

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 13.01 OF THE CITY CHARTER TO CLARIFY THAT THE SALE OR OTHER DISPOSITION OF A CITY-OWNED GOLF COURSE MUST BE APPROVED BY THE CITY'S ELECTORS, SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 6, 2018.

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 Charter of the City of Hollywood 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 an amendment to Section 13.01 of the Charter regarding the sale or other disposition of City 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 incorporate in this Resolution.

Section 2: That Section 13.01 of the City of Hollywood Charter is hereby amended to read as follows:

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

* * *

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

(Coding: Words underscored are additions to existing law; words ~~struck through~~ are deletions from existing law.)

* * *

(c) Notwithstanding the provisions of this section, any real property which is beach or beachfront, a park, a golf course or another ~~other~~ recreational facility ~~facilities~~, 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.

* * *

Section 3: That the ballot language for the Charter amendments proposed in Section 1 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 6, 2018.

Section 5: That funding for the elections is available in account 01.1103.00000.512.004993 – 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 6, 2018, 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. 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, the invalidity thereof 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 herewith are repealed to the extent of such conflict.

AN ORDINANCE AMENDING SECTION 13.01 OF THE CITY CHARTER REGARDING THE SALE OF CITY-OWNED PROPERTY, SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 6, 2018.

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

ADVERTISED on _____, 2018.

PASSED on first reading this _____ day of _____, 2018.

PASSED AND ADOPTED on second reading this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY

EXHIBIT A

CHARTER AMENDMENTS – REFERENDUM
SALE OF CITY-OWNED PROPERTY

This amendment to Section 13.01 of the City Charter would clarify that the sale or other disposition of a City-owned golf course must be approved by the City's electors.

QUESTION

Should Section 13.01 of the City Charter be amended to clarify that the sale or other disposition of a City-owned golf course must be approved by the City's electors?

Yes _____

No _____

Fiscal Impact of proposed City Charter amendment clarifying that the sale or other disposition of a City-owned golf course must be approved by the City's electors

The proposed charter amendment does not result in significant additional costs.