

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF MELBOURNE BEACH PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF MELBOURNE BEACH; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE TOWN CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Resolution 2024-14, the Town of Melbourne Beach established a Charter Review Committee to review the Town Charter and make recommendations to the Town Commission for proposed amendments thereto; and

WHEREAS, the 2025 Charter Review Committee reviewed, considered, studied, and analyzed the Town Charter and received public input during its multiple public meetings; and

WHEREAS, on April 28, 2025, the 2025 Charter Review Committee submitted its final report, attached hereto as **Exhibit “A,”** with recommendations to the Town Commission; and

WHEREAS, on June 18, 2025, following a public hearing wherein the Town Commission reviewed the final report and recommendations, and received public comment, the Town Commission accepted the final report, modified certain proposed charter amendments, and directed the Town Attorney to prepare an appropriate ordinance to place the proposed charter amendments before the registered voters of Melbourne Beach at the election to be held on November 4, 2025; and

WHEREAS, Section 166.031, *Florida Statutes*, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its charter, which amendments may be to any part or to all of its charter except that part describing the boundaries of such municipality and other matters prohibited by general law; and

WHEREAS, the Town Commission finds it to be in the best interests of its citizens to submit said proposed Charter amendments to the voters at the municipal election on November 4, 2025.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF MELBOURNE BEACH, FLORIDA, AS FOLLOWS:

Section 1. The Town Commission of the Town of Melbourne Beach, pursuant to Section 166.031, *Florida Statutes*, hereby proposes and approves amendments to the Charter of the Town of Melbourne Beach to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, are set forth in Section 3 below. Additions

are shown with underlining, deletions are shown with ~~strike-through~~ type, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 2. Such election shall be held in conformity with the laws of the State of Florida and the Charter and ordinances of the Town of Melbourne Beach now in force relating to elections in the Town of Melbourne Beach. The Supervisor of Elections of Brevard County is hereby requested to coordinate all matters to said referendum election with the Town Clerk. The proposed charter amendments shall be submitted to the voters at the November 4, 2025, election.

Section 3. The proposed amendments, the ballot title, and the wording of the substance of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions as follows:

TOWN CHARTER AMENDMENT QUESTION #1: AMEND RESIDENCY REQUIREMENT AND PROVIDING FOR FORFEITURE OF OFFICE.

A. Introduction.

This Charter amendment would amend the qualifications of the Commission to provide that any member serving on the Commission be a resident of the Town for at least twelve (12) months and providing that the office of a Commission member shall be forfeited for malfeasance or misfeasance. Additionally, this amendment removes “a crime involving moral turpitude” as a basis for forfeiture of office of a Commission member.

B. Ballot Proposal: The ballot title and question for Question # 1 are as follows:

AMEND RESIDENCY REQUIREMENT AND
PROVIDING FOR FORFEITURE OF OFFICE
FOR MALFEASANCE OR MISFEASANCE

Amending the Charter by increasing the residency requirement for Commission members and providing for forfeiture of office of a Commission member for malfeasance or misfeasance. This amendment will increase the residency requirement for Commission members from six (6) months to twelve (12) months prior to the date of qualification for office.

Budget Director’s estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.02. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.02

The Commission shall consist of five (5) members elected by the qualified voters of the Town

as hereinafter provided. Members of the Town Commission shall have been residents of the Town for at least ~~six (6)~~ twelve (12) months prior to the date of qualification for office, and shall have the qualifications of a Town Elector. The Commission shall consist of five (5) Commissioners: The Mayor elected as such, and four (4) Commissioners-at-Large.

The office of Commission member shall be forfeited whenever a member is finally convicted of a felony ~~or a crime involving moral turpitude, malfeasance, or misfeasance~~. When a member files for election to or accepts any other elective public office, he shall submit his resignation. This resignation shall be effective when his former office is filled or when he accepts an elective office, whichever comes first.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #2: AMENDING WHEN COMMISSIONERS ASSUME OFFICE AND MINIMUM TERM LIMITATIONS.

A. Introduction.

This Charter amendment provides that an elected Commissioner shall take office at the beginning of the next regular Town Commission meeting following an election, decreases the time a Commissioner or Mayor is prohibited from serving on the Commission due to term limitations from one (1) year to eleven (11) months, and removes unnecessary language relating to the November 2, 2004 election.

