

ORDINANCE NO. 07-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 2-51 OF THE CITY CODE TO PROVIDE THAT REGULAR CITY COUNCIL MEETINGS SHALL BE HELD ON EVERY SECOND AND FOURTH TUESDAY OF EACH AND EVERY MONTH; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article III, Section 12(b) of the City Charter provides that the City Council shall meet regularly at such times and places as may be prescribed by ordinance, but in no event less than once each month; and

WHEREAS, pursuant to the requirements of the City Charter, the City Council has established regular City Council meeting times in accordance with Section 2-51 of the City Code, which currently requires that regular City Council meetings shall be held every second and fourth Wednesday of each and every month; and

WHEREAS, the City Council desires to modify Section 2-51 of the City Code to require the City Council to conduct regular meetings every second and fourth Tuesday of each and every month; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of Council.

Section 2. Amendment to Section 2-51 of the City Code Amendment. The City of Cocoa Code of Ordinances, Section 2-51 is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions):

Sec. 2-51. - Time, place for regular meetings; procedure for cancelling meetings and calling special meetings.

- (a) The regular meetings of the city council shall be held in the council meeting room in the Municipal City Hall building, such building being a publicly owned facility within the city limits, at 6:00 p.m. every second and fourth ~~Wednesday~~ Tuesday of each and every month. The meeting time may be adjusted by the city council on a case-by-case basis to address special circumstances.
- (b) In the event a regular meeting coincides with a holiday or for any reason a quorum will not be available, the council by majority vote may cancel or reschedule such meeting.
- (c) In the event the city manager becomes aware that a quorum of the council will not be available or that there is no business which needs to be presented to the council, the city manager may notify each available member of the council of the facts and, if there is no objection, cancel such regular meeting. No more than one (1) meeting per month may be cancelled by this procedure.
- (d) Special meetings may be called by the mayor or the city manager as from time-to-time may be required.

Section 3. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. **Incorporation Into Code.** This Ordinance shall be incorporated into the City Code of Cocoa and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 5. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. **Effective Date.** This Ordinance shall become effective October 1, 2020, and the City Council's regular meeting schedule shall change to Tuesdays as set forth in this Ordinance beginning in October, 2020.

ADOPTED by the City Commission of the City of Cocoa, Florida, in a regular meeting assembled on the 8th day of July, 2020.

JAKE WILLIAMS, JR., Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

First Reading:	<u>06/24/2020</u>
Second Reading:	<u>07/08/2020</u>
Legal Ad Published:	<u>06/28/2020</u>
Effective Date:	<u>10/01/2020</u>