PO-2017-01

ORDINANCE NO. O-2017-13

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CREATING THE EMERALD HILLS SAFETY ENHANCEMENT DISTRICT, A DEPENDENT SPECIAL DISTRICT AUTHORIZED BY SECTION 189.02, FLORIDA STATUTES; PROVIDING FOR THE PURPOSE, POWERS, FUNCTIONS AND DUTIES OF THE DISTRICT; DESIGNATING THE GEOGRAPHIC BOUNDARY LIMITATIONS OF THE DISTRICT; STATING THE AUTHORITY OF THE DISTRICT; EXPLAINING WHY THE DISTRICT IS THE BEST ALTERNATIVE; DESIGNATING THE MEMBERSHIP, ORGANIZATION, COMPENSATION AND ADMINISTRATIVE DUTIES OF THE GOVERNING BOARD OF THE DISTRICT; STATING ALL FINANCIAL DISCLOSURES, NOTICING AND REPORTING REQUIREMENTS; DECLARING THAT THE CREATION OF THE DISTRICT IS CONSISTENT WITH THE APPROVED LOCAL GOVERNMENT COMPREHENSIVE PLANS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUNSET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hollywood, Florida (the "City"), is a Florida municipal corporation duly organized and operating under the Constitution and the laws of the State; and

WHEREAS, the City of Hollywood wishes to create the Emerald Hills Safety Enhancement District in accordance with Chapter 189, Florida Statutes, which district will include the property described in Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, the creation of the Emerald Hills Safety Enhancement District is authorized by Chapter 189, Florida Statutes, the City's home rule authority and Article VIII of the Florida Constitution; and

WHEREAS, the City desires to form the Emerald Hills Safety Enhancement District for the purpose of funding community policing initiatives in Emerald Hills; and

WHEREAS, the City Commission has reviewed factors set forth in Chapter 189, Florida Statutes, and upon such review has determined that the establishment of the District is in the best interest of the City and its residents for their existing and future health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2: Establishment of District. The City does hereby establish the Emerald Hills Safety Enhancement District, (hereinafter the "District") as a dependent special district within the meaning of Chapter 189, Florida Statutes, for all purposes consistent with, and as authorized by Chapter 189, Florida Statutes and all other applicable laws.

Section 3: Establishment of District Boundaries. The geographic boundaries for the District shall include and incorporate all property described in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, all lands of which are located within the municipal boundaries of the City.

Section 4: Purpose, Powers, Functions, Duties and Authority of District. The District shall have all powers as authorized by law, to effectuate its purpose to include but not limited to: supervise and manage the security patrol through police liaison, including but not limited to hours of operation and areas of focus, where there may be special security issues; field complaints from the residents of the district and report same to the police liaison; set the budget for the patrol and negotiate the contract/agreement with the police liaison; provide a cell phone to the roving police officer; open bank account(s) to receive and disburse funds collected; access public records maintained by the City to facilitate communications (phone, emails, letters) with the residents of the District; pay expenses related to the supervision and operation of the security patrol; purchase insurance to protect the District and its governing board from any lawsuits arising out of claims of injury to person or property due to allegations of inadequate or negligent security; provide intermittent crime reports, or other relevant information relating to the security of the District, while protecting the residents' right to privacy; install signs, posters and other types of informational bulletins on public rights of way, easements, swales, etc.

In addition, as necessary to effectuate its purposes as set forth herein, the District shall have the following powers:

(A) The right to exercise any and all powers granted to the District by applicable law;

(B) The right to adopt and enforce reasonable rules and regulations or procedures pertaining to the use, acquisition, maintenance, development, operation or disposal of any of the properties, services, facilities, or projects of the District;

(C) The right to do, and to perform all such things separately or in conjunction with a county, municipality, other special districts or other political subdivision of the state whether the same is within or without the territorial limits of the District, subject to approval by the City Commission;

(D) The right to conduct and pay for studies, plans and designs to effectuate the purpose of the District, which action may include, but is not limited to, work plans for expansion, staffing plans and financing plans;

(E) The right to enter into interlocal agreements or other contracts with the City, if necessary, for the purpose of accomplishing the purposes of the District;

(F) The right to enter into contracts with public or private entities for the provision of assistance in planning, financing and constructing any and all facilities and services as determined to be appropriate and desired by the District Board;

(G) The right to maintain an office at such place or places within the territorial boundary of the District as the District Board may designate;

(H) The right to accept and receive, utilize or expend, in furtherance of its functions, funds, grants and services from the federal government or its agencies, from departments, agencies and instrumentalities of the State, municipal, county or other local governments, or from private or civic sources;

(I) The right to invest, in accordance with applicable Florida law, any surplus money, including such money in any sinking fund or other fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness or for any other purpose;

(J) The right, subject to the approval of the City Commission, to assess and impose upon real property in the District non-ad valorem assessments. The District's non-ad valorem assessment authority shall be limited to the sum of $250.00 per property per year. Notwithstanding the foregoing, the District shall not assess or charge, collect or enforce fees or other charges upon real property owned by any Federal, State or local governmental entity.

