
CITY OF LAUDERHILL, FLORIDA

ORDINANCE NO. 24O-09-145

Enacted On October 28, 2024

ORDINANCE NO. 24O-09-145

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA MODIFYING CERTAIN OF THE PARK, RECREATIONAL, LEISURE AND CULTURAL PROJECTS FUNDED BY THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2017 TO INCLUDE CERTAIN ADDITIONAL COMPONENTS THEREOF AND PROVIDING FOR A NEW PROJECT WITHIN THE CATEGORY OF PARK, RECREATIONAL, LEISURE AND CULTURAL PROJECTS, IN EACH CASE, THE COSTS OF WHICH WILL BE PAID, ALL OR IN PART, FROM CERTAIN AVAILABLE AMOUNTS ON DEPOSIT IN THE 2017 PARK, RECREATIONAL, LEISURE AND CULTURAL PROJECTS ACCOUNT ESTABLISHED UNDER CITY ORDINANCE NO. 16O-12-154 ENACTED ON JANUARY 9, 2017 IN CONNECTION WITH THE GENERAL OBLIGATION BONDS, SERIES 2017; MODIFYING CERTAIN OF THE PARK, RECREATIONAL, LEISURE AND CULTURAL PROJECTS FUNDED BY THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2018 TO INCLUDE ADDITIONAL COMPONENTS THEREOF, THE COSTS OF WHICH WILL BE PAID, ALL OR IN PART, FROM CERTAIN AVAILABLE AMOUNTS ON DEPOSIT IN THE 2018 PARK, RECREATIONAL, LEISURE AND CULTURAL PROJECTS ACCOUNT ESTABLISHED UNDER CITY ORDINANCE NO. 18O-07-124 ENACTED ON AUGUST 27, 2018 IN CONNECTION WITH THE GENERAL OBLIGATION BONDS, SERIES 2018; APPROVING THE FORM, AND AUTHORIZING THE EXECUTION, OF A CERTIFICATE OF THE CITY FOR PURPOSES OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, EVIDENCING CERTAIN MATTERS RELATING TO THE MODIFICATIONS TO THE PARK, RECREATIONAL, LEISURE AND CULTURAL PROJECTS PROVIDED FOR HEREIN; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE MATTERS PROVIDED FOR HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. DEFINITIONS; AUTHORITY FOR THIS ORDINANCE. All capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed thereto in the Master Ordinance, the 2017 Series Ordinance and the 2018 Series Ordinance (as such capitalized terms are hereinafter defined), unless otherwise provided or unless the context otherwise clearly requires. The City is authorized to adopt this Ordinance (the "Modification Ordinance") under the authority granted by the provisions of the Act, Ordinance No. 16O-09-142 enacted by the City on September 28, 2016 (the "Master Ordinance") and the Bond Referendum. To the extent necessary to effectuate the terms and conditions hereof, the Master Ordinance is hereby incorporated herein by this reference.

SECTION 2. FINDINGS. It is hereby found and determined that:

A. Pursuant to the Referendum Resolution, the City, among other matters, authorized the issuance of its Bonds in connection with the Projects set forth in the Referendum Resolution, subject to the approval of a majority of the qualified electors of the City voting in the Bond Referendum authorized and called to be held in the City pursuant to the Referendum Resolution.

B. The Projects were described on Exhibit A to the Referendum Resolution and grouped into three categories, referred to, respectively as (i) the “Public Safety Projects;” (ii) the “Park, Recreational, Leisure and Cultural Projects;” and (iii) the “Roads, Streetscape, Traffic Calming and Public Transportation Projects.”

C. Pursuant to the Referendum Resolution, three separate ballot questions were presented and separately voted on in the Bond Referendum, corresponding to the Public Safety Projects, the Park, Recreational, Leisure and Cultural Projects, and the Roads, Streetscape, Traffic Calming and Public Transportation Projects, respectively.

D. The Bond Referendum was held on August 30, 2016 and a majority of the votes cast by the qualified electors within the City voting in the Bond Referendum approved the issuance of the general obligation bonds that were the subject of the Bond Referendum for each of the Public Safety Projects, the Park, Recreational, Leisure and Cultural Projects, and the Roads, Streetscape, Traffic Calming and Public Transportation Projects.

E. In accordance with the Act, the City certified the returns of the Bond Referendum pursuant to Resolution No. 16R-09-206 adopted on September 14, 2016.

F. Pursuant to the Act and the Bond Referendum, the City enacted Ordinance No. 16O-09-142 on September 28, 2016 (the “Master Ordinance”) authorizing the Bonds, in general terms, to finance the Costs of the Projects and providing, among other matters, for each Series of the Bonds to be further authorized by one or more Series Ordinances.

G. On January 9, 2017, the City enacted Ordinance No. 16O-12-154 as a Series Ordinance (the “Original 2017 Series Ordinance”) to provide for the issuance of its General Obligation Bonds, Series 2017 (the “Series 2017 Bonds”) to finance all or a portion of the cost of certain components of the Projects (the portion of the Projects so financed being designated as the “Series 2017 Projects”). The City issued the Series 2017 Bonds on May 23, 2017 in the aggregate principal amount of \$35,260,000.

