

ORDINANCE NO. 1478

AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE CHARTER OF THE CITY OF COCOA BEACH, BY AMENDING ARTICLE III, "CITY MANAGER", BY AMENDING SECTION 3.02., "ACTING CITY MANAGER", BY ALLOWING THE CITY COMMISSION TO APPOINT A QUALIFIED PERSON AS ACTING CITY MANAGER IF THE POSITION REMAINS VACANT FOR MORE THAN THIRTY (30) DAYS, PROVIDING FOR A REFERENDUM ON THE QUESTION OF APPROVAL OF THE PROPOSED REVISION; PROVIDING FOR FILING THE REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS OF BREVARD COUNTY, FLORIDA; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Cocoa Beach Charter Review Committee was created for the purpose of reviewing the Charter of the City of Cocoa Beach and determining if any changes are needed; and

WHEREAS, the Charter Review Committee met during 2008 to review the Charter and considered changes thereto; and

WHEREAS, the Charter Review Committee has submitted to the City Commission its report and proposed changes to the City Charter; and

WHEREAS, the City Commission has reviewed the proposed changes to the City Charter and determined such changes should be submitted to the electors of the City of Cocoa Beach for their consideration at an upcoming election; and

WHEREAS, public hearings on the proposed Charter amendments hereinafter described were duly advertised and held by the City Commission of the City of Cocoa Beach, and at such hearings interested parties and citizens for and against the proposed amendments were heard.

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

SECTION ONE: CHARTER AMENDMENT. For purposes of interpreting the revisions text that is underlined is an addition to the existing text of the City Charter and text that is stricken through is a deletion from the existing text of the City Charter.

The Charter of the City of Cocoa Beach Florida is amended to read as follows:

ARTICLE III. CITY MANAGER

* * * *

Sec. 3.02. Acting city manager.

By letter filed with the commission, the city manager shall designate, subject to the approval of the commission, a qualified city employee to exercise the powers and to perform the duties of city manager during a temporary absence or disability; provided, however, the appointment shall not be for a period longer than thirty (30) days. During such absence or disability, the commission may revoke such designation at any time and thereupon shall appoint another employee qualified person of the city to serve until the city manager returns or the disability ends. In the event of the failure of the city manager to make such designation, or in the event the City Manager position is vacant or the City Manager is absent or disabled for a period longer than thrity (30) days, the city commission may appoint an employee of the city a qualified person to perform the duties of the city manager until the position is filled or the city manager

1 returns or the disability ends.

2
3 **SECTION TWO: REFERENDUM:** The question of amendment of the Charter of the City of Cocoa
4 Beach, Florida, as provided in this Ordinance shall be submitted to a vote of electors of the City at a
5 referendum election to be held in the City of Cocoa Beach on November 4, 2008.

6
7 **SECTION THREE: BALLOT QUESTION:** The form of the ballot title shall be in a clear, concise
8 statement describing the substance of the proposed charter amendment without argument or prejudice.
9 Below the ballot title shall appear the following question:

10
11 CITY CHARTER AMENDMENT – ACTING CITY MANAGER

12
13 A Charter amendment is proposed to set a thirty (30) day limit to the City
14 Manager's appointment of an Acting City Manager, and allow the City
15 Commission to appoint any qualified person, (~~rather than appoint~~ (deleted
16 at August 7, 2008 Meeting)) or another employee of the City, as acting
17 City Manager, if the position remains vacant for a period of more than
18 thirty (30) days.

19
20 Should the above-described Charter amendment be adopted?

21
22 YES, FOR AMENDMENT _____

23
24 NO, AGAINST AMENDMENT _____

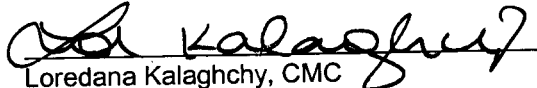
25
26
27 **SECTION FOUR: EFFECTIVE DATE:** Upon adoption of the revised Charter by a majority of the electors
28 voting in the referendum, the City Commission shall have said amendments incorporated into the City
29 Charter and shall file the revised Charter with the Florida Department of State as provided by Chapter 166,
30 Florida Statutes, at which time the revised Charter provision will go into effect.

31
32 **SECTION FIVE: COORDINATION WITH SUPERVISOR OF ELECTIONS :** The City Clerk is hereby
33 authorized and directed to instruct and coordinate with the Supervisor of Elections of Brevard County,
34 Florida, to include the ballot question set forth in Section 3 on the ballot of the General Election to be held
35 in the City of Cocoa Beach and Brevard County, Florida, on November 4, 2008.

36
37 **SECTION SIX: SEVERABILITY:** In the event that any term, provision, clause, sentence or section of this
38 Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or
39 invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of
40 the other or remaining terms, provisions, clauses, sentences or sections of this Ordinance, and this
41 Ordinance shall be read and/or applied as if the invalid, illegal or unenforceable term, provision, clause,
42 sentence, or section did not exist.

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44
45 **ADOPTED** at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the
46 21st day of August, 2008.

47
48 ATTEST:

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50 
51 Loredana Kalaghchy, CMC
52 City Clerk

53
54 
Leon "Skip" Beeler III
Mayor-Commissioner

55 First Reading: 08/07/2008 Date Posted: 08/08/2008 Date Published: 08/11/2008

Ayes: 5 Nays: 0
Absent or Abstaining: 0