

Hollywood Charter

ARTICLE 1

Sec. 1.01. Creation and powers.

The City of Hollywood hereinbefore created by chapter 30836, Laws of Florida, 1966, shall continue and is hereby vested with the governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services; and may exercise any power for municipal purposes not expressly prohibited by the constitution, general or special law or county charter.

(Ord. O-84-14, passed 2-3-84)

Sec. 1.02. Corporate limits.

The corporate limits of the City of Hollywood, Broward County, Florida, shall be defined by ordinance.

(Ord. O-84-14, passed 2-3-84)

Sec. 1.03. Powers and jurisdiction.

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.

(Ord. O-84-14, passed 2-3-84)

Sec. 1.04. Legislative powers of the city.

The legislative powers of the city shall be vested in and exercised by the city commission, consistent with the provisions of this Charter, the United States Constitution, Florida Constitution, laws of the State of Florida and laws and ordinances of the city.

(Ord. O-84-14, passed 2-3-84)

Sec. 1.05. Form of government.

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

(Ord. O-84-14, passed 2-3-84)

Sec. 1.06. Urban Sustainability.

(a) Powers set forth in sections 1.01, 1.03 and 1.04 of this charter shall be exercised in a manner that is consistent with principles of urban sustainability.

(b) In the exercise of its powers the City shall be guided by:

(1) The responsibility to protect the quality and integrity of the land, air and water over which it has jurisdiction as well as the effects that its actions will have on the land, air and water of neighboring cities; and

(2) The duty to enact resolutions and ordinances which are technically sound, reasonably achievable and fiscally prudent so as to support the citizens' right to a sustainable environment.

(c) The City shall annually review and publicly report progress on its actions regarding the exercise of its powers, as set forth in this section.

ARTICLE II. THE CITY COMMISSION

Sec. 2.01. Created; membership.

There is created a city commission to consist of seven (7) members, one (1) of whom shall be the mayor. The mayor shall be elected from the city at large and the commissioners shall be elected as provided in Article III of this Charter.

(Ord. O-84-14, passed 2-3-84; Am. Ord. O-99-07 passed 1-6-99; Am. Res. R-99-98, passed 3-17-99)

Sec. 2.02. Duties and responsibilities of the mayor.

(a) The mayor shall preside at meetings of the commission and perform such other duties consistent with that office and this Charter as may be imposed by the commission.

(b) The mayor shall be recognized as the chief elected official and official head of the city for all ceremonial purposes, including by the courts for the purpose of serving civil processes and by the governor for the purpose of emergency management.

(c) During the temporary absence or temporary disability of the mayor, all mayoral duties shall be performed by the vice-mayor.

(Ord. O-84-14, passed 2-3-84; Am. Ord. O-99-34, passed 10-20-99)

Sec. 2.03. Vice-mayor.

The office of vice-mayor shall be filled by a commissioner other than mayor. The vice-mayor shall be elected by a majority vote of the total commission membership eligible to vote, for a term of one year.

Sec. 2.04. Meetings.

(a) Regular. The commission shall meet regularly not less than 20 times during the calendar year, at such times and places as shall be specified by resolution. All meetings, formal or informal, of the city commission, all committees and all boards, elective and/or appointive, administrative and/or advisory, shall be conducted in open session; and the press and public shall be permitted to attend any of such meetings wherein public affairs are to be discussed.

(b) Special. The city clerk shall, at the request of the mayor or on written request of three (3) or more commissioners, call special meetings of the commission in the manner prescribed by ordinance. The commission shall have the same power to transact business at special sessions as at regular sessions.

(c) Absences. Absence from four (4) regular consecutive meetings of the commission shall operate to vacate a seat of a member unless such absence is occasioned by illness of such member. Absence from eight (8) regular consecutive meetings of the commission shall operate to vacate a seat of a member without regard to the reason for such absences.

(d) Rules of Procedure. The commission may determine its own rules of procedure.

(e) Quorum. A majority of all members of the commission shall constitute a quorum, but a smaller number may adjourn from time to time.

(f) Citizens' Comments. When the commission holds more than one regular meeting in a calendar month, the agenda for the second regular meeting of that month will contain an item titled "Citizens' Comments." Citizens' Comments will be conducted as an open forum for any person to speak on issues that do not specifically appear on the agenda for that meeting. The Commission may establish reasonable time limits for the length of Citizens' Comments and for the length of each person's comments during Citizens' Comments.

(Ord. O-84-14, passed 2-3-84; Am. Ord. O-99-17, passed 6-16-99)

Sec 2.05. Voting Conflicts.

(a) Any member of the City Commission required by law, or for any reason not otherwise provided for herein, to recuse oneself from voting on a matter to be considered by the City Commission, or who recuses oneself from voting on a matter being considered by the City Commission, due to a voting conflict or the appearance of a voting conflict, shall, at the time of such recusal, disclose the nature of his or her interest as a public record in a memorandum filed with the City Clerk, who shall incorporate the memorandum in the minutes of the City Commission. Such commission member shall thereafter leave the Commission chamber prior to debate and not communicate or participate, directly or indirectly, in any discussion or other communication relating to that matter with any member of the City Commission or with any City employee.

(b) Any member of the City Commission who knows, or by the exercise of reasonable diligence should know, that the member has, or is likely to have, a voting conflict or the appearance of a voting conflict on a matter not yet subject to vote but otherwise under consideration by the City Commission or any instrumentality of the City's municipal government, including, but not limited to, special districts wholly within the City's boundaries, City boards and committees, shall immediately disclose the nature of his or her interest as a public record in a memorandum filed with the City Clerk, who shall incorporate the memorandum in the official public records of the City, and said member shall thereafter neither debate nor communicate or participate, directly or indirectly, in any discussion or other communication relating to that matter with any member of the City Commission or with any City employee.