H. On August 27, 2018, the City enacted Ordinance No. 18O-07-124 as a Series Ordinance (the “2018 Series Ordinance”) to provide for the issuance of its General Obligation Bonds, Series 2018 (the “Series 2018 Bonds”) to finance all or a portion of the cost of certain components of the Projects (the portion of the Projects so financed being designated as the “Series 2018 Projects”). The City issued the Series 2018 Bonds on September 27, 2018 in the aggregate principal amount of \$8,900,000.

I. Each of the 2017 Series Ordinance and the 2018 Series Ordinance provides that the City may, in its sole discretion, by official action evidenced by a resolution or ordinance of the City Commission adopted or enacted from time to time, modify or amend all or any portion of the items included in the Series 2017 Projects and Series 2018 Projects, as applicable, to (1) delete one or more of the listed items if the City determines it is not feasible or is otherwise not in the best interest of the City to pursue or (2) substitute or modify one or more of the listed items, if the City determines such substitution or modification better serves City purposes, provided such modified or substituted facility, improvement or equipment shall be included in the City's five-year capital improvement program, as adopted from time to time, and is related to (i) police, fire or emergency management services, facilities and equipment and/or security cameras, lighting and fencing with respect to the Public Safety Projects, (ii) parks, golf courses, community centers, amphitheaters, pavilions, ballfields or other recreational, leisure or cultural purposes with respect to the Park, Recreational, Leisure and Cultural Projects, and (iii) roads, streetscaping, landscaping, traffic calming improvements, including walls, or public transportation enhancements with respect to the Roads, Streetscape, Traffic Calming and Public Transportation Projects.

J. Subsequent to the issuance of the Series 2017 Bonds, the City enacted Ordinance Nos. 17O-11-155 and 18O-01-100 on December 11, 2017 and January 29, 2018, respectively, amending certain of the Series 2017 Projects within the category of Park, Recreational, Leisure and Cultural Projects. The Original 2017 Series Ordinance, as so amended, is referred to as the "2017 Series Ordinance."

K. The City Commission hereby determines that it is necessary and desirable for the promotion of municipal purposes and for the health, safety and welfare of the residents of the City, and serves a paramount public purpose, for the City to modify certain of the Series 2017 Projects and certain of the Series 2018 Projects in the category of Park, Recreational, Leisure and Cultural Projects as follows:

(i) with respect to amounts on deposit to the credit of the 2017 Park, Recreational, Leisure and Cultural Projects Construction Account established under the 2017 Series Ordinance: \$96,600.00 initially allocated to pay certain costs related to Renaissance Park and \$3,400.00 initially allocated to pay certain costs related to South Gateway Park shall instead be allocated to pay all or a portion of the costs of installing a new roof at the Windermere Park Community Center (the "Windermere Park Roof Project"). The Windermere Park Roof Project is hereby made part of the Series 2017 Projects;

(ii) with respect to amounts on deposit to the credit of the 2017 Park, Recreational, Leisure and Cultural Projects Construction Account established under the 2017 Series Ordinance: \$10,464.06 initially allocated to pay certain costs related to Bradley Park shall instead be allocated to pay a portion of the costs relating to a public recreational building and walking path at Maye Jenkins Park (collectively, the "Additional Maye Jenkins Park Projects") (it being noted that certain other projects relating to Maye Jenkins Park were included in the Series 2017 Projects). The Additional Maye Jenkins Park Projects funded with amounts transferred from the 2017 Park, Recreational, Leisure and Cultural Projects Construction Account are hereby made part of the Series 2017 Projects; and

(iii) with respect to amounts on deposit to the credit of the 2018 Park, Recreational, Leisure and Cultural Projects Construction Account established under the 2018 Series Ordinance: \$782,986.94 initially allocated to pay certain costs related to St. George Park shall instead be allocated to pay a portion of the Additional Maye Jenkins Park Projects. The Additional Maye Jenkins Park Projects funded with amounts transferred from the 2018 Park, Recreational, Leisure and Cultural Projects Construction Account are hereby made part of the Series 2018 Projects.

The Windermere Park Roof Project and the portion of the Additional Maye Jenkins Park Projects funded with amounts transferred from the 2017 Park, Recreational, Leisure and Cultural Projects Construction Account are referred to collectively as the “2017 New Park, Recreational, Leisure and Cultural Projects.”

The portion of the Additional Maye Jenkins Park Projects funded with amounts transferred from the 2018 Park, Recreational, Leisure and Cultural Projects Construction Account is referred to as the “2018 New Park, Recreational, Leisure and Cultural Project.”

