ORDINANCE NO. 2016-06

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO THE TOWN CHARTER; APPROVING TWO OPTIONAL AMENDMENTS TO SECTION 49 OF THE CURRENT TOWN CHARTER PERTAINING TO TOWN BORROWING; PROVIDING FINDINGS OF THE TOWN COUNCIL; CALLING A REFERENDUM ON THE TWO OPTIONAL AMENDMENTS; PROVIDING FOR FILING AND PUBLICATION OF THE AMENDMENT ADOPTED (IF EITHER); PROVIDING AUTHORITY FOR THE ORDINANCE AND FOR EFFECTIVE DATES.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Findings of Town Council. The Town Council for the Town of Windermere finds that, since its approval some ten years ago, the borrowing limitation in Section 49 of the current town charter has proven itself to impede the ability of the Town to serve its residents and taxpayers properly. When necessary capital improvements can be undertaken without tax increases, the Section 49 borrowing limitation acts as a needless barrier to setting priorities in town facilities and services, making fiscal and budgetary decisions, and managing Town facilities, services, and activities properly. Therefore, the voters of the Town should be offered the opportunity to decide whether to modify the Section 49 limitation.

Section 2. Amendment to Section 49. Section 49 of the Charter of the Town of Windermere, Florida, is amended as follows:

A. **First Optional Amendment to Section 49 of Town Charter.** Section 49 of the charter is amended to read as follows:

Sec. 49. – Borrowing. Debt Payments.

The Town shall incur no non-emergency debt beyond twelve and one-half percent (12.5%) of the general operating budget unless the incurrence of such debt is approved by a majority vote of the citizens. The Town shall incur no additional increment of debt that will increase the Town's aggregate debt payments in any fiscal year to more than ten percent (10%) of the general operating budget for the fiscal year in which the new debt is incurred unless the increment of debt is first approved by a majority vote of Town electors voting in a referendum for that purpose.

B. **Second Optional Amendment to Section 49 of Town Charter.** If and only if the Town electors vote not to approve the amendment in Subsection A, then Section 49 of the charter is amended to read as follows:

Sec. 49. – Borrowing.

For a capital improvement project, the The Town shall incur no new non-emergency debt, beyond twelve and one-half percent (12.5%) the principal amount of which exceeds thirty percent (30%) of the general operating budget for the fiscal year in which the debt for the project is incurred, unless the incurrence of such incurring the debt is first is approved by a majority vote of the eitizens Town electors voting in a referendum for that purpose.

C. **Reconciliation of Approved Amendments.** As contemplated in this Section 2, only one of the two optional amendments, if either, to Section 49 of the town charter shall take effect under this ordinance. If the amendment in Subsection A is approved by the voters, the amendment in Subsection B shall not take effect regardless of voter approval.

D. **Approval of New Charter.** If the new, revised town charter enacted under Ordinance 2016-05 is approved by the voters, the amendments above shall pertain to Section 11.12 of the revised charter, and the Town Manager and Town Clerk are authorized and directed to publish the revised charter accordingly, with conforming changes to the revised charter as may be necessary to carry out the intent of this ordinance and the approval of the voters.

Section 3. **Filing and Publication.** The Town Clerk and the Town Manager are authorized and directed to cause the amended charter to be filed with the Florida Department of State and to be published in the Code of Ordinances of the Town of Windermere, on the Town's website, and at such other locations as may be necessary or useful for the residents and taxpayers of the Town of Windermere.

Section 4. Authority. This ordinance is enacted pursuant to the authority granted the Town under Section 166.031 of Florida Statutes.

Section 5. Referendum.

A. **Referendum Called.** The Town Council hereby calls a referendum to be held at the Town's next general election on March 14, 2017, to allow the electors of the Town of Windermere to vote on the proposed optional amendments in Section 2. Only one (if either) of the two optional amendments shall take effect, as indicated in Section 2. All qualified electors of the Town of Windermere shall be entitled and permitted to vote in the referendum. The

91	referendum shall be held and conducted in the manner prescribed by law for all elections. The		
92	Town Council authorizes the cost of the election to be paid from the general funds of the Town.		
93			
94	B. Ballot. The ballot titles and ballot summaries for the two optional amendments		
95	subject to the referendum shall be as follows and shall appear on the ballot in the order as		
96	follows:		
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98	(i) Of the two optional amendments in Section 2, the first to be presented on		
99	the ballot shall be the amendment in Subsection 2.A. The ballot title and ballot summary shall		
100	be as follows:		
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102			
103	REVISION TO CHARTER BORROWING LIMITATION		
104			
105	Shall Section 49 of the Windermere charter be revised to (i) strike the prohibition		
106	against aggregate debt exceeding 12.5% of the current operating budget without		
107	voter approval and (ii) allow new debt if either (a) the resulting aggregate annual		
108	debt payments in any fiscal year will not exceed 10% of the current operating		
109	budget or (b) the voters approve the new debt? A "no" vote means the existing		
110	12.5% debt limit remains in the charter.		
111			
112	Yes		
113	No		
114			
115	(ii) Of the two optional amendments in Section 2, the second to be presented		
116	on the ballot shall be the amendment in Subsection 2.B. The ballot title and ballot summary		
117	shall be as follows:		
118			
119	REVISION TO CHARTER BORROWING LIMITATION		
120			
121	If (and only if) voters disapprove the previous question, shall Section 49 of the		
122	charter be amended to (i) strike the prohibition against aggregate debt exceeding		
123	12.5% of the current operating budget without voter approval and (ii) allow new		
124	debt for a capital project if the project debt either (a) does not exceed 30% of the		
125	current operating budget or (b) is first approved by the voters? A "no" vote means		
126	the 12.5% debt limit remains in the charter.		
127			
128	Yes		
129	No		
130			
131			
132	Section 6. Effective Date. Section 5 and this Section 6 take effect immediately upon approval		
133	of this ordinance by Town Council. Sections 1 through 4 take effect immediately upon approval,		
134	and only upon approval, of an amendment as set forth in Section 2 by the electors of the Town		
135	voting in the referendum called in Section 5. If the voters do not approve an amendment as set		
136	forth in Section 2, this ordinance shall be deemed to be of no further effect.		

137 138 139	ENACTED this 22nd day of Move the Town of Windermere, Florida.	2016, at a regular meeting of the Town Council of
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142		Town of Windermere, Florida
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145		H MAN)
146		by:
147		Gary Brukin, Mayor
148	Attest:	
149		The state of the s
150	SILIA II TA	
151	Mouth Lumatto	
152	Dorothy Burkhalter, CMC	
153	Town Clerk	
154		05
155	First reading: October 25, 2016 Second reading: November 27, 2016	
156	Second reading: Wivember 27, 2016	The Colombia
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