B. Ballot Proposal: The ballot title and question for Question # 2 are as follows:

PROVIDE WHEN ELECTED COMMISSIONERS
SHALL ASSUME OFFICE AND MINIMUM
TERM LIMITATIONS

Amending the Charter by providing an elected Commissioner shall assume office at the next regularly scheduled Commission meeting following an election and amending the time an elected official may not serve on the Commission due to term limitations from one (1) year to eleven (11) months.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

- C. **Text Revisions:** Article II, Section 2.03. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.03

(a) Elected Commissioners shall take office at the beginning of the next official regular Town Commission meeting following the municipal election at which they were elected. They shall hold office for a term of three (3) years, or until their successors are elected and qualified certified by the Brevard County Supervisor of Elections, unless:

(1) The individual has been appointed or elected to fulfill the term of a Commissioner-at-Large who has been removed from office other than by means of recall, forfeited the office of Commissioner-at-Large, resigned, or the office has become vacant due to the death of a Commissioner-at-Large. In such event, a successor Commissioner-at-Large shall assume office in the manner set forth in Section 2.04. in this Charter.

(2) The individual has been elected to fulfill the term of a Commissioner-at-Large who has been recalled from said office by the electorate. In such event a newly elected Commissioner-at-Large who is replacing a Commissioner-at-Large recalled from office shall serve a term equal in time to what would have otherwise been the time remaining in the term of the recalled Commissioner-at-Large's term; or

(3) The individual is elected to fill a term otherwise consistent with this Charter.

(b) Neither a commission member or the mayor may qualify for or serve more than two (2) complete consecutive terms and the portion of an unexpired term occurring by reason of a vacancy. Notwithstanding the foregoing, an elected city official, such as a commissioner, who has served the maximum time in office as permitted by this paragraph, may qualify for and be elected to serve in a different city elected office, such as mayor. Further, a commissioner or the mayor who has served the maximum amount of time permitted by this sub-section may again serve on the commission subject to the time and term limitations of this sub-section; provided, that the official has not served on the commission for at least ~~one (1) year (three hundred sixty-five (365) days = one (1) year)~~ eleven (11) months. Any city elected official who resigns within one (1) year (three hundred sixty-five (365) days = one (1) year) before the end of the second consecutive term of office shall be prohibited from qualifying as a candidate for a commission seat in the next regular city election. ~~This paragraph shall be applicable to any commission member or the mayor who, subsequent to the election held on November 2, 2004, has served for two (2) complete consecutive terms and which terms have been served in full after November 2, 2004.~~

D. **Financial Analysis and Impact:**

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #3: APPOINTMENT TO COMMISSION DUE TO VACANCY.

A. Introduction.

This Charter amendment provides that an appointed Commission member as a result of a vacancy shall serve until the next general election for which the qualifying period has not begun at the time of the vacancy.

B. Ballot Proposal: The ballot title and question for Question # 3 are as follows:

PROVIDE THE TIME PERIOD FOR A
COMMISSIONER TO SERVE AS A RESULT OF
AN APPOINTMENT DUE TO VACANCY

Amending the Charter by specifying the time period for a Commissioner to serve as a result of an appointment due to vacancy. This amendment specifies that an appointed Commissioner shall serve until the next general municipal election for which the qualifying period has not begun at the time of the vacancy.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.04. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.04

A vacancy shall occur upon the death, resignation, removal from office (other than by recall) as authorized by law, or forfeiture of office of a Commission member. When such a vacancy occurs, other than that of Mayor, the remaining Commission members may select, by the affirmative vote of not less than a majority of the remaining membership, a person to fill the vacancy. Such an appointed person shall be a qualified elector in the Town, as specified in this Charter, and shall serve until the next general municipal election for which the qualifying period has not begun at the time of the vacancy, at which time a candidate will be elected to serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant.

In the event the office of Mayor is vacated, the Vice-Mayor assumes the position until the next general municipal election, at which time a candidate will be elected to serve for the remainder of the Mayor's unexpired term, and a person is appointed or elected to fill the office of Commissioner-at-Large held by the Vice-Mayor, all in accordance with the criteria and procedures herein provided. Said individual succeeding to the position of Commissioner-at-

Large, formerly held by the Vice-Mayor, shall hold office only until the next general municipal election.

