

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE IV OF THE CITY CHARTER ENTITLED "INITIATIVE", INCLUDING CHANGES TO THE SECTIONS ADDRESSING MEASURES NOT SUBJECT TO INITIATIVE; AUTHORITY TO FILE AND SIGNATURES; PETITION REQUIREMENTS AND FILING; CERTIFICATION AND PROCEDURES WHEN INSUFFICIENT; SUBMISSION TO COMMISSION; ELECTION PROCESS, AND FORM OF BALLOT, 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 IV of the Charter entitled "Initiative".

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 IV of the City of Hollywood Charter is hereby amended to read as follows<sup>1</sup>:

#### **ARTICLE IV. INITIATIVE**

\* \* \*

<sup>1</sup> Underscored words are additions to existing text; words ~~struck through~~ are deletions from existing text.

#### **Sec. 4.02. Measures not subject to initiative.**

The initiative process shall not be available to propose ordinances regarding the budget, capital programs, the appropriation of money, the levy of taxes, and salaries of officers and employees, and emergency ordinances, or as otherwise prohibited by law.

#### **Sec. 4.03 Initiative Petition – Authority to file; signatures required.**

\* \* \*

Upon the delivery of an initiative petition signed by at least ~~fifteen percent (15%)~~ of the total number of registered voters in each of four 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, the initiative petition shall be considered sufficient and shall be acted upon as provided herein.

#### **Sec. 4.04. Initiative petition — Requirements; filing.**

\* \* \*

(d) All initiative petitions shall have written or printed on the petition the names and addresses of at least five ~~(5)~~ registered voters who shall constitute a committee of the petitioners for the purposes hereinafter provided.

(e) All initiative petition papers shall be filed in the Office ~~office~~ of the City ~~city~~ Clerk ~~clerk~~, securely fastened together, as one ~~(1)~~ petition.

(f) The initiative 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 initiative petition, and the City Attorney shall indicate whether the proposed language is legally sufficient or insufficient within 30 working days of the submission of the initiative petition to the City Clerk.

#### **Sec. 4.05. Initiative petition — Certification and procedure when insufficient.**

(a) Within ~~twenty (20)~~ days after the filing of the initiative 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.

(b) If by the clerk's certificate the number of registered voters signing the petition is shown to be insufficient, such notice in writing shall be given to each member of the committee of petitioners, notifying them of the number of missing signatures in each deficient category. The petition may be amended within ~~twenty-one (21)~~ days from the date of such certificate by filing supplementary petition papers containing the additional signatures.

\* \* \*

#### **Sec. 4.06. Initiative petition — Submission to commission.**

(a) If the clerk's certificate shows the number of signers to the initiative petition to be sufficient, the clerk shall submit the proposed ordinance ~~measure~~ to the commission at its next meeting.

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

#### **Sec. 4.07. Election process.**

(a) If the commission shall fail to pass the proposed ordinance ~~initiative measure~~, or shall pass it in a form different from that set forth in the initiative petition, then the proposed ordinance ~~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 the date of final action by the commission.

(b) If no election is to be held as provided by subsection (a), then the commission shall call a special election to be held not sooner than ~~ninety (90)~~ and not later than ~~one hundred twenty (120)~~ days after the date of final action by the commission.

(c) When submitted to a vote of the electors, the proposed ordinance ~~measure~~ shall be in the form set forth in Section 4.08.

#### **Sec. 4.08. 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 proposed ordinance ~~initiative~~ measure that is being presented for vote by the electors.

(c) The ballots used when voting upon the initiative measure shall state the substance thereof, and below it the two ~~(2)~~ alternatives: "YES" and "NO."

(d) If a majority of the electors voting on any such measure shall vote in favor of the proposed ordinance ~~initiative measure~~, it shall thereupon become an ordinance of the city.

\* \* \*

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.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE IX OF THE CHARTER ENTITLED "INITIATIVES".

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 “INITIATIVE”**

These amendments would amend Article IV of the City Charter entitled “Initiative”. Specifically, the amendments would require that initiative petitions be submitted to the City Clerk and City Attorney prior to obtaining signatures; change language to clarify that the initiative process applies to proposed ordinances; and cleans up existing grammar and language to make the Charter more cohesive and consistent.

### **QUESTION**

Should Article IV of the City Charter entitled “Initiative” 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.