



230 North Tubb Street  
P.O. Box 98  
Oakland, Florida 34760  
407- 656-1117 (voice)

**Charter Review Committee Meeting Agenda  
March 31, 2025 - 3:00 P.M.  
Oakland Meeting Hall  
221 N. Arrington Street, Oakland, FL 34760  
(Details to view meeting through Zoom are at bottom of agenda)**

**PLEASE NOTE:** All meetings are open to the public. Any interested party is invited to offer comments in-person at the public meeting on March 31, 2025 at 3:00 p.m. or in advance by 5:00 p.m. on Friday, March 28, 2025, in writing to the Town of Oakland, PO Box 98, Oakland FL 34760, or by e-mail to [ehui@oaklandfl.gov](mailto:ehui@oaklandfl.gov). Any person needing special accommodations to attend a public meeting must contact Elise Hui, Town Clerk, at 407-656-1117 x2110, at least 24 hours before the meeting.

- 1. CALL TO ORDER**
- 2. ROLL CALL: Town Clerk**
- 3. APPROVAL OF MARCH 3, 2025 MEETING MINUTES**
- 4. INITIAL REVIEW OF SELECT CHARTER PROVISIONS AND CHARTER LANGUAGE REVISIONS**
- 5. PUBLIC COMMENT**
- 6. DISCUSSION ITEMS FOR NEXT MEETING**
- 7. ADJOURNMENT**

**Next Meetings:**

**April 7, 2025, at 3:00 p.m. – Oakland Meeting Hall, 221 N. Arrington Street**

**April 21, 2025, at 3:00 p.m. – Oakland Meeting Hall, 221 N. Arrington Street**

**PLEASE NOTE:** This meeting will be held as an in-person meeting and livestreamed to Zoom. Attendees may watch the livestream of the meeting via the Zoom link below, however, attendees will be in listen-only mode and will not have the opportunity to provide public comment virtually. **Any interested party is invited to offer comments in-person at the public meeting on March 31, 2025 at 3:00 p.m. or in advance by 5:00 p.m. on Friday, March 28, 2025, in writing to the Town of Oakland, PO Box 98, Oakland FL 34760, or by e-mail to [ehui@oaklandfl.gov](mailto:ehui@oaklandfl.gov).**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84347289262>

Passcode:y8ZM1U

Phone one-tap:

+13052241968,,84347289262#,,, \*641634# US

**MINUTES  
CHARTER REVIEW COMMITTEE  
MONDAY, MARCH 3, 2025  
3:00 P.M.**

**CALL TO ORDER:**

This meeting was held in-person and livestreamed as a Zoom webinar. Staff called the meeting to order at 3:03 p.m.

**INTRODUCTIONS/ROLL CALL:**

COMMITTEE MEMBERS PRESENT: Kevin Cox  
Kurt Gies  
Andrea Huneycutt  
Sal Marullo  
Yumeko Motley

COMMITTEE MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Interim Town Manager/Town Clerk Elise Hui

ADVISORS PRESENT: Town Attorney Wade Vose  
Town Attorney Stephanie Velo  
Chris L. Holley II, Florida League of Cities  
Tom Harmer, Senior Advisor FCCMA/ICMA

**OVERVIEW OF CHARTER REVIEW PROCESS:**

**Overview of the Florida League of Cities**

- **Background:**
  - The Florida League of Cities has been operational for 100 years, representing 411 cities across Florida, predominantly medium to small cities.
  - Offices are located in Tallahassee and Orlando, with approximately 100 staff in each location.
- **Mission:**
  - Advocate for local decision-making and ensure cities can act responsibly to community needs.
  - Annually, the League contends with state legislature bills that may impact city powers, with around 500 bills filed last year.

## **Charter Review Committee**

- **Purpose:**
  - The Charter Review Committee is appointed every 10 years to review and potentially amend the town charter.
  - The committee consists of five individuals, each appointed by a commission member.
- **Timeline:**
  - Amendments or revisions must be submitted to the commission by October 1st of the year following the committee's appointment.
  - The commission will present suggested amendments to the Qualified Electorates, with elections taking place in March 2026.

## **Understanding City Charters in Florida**

- **Charter Characteristics:**
  - No two city charters are identical, but language can be borrowed from other charters.
  - A charter serves as the city's constitution, outlining vision, mission, structure, and governance.
  - Effective charters are typically concise, around eight to ten pages, allowing for flexibility through ordinances.
- **Review Process:**
  - Committees may address specific parameters or review charters line by line.
  - Citizen input is crucial, and staff can facilitate community engagement to gather feedback on charter issues.

## **Charter Structure and Governance**

- **Components:**
  - Charters begin with a preamble and outline boundaries, legislative body, and terms of elected officials.
  - Discusses the form of government, which can be a strong mayor, weak mayor, or council/commission structure.
  - Defines roles of charter officers such as town manager and town clerk.

- **Considerations:**

- Term limits and electoral structure (town-wide vs. district representation) are important factors.
- The predominant structure in Florida is a council or commission with a professional manager.

## **Charter Amendment Process and Council Structure**

- **Options for Charter Amendment:** The process for amending the charter is outlined within the charter itself. This includes options for council size, term lengths, and election types.
  - **Council Size:** Common council sizes are five, six, or seven members, with five being the most common. Larger councils, like Jacksonville's 19-member council, are less typical.
  - **Term Lengths:** Councils can choose between two or four-year terms, with a small percentage opting for three-year terms.
  - **Election Types:** Councils can have at-large or single-member district elections, or a combination of both.
  - **Mayor Selection:** Mayors can be elected at-large, rotate, or be elected from within the council.
- **Forms of Government:** Various forms include Council-Weak Mayor, Council-Strong Mayor, and the predominant Council-Manager or Commission-Manager forms. Some cities have unique hybrid structures.
- **Charter Offices and Departments:** Some cities establish departments within their charter, such as police departments. Expansion of these departments can be addressed in the charter.

## **Comparison with Other Cities**

- **Population and Structure:** Oakland's population is between 4,000 and 6,900, fitting within a group of seven suburban municipalities. All comparison cities use the Council-Manager form of government and have five elected seats.
- **Service Provision:** Comparisons should consider not just population but also service provision, employee numbers, and location.

## **Best Practices in Charter Reviews**

- **Citizen Engagement:** Appoint representative citizens and hold public forums. Operate under Sunshine Laws to ensure transparency.

- **Use of Website:** Post agendas and meeting minutes online to engage citizens and encourage participation.
- **Referendum Preparation:** Develop a FAQ document for any scheduled referendums to aid public understanding.
- **Charter Language:** Ensure clarity in the charter, especially in sections related to elections and qualifications. Avoid overly prescriptive language that limits flexibility.

## Trends and Considerations

- **Trends in Florida:** Since the 1950s, there has been a shift towards the Council-Manager form of government. Charter reviews are typically conducted every 10 to 15 years.
- **Questions for Consideration:**
  - Is the charter reflective of the current and future population?
  - Does the charter adequately address professionalism and citizen participation?
  - Is the town engaging in civic education about the charter?

## Resources and Examples

- **Model City Charter:** Provides high-level examples but may not account for specific state laws.
- **National League of Cities:** Offers questions for consideration but not recommended for language.
- **Municode.com:** A resource for legal documents and examples from other cities.
- **Florida League of Cities:** Offers support and recommendations for charter reviews.
- **Example Processes:** The City of Venice's 2021 charter review process serves as a model, including scope determination, committee appointments, and meeting frequency.

## Next Steps

- **Committee Reporting:** The committee will report back to the commission, which will decide on placing proposed changes on the March 22nd ballot.
- **Support and Resources:** The committee has the support of the council, staff, and organizations like the Florida League of Cities.

## Population Projections and Growth

- **University of Florida Projections:** The University of Florida conducts annual projections, including five and ten-year forecasts. However, the COVID-19 pandemic has altered the state's growth trajectory.
  - **Current Growth Rate:** Approximately 1,000 people move to Florida daily.
  - **Future Projections:** Full build-out in Oakland is expected to accommodate between 8,000 and 10,000 people.

## Governance and Elections

- **Checks and Balances:** Elections serve as the primary check and balance in governance. Some cities face challenges with low participation in elections, while others have a steady influx of new candidates.
  - **Term Limits:** Term limits can vary, with some as short as four years, which can complicate budget cycles and continuity in governance.
  - **Contested Elections:** Data on contested elections over the past 10-20 years could provide insights into electoral engagement.
- **Term Limits and Governance Challenges:**
  - **Case Study - Longboat Key:** The town has a population of about 7,000 and a history of term limits set at six years. Recent charter changes extended terms from two to three years.
  - **Uncontested Elections:** Some towns struggle with uncontested elections and lack of compensation for elected officials.

## Charter Amendments and Review Process

- **Charter as a Constitution:** The charter is a foundational document that is intentionally difficult to amend. It outlines the form of government and roles of officials.
  - **Amendment Process:** Changes to the charter require voter approval, not just commission decisions.
  - **Frequency of Review:** While some charters mandate a review every ten years, amendments can be proposed more frequently if tied to elections.
- **Local Specificity and Flexibility:**
  - **Diverse Charters:** Florida has 411 different charters, reflecting local needs and historical decisions.

- **Proactive Amendments:** Cities can address issues between regular review cycles by proposing amendments during elections.

## **Legal Interpretation and Implementation**

- **Role of Town Attorney:** The town attorney's office is the first point of interpretation for charter-related disputes. Most issues are resolved internally without court involvement.
  - **Judicial Involvement:** In rare cases, disputes may escalate to the court system, typically within Florida's jurisdiction.

## **Charter Review Process**

- **General Approach to Charter Review:**
  - **Product Evaluation:** The current charter is a solid product, but there are areas that could benefit from clarity and cleanup without altering the core structure.
  - **Amendments and Clarity:** It's important to identify and address ambiguous sections that could lead to unforeseen outcomes, especially in legal contexts like elections.
  - **Review Strategy:** There are multiple approaches to reviewing the charter:
    - Line-by-line review starting from the beginning.
    - Focusing on specific areas needing clarity or change.
    - Drawing inspiration from other charters while ensuring the primary focus remains on the intended outcomes.
- **Charter Amendments:**
  - **Types of Changes:** Amendments should either clarify existing language or propose specific changes to governmental operations.
  - **Independent Amendments:** Each amendment should stand alone to avoid conflicts if some are approved and others are not.
  - **Past Revisions:** A complete rewrite was done ten years ago, but the current focus is on specific amendments for voter clarity.

## **Voter Engagement and Communication**

- **Ballot Language and Voter Understanding:**
  - **Ballot Language:** Each amendment should be summarized in 75 words or less, focusing on the chief purpose without being persuasive.

- **FAQs and Summaries:** An FAQ on the website can help voters understand the implications of amendments beyond the legal language.
- **Collaboration:** The process involves collaboration to ensure the ballot language is clear and understandable to the general public.
- **Legal and Communication Restrictions:**
  - **Public Communication:** There are legislative restrictions on promoting specific voting outcomes, such as sending mailers advocating for a particular vote.
  - **Transparency:** All meetings and discussions are public, and information is recorded and made available online.

## Public Records and Communication Guidelines

- **Email Communication:**
  - **Public Record Status:** Any emails sent or received in the capacity of a Charter Review Committee member are considered public records. For example, if a neighbor emails you about advocating for a charter change, that email is public.
  - **Forwarding Emails:** To manage public records, forward relevant emails to Elise, the records custodian, to maintain them properly.
  - **Personal Emails:** Emails unrelated to committee work, such as personal emails with family, are not public records unless they pertain to committee matters.
- **Social Media and Public Interaction:**
  - **Social Media Caution:** Avoid discussing committee work on social media due to evolving case law and potential First Amendment issues. Engaging in such discussions could lead to complications similar to high-profile cases.
  - **Public Interaction:** There is no obligation to engage with the public outside of meetings. If approached, encourage individuals to attend public meetings to express their views.
- **Texting and Verbal Communication:**
  - **Texting as Public Record:** Text messages related to committee work are also public records. There have been legal cases in Florida regarding this.
  - **Verbal Conversations:** These do not need to be documented unless they pertain to committee matters.
- **Sunshine Law Overview:**

- **Sunshine Law Basics:** The law applies to discussions between two or more members of the same body on matters that may come before that body. Indirect communication through intermediaries is also prohibited.
- **Public Discussions:** Any discussion about committee matters should occur in official meetings. Avoid discussing other members' opinions outside of these settings.

**SELECTION OF CHAIR AND VICE CHAIR:**

There was discussion about the need for a Chair and Vice Chair.

**MOTION** was made by Sal Marullo, seconded by Kevin Cox, to appoint Yumeko Motley as Chair of the Charter Review Committee.

**AYE:** Cox, Gies, Huneycutt, Marullo, Motley

**NAY:** None

**MOTION** passed with 5 ayes, 0 nays.

**MOTION** was made by Kurt Gies, seconded by Kevin Cox, to appoint Sal Marullo as Vice Chair of the Charter Review Committee.

**AYE:** Cox, Gies, Huneycutt, Marullo, Motley

**NAY:** None

**MOTION** passed with 5 ayes, 0 nays.

**SET TIMELINES/NEXT STEPS:**

- **Suggestions for Charter Amendments:**
  - **Districting and Term Limits:** A suggestion was made to consider districting for the Town of Oakland. Term limits were also proposed as a potential amendment to the charter.
  - **Definition of Residency:** Discussion on the need to clarify what it means to be a resident of Oakland, especially in the context of eligibility for running for office.
- **Meeting Logistics and Public Involvement:**
  - **Meeting Scheduling:** Concerns were raised about meetings being held during working hours, potentially limiting public participation. It was agreed that after the first set of meetings, future meetings should include evening sessions to increase public involvement.

- **Public Feedback:** The public can access meeting recordings and provide feedback via email. Despite efforts to solicit public input on charter changes, no feedback has been received yet. More information will be made available on the town's website to encourage public engagement.
- **Quorum and Attendance:**
  - **Quorum Requirements:** A quorum requires three members to be physically present for meetings. Members can attend electronically under extenuating circumstances, such as work-related travel, with a motion passed to allow this.
- **Charter Review Process:**
  - **Review Methodology:** The committee discussed the approach to reviewing the charter, suggesting a focus on two articles at a time. It was noted that some topics, like districting, might span multiple articles and require a broader discussion.
  - **Interaction with the Town Commission:** The committee will provide interim reports to the town commission to ensure alignment and receive feedback. Staff will compile a bullet point list of suggested changes for committee review.
- **Financial Considerations:**
  - **Debt Limit and Financial Health:** Concerns were raised about the town's proximity to its debt limit. The finance director may be invited to future meetings to provide insights on financial matters.
  - **Compensation Comparisons:** There was a suggestion to compare compensation for elected officials with other similar communities, considering Oakland's unique economic base.
- **Strategic Approach to Charter Amendments:**
  - **Article vs. Topic Review:** The committee discussed the benefits of reviewing the charter by topic rather than strictly by article, to address broader issues effectively. Topics such as districting and term limits require comprehensive discussion as they impact multiple sections of the charter.
  - **Proposed Changes:** Staff will propose specific changes to the charter, such as wording adjustments, for committee consideration. Larger conceptual changes, like moving from at-large elections to district-based elections, will be discussed in detail.

## **Discussion on Term Limits and Districts**

- **Conceptual Considerations:**

- The idea of implementing term limits and districting simultaneously was discussed. Concerns were raised about the potential difficulty in finding candidates for specific districts.
- The primary goals were identified as increasing community involvement and ensuring diverse neighborhood representation.

- **Historical Context and Challenges:**

- A historical perspective was provided, noting that in past elections, some seats went unopposed due to a lack of candidates. The importance of having candidates run for positions to avoid unopposed seats was emphasized.

## **District Elections: Models and Implications**

- **Different Models of District Elections:**

- Examples from Sarasota County and Longboat Key were discussed, highlighting different district election models:
  - Sarasota County: Voting within the district for candidates.
  - Longboat Key: At-large voting with candidates required to reside in specific districts.

- **Logistical Considerations:**

- The logistics of implementing district elections were explored, including the potential need for multiple polling sub-precincts within a single location. The role of the Supervisor of Elections in managing these logistics was acknowledged.

- **Impact on Voter Turnout:**

- Concerns were raised about varying voter turnout across different districts, influenced by socioeconomic and demographic factors. The necessity for districts to have roughly equal populations, not voter numbers, was highlighted.