(c) A copy of each memorandum filed with the City Clerk pursuant to subsection (2) of this section shall promptly be posted on the city's website homepage and

on the bulletin board on which notices of public meetings are posted. Any such memo shall be removed from posting if and when the City Manager determines either (i) that the matter causing an actual voting conflict or appearance thereof is no longer likely to be submitted to the Commission for a vote; or (ii) the matter is either finally approved or disapproved by the City Commission.

Sec 2.06. Non- Interference.

The City Commission and its members shall interact with the employees of the City's departments, offices and agencies solely through the City Manager, or, in the case of the City Attorney's Office, the City Attorney, or the designees of the City Manager or City Attorney, if any. Neither the City Commission nor any of its members shall give orders or directions to, nor make requests of, any of the employees of the City's departments, offices and agencies, except that such orders, directions and requests may be directed to designees, if any, of the City Manager or, in the case of the City Attorney's Office, the City Attorney.

ARTICLE III. ELECTIONS

***Editor's note:** In order to maintain the style of numbering of the remainder of the Charter, in which the first number of the section corresponds to the article number, the editor has redesignated the sections of art. III. Former §§ 2.03 - 2.07 have been renumbered as §§ 3.01 - 3.05, and former §§ 3.01 - 3.05 have been renumbered as §§ 3.06 - 3.10.*

DIVISION 1. CONDUCT OF ELECTIONS

Sec. 3.01. Election and term of commissioners; staggered terms.

(a) The election of city commissioners, including the mayor, shall be as provided by this Charter, general and special law. The terms of the city commissioners and mayor shall be four (4) years; except, at the first presidential or gubernatorial election following the amendment of this section to provide for staggered terms, those seeking election to the city commission shall be elected for terms of two (2) years in order to institute staggered terms among members of the city commission. Each city commission seat shall be filled separately; and candidates for the city commission and for mayor shall designate, at the time of qualifying, the office for which they seek election. There shall be six (6) electoral districts in the City. Candidates for commissioner shall reside in one of the districts, and shall be elected only by the qualified electors who reside in the same district as the candidate. The district boundaries shall be set by ordinance and updated after each decennial census or as otherwise required by law.

(b) No person may:

(1) Appear on the ballot for election or re-election as mayor or city commissioner if, by the end of said person's then current term of office, the person will have served (or, but for resignation, removal or forfeiture, would have served) eight consecutive years as an elected official of the city either as a commissioner or as mayor or a combination of thereof. Such person shall again be eligible for election as a commissioner or mayor no earlier than two years after the expiration of what would have been the eighth year of their consecutive elected service, as set forth herein.

(2) Be appointed as mayor or as commissioner if disqualified for those positions pursuant to subsection (b)(1) hereof as a consequence of having served (or but for resignation, removal or forfeiture would have served) eight consecutive years as an elected official of the city. Such person shall become eligible for appointment to these offices no earlier than two years after the expiration of what would have been the eighth year of consecutive elected service.

(c) The limitations set forth in subsection (b) hereof shall apply only to commission service occurring on and after the presidential or gubernatorial election next following its adoption.

(Ord. O-84-14, passed 2-3-84; Am. Ord. O-99-07, passed 1-6-99; Am. Res. R-99-98, passed 3-17-99)

Sec. 3.02. Vacancy in commission membership.

(a) Vacancies. The office of a member of the City Commission shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) Forfeiture of Office. The office of a member of the City Commission shall be forfeited if the member:

(1) fails to meet the residency requirements,

(2) is found, by a majority plus one vote of the City Commission, after reasonable notice and an opportunity of being heard, of violating any express prohibition of this Charter,

(3) is convicted in any jurisdiction of a felony, or any crime involving breach of the public trust, regardless of whether adjudication or sentence is withheld, or the functional equivalent thereof,

(4) fails to attend regular meetings of the City Commission as per Section 2.04 (c), or

(5) breaches the public trust by violating a provision of the State Constitution, this Charter, or applicable municipal Ordinance of this City which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers in order to avoid conflicts between public duties and private interests.

(c) Filling of Vacancies.

(1) If at any time there exist vacancies in the City Commission of four (4) or more members preventing the City Commission from having a quorum, and such vacancies result from one or more of the following, either alone or in combination, (a) a recall petition under Florida Statutes (whether the Commission members who are the subjects of such recall petition resign to avoid an election or are recalled by the voters); (b) suspension by the Governor of Commission members facing criminal charges; (c) forfeiture of office as provided in this Charter or by State law, then such vacancies shall be filled as provided by State law.

(2) If at any time there exist vacancies in the City Commission other than as set forth in subsection (c)(1), the remaining members of the City Commission, by a vote of a majority plus one, shall, if the remainder of the term is two years or less, fill such vacancies by appointing a qualified person to serve the remainder of that term. If the remainder of the term is greater than two years, the City Commission shall call a special election to fill any such vacancy, which election shall be held no less than one hundred twenty (120) days nor more than one hundred fifty (150) days after the next regularly scheduled Commission meeting following any such vacancy.

(3) Appointments made pursuant to subsection (c)(2) shall be made no later than thirty (30) days after the next regularly scheduled Commission meeting following any such vacancy. If the remaining members of the City Commission are unable to appoint a qualified person to fill any such vacancy, they shall call a special election to fill any such vacancy, which election shall be held no less than one hundred twenty (120) days nor more than one hundred fifty (150) days after the next regularly scheduled Commission meeting following any such vacancy.