If the Commission shall fail to fill a vacancy on the Commission within thirty (30) days after it occurs, or whenever two (2) or more vacancies shall occur at the same time, the Mayor shall immediately call a special election to fill the vacancy or vacancies. Those elected at the special election will serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant. Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

In no event shall the Commission consist of more than two (2) commissioners serving on an appointive basis.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #4: CANDIDATES RECEIVING LARGEST NUMBER OF VOTES ELECTED TO THE LONGEST TERMS.

A. Introduction.

This Charter amendment removes language pertaining to the 1989 election and provides that the candidates receiving the largest number of votes shall be declared elected for the longest terms.

B. Ballot Proposal: The ballot title and question for Question # 4 are as follows:

PROVIDE THAT CANDIDATES RECEIVING
LARGEST NUMBER OF VOTES ELECTED TO
THE LONGEST TERMS

Amending the Charter by providing that the candidates for Commissioners-at-Large that receive the largest number of votes shall be declared elected for the longest terms to be filled.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.09. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.09

~~A total of four (4) Candidates for Commissioners-at-Large shall qualify and run for the four (4) open seats. At the November, 1989 election, the two candidates receiving the largest and second largest number of votes shall each be elected to three (3) year terms, while the two candidates receiving the third and fourth largest number of votes shall each be elected to two (2) year terms.~~

Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #5: REMOVING AUTHORITY TO APPOINT, SUSPEND, OR REMOVE TOWN CLERK.

A. Introduction.

This Charter amendment would remove the Town Commission's authority to appoint, suspend, or remove the Town Clerk. This amendment is proposed in order to be consistent with the Charter amendments adopted on November 7, 2017, which moved supervision of the Town Clerk from the Town Commission to the Town Manager.

B. Ballot Proposal: The ballot title and question for Question # 5 are as follows:

REMOVING THE TOWN COMMISSION'S
AUTHORITY TO APPOINT, SUSPEND, OR
REMOVE TOWN CLERK

Amending the Charter by removing the Town Commission's authority to appoint, suspend, or remove the Town Clerk.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: Article III, Section 3.01. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article III, Section 3.01

All powers of the Town shall be vested in an elected Commission, except as otherwise provided by this Charter or by law. The Town Commission shall be responsible to the citizens of Melbourne Beach for the proper functioning of all Town affairs and to that end, subject to the provisions of this Charter, shall have power and are required to:

- (a) Appoint, and when necessary for the good of the Town, suspend or remove, the Town Manager, ~~Town Clerk~~ or Town Attorney, or members of any board, commission or agency, who are appointed by the Town Commission.
- (b) Approve any additions or deletions of staff positions upon the recommendation of the Town Manager. Such recommendations of the Town Manager shall be made in conjunction with the proposed budget for the upcoming year, or may be made at any other time if deemed necessary.
- (c) Provide policy direction to, and exercise control over, the Town Manager as may be required in his role as administrative head of the Town.
- (d) Approve an annual Town budget and any amendments to the budget, together with such other fiscal reports and programs as may be required, and periodically review the financial status of the Town relative to the current budget.
- (e) Provide Town representation on intragovernmental groups when such groups are composed principally of elected officials or when such representation is deemed advisable by the Commission.
- (f) Perform such other duties as may be prescribed by ordinance or resolution consistent with the concept of management of the Town expressed in this Charter.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #6: COMMISSION'S AUTHORITY TO FIX SALARY OF TOWN CLERK.

A. Introduction.

This Charter amendment would remove the Town Commission's authority to fix the salary of the Town Clerk. Additionally, the amendment removes the provision that the Town Clerk is to "serve the Commission." This amendment is proposed in order to be consistent with the

Charter amendments adopted on November 7, 2017, which moved supervision of the Town Clerk from the Town Commission to the Town Manager.

- B. Ballot Proposal:** The ballot title and question for Question # 6 are as follows:

REMOVING THE TOWN COMMISSION'S
AUTHORITY TO FIX SALARY OF TOWN
CLERK

Amending the Charter by removing the Town Commission's authority to fix the salary of the Town Clerk and language that the Town Clerk shall serve the Commission.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

- C. Text Revisions:** Article III, Section 3.04. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article III, Section 3.04

This office shall be headed by a Town Clerk hired by the Town Manager. ~~to serve the Commission. The salary of the Town Clerk shall be fixed by the Commission.~~ The Town Manager shall have exclusive supervisory authority over the Town Clerk as a Town employee, including the authority to manage, discipline, and terminate consistent with the Town's employment policies, without consent of the Town Commission. The Clerk shall be: Clerk of the Commission and shall keep the Commission journal; custodian of ordinances, resolutions, and such other official records as the Commission may prescribe; attestor to contracts, bonds, and other instruments as may be prescribed by law; chief registration and elections officer of the Town; and responsible for other duties so prescribed by the Town Commission or Town Manager.

