

Town of Grant-Valkaria, Florida

ORDINANCE NO. 2011-08

AN ORDINANCE OF THE TOWN COUNCIL OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, PROVIDING FOR A DEFINITION OF “ABSENCE OF MAYOR” IN SECTION 2.03 OF THE TOWN’S CHARTER; PROVIDING FOR THE ATTENDANCE AT A COUNCIL MEETING BY A COUNCIL MEMBER OR THE MAYOR VIA INTERACTIVE ELECTRONIC MEANS OR TELEPHONIC MEANS; PROVIDING FOR THE CHAIRING OF MEETINGS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE TOWN OF GRANT-VALKARIA CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2.02 of the Town’s Charter provides: “The mayor shall preside at meetings of the town council. The mayor shall be a regular voting member of the town council. The mayor shall be recognized as the head of town government for all ceremonial purposes; for purposes of military law; for service of process and execution of town council authorized contracts, deeds, and other documents; and as the town official designated to represent the town when dealing with other governmental entities on behalf of the town”; and

WHEREAS, Section 2.03 of the Town’s Charter provides: “The vice mayor shall act as mayor in the absence of the mayor. The vice mayor shall be elected from among council members for a term of 1 year or until his or her successor is elected. A council member shall not serve consecutive terms as vice mayor unless no other council member is willing to serve as vice mayor”; and

WHEREAS, the Charter does not expressly define the term “*absence of the mayor*”; and

WHEREAS, the Town Council believes that providing for a definition of “*absence of the mayor*” is necessary to accomplish the Charter’s intent, and

WHEREAS, the Town Council also believes it is appropriate to allow council members, and the Mayor, to appear via interactive electronic means or telephonic means under certain circumstances provided for in this ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Grant-Valkaria as follows:

SECTION 1. “The term “*absence of mayor*” as used in Section 2.03 of the Town’s Charter shall mean, due to an illness, physical or mental incapacity or scheduling conflict the Mayor is unable to physically attend any meeting of the Town Council in person. Should the Mayor be unable to

physically attend a meeting due to illness, physical or mental incapacity or scheduling conflict the Mayor may do so by interactive electronic means or telephonic means. Should the Mayor attend a meeting by interactive electronic means or telephonic means, the Mayor shall pass the gavel in accordance with Section 3 below. The attendance at a meeting; however, where formal action of the Town Council is required, via telephonic or interactive electronic means by the Mayor may only occur where there is the physical presence of a quorum of the remaining members of the Town Council. Should the Mayor be unable to perform any of the duties of the office of mayor due to illness, physical or mental incapacity, or scheduling conflict and the Mayor is unable to perform such duties via telephonic or interactive electronic means then the Vice Mayor shall perform the duties of the Mayor. Notwithstanding the above, the Mayor may notify the Town Administrator, in writing and in advance, that the Mayor will be absent and that the Vice Mayor shall assume all the duties of the Mayor until such time as the Mayor is ~~no longer unable~~ able to perform the duties of Mayor.”

SECTION 2. “A Council Member who is unable to physically attend any meeting of the Town Council in person due to an illness, physical or mental incapacity or scheduling conflict may attend such meeting via interactive electronic means or telephonic means only when there is the physical presence of a quorum of the remaining members of the Town Council.”

SECTION 3. “In the event that the Mayor attends a meeting by interactive electronic means or telephonic means, the Mayor shall pass the gavel to the Vice Mayor to chair the meeting. In the event that the Vice Mayor is attending the same meeting as the Mayor by interactive electronic means or telephonic means or should the Vice Mayor be otherwise unavailable for the same meeting that the Mayor is absent from then the meeting will be chaired by the councilmember present occupying the lowest seat number on the Council.”

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. It is the intention of the Town Council of the Town of Grant-Valkaria that Sections 1 through 3 of this Ordinance shall be made a part of the Town of Grant-Valkaria Code of Ordinances.

SECTION 6. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the Town Council of the Town of Grant-Valkaria that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the Town Council would have enacted the valid constitutional portions thereof.

SECTION 7. The provisions within this ordinance shall take effect pursuant to the Town Charter.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA,
BREVARD COUNTY, FLORIDA, ON THIS 8th DAY OF JUNE, 2011.

(signature on file)

Del Yonts, Mayor

ATTEST:

(signature on file)

Susanne Krueger, MMC, IIMC, Town Clerk

First Reading: May 11, 2011

Second Reading: June 8, 2011

Roll Call Vote:	Del Yonts	<u>YES</u>
	Joe Hackford	<u>YES</u>
	Lisette Kolar	<u>YES</u>
	Dan Faden	<u>YES</u>
	Jason Mahaney	<u>YES</u>
	Pat Bryan	<u>NOT PRESENT DURING VOTE</u>
	Cathy DeMott	<u>YES</u>