(4) Service in such appointed or elected capacity shall not be included when calculating terms limits as provided in this Charter.

(5) Unless provided otherwise by State law or this Charter, the City Commission shall be the judge of the election and qualifications of its members, and of the grounds for forfeiture of their office. In order to exercise these powers,

the City Commission shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on request, and notice of such hearing shall be published in one or more newspapers of general circulation in the City and posted on the city's website homepage at least one week in advance of the hearing.

(Ord. O-84-14, passed 2-3-84; Am. Ord. O-99-34, passed 10-20-99)

Sec. 3.03. Qualifications of members.

(a) Mayor. Each candidate for election or appointment as the mayor shall be an elector and shall have resided in the state for a period of two (2) years and the city for one (1) year prior to qualifying to run for office if by election and prior to taking office if by appointment. The mayor shall continue to reside in the city throughout the term of office.

(b) City Commissioner. Each candidate for election or appointment as a city commissioner shall be an elector and resident of the district from which elected, shall have resided in the state for a period of two (2) years and the district from which seeking election for one (1) year prior to qualifying to run for office if by election, and prior to taking office if by appointment. A commissioner shall continue to reside in such district throughout the term of office.

(Ord. O-84-14, passed 2-3-84; Am. Ord. O-99-07, passed 1-6-99; Am. Ord. O-99-34, passed 10-20-99)

Sec. 3.04. Election dates

General elections for the purpose of electing members of the city commission shall be held every two (2) years, pursuant to this Charter and State law; commissioners from odd-numbered districts, as well as the mayor, shall be elected on the date on which the Governor of Florida is elected; commissioners from even-numbered districts shall be elected on the date on which the President of the United States is elected.

(Ord. O-84-14, passed 2-3-84; Am. Ord. O-98-22, passed 9-2-98; Am. Ord. O-99-07, passed 1-6-99; Am. Ord. O-2002-21, passed 5-1-02)

Sec. 3.05. State election code adopted.

All elections shall be nonpartisan and shall be held in accordance with the provisions of the State election code, except as otherwise provided by this Charter.

(Ord. O-84-14, passed 2-3-84)

Statutory reference: *State election code, see F.S. Title IX.*

DIVISION 2. CANDIDATES

Sec. 3.06. Filing fee.

A candidate for the office of city commissioner, including mayor, shall pay to the city clerk a filing fee in the sum as set by ordinance.

(Ord. O-84-14, passed 2-3-84)

Sec. 3.07. Time limitations for filing qualifications.

(a) Candidates for office are required to file their qualifications, oath and fee with the city clerk at the time prescribed, pursuant to State law.

(b) If a candidate fails to comply with provisions of this section, their name shall not appear upon the ballot.

(c) The clerk shall forthwith, upon the filing of the oath and payment of the qualifying fee, make and deliver to such candidate a written certificate acknowledging the receipt of the fee and oath, showing thereon the date of payment and filing of the fee and oath; and the clerk shall cause his/her name to be printed on the official election ballot.

(Ord. O-84-14, passed 2-3-84; Am. Ord. 0-99-34, passed 10-20-99)

Sec. 3.08. Elected candidates.

(a) The candidate for city commissioner receiving the greatest number of votes cast for that seat in the regular general or special general municipal election shall be declared elected.

(b) The candidate for mayor receiving the greatest number of votes cast for that seat in the regular general or special general municipal election for the office of mayor shall be declared elected.

(Ord. O-84-14, passed 2-3-84; Am. Ord. O-98-22, passed 9-2-98; Am. Ord. O-2002-21, passed 5-1-02)

Sec. 3.09. Vacancy in candidacy.

If, for any reason following the end of the qualifying period and prior to the election, only one candidate remains on the ballot for any particular office, there shall be a supplemental qualifying period of five (5) days beginning on the first day following the vacancy in candidacy; provided, however, that there shall not be a supplemental qualifying period if the vacancy in candidacy occurs within twenty-six (26) days of the general election for that office. If a vacancy in candidacy, as described above, occurs within twenty-six (26) days of the general election for that office, the remaining candidate shall be declared elected and no election shall be required.

(Ord. O-99-34, passed 10-20-99, Am. Ord. O-2002-21, passed 5-1-02)

Sec. 3.10. Campaign Finance Reform

(a) Definitions

(1) Express Advocacy - A communication to the general public by means of any broadcast, cable, satellite, newspaper, magazine, outdoor advertising facility, mass mailing, the Internet, or telephone bank, or any other form of general public political advertising, that in express terms advocates the election or defeat of a clearly identified candidate for elective office or the approval or disapproval of a clearly identified ballot issue; provided, however, that with respect to the Internet, a communication will be deemed to be express advocacy only if constitutes the creation or dissemination of a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

(2) Express Advocacy Organization (EAO) - A person, as defined in section 4 other than an individual, that engages in express advocacy or the functional equivalent of express advocacy.

(3) Functional Equivalent of Express Advocacy - A communication to the general public by means of any broadcast, cable, satellite, newspaper, magazine, outdoor advertising facility, mass mailing, the Internet, or telephone bank, or any other form of general public political advertising, made within sixty days of an election that is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate for an office or issue on the ballot in such election.

