

RESOLUTION NO. 04-36

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA AUTHORIZING THE LEVY OF A SPECIAL AD VALOREM TAX WITHIN THE HIDEAWAY BEACH DISTRICT AT A MILLAGE RATE NOT TO EXCEED 2.6 MILLS AND NOT TO EXCEED A PERIOD OF 10 YEARS; AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,900,000 IN LIMITED GENERAL OBLIGATION BONDS OF THE HIDEAWAY BEACH DISTRICT; PROVIDING THAT THE PROCEEDS OF SUCH BONDS SHALL BE USED FOR BEACH RENOURISHMENT; PROVIDING THAT SUCH TAX SHALL BE USED TO SECURE SUCH BONDS AND TO PAY FOR OPERATION AND MAINTENANCE EXPENSES OF THE DISTRICT; PROVIDING FOR AND CALLING A REFERENDUM OF THE QUALIFIED ELECTORS OF THE DISTRICT TO BE HELD ON AUGUST 31, 2004; PROVIDING FOR OFFICIAL BALLOTS; PROVIDING FOR REFERENDUM PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Marco Island, Florida (the "City") has pursuant to Ordinance No. 04-05 created the Hideaway Beach District (the "District"); and

WHEREAS, the City Council of the City (the "City Council") hereby determines that the qualified electors of the District should make through a referendum the decision determining whether to levy an ad valorem tax for purposes of securing bonds to finance beach renourishment within the District and for the purpose of paying for operation and maintenance expenses of the District; and

WHEREAS, the District will, subject to referendum approval issue limited general obligation bonds in one or more series in an amount not to exceed Two Million Nine Hundred Thousand dollars (\$2,900,000) (the "Bonds") pursuant to the terms of a limited general obligation bond resolution hereinafter to be adopted by the governing body of the District if the qualified electors of the District approve the referendum authorized herein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Marco Island, Florida:

**Section 1. Authority for this Resolution.** This Resolution is adopted pursuant to the Constitution and laws of the State of Florida, including Chapter 100, Florida Statutes, Chapter 166, Florida Statutes, the Charter of the City and other applicable provisions of law (hereinafter collectively referred to as the "Act").

**Section 2. Findings.** The City Council hereby finds and determines that the recitals set forth herein are true and correct and adopts the same as its findings and determinations.

**Section 3. Authorization of Bonds and Tax.** Subject and pursuant to the provisions hereof, the District is authorized to issue the Bonds in the aggregate principal amount not exceeding Two Million Nine Hundred Thousand dollars (\$2,900,000). The monies received and interest earned from the issuance of the Bonds will be used for the purpose of financing beach renourishment within the District. The Bonds shall be limited general obligations of the District and shall be secured by a special ad valorem tax not to exceed 2.6 mills on all taxable property within the District. The Bonds shall mature in not more than ten (10)

annual installments beginning the year after issuance, and the Bonds shall bear interest at a rate not exceeding the maximum rate permitted by law at the time of the sale of the Bonds. Both principal and interest on the Bonds, and redemption premiums, if any, shall be payable at the office of the paying agent to be named by the District at or prior to the sale of the Bonds.

For the purpose of securing the Bonds and providing for the cost of operation and maintenance expenses of the District, there shall be levied a tax on all taxable property in the District for a period not to exceed ten years (beginning January 1, 2005) in an amount not to exceed 2.6 mills.

Revenues received from such tax shall be used first for the payment of the Bonds and then for payment of operation and maintenance expenses of the District.

The Bonds shall be issued pursuant to authority granted under this Resolution and the Act, but only after approval of the referendum hereinafter called and subsequent adoption of an authorizing resolution by the governing body of the District.

**Section 4. Referendum.** A referendum of the qualified electors residing in the District is hereby called to be held on August 31, 2004, to determine whether or not the issuance of the Bonds in an aggregate amount of not exceeding Two Million Nine Hundred Thousand dollars (\$2,900,000) shall be approved by such qualified electors and whether the City shall levy a special ad valorem tax within the District for purposes of securing the Bonds and paying for the operation and maintenance expenses of the District.

