

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING VARIOUS SECTIONS OF ARTICLE VI OF THE CITY CHARTER ENTITLED "CITY MANAGER" AND ARTICLE VII OF THE CITY CHARTER ENTITLED "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 Articles VI of the Charter regarding the city manager and Article VII of the Charter regarding the city attorney.

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 Charter is hereby amended to read as follows:

ARTICLE VI. CITY MANAGER

* * *

Sec. 6.02. Term; salary.

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

(a) 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. 6.04. Powers and duties.

The powers and duties of the city manager shall be:

* * *

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

* * *

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

ARTICLE VII. CITY ATTORNEY

Sec. 7.01. Appointment, term; salary.

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

* * *

Sec. 7.02. Qualifications and duties.

(a) The city attorney shall be an active member in good standing of The Florida Bar ~~attorney-at-law admitted to practice in all of the courts of this state.~~

(b) The city attorney shall:

* * *

(2) Prepare all contracts, and other instruments in writing in which the municipality is concerned, and shall endorse on each his or her approval of the form thereof; and no contract with the municipality shall take effect until his or her approval is so endorsed thereon.

(3) Make emergency legal decisions on filing suits and appeals subject ~~pursuant~~ to ratification of the commission.

* * *

(6) Perform such other professional duties as may be required of him or her by resolution of the commission or as prescribed for city attorneys in the general law of the state, ~~which are not inconsistent with this Charter.~~

Sec. 7.03. Absence from duties.

In case of prolonged sickness or prolonged absence of the city attorney, the commission may appoint another person, not a member of the commission, to act for the city attorney during such sickness or absence. The person so appointed may, during such tenure, act for the city attorney 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 attorney. In all other situations, the city attorney shall name a temporary acting city attorney. Each appointee pursuant to this section shall be an active member in good standing of The Florida Bar.

Section 4: That the ballot language for the Charter amendments proposed in Section 1 above shall be as set forth in the attached Exhibit "A".

Section 5: 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 6: That funding for the elections is available in account 01.1103.00000.512.004993 – Elections.

Section 7: 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 8: 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.

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLES VI AND VII OF THE CITY CHARTER ENTITLED "CITY MANAGER" AND "CITY ATTORNEY," SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 6, 2018.

Section 9: 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 10: 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 11: 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 CITY MANAGER AND CITY ATTORNEY

By these amendments, the City Commission would be required to review the City Manager and City Attorney annually. The City Manager would be required to keep the City Commission advised of the City's general condition. The City Attorney would have to be an active member in good standing of The Florida Bar. Regarding the City Attorney's duties, the amendments would delete language implying that a Charter provision conflicting with state law is valid.

QUESTION

Should Articles VI and VII of the City Charter entitled "City Manager" and "City Attorney" be amended as described above?

Yes _____

No _____

Fiscal Impact of proposed City Charter Amendments Concerning the City Manager and the City Attorney

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