

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE V OF THE CITY CHARTER ENTITLED "REFERENDUM", INCLUDING CHANGES TO THE SECTIONS ADDRESSING DEFINITIONS; MEASURES SUBJECT TO REFERENDUM; AUTHORITY TO FILE AND SIGNATURES REQUIRED; PETITION REQUIREMENTS AND FILING; CERTIFICATION AND PROCEDURE WHEN INSUFFICIENT; SUBMISSION TO COMMISSION; ELECTION PROCESS; FORM OF BALLOT, AND PREFERENCE WHEN MEASURES CONFLICT, ALL SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 5, 2024.

WHEREAS, Florida Statutes Section 166.031(1) provides, in part, that "[t]he governing body of a municipality may, by ordinance, ... submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality"; and

WHEREAS, Article XI of the City of Hollywood City Charter creates a charter review committee to be appointed every six years and to submit proposed Charter amendments to the City Commission; and

WHEREAS, Article XI of the Charter requires the City Commission to place the charter review committee's proposals on the ballot; and

WHEREAS, the charter review committee has proposed amendments to ARTICLE V of the Charter entitled "Referendum".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Article V of the City of Hollywood City Charter is hereby amended to read as follows¹:

¹ Underscored words are additions to existing text; words ~~struck through~~ are deletions from existing text.

ARTICLE V. REFERENDUM

* * *

Sec. 5.01 Definitions.

(a) Referendum. The electors shall have the power, in accordance with the provisions of this Article 5, to approve or reject at the polls any ordinance ~~measure~~ passed by the commission or submitted by the commission to a vote of the electors, such power being known as a referendum. Referendum shall not apply to resolutions of the City Commission so long as prohibited by state statute.

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Sec. 5.02. Initiative Measures ~~measures~~ subject to referendum.

Measures submitted to the commission by referendum ~~initiative~~ petition and passed by the commission without change or passed in an amended form shall be subject to a referendum in the same manner as other measures.

Sec. 5.03. Referendum petition — Authority to file; signatures required.

Upon the delivery of a referendum petition signed by at least ~~fifteen percent (15%)~~ of the total number of registered voters in each of four ~~(4)~~ districts of the city and at least ~~fifteen percent (15%)~~ of the total number of registered voters of the city as a whole, all as shown by the official registration books, the referendum petition shall be considered sufficient and shall be acted upon as provided herein.

Sec. 5.04. Referendum petition — Requirements; filing.

(a) Signatures on a referendum petition need not be all on one ~~(4)~~ paper, but the circulator of every such paper shall make an affidavit that each signature appended to the petition is the genuine signature of the person whose name it purports to be, which affidavit shall be substantially in the following form:

STATE OF FLORIDA

ss:

COUNTY OF BROWARD, ss

_____ being duly sworn, deposes and says that he or she is the circulator of the foregoing initiative petition containing _____ signatures, and that the signatures appended thereto were made in his or her presence and are the signatures of the persons whose names they purport to be.

Signed _____
Subscribed and sworn to before me this _____ day of _____, 20.

Notary Public

* * *

(c) A referendum petition need not contain the full text of the ordinance measure of which the repeal is sought but shall briefly and fairly describe the ordinance or part thereof sought to be repealed.

* * *

(f) The referendum petition must be submitted to the Office of the City Clerk before any signatures are obtained. The City Clerk will provide the City Attorney with the proposed referendum petition, and the City Attorney shall indicate whether the proposed language is legally sufficient or insufficient within 30 working days of the referendum petition's submission to the City Clerk.

Sec. 5.05. Referendum petition — Certification and procedure when insufficient.

(a) Within ~~twenty (20)~~ days after the filing of the referendum petition, the City Clerk ~~clerk~~ shall certify on the petition the number of registered voters in each district of the city and in the city as a whole whose signatures are appended thereto and whether or not the petition is signed by at least ~~fifteen percent (15%)~~ of the total number of registered voters in each of four ~~(4)~~ districts of the city and at least ~~fifteen percent (15%)~~ of the total number of registered voters of the city as a whole, all as shown by the county registration books.

