

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, OPPOSING ITEMS 81 AND 82 ON THE BROWARD COUNTY COMMISSION AGENDA, AND THE APPROVALS THEREOF SCHEDULED FOR JUNE 18, 2020, REGARDING COUNTY CHARTER AMENDMENTS ON THE NOVEMBER 2020 BALLOT THAT WOULD ALLOW THE COUNTY TO SUPERSEDE CITY ZONING AND OTHER REGULATIONS FOR COUNTY PROJECTS WITHIN MUNICIPALITIES, IN DEROGATION OF THE HOME RULE AUTHORITY GRANTED TO CITIES.

WHEREAS, under the Florida Constitution and Section 166.021, Florida Statutes, municipalities are given broad home rule powers; and

WHEREAS, Broward County ("County"), working with the City and other Broward municipalities and throughout the State of Florida, have repeatedly fought to protect local government's home rule authority against attacks and erosion of protections by the State; and

WHEREAS, Section 11.01 of the County Charter provides that municipal ordinances prevail within municipal boundaries over conflicting County ordinances, except in the area of minimum environmental standards, land use and ethics; and

WHEREAS, Item 81 on the County's June 16, 2020 agenda (further discussion and the vote on which will occur on June 18, 2020) would place on the ballot in November 2020 a proposed County Charter Amendment that would permit specific uses of County-owned park properties, notwithstanding the current use of those properties or the local municipality's existing zoning, permitting, and building code regulations, by among other things amending Section 8.13 A. "Definitions" to add a definition for "Public Safety Purposes" that includes a definition of emergency communications infrastructure; and

WHEREAS, Item 82 on the County agenda for June 16, 2020 (again, to be voted upon on June 18, 2020) would place on the ballot in November 2020 a proposed County Charter Amendment that would amend Section 11.01 of the County Charter by adding the following fourth area where County ordinances would prevail over conflicting municipal ordinances: "The development of any project(s) on County-owned or County-leased property, regardless of the project's commencement date, including through County regulation of zoning, permitting, construction, operation, and administration, provided such project serves a public purpose with a regional benefit such as use as transportation facilities pursuant to the surtax-funded transportation improvement plan, the siting and operation of public safety infrastructure, or government offices", collectively referred to as the "Proposed Amendments"; and

WHEREAS, among other things, the effect of the Proposed Amendments on the ongoing discussions concerning the placement of a 16th P25 regional telecommunications tower ("Tower") in the City of Hollywood would have prevented the City from opposing the placement of the Tower in West Lake Park in an area that the County could not have utilized for a Tower as a result of certain County Charter restrictions that were approved by the electorate; and

WHEREAS, municipal local government is the closest, most accessible and most responsive to its residents; and

WHEREAS, as part of their home rule powers, municipalities should have zoning, permitting and regulatory control over all projects in their municipalities in order to protect their residents; and

WHEREAS, the City Commission believes that the Proposed Amendments would be an intrusion of municipal home rule power, and therefore, opposes the placement of the Proposed Amendments on the November 2020 ballot; and

WHEREAS, the City Commission believes that it is in the best interest of the City to approve this Resolution and voice its opposition to the County measures designed to further erode the City's statutory home rule authority.

NOW, THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2: That the City Commission opposes the Proposed Amendments in Items 81 and 82 on the Broward County agenda for June 16, 2020, the vote upon which has been continued until June 18, 2020, because the measures violate municipal home rule authority.

Section 3: That the City Clerk is directed to distribute this Resolution to the Broward County Board of County Commissioners, the Broward League of Cities, and each municipality in Broward County.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

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PASSED AND ADOPTED this _____ day of _____, 2020.

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