

**ORDINANCE NO. 1783 - 2020**

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE III OF THE ROCKLEDGE CODE OF ORDINANCES TO ADD A NEW SECTION 2-81 THERETO, ESTABLISHING THAT CITY COUNCIL MEMBERS ARE ELIGIBLE TO SERVE AS EX-OFFICIO MEMBERS ON ANY ADVISORY COMMITTEES, BOARD OR OTHER CITY BODY; DETERMINING THAT COUNCIL PERSONS SITTING ON SUCH ADVISORY CITY BODIES IN AN EX-OFFICIO CAPACITY WOULD NOT VIOLATE ARTICLE II, SECTION 5(a) OF THE FLORIDA CONSTITUTION PROHIBITION AGAINST HOLDING DUAL OFFICES; ESTABLISHING PROCEDURES TO APPOINT COUNCIL MEMBERS TO ADVISORY BODIES; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

**WHEREAS**, The members of the Rockledge City Council, by virtue of the elected office, are vested with the authority to act as ex-officio members of all advisory bodies created by the City; and

**WHEREAS**, The Rockledge City Council members obtain no sovereign power while acting as ex-officio members of the City advisory bodies; and

**WHEREAS**, Any Rockledge City Council member, who acts as an ex-officio member of any City advisory bodies, would not violate Article II, Section 5(a) of the Florida Constitution's prohibition against dual office holding; and

WHEREAS, The Rockledge City Council members, acting as ex-officio members of advisory bodies of the City, are doing so in the best interest of and good order of the City; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:

SECTION 1. That Article III, "City Council", is amended to add a new section 2-81, as follows:

Section 2-81. City Council members may, from time to time, be appointed to act as an ex-officio member of Rockledge advisory bodies.

a. The City Council shall have the authority to appoint one or more of its members, or the City Manager as an ex-officio member of the Police, Fire and/or General Employee Retirement Fund Board, and all other advisory bodies now existing, or any future creation of such.

b. Service by the City Council members as ex-officio members of any advisory body is not a violation of Article II, Section 5(a) of the Florida Constitution, (City of Orlando et al vs. State of Florida Department of Insurance, et al, 528So2d468(Fla. 1<sup>st</sup> DCA 1988); AGO 2013-22, B. No City Council may sit on any City body in an ex-officio capacity if such body has the authority to exercise sovereign authority, i.e. levy fines, (Code Enforcement Board), grant variances, (Board of Adjustment), etc.

c. The ex-officio members shall:

1. Count for a quorum, if in attendance at all meetings;
2. Be empowered to vote on any issues before the body while present;
3. Be exempt from any regulations regarding absences from meetings and may attend any meeting as desired.

SECTION 2. The provisions of this Ordinance are

severable, and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

**SECTION 3.** This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

**ADOPTED** at a regular meeting of the City Council of the City of Rockledge, Florida, this 9 day of September, 2020.

City  
of Rockledge, Florida

/s/Thomas J. Price  
Chairman, City Council of the

ATTEST:

/s/Jennifer M. LeVasseur  
City Clerk

1<sup>st</sup> Reading 8/19/2020

2<sup>nd</sup> Reading 9/9/2020