- D. Financial Analysis and Impact:**

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #7: VICE-MAYOR DUTIES.

- A. Introduction.**

This Charter amendment would add language that in the event the Mayor is unable to or unwilling, the Vice-Mayor shall act temporarily in his stead.

B. Ballot Proposal: The ballot title and question for Question #7 are as follows:

PROVIDE FOR VICE-MAYOR'S DUTIES IF
MAYOR IS UNABLE OR UNWILLING TO
PERFORM DUTIES

Amending the Charter by providing that Vice-Mayor shall act temporarily in the Mayor's stead if the Mayor is unable to or unwilling to perform duties.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.08. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.08

The Vice-Mayor shall be elected annually by the Commissioners from the body of Commissioners-at-Large. Should the office of Mayor fall vacant, in accordance with Section 2.04, the Vice-Mayor would become Mayor until the next general municipal election, at which time a successor would be elected Mayor and the Vice-Mayor temporarily filling the position of Mayor will return without election to a Town Commission seat for the remainder of his or her term. In the absence or disability of the Mayor, or if the Mayor is unable or unwilling, the Vice-Mayor shall act temporarily in his stead with full powers to discharge the duties of the office so assumed.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #8: ADJOURNMENT OF MEETINGS.

A. Introduction.

This Charter amendment would clarify the requirement for the Commission to vote to adjourn.

B. Ballot Proposal: The ballot title and question for Question # 8 are as follows:

CLARIFY THE REQUIREMENT FOR
COMMISSION TO VOTE TO ADJOURN

Amending the Charter by providing that less than three (3) Commission members may vote to adjourn Commission meetings.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

- C. **Text Revisions:** Article II, Section 2.12. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.12

Three (3) members of the Commission shall constitute a quorum, but a smaller number may vote to adjourn from day to day. No action of the Commission, except raising a quorum, shall be valid or binding unless adopted by the affirmative vote of at least three (3) members of the Commission. The Commission shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings. The journal shall be a public record and shall be open to public inspection. The Commission may prescribe for expulsion of disorderly persons from its meetings.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #9: TOWN ATTORNEY.

A. Introduction.

This Charter amendment would clarify that the Town Commission shall fix and approve the salary and/or contract of the Town Attorney. It further removes the requirement that the Town Attorney be the prosecutor in the Town court.

- B. Ballot Proposal:** The ballot title and question for Question # 9 are as follows:

PROVIDING TOWN ATTORNEY'S
SALARY/CONTRACT FIXED AND APPROVED
BY COMMISSION

Amending the Charter by providing the Town Attorney's salary and/or contract shall be fixed and approved by the Town Commission. This amendment also removes the requirement that the Town Attorney be the prosecutor in the Town court.

Budget Director's estimated financial impact: NONE.

_____ Yes

_____ No

- C. **Text Revisions:** Article III, Section 3.05. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article III, Section 3.05

This office shall be held by an attorney, appointed by the Commission. The salary and/or contract of the Town Attorney shall be fixed and approved by the Commission. The Town Attorney shall be legal advisor and attorney to the officers of the Town in matters affecting the Town or relating to their official duties; prosecute and defend in behalf of the Town all civil actions in which the Town is a party; prepare and endorse written instruments in which the Town is concerned; ~~be prosecutor in the Town court;~~ and perform other duties as the Commission may require or as may be prescribed by general state law, consistent with this Charter and with ordinances or resolutions of the Commission. One or more assistants may perform any duties of the Town Attorney. The Town Attorney and his assistants shall be lawyers admitted to and having authority to practice in all courts of the state, as well as the Federal District Court.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #10: CODE OF ETHICS.

A. Introduction.

This Charter amendment amends the prohibition on officers and employees of the Town to accept gifts as defined in Section 112.313(2) and 112.313(4), Florida Statutes, and specifies the statutes applicable to the Code of Ethics for Public Officers and Employees.

