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ORDINANCE NO. 2022-012

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE TOWN CHARTER; PROVIDING FINDINGS OF TOWN COUNCIL REGARDING THE LIMITATION IN SECTION 6 OF ARTICLE 2 OF THE CHARTER ON THE AGGREGATE PRINCIPAL AMOUNT OF DEBT TO BE INCURRED BY THE TOWN; AMENDING SECTION 6 OF ARTICLE 2 OF THE CHARTER TO SPECIFY ADDITIONAL EXCEPTIONS TO THE LIMITATION ON TOWN DEBT; AUTHORIZING AND DIRECTING THE FILING AND PUBLICATION OF THE TOWN CHARTER AS AMENDED; DECLARING THE LEGAL AUTHORITY FOR ENACTMENT OF THE ORDINANCE; CALLING A REFERENDUM FOR ELECTORS OF THE TOWN TO VOTE ON THE PROPOSED AMENDMENT TO SECTION 6 OF ARTICLE 2 OF THE CHARTER; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING EFFECTIVE DATES.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings of Town Council. The Town Council of the Town of Howey-in-the-Hills finds and declares the following with respect to the Charter of the Town of Howey-in-the-Hills, Florida:

A. Section 6 of Article 2 of the town charter should be amended, if approved by the town voters, to allow the town to exceed the current limitation on aggregate town debt so long as the borrowing either (i) is not secured by a pledge of property taxes and is determined by extraordinary vote of Town Council to be prudent and in the best interests of the town's citizens and taxpayers or (ii) will refinance existing town debt and, by doing so, result in debt-service savings.

B. Having reviewed and discussed the merits of amending the town charter to allow two additional exceptions to the current limitation on aggregate town debt, the Town Council is now ready and willing to offer such a charter amendment to town voters for approval at a referendum to be held at the Primary Election on Tuesday, August 23, 2022.

Section 2. Approval of Amendment to Town Charter. The Town Council herewith approves the following amendment to Section 6 of Article 2 of the Charter of the Town of Howey-in-the-Hills, Florida, with additions to the section underscored and deletions struck through:

45 **Sec. 6. Borrowing.**

46
47 The Town shall have the power to borrow for a term of any length not to exceed 30 years.
48 ~~Except in an emergency declared by the approving vote of no fewer than four-fifths of~~
49 ~~the members of Town Council;~~ No borrowing may cause the aggregate principal amount
50 of outstanding town debt to exceed at any time an amount equal to 3% of the assessed
51 valuation of the real and personal property within the corporate limits of the town unless:

52 (a) The borrowing is first approved by a majority of the Town electors voting in a
53 referendum on the question, or

54 (b) The borrowing is occurring in an emergency declared by the approving vote of no
55 fewer than four-fifths (4/5) of the members of Town Council; or

56 (c) The borrowing is:

57 (i) not secured by a pledge of ad valorem taxes, and

58 (ii) is found by a vote of no fewer than four-fifths (4/5) of the members of Town
59 Council to be prudent and in the best interests of the citizens and taxpayers of
60 the town, or

61 (d) The borrowing will refinance or refund existing town debt such that the present value
62 of the aggregate of future payments under the new borrowing will be less than the
63 present value of the aggregate of future payments that would have been made under
64 the existing debt.

65
66 **Section 3. Filing and Publication.** The Mayor and the Town Clerk are authorized and directed
67 to cause the charter, as amended in Section 2, to be filed with the Florida Department of State
68 and to be published in the Code of Ordinances of the Town of Howey-in-the-Hills, on the town's
69 website, and at such other locations and media as may be necessary or useful to inform town
70 residents and taxpayers of proposed revision.

71
72 **Section 4. Authority.** This ordinance is enacted pursuant to the authority granted under Section
73 166.031 of Florida Statutes.

74
75 **Section 5. Referendum.**

76
77 A. **Referendum Called.** The Town Council hereby calls a referendum to be held at
78 the Primary Election on Tuesday, August 23, 2022, to allow the electors of the Town of Howey-
79 in-the-Hills to vote on the charter amendment approved in Section 2. All qualified electors of
80 the Town of Howey-in-the-Hills shall be entitled and permitted to vote in the referendum. The
81 referendum shall be held and conducted in the manner prescribed by law for municipal elections.
82 The Town Council authorizes the cost of the referendum to be paid from the town's general
83 fund.
84

85 B. **Ballot.** The ballot title and ballot summary for the referendum shall be as
86 follows:

87
88
89 **Amendment to Town Charter authorizing exceptions to limitation on**
90 **aggregate town debt**

91
92 Shall the charter for Howey-in-the-Hills be amended to modify the exceptions to
93 the limit on town debt (in aggregate, no more than 3% of assessed value of
94 property in the town) to include borrowings (1) for refinancing that will lower
95 town debt payments and result in town savings and (2) that are not payable from
96 property taxes and are deemed good and prudent by vote of 4/5 of town council?
97

- 98 Yes
99 No

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101
102 C. **Translation of the Ballot.** The Mayor and Town Clerk are authorized and
103 directed to have the ballot title and summary translated into Spanish as required by the Lake
104 County Supervisor of Elections.

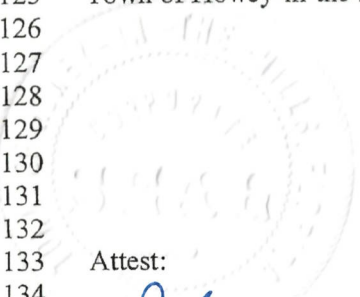
105
106 D. **Notice of Referendum.** The Mayor and Town Clerk are authorized and directed
107 to advertise the referendum as required by law and to take all other actions necessary or useful to
108 carry out the provisions of this section.
109

110 **Section 6. Effective Dates.** Sections 4 and 5 and this section 6 take effect immediately upon
111 approval of this ordinance by Town Council. Sections 1 through 3, including the charter
112 amendment approved in Section 2, take effect on the first day of October, 2022, but only if the
113 charter amendment is approved by the electors of the town voting in the referendum called in
114 section 5. If the voters do not approve the charter amendment at the referendum, this ordinance
115 shall be deemed to be of no further effect.
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120 *** *Signature page follows* ***
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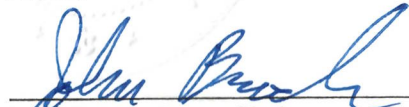
ENACTED this 23rd day of May, 2022, at a regular meeting of the Town Council of the
Town of Howey-in-the-Hills, Florida.



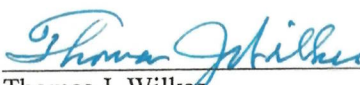
Town of Howey-in-the-Hills, Florida
by: Town Council

by: 
Hon. Martha MacFarlane, Mayor

Attest:


John Brock, Town Clerk

Approved as to form and legality
(for the use and reliance of the Town only)


Thomas J. Wilkes
Town Attorney

First reading: May 9, 2022
Second reading: May 23, 2022