

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE VIII OF THE CITY CHARTER ENTITLED "OFFICERS AND EMPLOYEES;" PROVIDING THAT CITY COMMISSION MEMBERS ARE PROHIBITED FROM INTERFERING WITH THE APPOINTMENT OF OFFICERS AND EMPLOYEES BY THE CITY ATTORNEY, AND PROVIDING FOR GENDER NEUTRALITY, 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 Section 8.02 of the Charter regarding interference by City Commission members with the appointment of 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 incorporate in this Resolution.

Section 2: That Section 8.02 of the City of Hollywood Charter is hereby amended to read as follows:

ARTICLE VIII. OFFICERS AND EMPLOYEES

* * *

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

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

Neither the commission nor any of its members shall 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 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.

AN ORDINANCE AMENDING SECTION 8.02 OF THE CITY CHARTER ENTITLED "INTERFERENCE WITH APPOINTMENT OR DUTIES OF OFFICERS AND EMPLOYEES," SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 6, 2018.

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.

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 AMENDMENTS REGARDING OFFICERS AND EMPLOYEES

These amendments to Section 8.02 of the City Charter would prohibit the City Commission from interfering with the appointment of officers and employees by the City Attorney and would add gender neutrality language.

QUESTION

Should Articles VIII of the City Charter entitled “Officers and Employees” be amended as described above?

Yes _____

No _____

Fiscal Impact of proposed City Charter Amendments concerning Interference with the Appointment of Officers and Employees

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