VILLAGE OF KEY BISCAYNE

Office of the Village Manager
MEMORANDUM

Village Council
Franklin H. Caplan, *Mayor*
Michael E. Kelly, *Vice Mayor*
Michael W. Davey
Enrique Garcia
Robert Gusman
Mayra P. Lindsay
James S. Taintor

Village Manager
Genaro "Chip" Iglesias

DATE: June 14, 2011

TO: Honorable Mayor and Members of the Village Council

FROM: Genaro "Chip" Iglesias, Village Manager

RE: Refunding Capital Improvement Revenue Bonds, Series 2002

RECOMMENDATION

It is recommended that the Village Council authorize the issuance of not exceeding $7,150,000 of Capital Improvement Revenue Refunding Bonds of the Village of Key Biscayne for the purposes of refunding the Refunding Capital Improvement Revenue Bonds, Series 2002.

BACKGROUND

On November 27, 2002, the Village of Key Biscayne, Florida issued its $9,987,551 Capital Improvement Revenue Bonds, Series 2002 (the "Series 2002") for the purpose of financing a portion of the costs of construction and equipping of a community center, including a parking garage and swimming pool. The Series 2002 was structured with an initial interest rate of 3.59% per annum. The Series 2002 has a principal amount of $6,957,948 bonds outstanding thru November 1, 2022.

There is an opportunity to take advantage of the current prevailing low interest rates and also achieve debt service savings and this opportunity was presented at the May 24th, 2011 Council Meeting by our Financial Advisor, Ms. Lourdes Abadin from Estrada Hinojosa & Company. The bonds are secured, primarily, by a covenant to budget and appropriate Non-Ad Valorem Revenues of the Village. This ordinance authorizes the issuance of the bonds and the negotiation with banks or other financial institution, the purchase of the bonds, and the Village Manager to enter into a rate lock agreement to achieve savings.

ORDINANCE NO. 2011-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING $7,150,000 OF CAPITAL IMPROVEMENT REVENUE REFUNDING BONDS OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH BANKS FOR PURCHASE OF THE BONDS AND TO ENTER INTO A RATE LOCK AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 27, 2002, the Village of Key Biscayne, Florida (the "Village") issued its $9,987,551 Capital Improvement Revenue Bonds, Series 2002 (the "Prior Bonds") for the purpose of financing a portion of the costs of construction and equipping of a community center, including a parking garage and swimming pool; and

WHEREAS, in order to take advantage of the current prevailing low interest rates and thereby achieve debt service savings, the Village Council (the "Council") of the Village desires to authorize the issuance of not exceeding $7,150,000 of bonds for the purpose of refunding the Prior Bonds and paying costs of issuance of the bonds; and

WHEREAS, the Council desires that the bonds be secured in the same manner as the Prior Bonds by a covenant to budget and appropriate Non-Ad Valorem Revenues of the Village, all as further specified by subsequent resolution of the Council; and

WHEREAS, on May 17, 2011, the Village received proposals from financial institutions for the purchase of bonds to refund the Village's Stormwater Utility Revenue Bonds, and the Village desires to negotiate with the same banks for the purchase of the refunding bonds directly and without utilizing a new request for proposals for the following reasons: (i) the security for the Prior Bonds is similar to the security for the Stormwater Utility Revenue Bonds; (ii) the proposals were received close in time to the first reading of this Ordinance; and (iii) the ability to move quickly is critical to achieving maximum debt service savings; and

WHEREAS, the Village utilized the direct negotiation procedure referred to in the prior paragraph with respect to refunding its Capital Improvement Revenue Bonds, Series 2000, and on June 1, 2011, received several proposals that will result in substantial debt service savings; and

WHEREAS, for the reasons stated above, the Council hereby determines that award of the bonds pursuant to competitive bids received through a request for proposals process is impracticable;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. The foregoing Whereas clauses are hereby ratified and confirmed as being true, and the same are hereby made specific findings by the Council and a specific part of this Ordinance.

Section 2. In accordance with the provisions of the Charter of the Village of Key Biscayne, Florida and Chapter 166, Florida Statutes, there are hereby authorized to be issued Capital Improvement Revenue Refunding Bonds (the "Bonds") of the Village, in an aggregate principal amount not to exceed $7,150,000, in one or more series, for the purpose of refunding the Prior Bonds and paying costs of issuance of the Bonds. The Bonds shall be designated "Village of Key Biscayne, Florida Capital Improvement Revenue Refunding Bonds, Series 2011B", or such other designation as may be approved by supplemental resolution, shall be dated such date, shall be in such denominations, shall be stated to mature no later than November 1, 2022 and shall bear interest from their dated date at a rate or rates not exceeding the maximum rate permitted by law at the time of issuance of the Bonds, shall be subject to redemption at the option of the Village at such times and prices, and shall have such other details, all as shall hereafter be determined by the Council by supplemental resolution (the "Bond Resolution"). The supplemental resolution may be adopted, and the Bonds may be issued, at any time after the effective date of this Ordinance.

Section 2. The Village Manager, the Village Finance Director and the Financial Advisor for the Village are each hereby authorized to negotiate with banks or other financial institutions for the purchase of the Bonds and with respect to the terms of the Bonds. The Village Manager is hereby authorized to accept the commitment from the institution offering, in his opinion, after consultation with the Financial Advisor, the best terms for the purchase of the Bonds, and to enter into an agreement locking in the interest rate as soon as possible. The final terms of the Bonds, as so agreed to by the Village Manager, shall be set forth, and presented to Council, in the Bond Resolution. The Village Attorney and Bond Counsel to the Village are hereby authorized to draft documents and to do all other things necessary to accomplish the issuance and sale of the Bonds.

Section 3. This Ordinance will become effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this 14th day of June, 2011.

PASSED AND ADOPTED on second reading this ____ day of _____, 2011.

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MAYOR FRANKLIN H. CAPLAN

ATTEST:

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CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY