

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE II OF THE CITY CHARTER ENTITLED "THE CITY COMMISSION" TO SPECIFY THE NUMBER OF REGULAR MEETINGS THE CITY COMMISSION SHALL SCHEDULE AND HOLD, TO REQUIRE THE CITY COMMISSION TO CONDUCT CITIZENS' COMMENTS IN EACH CALENDAR MONTH IN WHICH THE COMMISSION HOLDS A REGULAR MEETING, TO CREATE A DUTY TO DISCLOSE WHEN A COMMISSION MEMBER HAS KNOWLEDGE OF ANOTHER COMMISSION MEMBER'S VOTING CONFLICT OF INTEREST, AND TO PROHIBIT THE CITY COMMISSION AND ITS MEMBERS FROM GIVING ORDERS TO AND MAKING REQUESTS OF CITY EMPLOYEES EXCEPT DESIGNEES OF THE CITY MANAGER OR CITY ATTORNEY, ALL 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 amendments to Article II of the Charter regarding the City Commission.

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.

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

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

ARTICLE II. THE CITY COMMISSION

* * *

Sec. 2.04. Meetings.

(a) *Regular.* The commission shall schedule no fewer than 20 regular meetings per year and shall hold no fewer than 18 regular meetings per year ~~meet regularly not less than twenty (20) times during the calendar year, at such times and places as shall be specified by resolution. All meetings, formal or informal, of the city commission, all committees and all boards, elective and/or appointive, administrative and/or advisory, shall be conducted in open session; and the press and public shall be permitted to attend any of such meetings wherein public affairs are to be discussed.~~

* * *

(f) *Citizens' Comments.* When the commission holds more than one (1) regular meeting in a calendar month, the agenda for the second regular meeting of that month will contain an item titled "Citizens' Comments." When the commission holds one regular meeting in a calendar month, the agenda for that meeting will contain an item titled "Citizens' Comments." Citizens' Comments will be conducted as an open forum for any person to speak on issues that do not specifically appear on the agenda for that meeting. The commission may establish reasonable time limits for the length of Citizens' Comments and for the length of each person's comments during Citizens' Comments.

(g) All meetings, formal or informal, of the city commission, all committees and all boards, elective and/or appointive, administrative and/or advisory, shall be conducted in open session, and the press and public shall be permitted to attend any of such meetings wherein public affairs are to be discussed, except as otherwise allowed by law.

Sec. 2.05. Voting conflicts.

* * *

(d) Any member of the city commission who has knowledge that another member of the city commission has a voting conflict of interest shall have a duty to disclose such conflict to the appropriate authorities.

~~The city commission and its members shall interact with the employees of the city's departments, offices and agencies solely through the city manager, or, in the case of the city attorney's office, the city attorney, or the designees of the city manager or city attorney, if any. The~~ Neither the city commission and ~~nor any of its members shall not~~ give orders or directions to, nor make requests of, any of the employees of the city's departments, offices and agencies, except that such orders, directions and requests may be directed to designees, if any, of the city manager or, in the case of the city attorney's office, the city attorney.

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 be and the same are repealed to the extent of such conflict.

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE II OF THE CITY CHARTER ENTITLED "THE CITY COMMISSION," 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
VARIOUS AMENDMENTS REGARDING THE CITY COMMISSION

These amendments would amend Article II of the City Charter entitled "The City Commission." Specifically, they would change the number of required regular commission meetings, require more agendas for regular commission meetings to include Citizens' Comments, create a duty to disclose when a commission member has knowledge of another commission member's voting conflict of interest, and clarify the prohibition against commission members interfering in the day-to-day operations of the City.

QUESTION

Should Article II of the City Charter entitled "The City Commission" 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.