L. In furtherance of the foregoing, the City Commission determines that: (i) the 2017 New Park, Recreational, Leisure and Cultural Projects and the 2018 New Park, Recreational, Leisure and Cultural Project are each related to parks, golf courses, community centers, amphitheaters, pavilions, ballfields or other recreational, leisure or cultural purposes; (ii) it better serves City purposes to modify the Series 2017 Projects to include the 2017 New Park, Recreational, Leisure and Cultural Projects and to modify the Series 2018 Projects to include the 2018 New Park, Recreational, Leisure and Cultural Project; (iii) it better serves City purposes to provide for the payment of all or a portion of the cost of the 2017 New Park, Recreational, Leisure and Cultural Projects from the 2017 Park, Recreational, Leisure and Cultural Projects Construction Account established under the 2017 Series Ordinance and to pay for all or a portion of the cost of the 2018 New Park, Recreational, Leisure and Cultural Project from the 2018 Park, Recreational, Leisure and Cultural Projects Construction Account established under the 2018 Series Ordinance, in each case, in the estimated amounts set forth in subsection K above; and (iv) the 2017 New Park, Recreational, Leisure and Cultural Projects and the 2018 New Park, Recreational, Leisure and Cultural Project are set forth in the City’s adopted five-year capital improvement program.

SECTION 3. APPROVAL AND AUTHORIZATION OF MODIFICATIONS TO THE SERIES 2017 PROJECTS AND THE SERIES 2018 PROJECTS.

(a) The findings set forth in Section 2 hereof are hereby incorporated in this section. The modification of the Series 2017 Projects and the Series 2018 Projects as described in Section 2.K. is hereby approved. Notwithstanding the foregoing, prior to or contemporaneously with (i) the first expenditure of amounts on deposit in the 2017 Park, Recreational, Leisure and Cultural Projects Construction Account on the 2017 New Park, Recreational, Leisure and Cultural Projects, and (ii) the first expenditure of amounts on deposit in the 2018 Park, Recreational, Leisure and Cultural Projects Construction Account on the 2018 New Park, Recreational, Leisure and Cultural Project, the City Manager or her designee is hereby authorized and directed to execute, and the City Clerk or his designee is authorized and directed to attest, the Third Addendum to 2017 Federal Tax Certificate and the First Addendum to 2018 Federal Tax Certificate (collectively, the “Supplemental

Tax Certificate”), each substantially in the form annexed hereto as Exhibit A. Execution of the Supplemental Tax Certificate by the City Manager or her designee shall constitute conclusive approval of any changes to the Supplemental Tax Certificate on behalf of the City from the form attached hereto.

(b) Appropriate representatives of the City are hereby authorized, if determined appropriate by the City Manager, in consultation with the City Attorney, to file this Ordinance with the Municipal Securities Rulemaking Board, through its Electronic Municipal Market Access (“EMMA”) web portal, pursuant to the Continuing Disclosure Certificate executed in connection with the Series 2017 Bonds and the Continuing Disclosure Certificate executed in connection with the Series 2018 Bonds (collectively, the “Continuing Disclosure Certificates”).

SECTION 4. GENERAL AUTHORITY. The Mayor, City Manager, City Clerk and any other proper officials of the City are hereby authorized and directed to do all acts and things required of them by the Master Ordinance, the 2017 Series Ordinance, the 2018 Series Ordinance and this Ordinance, the Continuing Disclosure Certificates or that may otherwise be desirable or consistent with accomplishing the full, punctual and complete performance of all the terms, covenants and agreements contained in any of the foregoing and each member, employee, attorney and officer of the City is hereby authorized and directed to execute and deliver any and all papers and instruments and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated thereby.

SECTION 5. SEVERABILITY AND INVALID PROVISIONS. If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, but not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way affect the validity of the other provisions hereof or of the Series 2017 Bonds or of the Series 2018 Bonds.

SECTION 6. ORDINANCES TO CONTINUE IN FORCE. Except as herein expressly provided, the Master Ordinance, the 2017 Series Ordinance and the 2018 Series Ordinance and all the terms and provisions thereof, are and shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be automatically effective upon the date of its passage and enactment.

PASSED AND ADOPTED on first reading on the 12th day of September, 2024.

PASSED AND ADOPTED on second reading on the 26th day of September, 2024

PASSED AND ENACTED on third reading on the 28th day of October, 2024.

By: _____
Presiding Officer

City Clerk

	FIRST READING	SECOND READING	THIRD READING
MOTION	_____	_____	_____
SECOND	_____	_____	_____
M. DUNN	_____	_____	_____
D. GRANT	_____	_____	_____
L. MARTIN	_____	_____	_____
S. MARTIN	_____	_____	_____
K. THURSTON	_____	_____	_____

STATE OF FLORIDA)
) SS
 COUNTY OF BROWARD)

I, Andrea Anderson, the duly qualified and acting City Clerk of the City Commission of the City of Lauderhill, Florida, do hereby certify according to the official records of said City in my possession that the above and foregoing constitutes a true and correct excerpt from the minutes of the public meeting of the City Commission of said City held on October 28, 2024, including an ordinance enacted at said meeting, insofar as said minutes pertain to the matters above set out.

I further certify that the yeas and nays taken on the passage of said ordinance have been or will immediately be entered on the minutes of said City Commission and that provision has been made for the preservation and indexing of said ordinance which is open for inspection by the public at all reasonable times at my office in said City.

WITNESS my official signature and the official seal of the City of Lauderhill this 28th day of October, 2024.

By: _____
 City Clerk

COMPOSITE EXHIBIT A