## **Charter Amendments and Implementation**

- **Process for Charter Amendments:**

- The meeting discussed the process of proposing charter amendments for districting, which would involve a districting commission or committee. It

was noted that any changes would likely not take effect until the 2028 election.

- **Selection Process for Filling Vacancies:**

- The current charter's provision for filling vacancies within 30 days by the governor was deemed weak. Alternative methods for filling vacancies were suggested, with a focus on empowering the town to manage this process.

## **Future Considerations and Next Steps**

- **Preparation for Next Meeting:**

- A memo with bullet points and topics for discussion will be prepared for the next meeting. Topics to be covered include districts, term limits, residency requirements, and other relevant subject matters.

- **Articles for Review:**

- Articles 2 and 5 of the charter were identified as containing significant subject matters for future discussion.

## **Discussion on Runoff Elections**

- **Current Challenges and Considerations:**

- **Trend Away from Runoff Elections:** There has been a noticeable trend in recent decades for municipalities to move away from runoff elections due to the high costs involved. Elections have become significantly more expensive, especially after the implementation of the Help America Vote Act.
- **Charter Specifications:** The current charter specifies a runoff election 28 days after the initial election. However, this timeline is not feasible under federal law due to the need to accommodate overseas ballots and other procedural requirements.
- **Historical Context:** The town has rarely triggered runoff elections. The last contested election before 2022 was in 2006, indicating infrequent need for runoffs.

- **Financial Implications:**

- **Cost of Elections:** In 2022, the town incurred approximately \$8,000 for elections, which was covered by the town's budget. The cost was minimized as it coincided with the gubernatorial election.
- **Election Timing:** The timing of elections, such as aligning with presidential preference primaries, can significantly impact costs.

- **Potential Changes and Recommendations:**

- **Election Timing:** There is a possibility of moving elections to November or aligning them with the August primary in the November year. This change could potentially increase voter participation, as turnout is generally higher in November.
- **Coordination with County Supervisor:** Any changes in election timing should involve discussions with the Orange County Supervisor of Elections to gather feedback and ensure smooth implementation.

**Charter Review Process**

- **Effective Strategies:**

- **Running List of Items:** It is suggested to maintain a running list of items for discussion in initial meetings. This approach allows for more focused discussions and public engagement on specific topics.
- **Voting Procedures:** All members have equal voting rights, and decisions are made by majority vote. In the event of a tie with four votes, the motion fails.

**PUBLIC COMMENT:**

There was no public comment.

**DATE OF NEXT MEETING:**

The next meeting of the Charter Review Committee will be on Monday, March 31, 2025, at 3:00 p.m.

**ADJOURNMENT:**

The meeting was adjourned at 4:45 p.m.

TOWN OF OAKLAND:

\_\_\_\_\_  
YUMEKO MOTLEY, CHAIR

ATTEST:

\_\_\_\_\_  
ELISE HUI, TOWN CLERK



M E M O R A N D U M

**TO:** Charter Review Committee Members, Town of Oakland  
**COPY:** Elise Hui, Town Manager  
**FROM:** Vose Law Firm LLP, Town Attorney  
**DATE:** March 24, 2025  
**SUBJECT:** Initial Review of Select Charter Provisions and Charter Language Revisions for Discussion

---

**Background**

After initial review of the Town of Oakland Charter, the Town Attorney’s Office has determined that certain Charter provisions would benefit from amendments to clarify the intent and meaning of the Charter language or to change the requirements of the Charter. A brief analysis, including draft proposed amendment language<sup>1</sup> concerning certain Charter provisions, is set forth below.

**1. Section 2.5(b) – Forfeiture by Disqualification.**

Section 2.5(b) of the Charter governs forfeiture of office by disqualification and could benefit from the following “cleanup”:

(b) *Forfeiture of office.*

(1) *Forfeiture by disqualification.* A Commission Member shall forfeit his/her office if at any time during his/her term-, the Commission Member:

- a. Ceases to maintain his/her permanent residence in the Town-; or
- b. Otherwise ceases to be a qualified elector of the Town.