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Sec. 5.06. Referendum petition — Submission to commission.

* * *

(b) Upon receiving the proposed referendum petition, the commission shall proceed to consider the referendum petition ~~measure~~ and shall take final action on the referendum petition ~~measure~~ within 90 days from the date the referendum petition is submitted to the commission.

Sec. 5.07. Election process.

(a) If upon reconsideration by the commission such referendum petition ~~measure~~ or part thereof is not repealed or amended as demanded in the referendum petition, then the referendum petition ~~measure~~ shall be submitted by the commission to a vote of the electors at the next municipal election if one is to be held not sooner than ~~ninety (90)~~ days and not later than ~~one hundred twenty (120)~~ days after final action by the commission.

(b) In the event no municipal election is to be held within the time specified in subsection (a), then the commission shall submit such referendum petition ~~measure~~ or part thereof to the electors at a special election to be called by the commission not sooner than ~~ninety (90)~~ days and not later than ~~one hundred twenty (120)~~ days after final action by the commission.

* * *

Sec. 5.08. Form of ballot; effective upon adoption by majority participating.

* * *

(b) The ballot language shall contain a clear and concise statement, without argument or prejudice, describing the substance of the referendum petition ~~measure~~ that is being presented for vote by the electors.

(c) The ballot used when voting upon the referendum petition shall designate the measure, and below it the two ~~(2)~~ alternatives: "YES" and "NO."

* * *

Sec. 5.10. Preference when measures conflict.

If two ~~(2)~~ or more referendum petitions ~~measures~~ adopted or approved at the same election conflict in respect to any of their provisions, they shall be effective in respect to

such of their provisions as are not in conflict; and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict.

Section 3: That the ballot language for the Charter amendments proposed in Section 2 above shall be as set forth in the attached Exhibit "A".

Section 4: That the Charter amendments set forth in this Ordinance shall be submitted to a vote of the electors of the City of Hollywood at an election to be held on November 5, 2024.

Section 5: That funding for the election is available in account 001.111001.51200.549930.000000.000.000 – Elections.

Section 6: Pursuant to the requirements of Florida Statute Section 100.342, notice of the election on the Charter amendments set forth in this Ordinance shall be given at least 30 days in advance of the election and shall be given in a newspaper of general circulation published in Broward County. The notice shall be published at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held.

Section 7: That if the Charter amendments set forth in this Ordinance are approved by a majority of the electors voting in the election scheduled for November 5, 2024, such amendments shall take effect as of the day immediately following the certification of the results of the election and shall be incorporated into the Charter of the City of Hollywood, and they may be renumbered as appropriate to incorporate them into the Charter.

Section 8: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such determination shall not affect the validity of any remaining portions of this Ordinance.

Section 9: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

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AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE V OF THE CHARTER ENTITLED "REFERENDUM".

Section 10: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2024.

PASSED on first reading this _____ day of _____, 2024.

PASSED AND ADOPTED on second reading this _____ day of _____, 2024.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY

EXHIBIT A

CHARTER AMENDMENTS – REFERENDUM VARIOUS AMENDMENTS ENTITLED “REFERENDUM”

These amendments would amend Article V of the City Charter entitled “Referendum”. Specifically, the amendments define when Referendum are allowed and would require that referendum petitions be submitted to the City Clerk and City Attorney prior to obtaining signatures; change language to clarify that the referendum process applies to ordinances; and cleans up existing grammar and language to make the Charter more cohesive and consistent.

QUESTION

Should Article V of the City Charter entitled “Referendum” be amended in the various ways described above?

YES _____

No _____

Fiscal Impact of Proposed City Charter Amendments concerning The City Commission

The proposed Charter amendments do not result in significant additional costs.