(4) Person - The word "person" includes individuals and associations of individuals, whether constituting legal entities or not, and business entities of whatever form, whether constituting legal entities or not, and including, but not limited to, corporations, partnerships, sole proprietorships, associations, joint ventures, estates, trusts, business trusts, syndicates, and fiduciaries and other business entity authorized to do business in the State of Florida, any other state or any foreign country.

(b) Limitation on contributions.

It is unlawful for any individual to make a contribution in excess of five hundred (500) dollars, either directly, indirectly or through a political committee, to any candidate. Furthermore, it is unlawful for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section. The contribution limits of this section apply to each election.

(c) Contributions prohibited.

It is unlawful for any person as defined in Section a(4), other than an individual, to make a contribution in connection with the election of any candidate. Furthermore, it is unlawful for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or for any officer or any director of any such entity to consent to any contribution prohibited by this section.

(d) Reports; certification and filing.

(1) Each campaign treasurer designated by a candidate pursuant to State law shall file regular reports with the City Clerk of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(2) An EAO shall file with the City Clerk regular reports of all contributions received, and all expenditures made, by or on behalf of a candidate or political committee. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the EAO is created, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a

Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(3) Following the last day of qualifying for office, the reports of all contributions received, and all expenditures made, by or on behalf of a candidate or political committee shall be filed with the City Clerk on the 46th, 32nd, 18th, and 7th days immediately preceding the election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, for an EAO, or for a committee of continuous existence. No contributions may be accepted after the 7th day immediately preceding the election.

(4) When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on that same ballot, all political committees, EAO, and committees of continuous existence making contributions or expenditures in support of or in opposition to such issue shall file reports with the City Clerk on the 46th, 32nd, 18th and 7th days prior to such election. No contributions may be accepted after the 7th day immediately preceding the election.

(e) Applicability.

The provisions of Section 3.10 shall be applicable to all campaigns for election to the office of Mayor of Hollywood, for all campaigns for election to the office of City Commissioner of Hollywood, and to all elections called for an issue to appear on the ballot in which only City of Hollywood electors are eligible to vote.

(f) Penalties.

Any person who violates any of the provisions of Section 3.10 (b)(c)(d) shall be subject to a fine in an amount not to exceed five hundred dollars (\$500.00), imprisonment for a period not to exceed sixty (60) days, or both.

Sec. 3.11. Fair Campaign Practices

(a) Statement of Purpose

It is essential that elections for positions on the City Commission of the City of Hollywood and referenda on public measures be conducted with the highest degree of fairness and ethics. The purpose of this section is to maintain and increase the confidence of all Hollywood citizens in the integrity and fairness of their government, and of the election and referendum process.

(b) Fair Campaign Practices Board and Code

(1) Within ninety (90) days of the effective date of this Charter provision, the City Commission shall appoint an independent Fair Campaign Practices

Board composed of seven members representing the city at large. Eligible candidates for this board must be registered voters in Broward County and residents of the City of Hollywood, and must remain so throughout service on the Board; failure to maintain such registration and residency shall result in automatic removal from the Board. The City Commission may, in its sole discretion, fill vacancies on the Board in the same manner as for original appointees. At the time of any Board meeting, a majority of the then current membership of the Board shall constitute a quorum.

(2) The Fair Campaign Practices Board is charged with creating a comprehensive code of conduct for candidates seeking election to the City Commission and for persons supporting or opposing a public measure. As used herein, "candidate" means any person who has complied with the then applicable requirements of law for the appointment of a campaign treasurer or the designation of a campaign depository. As used herein, "public measure" means any issue to be submitted to a referendum for which the City Commission has formally established a referendum date.

This code shall set forth standards of behavior that are consistent with the public interest and do not compromise, or appear to compromise, either the election or referendum process or the public trust. The board shall work in a collaborative and communicative manner with the City Commission and seek public input.

(3) Within one hundred eighty (180) days of its appointment, the Fair Campaign Practices Board shall complete the code and present it to the City Commission at its next regularly scheduled Commission meeting. If the City Commission fails to adopt by ordinance the code as proposed by the Fair Campaign Practices Board, without any substantive changes, at the next regularly scheduled Commission meeting following one hundred eighty (180) days of its receipt of the proposed code, the proposed code, as originally presented, to the City Commission, shall be presented to the electors of the City of Hollywood for consideration at the next presidential or gubernatorial election, whichever occurs first. If approved by a majority vote of the electors voting on such proposal, the code shall become part of the City of Hollywood Code of Ordinances, and shall be entitled "Fair Campaign Practices Ordinance" ("Ordinance").

(4) The code shall include provisions for appointment by the City Commission of a Fair Campaign Practices Committee, whose membership and term, except as provided in this Article, shall be established by ordinance; and whose powers shall include the review and interpretation of the Ordinance, the rendering of advisory opinions and letters of instruction relating to the Ordinance, and the enforcement of the Ordinance. The minimum term of the Fair Campaign Practices Committee shall be for a period of time sufficient to encompass the qualifying period, campaign and election for each position on the City

Commission and each issue in which only City of Hollywood electors are eligible to vote.

(5) The Fair Campaign Practices Board shall sunset upon the earlier of the adoption of the code by the City Commission or one hundred eighty (180) days after presenting the proposed code to the City Commission.

ARTICLE IV INITIATIVE, REFERENDUM, AND RECALL

Sec. 4.01. Definitions.

Petition. A petition, meeting the requirements hereinafter provided and requesting the commission to pass or reconsider an ordinance therein set forth or designated, shall be termed an initiative or referendum petition, respectively, and shall be acted upon as hereinafter provided.

