

3. Ordinance 2024-27, amending the Code of Ordinances, Chapter 53, State of Emergency, Declaration, Subchapter 'Natural, Manmade or Technological Emergency or Disaster', by modifying provisions contained therein, final reading.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** City Manager's Office

**DATE:** July 11, 2024

**RE:** Ordinance 2024-27, amending the Code of Ordinances, Chapter 53, State of Emergency, Declaration, Subchapter 'Natural, Manmade or Technological Emergency or Disaster', by modifying provisions contained therein, final reading.

### SUMMARY:

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

City Ordinance Section 53.23 currently allows for a Legislative Order issued by the Mayor and City Manager in order to commence a state of local emergency declaration. The Order, once issued, automatically terminates at the end of a period of seven (7) consecutive days. For situations in which the state of local emergency needs to end sooner, the current language provides that either a regular or special meeting of City Council is required to terminate the state of emergency. To simplify the process, staff is requesting the same process that commences a state of local emergency declaration to also be utilized to terminate the state of local emergency. This will enable a Legislative Order issued by the Mayor and City Manager to effectively terminate the local state of emergency, which will also provide clarity for when contractual and administrative code emergency pay timeframes end.

### REQUESTING DEPARTMENTS:

City Manager's Office

### FISCAL IMPACT:

None.

### STAFF RECOMMENDATION:

Motion to approve the amended Ordinance for termination of State of Local Emergency.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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**ATTACHMENTS:**

1. amended Ordinance

## ORDINANCE 2024-27

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 53, STATE OF EMERGENCY, DECLARATION, SUBCHAPTER 'NATURAL, MANMADE OR TECHNOLOGICAL EMERGENCY OR DISASTER', BY MODIFYING PROVISIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 53, State of Emergency, Declaration, Subchapter 'Natural, Manmade or Technological Emergency or Disaster', Section 53.23, Form of Declaration; Duration', is hereby amended and shall henceforth read as follows:

**"Section 53.23 FORM OF DECLARATION; DURATION.**

(A) A State of Local Emergency shall be declared by a Legislative Order issued by the Mayor. The State of Local Emergency shall commence upon the date of declaration within the Legislative Order issued by the Mayor and shall ~~terminate at the end of a period of seven (7) consecutive days, unless, prior to the end of such time frame, the City Council shall have terminated such State of Local Emergency by the enactment of a resolution at a regular or special meeting.~~ The City Council may also provide for extensions of the State of Local Emergency in 7-day increments by enacting a resolution at a special or regular meeting.

(B) ~~However, if a vote of the City Council is not practicable,~~ **A state of local emergency may be terminated by a Legislative Order issued by** ~~the Mayor upon certification by the City Manager~~ **, or by a Resolution of the City Council,** ~~that the conditions leading to or causing the emergency no longer exist, and the city's agencies and departments are able to manage the situation without extraordinary assistance, may terminate the State of Local Emergency, by issuance of a Legislative Order."~~

**SECTION 2.** 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 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** 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 City Council of the City of Palm Bay 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 City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024-XX, held on \_\_\_\_\_, 2024; and read in title only and duly enacted at Meeting 2024-XX, held on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Rob Medina, MAYOR

ATTEST:

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

**Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.**