The Supervisor of Elections of Collier County, Florida (the "Supervisor of Elections") shall hold, administer, and conduct the referendum in the manner prescribed by law for holding general elections in the City. The City Clerk of the City (the "City Clerk") and the Supervisor of Elections are directed to take all necessary measures to conduct the referendum in all manner required by law. The returns shall show the numbers of qualified electors who voted at such referendum on the proposition and the number of votes cast respectively for and against approval of the proposition. The returns shall be properly canvassed in the manner provided by law and all procedures and requirements of the laws of the State of Florida, the Charter of the City and other applicable law shall be complied with for the purpose of conducting the computation of ballots and completion of referendum procedures.

**Section 5. Notice of Referendum.** Notice of the referendum shall be published in a daily newspaper of general circulation in the City, at least twice, once in the fifth week and once in the third week prior to the week in which the referendum is held, in the form attached hereto as Exhibit A and in the manner provided in Section 100.342, Florida Statutes. The first publication of such notice shall be at least thirty (30) days prior to the date of the referendum.

**Section 6. Official Ballot.** The form of ballot for voting in the referendum shall be in substantially the following form:

**OFFICIAL BALLOT  
HIDEAWAY BEACH DISTRICT  
CITY OF MARCO ISLAND, FLORIDA  
BOND AND TAX REFERENDUM  
August 31, 2004**

Shall the Hideaway Beach District (the "District") issue Limited General Obligation Bonds not exceeding \$2,900,000, bearing interest not exceeding the maximum legal rate, maturing in not more than 10 annual installments for beach renourishment and levy a special ad valorem tax on all taxable property in the Hideaway Beach District in an amount not to exceed 2.6 mills for such purpose and for operation and maintenance expenses.

\_\_\_\_\_ Yes - For Bonds and Levy of Tax

\_\_\_\_\_ No - Against Bonds and Levy of Tax

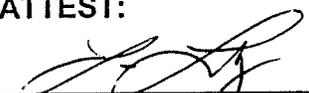
If a majority of the votes cast at the referendum shall be "Yes - For Bonds and Levy of Tax," the Bonds shall be approved, and then the Bonds shall be issued as shall be provided by supplemental resolution of the governing body of the District. In addition, the City shall be authorized to levy special ad valorem tax as provided in Section 3 hereof. If less than a majority of the votes cast at the referendum shall be "Yes - For Bonds and Levy of Tax," the Bonds shall be defeated, and no Bonds shall be issued pursuant to this Resolution and no special tax shall be levied. Regardless of the results of the referendum, the City Clerk is hereby directed to submit such results to the Department of State pursuant to 100.351, Florida Statutes.

**Section 7. Languages.** To the extent required by law, the Official Ballot and Notice of Referendum shall be published in both the English and the Spanish languages.

**Section 8. Effective Date.** This Resolution shall take effect immediately upon its adoption.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida this 21<sup>st</sup> day of June, 2004.

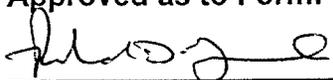
**ATTEST:**

  
\_\_\_\_\_  
Laura Litzan, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**

By:   
\_\_\_\_\_  
Terri DiSciullo, Council Chairwoman

**Approved as to Form:**

  
\_\_\_\_\_  
Richard D. Yovanovich, City Attorney

**EXHIBIT "A"**

**NOTICE OF REFERENDUM  
AUGUST 31, 2004**

**HIDEAWAY BEACH DISTRICT  
CITY OF MARCO ISLAND, FLORIDA**

To be held on Tuesday, August 31, 2004, as provided by a Resolution No. 04-36 of the City Council, as governing body of the City of Marco Island, Florida adopted on June 21, 2004.

Notice is hereby given that a referendum will be held in the Hideaway Beach District (the "District") the City of Marco Island, Florida on Tuesday, August 31, 2004. The referendum will be held to determine whether there shall be issued Limited General Obligation Bonds (the "Bonds") of the District, in an amount not exceeding Two Million Nine Hundred Thousand dollars (\$2,900,000). The Bonds shall be limited general obligations of the District and shall be secured by a special ad valorem tax within the District not to exceed 2.6 mills for a period of ten years. Such tax may also be used to pay operation and maintenance expenses of the District. The Bonds shall mature in not more than ten (10) annual installments beginning the year after issuance, and the Bonds shall bear interest at a rate not exceeding the maximum rate permitted by law at the time of the sale of the Bonds.

The issuance of such Bonds and the holding of such referendum have been authorized by Resolution No. 04-36 of the City Council of the City adopted on June 21, 2004.

All qualified electors residing in the District shall be entitled to vote in the referendum.

City Clerk,  
City of Marco Island, Florida