(a) Initiative. The electors shall have the power at their option to propose ordinances, except ordinances regarding the budget, capital programs, appropriation of money, levy of taxes and salaries of officers and employees other than members of the City Commission, or emergency ordinances, and to adopt the same at the polls, such power being known as the initiative.

(b) Referendum. The electors shall have the power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election; provided that such power shall not extend to the budget or any ordinance relating to appropriation of money, levy of taxes, salaries of officers and employees other than members of the City Commission, or emergency ordinances.

Sec. 4.02. Commencement of Proceeding

(a) Petitioners committee; affidavit. Any five (5) registered voters in Hollywood may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form. This affidavit shall state their names and addresses and specify the addresses at which all notices to the committee are to be sent. In addition, it shall set out in full the proposed initiative ordinance or cite by number and title the ordinance sought to be reconsidered.

(b) Within twenty (20) days of submission of the affidavit and appropriate supporting documents, the City Attorney shall determine compliance with Section

4.01 and general law. Should the petition be determined noncompliant, the petitioners committee will be notified in writing by the City Attorney.

Sec. 4.03. Petitions - Requirements; filing.

(a) Number of signatures. Initiative petitions and referendum petitions shall be signed by a number of electors in each of one half of the city's districts, and of the city as a whole, equal to least 8% of the votes cast in each of such districts respectively and in the city as a whole in the last preceding election in which the mayor was chosen.

(b) Form and content. All papers of a petition shall be 8 1/2 inches by 11 inches and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of circulator. Petition signatures need not all be on one paper, but the circulator of each petition shall make an affidavit that, to the best of that circulators knowledge, each signature appended to the petition is the genuine signature of the person whose name it purports to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered. This affidavit shall be in the following form:

STATE OF FLORIDA
COUNTY OF BROWARD, ss

_____ being duly sworn, deposes and says that he or she is the circulator of the foregoing petition containing _____ signatures which complies with Article 4 of the City Charter, and that the signatures appended thereto were made in his or her presence and are the signatures of the persons whose names they purport to be.

Signed: _____
Print Name: _____

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____ who is personally know to me or who has produced _____ as identification, and who did (did not) take an oath.

My Commission Expires:

Notary Public

Sec. 4.04. Petitions - Procedure for filing.

(a) Determination of sufficiency; city clerk's certificate. Within twenty (20) days after a petition is filed, the city clerk shall complete a certificate as to its sufficiency or insufficiency, and specifying, if it is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioners committee by registered mail. Grounds for insufficiency are limited to those specified in Section 4.03.

(b) Opportunity to amend. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners committee files a notice of intention to amend it with the city clerk within two (2) days after receiving the copy of the city clerk's certificate and files supplementary petition papers with the signatures of additional registered voters within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 4.03 and within five (5) days after it is filed the city clerk shall complete a certificate as to the sufficiency or insufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners committee by registered mail as in the case of the original petition. If a petition, amended pursuant to this subsection, is deemed insufficient by the city clerk, no further amendment shall be permitted.

Sec. 4.05. Action on petitions.

(a) Action by City Clerk. If the city clerk certifies a petition or amended petition as sufficient, the city clerk shall present the petition to the commission not later than the second regular meeting following the date of the certificate.

(b) Action by commission. When the city clerk presents the petition to the city commission, the commission shall promptly consider it. If the commission fails to adopt a proposed initiative ordinance without any substantive change, or fails to repeal the referred ordinance, within thirty (30) days of the date of the city clerk's final determination of sufficiency, it shall submit the proposed initiative ordinance or the repeal of the referred ordinance to the voters of the city for their determination by majority vote.

(c) Submission to voters. The vote on a proposed or referred ordinance shall be held at the next citywide City of Hollywood or countywide election following the date that the petition was determined sufficient, and in accordance with the city clerk election ballot deadlines. The commission may provide for a special election. Copies of the proposed or referred ordinance shall be made available at the polls.

(d) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to 60 days preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four (4) members of the petitioners committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 4.06. Results of election

(a) Initiative petitions. If a majority of the electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by the commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. An ordinance created by initiative cannot be repealed except by referendum.

(b) Referendum petitions. If a majority of the electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Sec. 4.07. Effect of Ordinance

(a) Referendum petitions; effect of ordinance. When a referendum petition is filed with the city clerk and certified as sufficient, the ordinance sought to be reconsidered shall continue in force until either (i) repeal of the ordinance by the commission, or (ii) certification of repeal of the ordinance by a majority vote of the city's electors voting on such proposal.

(b) Initiative petitions; effect on measure adopted by commission in different form.

When a measure proposed by initiative petition is passed by the commission in a different form from the measure contained in the petition, and it is to be submitted to a vote of the electors, the measure passed by the commission shall not take effect until after such vote. If the measure so submitted is approved by a majority of the electors voting thereon, it shall thereupon become an ordinance of the city; and the measure as passed by the commission shall be deemed repealed.

Sec. 4.08. Number of measures at same election.

Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this Charter.

Sec. 4.09. Recall.

The electors of the city shall have the power to remove from office any elected officer of the city as provided by State law.

ARTICLE V. REFERENDUM (Reserved)

(Delete Article, combined into Article IV – Initiative)

ARTICLE VI. CITY MANAGER

Sec. 6.01. Administrative powers.

The city manager shall be the administrative head of the city government and shall be responsible for the administration of all departments of the city.

Sec. 6.02. Term; salary.

(a) The city manager shall be appointed by a majority vote of the total commission membership for an indefinite term.

(b) The city manager shall hold office at the will of the commission and the commission shall determine the compensation, benefits, terms and conditions of the city manager's contract.

