

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE I OF THE CITY CHARTER ENTITLED "GENERAL PROVISIONS" TO REQUIRE THE CITY TO CONTINUE TO EXERCISE POWER REGARDING THE ENVIRONMENT AND TO CORRECT THE NAME BY WHICH THE FORM OF GOVERNMENT OF THE CITY IS KNOWN, 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 I of the Charter entitled "General Provisions".

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 I of the City of Hollywood Charter is hereby amended to read as follows:

ARTICLE I. GENERAL PROVISIONS

* * *

Sec. 1.03. Powers and jurisdiction.

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

The powers and jurisdiction of the city shall extend over all lands and over all bodies of water to the extent allowed by law within the corporate limits and the air above, and to all lands without the limits of the city owned, leased or operated by the city. The power and jurisdiction of the city includes all extraterritorial powers and jurisdiction previously granted by chapter 30836, Laws of Florida, 1955, as amended, or any special or general law or any extraterritorial powers or jurisdiction which may be granted in the future. The city shall continue to exercise the regulatory activities and functions regarding businesses, professions and occupations, including awarding franchises, which authority was granted by chapter 30836, Laws of Florida, 1955. The City shall continue to exercise regulatory activities and functions regarding the environment.

* * *

Sec. 1.05 Form of government.

The form of government of the city shall be known as the commission-manager ~~commissioner-manager~~ plan.

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.

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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.

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 ENVIRONMENT AND FORM OF GOVERNMENT

These amendments would amend Article I of the City Charter entitled "General Provisions." The first amendment would require the City to continue to exercise power regarding the environment. The second amendment would correct the name by which the form of government of the City is known by changing the name from "commissioner-manager plan" to "commission-manager plan."

QUESTION

Should the City Charter be amended to require the City to continue to exercise power regarding the environment and to correct the name by which the form of government of the city is known?

Yes _____

No _____

Fiscal Impact of Proposed City Charter Amendments Concerning the Environment and the Form of Government

The proposed charter amendments do not result in significant additional costs.