:** \_\_\_\_\_

235

236

**Seconded By:** \_\_\_\_\_

237

238

**T. McCoy** \_\_\_\_\_

239

REVIEWED AS TO LEGAL SUFFICIENCY

240

**K. Miller-Anderson** \_\_\_\_\_

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242

**S. Lanier** \_\_\_\_\_

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\_\_\_\_\_  
DAWN S. WYNN, CITY ATTORNEY

**J. Botel** \_\_\_\_\_

245

246

**D. Lawson** \_\_\_\_\_

247

248

**DATE:** \_\_\_\_\_

**EXHIBIT A**  
**PROJECTS**

THE FOLLOWING PROJECTS ARE SUBJECT TO MODIFICATION AS PROVIDED IN SECTION 3. A. AND SECTION 3 D. OF THE RESOLUTION TO WHICH THIS EXHIBIT IS ATTACHED.

1) Riviera Beach/Inlet Grove Park School Recreation Center

In partnership with the Palm Beach County School District (PBCSD), the City will develop and construct a centralized sports and recreation facility on land owned by the PBCSD bordered by W. Blue Heron to the south, W. 34<sup>th</sup> Street to the north, Avenue J to the west and Avenue H W to the south. The tentative concept for the facility includes baseball, softball, football, soccer and multi-purpose fields, a running track, a fitness area, a bandshell, an aquatics center, a gymnasium, an auditorium, tennis, basketball and pickleball courts and an estimated 40,000 square foot community center along with associated parking.

2) Dan Calloway Recreational Complex (Tate's)

1420 W 10th Street, Riviera Beach 33404

Current Amenities: Football/soccer field, baseball field, softball field, tennis courts, amphitheater, concession, restrooms, sand volleyball, racquetball courts, fitness trail, gymnasium, pavilions and playground equipment.

3) Parks Master Plan Implementation

Proposed projects located at various locations throughout the City, including improvements to existing parks, open spaces and recreational facilities and new neighborhood parks, water access points, trails and greenways:

- Development of city-wide connectivity network to include walking, running and biking paths/tracks including improved and enhanced water access.
- Development of a sustainable and resilient parks system to include nature enjoyment, outdoor recreation and adventure, water activities and smaller neighborhood parks
- Enhance park amenities with picnic areas, playgrounds, fitness equipment and restrooms
- Community parks and athletic facilities to include fitness and wellness, aquatics, family and senior events, new and expanded athletic fields and courts

Improvements to existing parks, open spaces and recreational facilities will be at the following locations:

**Beach (Municipal Beach)**

2500 N Ocean Avenue, Riviera Beach 33404

Current Amenities: Guarded ocean beach, cabana services, ocean mall and boardwalk, restrooms, showers, sand volleyball courts, tennis courts, pavilions, picnic areas, BBQ grills, exercise equipment and playground equipment.

**Ben Flint Park**

701W 28<sup>th</sup> Street, Riviera Beach 33404

Current Amenities: Basketball courts, playground equipment.

**Brooks Center (The Richard and Annie Brooks Community Center)**

594 W 4<sup>th</sup> Street, Riviera Beach 33404

Current Amenities: Multipurpose rooms, computer lab and kitchen.

**Congress Lakes Park**

1661 Essex Lane, Riviera Beach 33404

Current Amenities: Picnic area, pavilion and playground equipment.

**Cunningham Park**

2925 Avenue S, Riviera Beach 33404

Current Amenities: Basketball courts, tennis court, walking trail, restrooms, picnic area, pavilions and playground equipment.

**Sadie McCray Park**

700 W 4<sup>th</sup> Street, Riviera Beach 33404

Current Amenities: Basketball courts, picnic area, pavilion and playground equipment.

**Goodmark Park**

(1407 W 36<sup>th</sup> Street) 35<sup>th</sup> Street and Avenue P, Riviera Beach 33404

Current Amenities: Basketball courts, picnic area, pavilion and playground equipment.

**Lindsey Davis Community Center**

1550 W 28<sup>th</sup> Street, Riviera Beach 33404

Current Amenities: Multipurpose rooms and computer lab.

**Lone Pine Park**

250 Canterbury Drive, Riviera Beach 33404

Current Amenities: Picnic area, playground equipment and tennis court.



**Monroe Heights Park**

1104 W 24<sup>th</sup> Street, Riviera Beach 33404

Current Amenities: Basketball courts, picnic area, pavilion and playground equipment.

**Shultz Park**

351 W 33<sup>rd</sup> Street, Riviera Beach 33404

Current Amenities: Picnic area and playground equipment.

**Timber Pine Park**

2708 W 28<sup>th</sup> Street, Riviera Beach 33404

Current Amenities: Playground equipment

**Wells Recreation Complex**

2409 Avenue H West, Riviera Beach 33404

Current Amenities: Football/soccer field, baseball field, softball field, tennis courts, gym, restrooms, racquetball courts, fitness trail, gymnasium, pavilions and playground equipment.

**EXHIBIT B**

**NOTICE OF BOND REFERENDUM FOR PARKS, RECREATION AND LEISURE  
PROJECTS  
TO BE HELD ON MARCH 19, 2024**

**CITY OF RIVIERA BEACH, FLORIDA**

To be held on March 19, 2024, as provided by Resolution Number 27-23 (the “Resolution”) of the City of Riviera Beach, Florida (the “City”) adopted on August 16, 2023.

Notice is hereby given that a bond referendum will be held in the City on March 19, 2024, inclusive of all early voting dates (the “Referendum”), to determine whether the City shall be authorized to issue general obligation bonds of the City in an aggregate principal amount not exceeding Fifty-Five Million Dollars (\$55,000,000) (the “Bonds”) for the principal purpose of financing or reimbursing, all or in part, together with other legally available funds, the cost of acquiring, constructing, equipping, renovating, replacing and improving various parks, recreation and leisure facilities within the City, all as described in the Resolution. The Bonds shall be secured by a pledge of the full faith, credit and unlimited ad valorem taxing power of the City. The Bonds may be issued in one or more series from time to time, shall mature at such time or times, not exceeding thirty (30) years from their date or dates of issuance, and shall bear interest at a rate or rates not exceeding the legal maximum rate of interest at the time of sale.

Holding of the Referendum, and issuance of the Bonds have been authorized by and shall be in accordance with the Resolution. The Resolution is available for inspection at the office of the City Clerk of the City, 600 W. Blue Heron Boulevard, Riviera Beach, Florida 33404, during regular working hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

In accordance with the Constitution and laws of the State of Florida, all qualified electors of the City shall be entitled and permitted to vote in the Referendum. The polls for voting on the Referendum will be open from 7:00 a.m. to 7:00 p.m. on March 19, 2024, and will be held at the polling places in the several precincts of the City. Times and locations for early voting may be obtained by contacting the City Clerk of the City at the location and times provided in the preceding paragraph.

The City shall be authorized to issue the Bonds only if such issuance is approved by vote of a majority of the qualified electors of the City voting in the Referendum.

By order of the City Council of the City of Riviera Beach, Florida

CITY CLERK,

CITY OF RIVIERA BEACH, FLORIDA