Sec. 6.03. Absence from duties.

In case of prolonged sickness or prolonged absence of the city manager, the commission, by a majority vote of the total commission membership, 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 shall, during such tenure, act for the city manager and perform city manager duties, and all of such acts of the appointed person 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.

The city manager shall:

- (a) see that the laws and ordinances are enforced;
- (b) appoint and remove, except as otherwise provided, all subordinate officers and employees;
- (c) exercise control over all departments that may be created by the commission;
- (d) coordinate or direct activities with all special districts entirely within the boundaries of the city as determined by the city commission;
- (e) unless prohibited by law, ensure that all special districts entirely within the boundaries of the city follow all applicable City codes and procedures;
- (f) attend all meetings of the commission with the right to take part in the discussion but having no vote;
- (g) submit policy proposals to the commission and to provide the commissioners with facts and advice on matters of policy as a basis for making decisions and setting community goals;
- (h) recommend to the commission for adoption such measures as he or she may deem necessary or expedient;
- (i) keep the commission fully advised as to the financial condition of the city, and to submit annually a budget;
- (j) refrain from participating in any political campaign for an election of a Hollywood official;
- (k) make it a priority to keep the community informed on local governmental affairs and to encourage communications between citizens and city government;
and
- (l) perform such other duties as may be required by ordinance or resolution of the commission which are not inconsistent with applicable law.

Sec. 6.05. Removal

The city commission may dismiss the city manager by a resolution approved by a majority vote of the total commission membership. A copy of such resolution shall be served immediately upon the city manager, and the city

commission shall then appoint an acting city manager to fulfill the duties of the city manager on an interim basis. All provisions of the city manager's contract, if any, must be properly followed.

ARTICLE VII. CITY ATTORNEY

Sec. 7.01. Appointment, term; salary.

(a) The city attorney shall be appointed by a majority vote of the total commission membership for an indefinite term.

(b) The city attorney shall hold office at the will of the commission, and the commission shall determine the compensation, benefits, terms and conditions of the city attorney's contract.

Sec. 7.02. Qualifications and duties.

(a) The city attorney shall be a member in good standing of The Florida Bar.

(b) The city attorney shall:

(1) act as the legal advisor to, and counselor for, the city and all of its officers, employees and agents in matters relating to their official duties for the city;

(2) prepare or review all contracts, and other instruments in writing in which the city is concerned, and shall endorse each signifying approval of the form thereof; and no contract with the city shall take effect until such approval appears thereon;

(3) make emergency legal decisions on filing suits and appeals subject to ratification by the commission;

(4) prosecute on behalf of the city all complaints, suits and other legal proceedings when authorized to do so by the commission;

(5) defend the city against all complaints, suits, and other legal proceedings filed against the city;

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

(7) appoint, remove and supervise all assistant city attorneys and all other city employees whose duties constitute the practice of law, as well as all other employees in the City Attorney's Office; and

(8) refrain from participating in any political campaign for an election of a Hollywood official.

(Ord. O-84-14, passed 2-3-84; Am. Ord. 0-99-34, passed 10-20-99)

Sec. 7.03. Absence from duties.

In case of prolonged sickness or prolonged absence of the city attorney, the commission by a majority vote of the total commission membership, 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 city attorney duties, and all of such acts of the appointed person 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.

(Ord. O-84-14, passed 2-3-84; Am. Ord. 0-99-34, passed 10-20-99)

Sec. 7.04. Removal

The city commission may dismiss the city attorney by a resolution approved by a majority vote of the total commission membership. A copy of such resolution shall be served immediately upon the city attorney, and the city commission shall then appoint an acting city attorney to fulfill the duties of the city attorney on an interim basis. All provisions of the city attorney's contract, if any, must be properly followed.

ARTICLE VIII. OFFICERS AND EMPLOYEES

Sec. 8.01. Other city officers; appointments.

(a) In order to foster effective career service in City employment and to employ those persons best qualified for the City services which they are to perform, all appointments and promotions of city officers and employees shall be based solely on the ability of the individual to perform the job, demonstrated by a valid and reliable examination or other reliable evidence of competence, consistent with all applicable federal, state, county and municipal laws.

(b) The City Commission shall, consistent with the preceding paragraph, enact ordinances as may be necessary from time to time to prescribe terms and conditions of employment, and for the establishment, regulation, and maintenance of a personnel system necessary to the effective, efficient, and fair conduct of the public business, and the effective administration of the employees of the City's departments, offices and agencies, including, but not limited to, classification and pay plans, examinations, transfers, promotions, force reduction, layoff, dismissal, suspension, discipline, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations, and benefit, retirement and pension plans.

(c) Except as prohibited by law, any one (1) individual may be appointed to hold more than one (1) office or position.

(d) Neither the City Commission nor any of its members shall dictate or otherwise interfere with the appointment, promotion or administrative action with regard to any individual seeking City employment or employed by the City, nor in any way prevent or interfere with the exercise of independent judgment by the City Manager and City Attorney in such matters.

ARTICLE IX. CIVIL SERVICE (Reserved)

(Delete Article, to be made into an ordinance)

ARTICLE X. PENSIONS AND RETIREMENT (Reserved)

(Delete Article, to be made into an ordinance)

ARTICLE XI. (RESERVED)

~~ARTICLE XII. FIREMEN'S PENSIONS AND RETIREMENT (Reserved)~~

(Delete Article, to be made into an ordinance)

**ARTICLE XIII. LIMITATION ON SALE, LEASE OR PURCHASE
OF CITY OWNED REAL PROPERTY**

Sec. 13.01. Sale of city owned real property.

