

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING VARIOUS SECTIONS OF ARTICLE VI OF THE CITY CHARTER ENTITLED "CITY MANAGER", ARTICLE VII OF THE CITY CHARTER ENTITLED "CITY ATTORNEY", AND ARTICLE VIII OF THE CITY CHARTER ENTITLED "OFFICERS AND EMPLOYEES", 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 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 VI of the Charter entitled "City Manager", ARTICLE VII of the Charter entitled "City Attorney", and ARTICLE VIII of the Charter entitled "Officers and Employees".

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

ARTICLE VI. CITY MANAGER

* * *

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

Sec. 6.02. Term; salary.

(a) The ~~The~~ city manager shall be appointed by a majority vote of the commission for an indefinite term. The commission shall hold an annual review of the city manager at a public meeting.

* * *

Sec. 6.03. Absence from duties.

At no time shall there be a vacancy in the position of city manager. In case of the unexcused prolonged sickness or prolonged absence of the city manager for a period in excess of 90 days, the commission may appoint another person, not a member of the commission, to act for the city manager during such sickness or absence. The person so appointed may, during such tenure, act for the city manager and perform all his or her duties and all of such acts of the person so appointed shall be as valid as those performed by the city manager. In all other situations, the city manager shall name a temporary acting city manager.

Sec. 6.04. Powers and duties.

* * *

(6) To keep the commission fully advised as to the general condition of the city, including, but not limited to its financial condition, and to submit annually a budget.

* * *

Section 3: That Article VII of the City of Hollywood City Charter is hereby amended to read as follows:

ARTICLE VII. CITY ATTORNEY

* * *

Sec. 7.02. Qualifications and duties.

* * *

(7) To appoint or remove all personnel in his or her administration.

* * *

Section 4: That Article VIII of the City of Hollywood City Charter is hereby amended to read as follows¹:

ARTICLE VIII. OFFICER AND EMPLOYEES

Sec. 8.01. Other city officers; appointments.

(a) The city manager shall appoint all other officers and employees as provided by law, except the city attorney shall appoint all personnel in his or her administration ~~assistant city attorneys~~.

(b) Any one ~~(1)~~ person or employee may be appointed to hold more than one ~~(1)~~ office or position; provided, however, that the director of the department of financial services may not hold the office of purchasing agent.

Sec. 8.02. Interference with appointment or duties of officers and employees.

~~Interference with appointment or duties of officers and employees.~~

Neither the commission nor any of its members shall suggest or dictate the appointment of any person to office or employment by the city manager or city attorney nor in any way prevent the city manager or city attorney from exercising his or her own judgment in selecting the personnel of his or her administration.

Section 5: That the ballot language for the Charter amendments proposed in Sections 2, 3 and 4 above shall be as set forth in the attached Exhibit "A".

Section 6: 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 7: That funding for the election is available in account 001.111001.51200.549930.000000.000.000 – Elections.

Section 8: 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 9: 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 City of

Hollywood City Charter, and they may be renumbered as appropriate to incorporate them into the Charter.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING VARIOUS SECTIONS OF ARTICLE VI OF THE CITY CHARTER ENTITLED "CITY MANAGER", ARTICLE VII OF THE CITY CHARTER ENTITLED "CITY ATTORNEY", AND ARTICLE VIII OF THE CITY CHARTER ENTITLED "OFFICERS AND EMPLOYEES", ALL SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 5, 2024.

Section 10: 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 11: 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 12: 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 REGARDING ARTICLE VI OF THE CITY CHARTER ENTITLED “CITY MANAGER”, ARTICLE VII OF THE CITY CHARTER ENTITLED “CITY ATTORNEY”, AND ARTICLE VIII OF THE CITY CHARTER ENTITLED “OFFICERS AND EMPLOYEES”

The amendments to Article VI of the Charter entitled “City Manager” clarify provisions regarding absence and appointment of the city manager. The amendments to Article VII entitled “City Attorney” allows the city attorney to appoint or remove all personnel in his or her administration. The amendments to Article VIII entitled “Officers and Employees” prohibits the city commission from suggesting appointment or employment of any person to office.

~~These amendments would amend Article VI of the City Charter entitled “City Manager”. Specifically, the amendments seek to clarify that at no time shall there be a vacancy in the position of city manager, and further, in the event of the unexcused absence of the city manager for a period in excess of 90 days, the commission shall appoint a city manager. The amendments to Article VII of the City Charter entitled “City Attorney” create a provision that allows the city attorney to appoint or remove all personnel in his or her administration. The amendments to Article VIII of the City Charter entitled “Officers and Employees” create a provision that allows the city attorney to appoint all personnel in his or her administration, and provides that the city commission nor any of its members shall suggest or dictate appointment of any person to office or employment by the city manager or city attorney. The amendments further seek to clean up existing grammar and language to make the Charter more cohesive and consistent.~~

QUESTION

Should Article VI of the City Charter entitled “City Manager”, Article VII of the City Charter entitled “City Attorney”, and Article VIII of the City Charter entitled “Officers and Employees” be amended as 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.