- B. **Ballot Proposal:** The ballot title and question for Question # 10 are as follows:

AMENDING THE CHARTER TO DEFINE
UNACCEPTABLE GIFT AND SPECIFYING
APPLICABLE FLORIDA STATUTES

Amending the Charter by providing incorporating the definition of “unacceptable gift” as defined in Sections 112.313(2) and 112.313(4), Florida Statutes, and specifying the applicable statutory sections for the Code of Ethics for Public Officers and Employees.

Budget Director’s estimated financial impact: NONE.

_____ Yes

_____ No

- C. **Text Revisions:** Article III, Section 3.11. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article III, Section 3.11

The following code of ethics shall apply to all officers and employees of the municipality, whether elected or appointed, paid or unpaid. By majority vote of the Commissioners, the Commission may vote to censure a member for violating this code. No officer or employee of the Town shall knowingly:

- (a) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or would tend to impair his or her independence of judgment or action in the performance of his official duties;
- (b) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties, or would tend to impair his independence of judgment or action in the performance of his official duties;
- (c) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he is employed, without proper legal authorization, or use such information to advance the financial or other private interest of himself or others;
- (d) Accept any ~~valuable~~ unacceptable gift as defined in Sections 112.313(2) and 112.313(4), Florida Statutes, whether in the form of service, loan, ~~thing~~ item, ~~whether tangible or intangible~~, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the governmental body by which he is employed; provided, however, that any such officer or employee who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (e) Represent private interests in any action or proceeding against the governmental body by which he is employed;
- (f) Vote or otherwise participate in the negotiation or the making of any contract involving the Town with any business or entity in which he has a financial interest;
- (g) Have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the Town, [and if so] shall disclose such private interest on

the records of the Commission, and shall disqualify himself from participating in any decision or vote relating thereto;

(h) Use property owned by such governmental body for personal benefit, convenience, or profit except in accordance with policies of the Commission; or

(i) Violate the Code of Ethics for Public Officers and Employees as provided for in Sections 112.311 through 112.3261, Florida Statutes, as may be amended or the Florida Election Code, as set forth in Florida Statutes, and implementing rules thereof, and if a Town officer or employee has been found to have violated the Code of Ethics for Public Officers and Employees by the Florida Commission on Ethics or the Florida Election Code by the Florida Elections Commission, or implementing rules thereof, he or she may be censured by the Town Commission.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

TOWN CHARTER AMENDMENT QUESTION #11: INCLUSION OF HE/SHE AND HIS/HER.

A. Introduction.

This Charter amendment would replace “he” to “he or she” and “his” to “his or her” so as to include both genders when describing a Commission member and his or her office and the Town Officials and his or her position.

B. Ballot Proposal: The ballot title and question for Question # 11 are as follows:

REPLACING “HE” AND “HIS” AND
INCLUDING “HE OR SHE” OR “HIS AND HER”

Amending the Charter by removing any references to “he” and “his” and replacing these terms with “he or she” or “his and her” throughout the Charter. This Charter amendment does not create any new rights, duties, obligations, or prohibitions.

Budget Director’s estimated financial impact: NONE.

_____ Yes

_____ No

C. Text Revisions: The Charter would be amended when there is any reference to “he” and “his” and replaced with “he or she” or “his or her.”

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately NONE.

Section 4. The Town Clerk is hereby directed to ensure that all advertising, translation, and notice requirements are complied with and to coordinate all activities necessary to conduct the election called for in Section 2 of this Ordinance with the Supervisor of Elections for Brevard County.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district, and independent provision and such holding shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of one or more separate amendments to this Charter, as set forth in Section 2 herein, shall not be deemed to affect the validity of any amendments that may be approved by a majority of the electors.

Section 6. This Ordinance shall take effect immediately upon approval by the Town Commission. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the Town of Melbourne Beach and in accordance with Section 166.031, *Florida Statutes*. If the electors reject a proposed amendment, the rejected amendment shall not take effect.

PASSED AND ADOPTED this 22 day of July, 2025, by the Town Commission of the Town of Melbourne Beach, Florida.

PASSED ON FIRST READING: 7/1/2025

PASSED ON SECOND READING: 7/22/2025

TOWN OF MELBOURNE BEACH, FLORIDA

By: 
ALISON DENNINGTON, Mayor

ATTEST:


Amber Brown, Town Clerk

(TOWN SEAL)

