

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE XIII OF THE CITY CHARTER ENTITLED "LIMITATION ON SALE, LEASE OR PURCHASE OF CITY-OWNED REAL PROPERTY", BY AMENDING SECTION 13.01 ENTITLED "SALE OF CITY-OWNED PROPERTY", SECTION 13.02 ENTITLED "LEASE OF CITY-OWNED REAL PROPERTY", AND SECTION 13.03 ENTITLED "PURCHASE OF REAL PROPERTY BY CITY", 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 XIII of the Charter entitled "Limitation on Sale, Lease or Purchase of City-Owned Real Property".

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 XIII of the City of Hollywood City Charter is hereby amended to read as follows¹:

ARTICLE XIII. LIMITATION ON SALE, LEASE OR PURCHASE OF CITY-OWNED REAL PROPERTY

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

Sec. 13.01. Sale of city-owned real property.

(a) Any property which the city proposes to sell or otherwise dispose of must be appraised by one ~~(4)~~ independent, qualified appraiser. However, property which is listed by the Broward County Property Appraiser as having a value of not more than ~~twenty-five thousand dollars (\$25,000.00)~~ may be sold or disposed of without an appraisal. If such independent appraiser values the property in excess of ~~two hundred fifty thousand dollars (\$250,000.00)~~, an additional independent appraisal shall be obtained. If the two ~~(2)~~ appraisals differ by more than ~~twenty-five percent (25%)~~, a third independent appraisal shall be obtained.

(b) A five-sevenths (5/7) vote of the total commission membership shall be necessary for the sale or disposition of any property valued by any of the appraisers in excess of ~~two hundred fifty thousand dollars (\$250,000.00)~~. ~~If the property is valued by any of the appraisers at a value which equals or exceeds one million dollars (\$1,000,000.00), the sale or other disposition of such property shall require approval by either a five-sevenths (5/7) vote of the city commission or by a majority vote of the city's electors voting on such proposal.~~

(c) Notwithstanding the provisions of this section, any city-owned real property that which is beach or beachfront, a park, a golf course or another recreational facility, a city-owned and designated historic property, or which is east of the Intracoastal which the city proposes to sell ~~or to otherwise dispose of~~, must be approved by a majority vote of the city's electors voting on such proposal.

* * *

Sec. 13.02. Lease of city-owned real property.

(a) Any lease, or the functional equivalent of a lease, of real property owned by the city which has a term of ~~twenty (20)~~ years or longer must be approved by a five-sevenths (5/7) vote of the city commission ~~or by a majority vote of the city's electors voting on such proposal.~~

(b) Any lease, or the functional equivalent of a lease, of real property owned by the city which can be renewed and which term can reach ~~twenty (20)~~ years, both without an additional vote of the city commission, must be approved by a five-sevenths (5/7) vote of the city commission ~~or by a majority vote of the city's electors voting on such proposal.~~

(c) Notwithstanding the provisions of this section, any city-owned real property that is a park, a golf course or another recreational facility, a city-owned and designated historic property, or which is east of the Intracoastal which the city proposes to lease or otherwise encumber, inclusive of all options to renew, for 50 years or more must be approved by a majority vote of the city's electors voting on such proposal.

Sec. 13.03. Purchases of real property by city. ~~Purchases of real property by city.~~

(a) One independent, qualified appraisal shall be obtained for any property the city is considering purchasing. If the property is appraised at a value in excess of ~~two hundred fifty thousand dollars (\$250,000.00)~~, a second independent qualified appraisal shall be obtained. Any purchase of real property by the city in an amount in excess of ~~two hundred fifty thousand dollars (\$250,000.00)~~ must be approved by a five-sevenths (5/7) vote of the total commission membership.

(b) The threshold amount specified in subsection (a) shall be adjusted based on information contained in the "Certification of Taxable Value," designated as Form DR-420, received each year from the Broward County Property Appraiser. Specifically, the threshold amount shall be adjusted by multiplying it by an amount equal to a fraction the numerator of which is the difference between the amount designated as "[c]urrent year taxable value of real property for operating purposes" in the last "Certification of Taxable Value" received prior to the date of a purchase of property and the sum of the amounts designated as "[c]urrent year net new taxable value" in each "Certification of Taxable Value" received from 2011 to the last "Certification of Taxable Value" received prior to the date of the purchase, and the denominator of which is the amount designated as "[c]urrent year taxable value of real property for operating purposes" in the "Certification of Taxable Value" received in 2010.

(c) Notwithstanding the provisions of this section, whenever two ~~(2)~~ or more contiguous parcels of real property are unified under one ~~(1)~~ owner and the city proposes to purchase one ~~(1)~~ or more but not all of such contiguous parcels, a five-sevenths (5/7) vote of the total commission membership shall be required, regardless of the valuation of the parcels proposed to be purchased.

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.

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 TO ARTICLE XIII OF THE CITY CHARTER ENTITLED “LIMITATION ON SALE, LEASE OR PURCHASE OF CITY-OWNED REAL PROPERTY”

These amendments amend Article XIII of the Charter entitled “Limitations on Sale, Lease or Purchase of City-Owned Real Property” by clarifying applicability to property east of the Intracoastal and city-owned historic designated properties; removing referendum option for the sale or lease of certain city-owned property for a period in excess of 20 years; requiring a 5/7ths vote of the commission for lease of certain city-owned properties in excess of 50 years.

~~These amendments would amend Article XIII of the City Charter entitled “Limitation on Sale, Lease or Purchase of City-Owned Real Property”. Specifically, the amendments seek to change the provision concerning the sale of certain city-owned real property by including all property east of the Intracoastal and removing “beach or beachfront”, as well as including city-owned historic designated properties; removing the referendum option for the sale of city properties; removing the referendum option for the lease of city-owned property for a period of 20 years or more; creating a new section requiring city commission approval by a five-sevenths (5/7ths) vote for the lease of certain city-owned properties of 50 years or more, and seeks to clean up existing grammar and language to make the Charter more cohesive and consistent.~~

QUESTION

Should Article XIII of the City Charter entitled “Limitation on Sale, Lease or Purchase of City-Owned Real Property” 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.