(a) Any property which the city proposes to sell or otherwise dispose of must be appraised by one (1) independent, qualified appraiser. However, property which is listed by the Broward County Property Appraiser as having a value of not more than twenty-five thousand dollars (\$25,000.00) may be sold or disposed of without an appraisal. If such independent appraiser values the property in excess of two hundred fifty thousand dollars (\$250,000.00), an additional independent appraisal shall be obtained. If the two appraisals differ by more than 25%, a third independent appraisal shall be obtained.

(b) A five-sevenths (5/7) vote of the total commission membership shall be necessary for the sale or disposition of any property valued by any of the appraisers in excess of two hundred fifty thousand dollars (\$250,000.00). If the property is valued by any of the appraisers at a value which equals or exceeds one million dollars (\$1,000,000.00), the sale or other disposition of such property shall require approval by either a unanimous vote of the city commission or by a majority vote of the city's electors voting on such proposal.

(c) Notwithstanding the provisions of this section, any real property which is beach or beachfront, a park, or other recreational facilities, which the city proposes to sell or to otherwise dispose of, must be approved by a majority vote of the city's electors voting on such proposal.

(d) Notwithstanding the provisions of this section, whenever the City owns two or more parcels of real property that are contiguous and the city proposes to sell or otherwise dispose of one or more but not all of such contiguous parcels, a five-sevenths (5/7) vote of the total commission membership shall be required to authorize such sale or other disposition, regardless of the valuation of the parcels proposed to be sold or otherwise disposed of.

(Ord. O-84-14, passed 2-3-84; Am. Ord. O-99-17, passed 6-16-99; Am. Ord. O-99-34, passed 10-20-99)

Sec. 13.02. Lease of city owned real property.

(a) Except for leases to other government agencies, which shall require approval by a five-sevenths (5/7) vote of the total commission membership, any lease of real property owned by the city which has a term of twenty (20) years or longer must be approved by a unanimous vote of the city commission or by a majority vote of the city's electors voting on such proposal.

(b) Except for leases to other government agencies, which shall be approved by a five-sevenths (5/7) vote of the total commission membership, any lease of real property owned by the city which can be renewed and which term can reach

twenty (20) years, both without an additional vote of the city commission, must be approved by a unanimous vote of the city commission or by a majority vote of the city's electors voting on such proposal.

(Ord. O-84-14, passed 2-3-84; Am. Ord. O-99-34, passed 10-20-99)

Sec. 13.03. Purchase of real property by city.

(a) One independent, qualified appraisal shall be obtained for any property the city is considering purchasing. If the property is appraised at a value in excess of two hundred fifty thousand dollars (\$250,000.00), a second independent, qualified appraisal shall be obtained. Any purchase of property by the city in an amount in excess of two hundred fifty thousand dollars (\$250,000.00) must be approved by a five-sevenths (5/7) vote of the total commission membership.

(b) Notwithstanding the provisions of this section, whenever two or more contiguous parcels of real property are unified under one owner and the city proposes to purchase one or more but not all of such contiguous parcels, a five-sevenths (5/7) vote of the total commission membership shall be required, regardless of the valuation of the parcels proposed to be purchased.

ARTICLE XIV. TRANSITION AND EFFECTIVE DATE

Sec. 14.01. Ordinances and resolutions continuing.

All ordinances and resolutions in effect upon the adoption of this Charter to the extent they are not inconsistent or in conflict with this Charter shall remain in full force and effect until modified or repealed in the manner provided by law.

(Ord. O-84-14, passed 2-3-84)

Sec. 14.02. Repeal of conflicting ordinances and resolutions.

All laws, ordinances or resolutions or parts of laws, ordinances or resolutions insofar as they are in conflict or inconsistent with the provisions of this Charter be and the same are hereby repealed.

(Ord. O-84-14, passed 2-3-84)

Sec. 14.03. Rights of city commissioners and officials.

(a) The current city commissioners shall continue to hold their offices and discharge the duties thereof until their successors are duly elected and qualified under the provisions of this Charter.

(b) The current city officials who are, by the provisions of this Charter, appointed by the city commission shall continue to hold their positions and discharge their duties at the pleasure of the city commission.

(Ord. O-84-14, passed 2-3-84)

Sec. 14.04. Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the city shall continue after the adoption of this Charter. Should any such matter be in conflict herewith, said orders, contracts and legal or administrative proceedings shall be brought into conformance herewith as soon as is legally possible.

(Ord. O-84-14, passed 2-3-84)

Sec. 14.05. Severability.

The provisions of this Charter are severable; and if any section or part hereof shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other portion hereof, but shall be restricted and limited in its operation and effect to that specific portion hereof involved in the controversy in which such decisions shall have been rendered.

(Ord. O-84-14, passed 2-3-84; Am. Ord. 0-99-34, passed 10-20-99)

Sec. 14.06. Effective date.

This Charter, if approved by a majority of the electors voting in the municipal election scheduled for March, 1984, shall take effect as of October 1, 1984.

(Ord. O-84-14, passed 2-3-84)

ARTICLE ?????? ETHICS

Sec. ??. Statement of Purpose

It is essential that the City of Hollywood operate in a manner that inspires public trust in city government and ensures that all government officials and employees act in a manner consistent with the highest ethical standards. Public trust is critical for government to function effectively. Public policy developed and implemented by government officials and employees affects every citizen in Hollywood and it must be based on honest and fair deliberations and decisions. The purpose of this section is to maintain and increase the confidence of all Hollywood citizens in the integrity and fairness of their government.

