

ORDINANCE NO. 1479

AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE CHARTER OF THE CITY OF COCOA BEACH, BY AMENDING EXISTING ARTICLE I, "GOVERNANCE", SECTION 1.06, "DEPARTMENTS OF THE CITY", TO REMOVE REFERENCES TO SPECIFIC EXAMPLES OF DEPARTMENTS AND TO ALLOW THE CITY COMMISSION TO ESTABLISH, SUBDIVIDE, CONSOLIDATE, RENAME OR ABOLISH DEPARTMENTS BY A MAJORITY VOTE; PROVIDING FOR A REFERENDUM ON THE QUESTION OF APPROVAL OF THE PROPOSED REVISIONS; 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 I. GOVERNANCE

* * * *

Sec. 1.06. Departments of the city.

The city shall maintain such departments as are necessary to the efficient operation of the city. such as, but not limited to, a police department, fire department, public works department, building department, water reclamation department, and parks and recreation department. The city commission may, by unanimous majority vote, establish, subdivide, consolidate, rename, or abolish departments.

(Ord. No. 1173, § 2, 9-17-1998, ref. of 11-3-1998)

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

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

4 CITY CHARTER AMENDMENT – DEPARTMENTS OF THE CITY

5
6 A Charter amendment is proposed, which will remove references to
7 specific city departments and allow the City Commission to establish,
8 subdivide, consolidate, rename or abolish departments of the City by a
9 majority vote, rather than by unanimous vote.

10
11 Should the above-described Charter amendment be adopted?

12
13 YES, FOR AMENDMENT _____

14
15 NO, AGAINST AMENDMENT _____


16
17
18
19 **SECTION FOUR: EFFECTIVE DATE:** Upon adoption of the revised Charter by a majority of the electors
20 voting in the referendum, the City Commission shall have said amendments incorporated into the City
21 Charter and shall file the revised Charter with the Florida Department of State as provided by Chapter 166,
22 Florida Statutes, at which time the revised Charter provision will go into effect.

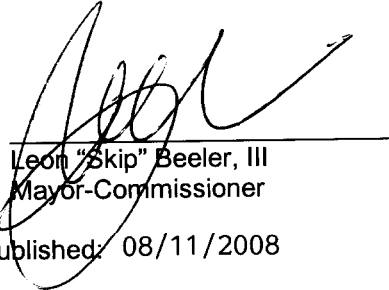
23
24 **SECTION FIVE: COORDINATION WITH SUPERVISOR OF ELECTIONS :** The City Clerk is hereby
25 authorized and directed to instruct and coordinate with the Supervisor of Elections of Brevard County,
26 Florida, to include the ballot question set forth in Section 3 on the ballot of the General Election to be held
27 in the City of Cocoa Beach and Brevard County, Florida, on November 4, 2008.

28
29 **SECTION SIX: SEVERABILITY:** In the event that any term, provision, clause, sentence or section of this
30 Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or
31 invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of
32 the other or remaining terms, provisions, clauses, sentences or sections of this Ordinance, and this
33 Ordinance shall be read and/or applied as if the invalid, illegal or unenforceable term, provision, clause,
34 sentence, or section did not exist.

35
36
37 **ADOPTED** at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the
38 21st day of August, 2008.

39
40 ATTEST:

41
42 
43 Loredana Kalaghchy, CMC
44 City Clerk

45
46 
47 Leon "Skip" Beeler, III
48 Mayor-Commissioner

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

50 Ayes: 5 Nays: 0
51 Absent or Abstaining: 0