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ORDINANCE 1671 Amended

AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF COCOA BEACH TO REMOVE UNANIMOUS COMMISSIONER APPROVAL REQUIREMENT FOR CITY REAL PROPERTY TRANSFERS; PROVIDING FOR A REFERENDUM ON THE QUESTION OF APPROVAL OF THE PROPOSED AMENDMENT; PROVIDING FOR QUESTION NUMBERING; 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 Commission is authorized by City Charter Section 9.01 to propose amendments to the City Charter; and

**WHEREAS**, a public hearing on the proposed Charter amendment hereinafter described was duly advertised and held by the City Commission of the City of Cocoa Beach, and at such hearing interested parties and citizens for and against the proposed amendment were heard; and

**WHEREAS**, for purposes of this Ordinance, underlined type shall constitute additions to the original text, \*\*\* shall constitute ellipses to the original text, and ~~strikethrough~~ shall constitute deletions to the original text.

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

**SECTION 1. CHARTER AMENDMENT.** Upon approval of this charter amendment at referendum, the following portions of Article VI, Section 6.10 of the Cocoa Beach City Charter are amended to read as follows:

**Sec. 6.10. - Transfer or relinquishment of interest in real property in which city has legal interest.**

~~Unanimous a~~Approval of all by an affirmative vote of four (4) city commissioners shall be required for the transfer or relinquishment of any interest in any real property in which the city has a legal interest.

**SECTION 2. 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 8, 2022.

**SECTION 3. BALLOT TITLE AND BALLOT SUMMARY.** The ballot title and ballot summary that shall appear on the referendum election ballot for this proposed charter amendment are as follows:

**COCOA BEACH CITY CHARTER AMENDMENT  
REVISING APPROVAL REQUIREMENTS  
FOR CITY REAL PROPERTY TRANSFERS**

Shall the City Charter be amended to revise, from all five commissioners to four commissioners, the number of affirmative commissioner votes necessary to approve the transfer or relinquishment of any interest in real property in which the city has a legal interest?

Yes  
 No

57 **SECTION 4. QUESTION NUMBERING.** The aforementioned ballot title and ballot summary shall  
58 appear on the ballot designated as "Question No. 2".  
59

60 **SECTION 5. COORDINATION WITH SUPERVISOR OF ELECTIONS.** The City Clerk is hereby  
61 authorized and directed to instruct and coordinate with the Supervisor of Elections of Brevard County,  
62 Florida, to include the ballot question set forth in Section 3 on the ballot of the General Election to be held  
63 in the City of Cocoa Beach and Brevard County, Florida, on November 8, 2022.  
64

65 **SECTION 6. CONFLICTS.** All Ordinances or parts of Ordinances insofar as they are inconsistent  
66 or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.  
67

68 **SECTION 7. SEVERABILITY.** In the event that any word(s), phrase(s), portion(s), sub-sub-  
69 section(s), sub-section(s), or section(s) of this Ordinance, is contrary to law, or against public policy, or  
70 shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent  
71 jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this  
72 Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent  
73 provision from the remaining provisions of this ordinance, and such holding shall in no manner affect the  
74 validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this  
75 Ordinance, which shall remain in full force and effect. This ordinance shall be construed in a manner to  
76 accomplish, to the greatest extent legally possible, the purposes of this ordinance as expressed herein. It  
77 will be presumed that the City Commission for the City of Cocoa Beach did not intend to enact any invalid  
78 or unconstitutional provision. It shall further be presumed that the City Commission would have enacted  
79 the remainder of this Ordinance without any invalid or unconstitutional provision, thereby causing said  
80 remainder to remain in full force and effect.  
81

82 **SECTION 8. EFFECTIVE DATE.** Upon adoption of the proposed Charter amendment by a  
83 majority of the electors voting in the referendum, the City Commission shall have said amendments  
84 incorporated into the City Charter and shall file the revised Charter with the Florida Department of State as  
85 provided by Chapter 166, Florida Statutes, at which time the revised Charter provision will go into effect.  
86

87  
88 Upon Motion by Commissioner Williams, seconded by Commissioner  
89 Miller, this Ordinance was duly adopted at a Regular Meeting of the City  
90 Commission of the City of Cocoa Beach, Florida, held on the 7 day of July, 2022.  
91

92 Ayes: 4  
93 Nays: 1  
94 Absent or Abstaining 0

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96   
97 Ben Malik,  
98 Mayor-Commissioner  
99

100 ATTEST:  
101   
102 Loredana Kalaghchy, MMC  
103 City Clerk  
104  
105

106 First Reading: 06-16-22  
107 Date Posted: 06-17-22  
108 Date Published : 06-23-22  
109