Sec. ??. Ethics Board and Ethics Code

(a) Within ninety (90) days of the effective date of this Charter provision, the City Commission shall appoint an independent Ethics Board composed of seven members representing the city at large. Eligible candidates for this board must be residents of the city of Hollywood, and must remain so throughout service on the Ethics Board; failure to maintain such residency shall result in automatic removal from the Board. The City Commission may, in its sole discretion, fill vacancies on the Board in the same manner as for original appointees. At the time of any Board meeting, a majority of the then current membership of the Board shall constitute a quorum.

(b) The ethics board is charged with creating a comprehensive code of ethical conduct meant to apply to all city and CRA officers, employees, boards and committees. In drafting the Code of Ethics, the board shall work in a collaborative and communicative manner with the City Commission and seek public input. This code will set forth standards of behavior that are consistent with the public interest and do not compromise, or appear to compromise, the public trust.

(c) Within one hundred eighty (180) days of its appointment, the Ethics Board shall complete the code and present it to the City Commission at its next regularly scheduled Commission meeting. If the Commission fails to adopt by ordinance the Code of Ethics as proposed by the Ethics Board, without any substantive changes, by the time of the next regularly scheduled Commission meeting following one hundred twenty (120) days of its receipt of the proposed code, the Commission shall submit the proposed code, as originally presented to it, to the electors of the City of Hollywood for consideration at the next presidential or gubernatorial election, whichever occurs first. If adopted by the Commission or approved at such election, the code shall become part of the City of Hollywood Code of Ordinances, and shall be entitled "Code of Ethics in City Government."

(d) The Ethics Board shall sunset upon the earlier of the adoption of the code by the City Commission or one hundred eighty (180) days after presenting the proposed code to the City Commission.

(e) Succeeding Ethics Boards shall be appointed by the City Commission, in the manner set forth in subsection (a) hereof, in intervals of not more than ten years measured from February 1, 2011. The Ethics Board shall review, update and make recommendations to the City Commission for appropriate changes to the "Code of Ethics in City Government". Any such recommendations shall be addressed by the City Commission, and, if need be, by the electors of the City, in the same manner as set forth in subsection (c) hereof.

(f) The "Code of Ethics in City Government" shall require mandatory training on the contents of the code for all persons to whom the code applies; and shall further require that all such individuals sign an annual training statement as may be prescribed by the Ethics Board.

ARTICLE ??? CHARTER REVIEW COMMITTEE

The Charter Review Committee is created for the purpose of conducting a comprehensive study of the City Charter, and any or all phases of City government, in conformance with this Article.

Sec. ??

(a) **Appointment.** There shall be a Charter Review Committee appointed by resolution of the City Commission at the first regular City Commission meeting in March of 2017 and every six (6) years thereafter.

(b) **Membership.** The Charter Review Committee shall consist of no less than nine (9) and no more than eleven (11) members. In appointing the members, the City Commission shall make every reasonable effort to appoint at least one member from each city district. The members shall be residents and registered voters of the city at the time of appointment and throughout their terms. No elected official of the state, county or any municipality, nor any City employee, may serve as a voting member of the Charter Review Committee.

(c) **Term of Appointment.** The term of each member of the Charter Review Committee shall expire the day after the presidential or gubernatorial election, whichever appears first, held after the first Monday in November one (1) year after the year in which said members were appointed. The City Commission may, by resolution, extend the term, but only to enable the Committee to complete its work for the then current six-year cycle.

(d) **Vacancies.** Upon request approved by a supermajority vote of the then current Committee membership, vacancies in Committee membership may be filled by the City Commission in the same manner as for original appointments, for the remainder of the vacant position's unexpired term.

(e) **Records.** The City shall maintain copies of all written, recorded, and electronic records of the Charter Review Committee in conformance with applicable law.

Sec.?? Responsibilities

(a) **Hearings.** During its term, the Charter Review Committee shall hold at least three (3) public hearings.

(b) **Charter Amendments and Revisions.** By a vote of two-thirds (2/3) of its then current membership, the Charter Review Committee may submit proposals to amend or revise the Charter to the City Commission. The Charter Review Committee must submit to the City Commission any proposed Charter amendments or revisions with associated ballot language no later than the first Tuesday in June of the year in which the term of the Charter Review Committee expires. The City Commission shall place the Charter Review Committee's proposals with the associated ballot language on the ballot at the next presidential or gubernatorial election, whichever occurs first.

(c) **Quorum.** A majority of the then current membership of the Committee shall constitute a quorum.

(d) **Exercise of Responsibilities.** In exercising its responsibilities, the Charter Review Committee shall:

(1) elect a Chair and a Vice-Chair;

(2) adopt such internal procedures and rules as may be necessary to carry out its duties;

(3) receive legal counsel from the Office of the City Attorney, and receive administrative assistance from the Office of the City Manager, as may be necessary to carry out its duties; and

(4) request of the City Commission authorization and funding for the employment of professional and expert assistants as may be necessary to carry out the Committee's duties.

**ARTICLE ??? FINANCIAL IMPACT OF PROPOSED
CITY CHARTER AMENDMENTS**

For all proposed Charter Amendments, whether proposed by initiative, the City Commission or the Charter Review Committee, the City Budget office shall prepare, and the City Commission shall place on the ballot immediately following the ballot question, a separate financial impact statement, not exceeding seventy-five (75) words, estimating the increase or decrease in revenues or expenses to the City resulting from approval of any proposed Charter amendment.