**2. Section 2.5(c) – Filling of Vacancies.**

Section 2.5(c) of the Charter governs filling of vacancies and provides, in pertinent part:

(c) *Filling of vacancies.* A vacancy on the Commission shall be filled as follows:

(1) If any vacancy occurs in the Town Commission, the Town Commission shall elect within thirty (30) days by the affirmative votes of not less than three (3) members, an eligible person to fill the vacancy until the next Town Regular Election, at which time the office shall be filled for the unexpired term;

---

<sup>1</sup> Proposed additions to the Town’s Charter are set forth in underlined (underlined) text, and proposed deletions from the Town’s Charter are set forth in strikethrough (~~strikethrough~~) text.

provided that if such vacancy is not filled within thirty (30) days after it shall have occurred, appointment to fill the existing vacancy shall be made by the Governor.

Our office recommends considering amending the above language to provide for a longer period to fill an existing vacancy (i.e., 60 or 90 days) and to provide that if an existing vacancy is not filled by the Town Commission within the set timeframe, then the vacancy shall be filled by special election, rather than by appointment by the Governor. In recent decades, Governor's appointments to fill vacancies can take from many months to a year, or more, if at all.

### 3. Section 2.5(d) – Filling of Vacancies in Candidacy.

Section 2.5(d) of the Charter governs vacancies in candidacy and could benefit from the following “cleanup”:

- (d) ~~Filling of~~ *Vacancies in candidacy.* Vacancies in candidacy of persons running for the office of Mayor or Town Commission caused by the death, withdrawal or removal of a qualified candidate following the end of the qualifying period shall be ~~filled~~handled as follows:
- (1) If the death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period results in at least two candidates remaining for that office the election shall proceed with the remaining candidates and any votes cast for a candidate who is deceased, has withdrawn, or has been removed from the ballot shall be null and void.
  - (2) If the death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period results in ~~less than two~~one candidates running for office, the remaining candidate shall be considered duly elected by the operation of law. That person would assume office according to Article V. Elections, Section 5.1, Paragraph (h) Commencement of Terms.

The basis for this suggested cleanup is that Section 2.5(d) does not provide for the “filling” of vacancies, and therefore, the use of the word “handled” would be appropriate. The change from “less than two candidates” to “one candidate” is for clarity.

### 4. Section 3.4 – Acting Town Manager.

Section 3.4 of the Charter governs the designation and removal of the acting Town Manager and provides as follows:

[The] Commission, may revoke such designation and appoint another employee of the Town to serve until the Town Manager shall return or his/her disability shall cease.

This provision appears to be consistent with portions of similar charter provisions found around

the State of Florida; however, it omits language that would actually authorize the Town Manager to designate an acting Town Manager prior to the Town Manager's absence or disability. This omission appears to have been the result of a past clerical error. Our office recommends the following amendment:

The Town Manager shall designate, subject to the approval of the Commission, a qualified Town employee to exercise the powers and perform the duties of the Town Manager during the Town Manager's temporary absence or disability. During such absence or disability, the Commission may revoke such designation and appoint another employee of the Town to serve as acting Town Manager until the Town Manager shall return or his/her disability shall cease.

#### **5. Section 4.1(c) – Quorum and Voting.**

Section 4.1(c) of the Charter provides for certain Town Commission meeting procedures related to quorum and voting and provides that “[i]n the event that two (2) Commission members are unavailable to vote on a particular matter due to required abstention pursuant to State law, then the remaining members of the Commission may vote and approve such matter by unanimous vote.” Because Section 4.1(c) does not provide for voting procedures in cases where a Commission member is absent from voting for reasons other than a required abstention pursuant to State law, the application of this section results in voting procedures which may vary based upon the reason for a Commissioner's absence or abstention. To provide for a uniform voting procedure as to matters upon which only three Commission members are voting, our office recommends amending Section 4.1(c) as follows:

- (c) *Quorum and voting.* A majority of the Commission present shall constitute a quorum but in the event a quorum is not present, a smaller number may adjourn the meeting from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Commission. Voting on all matters shall be by voice vote unless a Commission member or the Town Clerk requests otherwise. In the event that two (2) Commission members are unavailable to vote on a particular matter due to absence or abstention~~required abstention pursuant to State law~~, then a vote of three (3) Commission members shall be required to the remaining members of the Commission may vote and approve such matter by unanimous vote. Electronic participation in a meeting by a member of the Commission will be permitted only if there is a quorum physically present during the meeting and that quorum authorizes electronic participation.