Section 5: Governing Board of the District. The governing body of the District, shall be designated as the Board of Supervisors (the "District Board") and shall be appointed by the City Commission. There shall be staggered terms for the board members of the District Board. At the City Commission meeting at which initial District Board appointments are made, two (2) board members shall be appointed for an initial two (2) year term, and three (3) board members shall be appointed for an initial three (3) year term. Appointments to the District Board shall serve at the pleasure of the City Commission but unless otherwise stated in the appointment, the members of the District Board shall, after the initial terms, serve for a term of three (3) years from the date of appointment. Any vacancy in the District Board shall be filled by an appointment made by

the City Commission for the balance of the unexpired term, within sixty (60) days of the occurrence of such vacancy. The District Board shall exercise the powers granted to the District. The District Board shall consist of five (5) members, all of whom are the owners of real property within the District. Each member shall hold office until a successor is chosen. In the event a property owner within the District is a corporation or a limited liability company, the Board member shall be an officer of the corporation or a member or manager of the Limited Liability Company. Although the District has multiple property owners who may on occasion engage in collaborative activities for the welfare of the District, no District Board member shall have an ownership interest, business interest, employment relationship or landlord-tenant relationship with any other District Board member or principal of any other board member.

A majority of total membership of the District Board shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. The procedures of the District Board shall be governed by the latest revised version of Robert's Rules of Order. Action taken by the District Board shall be upon a vote of a majority of the members present unless general law or rule of the District requires a greater number. The District Board shall keep a permanent record book in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds and any and all corporate acts. The record book shall at reasonable times be open to inspection in the same manner as state, county, and municipal records pursuant to Chapter 119, Florida Statutes. The record book shall be kept at the office or other regular place of business maintained by the District Board.

The District Board shall elect one member as chairperson and one member as vice-chairperson. The chairperson shall preside at Board meetings and execute all contracts and other legal documents on behalf of the District. The chairperson shall be elected for the term of one (1) year. If the chairperson shall cease to be a member or shall for any reason be unable to serve as chairperson, a successor shall be elected by the District Board for the unexpired portion of the term. The vice-chair shall be elected for a term of one (1) year and shall have all the duties of the chairperson in his/her absence. If neither the chairperson nor vice chairperson is in attendance and willing to chair a meeting at which a quorum is present, the District Board may elect a chairperson pro-tem for the duration of that meeting.

All powers, privileges and duties vested in or upon the District shall be exercised and performed by and through the District Board; provided, however, the exercise of any and all executive, administrative and ministerial powers may be delegated by the District Board to any of its officers, staff, employees, agents or designees, which delegation may be re-delegated or withdrawn by the District Board. The District Board shall fix and publish the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings at the request of any three (3) supervisors upon appropriate notice. The District Board shall adopt rules, regulations, resolutions and orders for conducting its business.

District Board members shall be subject to all ethics requirements in the City Code, including but not limited to the cone of silence and lobbyist registration and reporting requirements. District Board members shall serve without compensation, but shall be reimbursed for per diem and travel in accordance with Section 112.061 Florida Statutes, or other applicable Florida law.

Section 6: Financing of the District. In order to finance the purposes and operations of the District, the District shall have non-ad valorem assessment authority, which shall be limited to the sum of $250.00 per property per year.

Section 7: Non-ad valorem assessments. Pursuant to Chapter 197, Fla. Stat., non-ad valorem assessments levied pursuant to this Ordinance shall remain liens, coequal with the lien of all state, county, district and municipal taxes, superior in dignity to all other liens, titles, and claims until paid.

Section 8: Consistent with Comprehensive Plan and District as Best Alternative. The creation of the District is consistent with the City of Hollywood Comprehensive Plan and all other applicable growth management rules, regulations, ordinances, and laws. The District is the most efficient and effective method by which to achieve the purposes set forth above (as opposed to private alternatives such as a property owner's association, private partnership, neighborhood association, or public alternatives).

Section 9: Applicable Financial Disclosure, Noticing, and Reporting Requirements. The District will provide all financial disclosures required by Florida law relating to dependent special districts, including but not limited to, all financial disclosures relating to bonds, financing, non-ad valorem special assessments, and the like. Any and all meetings of the District Board shall be noticed in accordance with Chapter 286, Florida Statutes. Any and all notices that are required to be provided to landowners within the District shall be provided by U.S. Mail delivery or by posting public notice in a designated area within the District, which area shall be specified by the District Board. The District will comply with all reporting requirements required by Florida law relating to dependent special districts.

Section 10: Budget and Approval Thereof. On or before October 1 each year, the District Board shall prepare or have prepared under its direction a proposed budget for the ensuing fiscal year. The proposed budget shall include an estimate of all necessary expenditures of the District for the ensuing fiscal year and an estimate of the income to be received by the District for such ensuing fiscal year. The budget shall be balanced; the total amount available from taxation and other sources, including balances brought forward from prior fiscal years, must equal the total of appropriations for expenditures and reserves. The proposed budget of the District must be contained within the general budget of the City and be clearly stated as the budget of the District.

Section 11: Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CREATING THE EMERALD HILLS SAFETY ENHANCEMENT DISTRICT

Section 12: Severability. Should any section, provision, paragraph, sentence, clause of word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 13: Sunset Provision. This Ordinance shall automatically sunset three (3) years from the effective date hereof, unless otherwise extended.

Section 14: Effective Date. That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on March 23, 2017.

PASSED on first reading this 18 day of Jan, 2017.

PASSED AND ADOPTED on second reading this 30 day of August, 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

ALAN FALLIK, ACTING CITY ATTORNEY

Emerald Hills: Safety Enhancement District

Location Map

Area of Zoning Assessment