

RESOLUTION NO. 2017-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH CONFIRMING THAT INDIVIDUAL PUBLIC OFFICIALS ARE UNABLE TO WAIVE COMPLIANCE WITH OR SUSPEND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the City Charter of the City of Mexico Beach (the "Charter") vests all powers of the City to the City Council, except as otherwise provided by law or the Charter; and

WHEREAS, the Charter provides certain executive, administrative, and financial responsibilities to the Mayor; and

WHEREAS, the City's ordinances provide certain executive, administrative, and fiscal responsibilities to the City Administrator; and

WHEREAS, those duties of the Mayor and City Administrator are executive in nature rather than legislative; and

WHEREAS, the Charter makes the City Council, including the Mayor, the sole legislative body responsible for adopting the ordinances and resolutions of Mexico Beach; and

WHEREAS, absent a specific, express rule that is adopted as part of a local law, no individual City official is empowered to exempt a person from enforcement of a legislatively adopted local law or suspend enforcement of such a local law; and

WHEREAS, the City wishes to formally reaffirm these rules for the convenience of the Council and the comfort and confidence of the citizens.

NOW THEREFORE, be it resolved by the City of Mexico Beach, Florida:

Section 1. The foregoing recitals are incorporated as if set forth fully herein.

Section 2. No individual public official has the authority to require individuals who are charged with enforcement of the ordinances of Mexico Beach to disregard or suspend the enforcement of an ordinance. For this purpose, public official includes any member of the City Council, including the Mayor, the City Administrator, the City Clerk, and any other City employee.

Section 3. It is understood that in an emergency situation, the Mayor shall have duties as provided by Section 2.07 of the Charter and that the Council may meet for an emergency meeting to take emergency action as provided by law.


Section 4. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. If any section, subsection, sentence, clause, phrase of this Resolution, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

Section 6. This Resolution shall become effective immediately upon its passage.

Passed, approved and adopted as of this 9th day of May, 2017.

CITY OF MEXICO BEACH, FLORIDA



Tom Bailey, Mayor

ATTEST:



Adrian Welle, City Clerk