

## **RESOLUTION NO. 2024-069**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, OFFICIALLY RECOGNIZING AND DECLARING EFFECTIVE ON JULY 31, 2024 A VACANCY IN DISTRICT SEAT 3 OF THE CITY COUNCIL, PURSUANT TO ARTICLE III, SECTION 10 OF THE CITY CHARTER; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article III, Section 11 of the City Charter, the City Council is the sole judge of the election and qualifications of its members; and

**WHEREAS**, a vacancy in a councilmember's office shall occur upon the death, resignation, removal from office as authorized by law, or forfeiture of office of the councilmember; and

**WHEREAS**, the City Council desires to recognize that Councilmember Matthew Barringer has submitted a resignation for his District 3 seat effective July 31, 2024; and

**WHEREAS**, in recognition of the resignation of Councilmember Matthew Barringer, the City Council desires to officially declare Seat 3 on the City Council vacant on July 31, 2024, pursuant to Article III, Section 10(a) of the City Charter; and

**WHEREAS**, due to the creation of the vacancy on July 31, 2024, the City Council intends to exercise its duty to attempt to appoint, by majority vote of at least three remaining councilmembers, a duly qualified citizen to fill the vacancy during the next two duly held regular City Council meetings; and

**WHEREAS**, if the City Council fails to fill the vacancy by the conclusion of the second regular meeting following the creation of such vacancy, which shall become effective on July 31, 2024, the City Council finds that a special election shall not be required due to the fact that within 100 days, an intervening general election is already scheduled on November 5, 2024 and the District 3 seat will be filled for a new 4-year term by the voters under District 3's regular election cycle at the general election scheduled on November 5, 2024. See Article XVII, Section 5 of the Cocoa City Charter (special election to fill council vacancy within 100 days of regular municipal election to be held on same day as the regular municipal election); and

**WHEREAS**, this Resolution is hereby deemed by the City Council to be in the best interest of the City of Cocoa.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COCOA, as follows:**

### **SECTION 1. Vacancy on City Council.**

(A). Pursuant to Article III, Section 10(a) of the City Charter, the City Council hereby officially recognizes and declares City Council Seat 3 vacant due to the resignation of Councilmember Matthew Barringer. Said declaration and vacancy shall be deemed effective on July 31, 2024, pursuant to this Resolution.

(B). Pursuant to Article III, Section 10 of the City Charter, the City Council shall exercise its duty to attempt to appoint, by majority vote of at least three remaining councilmembers, a duly qualified citizen to fill the vacancy. The appointment shall be made at either of the next two (2) duly scheduled and held regular City Council meetings.

(C). If the City Council fails to fill the vacancy by the conclusion of the second regular meeting following the creation of such vacancy, which shall become effective on July 31, 2024, the City Council declares that the City Clerk will not schedule a special election to fill the vacancy because the vacancy is within 100 days of an intervening general election to be held on November 5, 2024, and the District 3 seat will be filled for a new 4-year term by the voters under District 3's regular election cycle at that general election. See Article XVII, Section 5 of the Cocoa City Charter (special election to fill council vacancy within 100 days of regular municipal election to be held on same day as the regular municipal election).

## **SECTION 2. Repeal of Prior Inconsistent Resolutions.**

All prior resolutions or prior resolutions inconsistent with this resolution are hereby repealed to the extent of the conflict.

## **SECTION 3. Severability.**

Should any section or provision of this Resolution, or any portion hereof, any paragraph, sentence, or work be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereto as a whole or part thereof to be declared invalid.

## **SECTION 4. Effective Date.**

This Resolution shall become effective immediately upon its adoption by the City Council of the City of Cocoa, Florida.

**ADOPTED** by the City Council of the City of Cocoa, Florida, in a Regular meeting assembled on the 23rd day of July, 2024.

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Michael C. Blake, Mayor

ATTEST:

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Monica Arsenault, City Clerk