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**ORDINANCE NO. 1482**

AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE CHARTER OF THE CITY OF COCOA BEACH, BY AMENDING ARTICLE VII, "INITIATIVE AND REFERENDUM" SECTION 7.01., "GENERAL AUTHORITY", BY REMOVING THE SPECIAL ELECTION OPTION FOR REFERENDUMS, ~~AND REMOVING THE ABILITY TO ELIMINATE THE COMPREHENSIVE PLAN THROUGH REFERENDUM.~~ (LANGUAGE DELETED AT THE AUGUST 7, 2008 COMMISSION MEETING) AND REQUIRING NINETY (90) DAY NOTICE TO THE SUPERVISOR OF ELECTIONS PRIOR TO PLACING A REFERENDUM ON AN ELECTION BALLOT; AMENDING SECTION 7.05, "ACTION ON PETITIONS" BY REMOVING THE SPECIAL ELECTION OPTION FOR REFERENDUM PETITIONS, BY REQUIRING NINETY (90) DAY NOTICE TO THE SUPERVISOR OF ELECTIONS PRIOR TO PLACING AN ITEM ON AN ELECTION BALLOT, AND BY REMOVING THE ONE HUNDRED TWENTY (120) DAY LIMIT BY WHICH THE MATTER MUST BE SUBMITTED TO VOTERS; AMENDING EXISTING ARTICLE IX, "GENERAL PROVISIONS" SECTION 9.01, "CHARTER AMENDMENTS", 9.01(B), "INITIATION BY PETITION", BY REMOVING THE OPTION OF SPECIAL ELECTIONS, BY ADDING A REFERENCE TO SECTION 7.05, AND BY REMOVING THE ONE HUNDRED TWENTY (120) DAY LIMIT BY WHICH THE MATTER MUST BE SUBMITTED TO VOTERS; 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 VII. INITIATIVE AND REFERENDUM**

\* \* \* \*

**Sec. 7.01. General authority.**

1 The qualified voters of the city shall have the power to propose new ordinances or to propose the  
2 amendment or repeal of existing ordinances to the commission. If the commission fails to adopt an  
3 ordinance or amendment so proposed, without any change in substance, or fails to repeal an ordinance  
4 in response to such a request, the voters shall have the power to petition it to referendum at a regular  
5 or special election. Such power shall not extend to the budget or capital program, ~~to the elimination of~~  
6 ~~the comprehensive plan, (LANGUAGE DELETED AT THE 08-07-08 MEETING)~~ to any emergency ordinance,  
7 or to any ordinance relating to the appropriation of money, the levy of taxes, or the salaries of city  
8 employees. Ninety day notice to the Supervisor of Elections is required to place a Referendum on a  
9 regular election ballot.

10  
11 **Sec. 7.05. Action on petitions.**

12 When a referendum petition has been finally determined sufficient, the commission shall promptly  
13 consider the proposed ordinance, amendment, or repeal request. If the commission fails to adopt a  
14 proposed ordinance or amendment without any change in substance or if it fails to repeal the ordinance  
15 requested within sixty (60) days after the date the petition was finally determined sufficient, the  
16 commission shall submit the proposed ordinance, amendment or repeal request to the voters of the city  
17 at a ~~special or~~ the next regular election. Ninety days notice is required to place an item on a regularly  
18 scheduled election ballot. If that period requirement is not met, the proposed ordinance, amendment  
19 or repeal requirement will be placed on the following regularly scheduled election. which shall be held  
20 ~~not more than one hundred twenty (120) days following the date upon which the commission ordered~~  
21 ~~the matter submitted to the voters.~~

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

23  
24 **ARTICLE IX. GENERAL PROVISIONS**

25  
26 **Sec. 9.01. Charter amendments.**

27 This charter may be amended in two (2) ways:

- 28  
29 (a) *Initiation by ordinance.* The commission may, by ordinance, propose amendments to  
30 any part or all of this charter, except prescribing boundaries, and upon passage of the  
31 initiating ordinance shall place the proposed amendment on the ballot at the next  
32 regular election held within the city. Amendment of boundaries resulting from  
33 annexation done in accordance with general law shall be by ordinance of the  
34 commission and shall not be subject to a vote of the voters except as provided by  
35 general law.  
36  
37 (b) *Initiation by petition.* The voters of the city may propose amendments to this charter  
38 by petition using the procedure specified in Section 7.03 for referendum petitions.  
39 Upon certification of the sufficiency of the petition as provided in Section[s] 7.04(a),  
40 ~~and (b) and 7.05,~~ and 7.05, the commission shall submit the proposed amendment to the voters  
41 at a ~~special or~~ the next regular election. ~~which shall be held not more than one hundred~~  
42 ~~twenty (120) days following the date upon which the commission ordered the matter~~  
43 ~~submitted to the voters.~~  
44  
45 (c) *Results of referendum.* If a majority of the qualified voters voting in a referendum on a  
46 proposed charter amendment vote in its favor, it shall be considered adopted upon  
47 certification of the election results and shall be treated in all respects in the same  
48 manner as other sections of the charter.

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

50  
51  
52 **SECTION TWO: REFERENDUM:** The question of amendment of the Charter of the City of Cocoa  
53 Beach, Florida, as provided in this Ordinance shall be submitted to a vote of electors of the City at a  
54 referendum election to be held in the City of Cocoa Beach on November 4, 2008.  
55

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

5 CITY CHARTER AMENDMENT – REFERENDUMS AND PETITIONS  
6

7 A charter amendment is proposed to remove the option of holding special elections for petition-generated  
8 requests for ordinances, or charter provisions, ~~removing the power to eliminate the comprehensive plan,~~  
9 ~~(Language deleted at the August 7, 2008 Meeting)~~ requiring a ninety-day notice to place referendums on a  
10 regular election ballot, and by removing the one hundred twenty (120) day limit on when such matters are  
11 submitted to voters.  
12

13 Should the above-described Charter amendment be adopted?

14 YES, FOR AMENDMENT \_\_\_\_\_  
15

16 NO, AGAINST AMENDMENT \_\_\_\_\_  
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18  
19

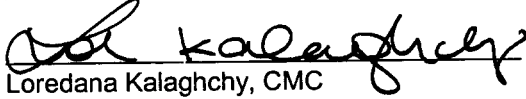
20 **SECTION FOUR: EFFECTIVE DATE:** Upon adoption of the revised Charter by a majority of the electors  
21 voting in the referendum, the City Commission shall have said amendments incorporated into the City  
22 Charter and shall file the revised Charter with the Florida Department of State as provided by Chapter 166,  
23 Florida Statutes, at which time the revised Charter provision will go into effect.  
24

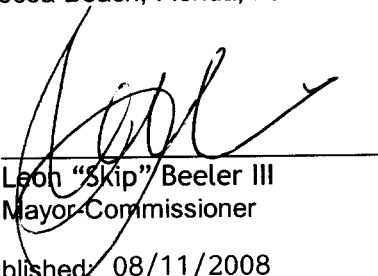
25 **SECTION FIVE: COORDINATION WITH SUPERVISOR OF ELECTIONS :** The City Clerk is hereby  
26 authorized and directed to instruct and coordinate with the Supervisor of Elections of Brevard County,  
27 Florida, to include the ballot question set forth in Section 3 on the ballot of the General Election to be held  
28 in the City of Cocoa Beach and Brevard County, Florida, on November 4, 2008.  
29

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

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

Ayes: 5 Nays: 0  
Absent or Abstaining: 0