

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, REGARDING THE EMERALD HILLS SAFETY ENHANCEMENT DISTRICT, A DEPENDENT SPECIAL DISTRICT AUTHORIZED BY SECTION 189.02, FLORIDA STATUTES; AMENDING THE PURPOSE, POWERS, FUNCTIONS, DUTIES, AND AUTHORITY OF THE DISTRICT; AMENDING THE GOVERNING BOARD OF THE DISTRICT.

WHEREAS, the creation of the Emerald Hills Safety Enhancement District was authorized by Chapter 189, Florida Statutes, the City's home rule authority and Article VIII of the Florida Constitution; and

WHEREAS, the City Commission formed the Emerald Hills Safety Enhancement District for the purpose of funding community policing initiatives in Emerald Hills; and

WHEREAS, the City Commission reviewed factors set forth in Chapter 189, Florida Statutes, and upon such review determined establishment of the District was in the best interest of the City and its residents for their existing and future health, safety, and welfare; and

WHEREAS, the District Board consists of five members, and the Commission desires to add one alternate position; and

WHEREAS, the City wishes to amend the sections on the purpose, powers, functions, duties, and authority, and the governing board of the Emerald Hills Safety Enhancement District as set forth below.

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 Section 4 of Ordinance No. O-2017-13 is hereby amended to read as follows¹:

Section 4: Purpose, Powers, Functions, Duties and Authority of District.
The District shall have all powers as authorized by law; to effectuate its purpose ~~to include~~ including, but not limited to: supervise and manage the security patrol

¹ Underlined text are additions to existing text; ~~struck through text~~ has been removed from existing text.

through a police liaison agency and/or through a private duty security company, including, but not limited to, hours of operation and areas of focus, where there may be special security issues; field complaints from the residents of the district and report same to the police liaison agency and/or to the private duty security company; set the budget for the patrol and negotiate the contract/agreement with the police liaison agency and/or the private duty security company; provide a cell phone to the roving police officer and/or to a private duty security officer; open bank account(s) to receive and disburse funds collected; access public records maintained by the City to facilitate communications (phone, emails, letters) with the residents of the District; pay expenses related to the supervision and operation of the security patrol; purchase insurance to protect the District and its governing board from any lawsuits arising out of claims of injury to person or property due to allegations of inadequate or negligent security; provide intermittent crime reports, or other relevant information relating to the security of the District, while protecting the residents' right to privacy; install signs, posters, and other types of informational bulletins on public rights of way, easements, swales, etc. ...

Section 3: That Section 5 of Ordinance No. O-2017-13 is hereby amended to read as follows:

Section 5: Governing Board of the District. The governing body of the District, shall be designated as the Board of Supervisors (the "District Board") and shall be appointed by the City Commission. The District Board shall consist of five (5) members (also called "supervisors") and one alternate, all of whom are the owners of real property within the District, and all of whom shall be appointed by the City Commission. There shall be staggered terms for the board members of the District Board. At the City Commission meeting at which initial District Board appointments are made, two (2) board members shall be appointed for an initial two (2) year term, and three (3) board members shall be appointed for an initial three (3) year term. Appointments to the District Board and alternate shall serve at the pleasure of the City Commission but unless otherwise stated in the appointment, the members of the District Board and alternate shall, after the initial terms, serve for a term of three (3) years from the date of appointment. Any vacancy in the District Board shall be filled by an appointment made by the City Commission for the balance of the unexpired term, within ~~sixty (60)~~ days of the occurrence of such vacancy. The District Board shall exercise the powers granted to the District. ~~The District Board shall consist of five (5) members, all of whom are the owners of real property within the District.~~ Each member and alternate shall hold office until a successor is chosen. In the event a property owner within the District is a corporation or a limited liability company, the Board member or alternate shall be an officer of the corporation or a member or manager of the Limited Liability Company. Although the District has multiple property owners who may on occasion engage in collaborative activities for the welfare of the District, no District Board member or alternate shall have an ownership interest, business interest, employment relationship or landlord-tenant relationship with any other

District Board member or alternate, or principal of any other board member or alternate.

A majority of total membership of the District Board (not including alternate) shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. The procedures of the District Board shall be governed by the latest revised version of Robert's Rules of Order. Action taken by the District Board shall be upon a vote of a majority of the members present unless general law or rule of the District requires a greater number. The District Board shall keep a permanent record book in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds and any and all corporate acts. The record book shall at reasonable times be open to inspection in the same manner as state, county, and municipal records pursuant to Chapter 119, Florida Statutes. The record book shall be kept at the office or other regular place of business maintained by the District Board.

The District Board shall elect one member as chairperson and one member as vice-chairperson. The chairperson shall preside at Board meetings and execute all contracts and other legal documents on behalf of the District. The chairperson shall be elected for the term of one (~~4~~) year. If the chairperson shall cease to be a member or shall for any reason be unable to serve as chairperson, a successor shall be elected by the District Board for the unexpired portion of the term. The vice-chair shall be elected for a term of one (~~4~~) year and shall have all the duties of the chairperson in his/her absence. If neither the chairperson nor vice chairperson is in attendance and willing to chair a meeting at which a quorum is present, the District Board may elect a chairperson pro-tem for the duration of that meeting.

All powers, privileges and duties vested in or upon the District shall be exercised and performed by and through the District Board; provided, however, the exercise of any and all executive, administrative and ministerial powers may be delegated by the District Board to any of its officers, staff, employees, agents or designees, which delegation may be re-delegated or withdrawn by the District Board. The District Board shall fix and publish the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings at the request of any three (~~3~~) supervisors upon appropriate notice. The District Board shall adopt rules, regulations, resolutions and orders for conducting its business.

District Board members shall be subject to all ethics requirements in the City Code, including but not limited to the cone of silence and lobbyist registration and reporting requirements. District Board members and alternate shall serve without compensation, but shall be reimbursed for per diem and travel in accordance with Section 112.061 Florida Statutes, or other applicable Florida law.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE EMERALD HILLS SAFETY ENHANCEMENT DISTRICT ORDINANCE.

Section 4: That if any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: 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 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 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