#### **6. Section 4.4 – Emergency Ordinances.**

Section 4.4 of the Charter governs the adoption of emergency ordinances and could benefit from the following “cleanup”:

To meet a public emergency affecting life, health, property or the public peace, the Commission may adopt, in the manner provided in this section, one (1) or more

emergency ordinances, but emergency ordinances may not levy taxes; grant, renew or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter if applicable, ~~as provided under the emergency appropriations provisions of this Charter if applicable.~~

The repetition of the clause to be deleted appears to have been the result of a clerical error.

## 7. Section 5.1 – Elections.

Section 5.1 of the Charter governs elections and requires a run-off election in cases where no candidate receives a number of votes greater than 50% of the total number of ballots cast. Because run-off elections can be time consuming and expensive, our office recommends consolidation of Section 5.1 to eliminate the requirement for run-off elections as follows:

- (c) *Election dates.* A General Election shall be held in each even-numbered year, on the second Tuesday in March. Provided, however, the Commission, by ordinance may provide the circumstances and manner upon which the day of the General Election can, on occasion, be changed to coincide with the date of the Presidential preference primary. ~~A Run-off Election, if necessary, shall be held twenty-eight (28) calendar days thereafter.~~ The Commission shall hold no meetings between the General Election and the swearing in of those newly elected or re-elected Commission members except in the case of an emergency affecting life, health, property or the public peace.
- (d) *General Election.* The ballot for the General Election shall contain the names of all qualified candidates for Mayor, if the Mayor's term is expiring, and for each seat that is to be filled. For each office, the last name of each candidate appearing on the ballot shall be listed in alphabetical order. The ballot shall instruct electors to cast one (1) vote for Mayor, if applicable, and one (1) vote for each seat, with a maximum of one (1) vote per candidate. ~~If any candidate for Mayor receives a number of votes greater than fifty (50) percent of the total number of ballots cast, such candidate shall be the duly elected Mayor and no run-off election for Mayor shall be required. If any candidate for a seat receives a number of votes greater than fifty (50) percent of the total number of ballots cast, such candidate(s) shall be duly elected to the Commission and no run-off election for that seat(s) shall be required.~~ The candidate for Mayor receiving the most votes shall be duly elected Mayor. The candidate for each seat receiving the most votes shall be duly elected to that seat.
- (e) *Run-off Election.* ~~If necessary, the ballot for the Run-off Election shall contain the names of the two (2) candidates for Mayor, and/or the names of the two (2) candidates for each seat, who received the most votes in the General Election. For each office, the last name of each candidate appearing on the ballot shall be listed in alphabetical order. The ballot shall instruct electors to cast one (1) vote for Mayor and/or to cast one (1) vote for each seat, with a maximum of one (1) vote~~

~~per candidate. The candidate for Mayor receiving the most votes shall be duly elected Mayor. The candidate for each seat receiving the most votes shall be duly elected to that seat.~~

(~~ef~~) *Special Elections.* Special elections, when required, shall be scheduled by the Commission at such times and in such a manner as shall be consistent with this Charter and State Statutes.

(~~fg~~) *Single candidates.* No election for Mayor or any seat shall be required in any election if there is only one (1) duly qualified candidate for Mayor or for any seat. At close of qualifying that candidate shall be considered elected by operation of law.

(~~gh~~) *Commencement of terms.* The term of office of all elected officials will commence ~~at the next regularly scheduled Commission meeting following the day of the Run-off Election or, if there is no run-off election for any seat or for Mayor,~~ at the next regularly scheduled Commission meeting after the General Election.

Alternatively, if the Charter Review Committee determines that run-off elections are desired, then our office would recommend amending Section 5.1(c) to extend the time period within which a special election is required to occur (currently set to 28 days, which cannot be reasonably accomplished under controlling state and federal election law).

## **8. Section 6.1 – Procedure to Amend.**

Section 6.1 of the Charter provides for procedures to amend the Charter and states, in pertinent part, that “[i]f conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.” Because there should be no circumstance in which conflicting amendments should be adopted at the same election, our firm recommends amending Section 6.1 to remove the referenced language.

### **Recommendation**

Consider the above provisions of the Town of Oakland Charter. All provisions designated for a “cleanup” could likely be set forth in one “cleanup” amendment on the ballot.