

**MINUTES
CHARTER REVIEW COMMITTEE
MONDAY, MARCH 31, 2025
3:00 P.M.**

CALL TO ORDER:

This meeting was held in-person and livestreamed as a Zoom webinar. Chair Motley called the meeting to order at 3:00 p.m.

INTRODUCTIONS/ROLL CALL:

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

COMMITTEE MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Town Manager Elise Hui

ADVISORS PRESENT: Town Attorney Stephanie Velo

APPROVAL OF MARCH 3, 2025, MEETING MINUTES

MOTION was made by Committee Member Gies, seconded by Committee Member Huneycutt to approve the March 3, 2025, Meeting Minutes.

AYE: Cox, Gies, Huneycutt, Marullo, Motley
NAY: None

INITIAL REVIEW OF SELECT CHARTER PROVISIONS AND CHARTER LANGUAGE REVISIONS

Town Attorney Stephanie Velo went over recommended amendments and draft proposed amendment language. See attached memo for additional information.

1. Review and clarification of charter provisions and procedures.

• **Charter Provisions Review**

Discussion on the need to clarify certain charter provisions, including definitions of residency and qualifications for town positions.

- **Residency Definition**

Debate on what constitutes residency, including issues like homestead exemptions and the status of renters.

- **Filling of Vacancies**

Discussion on extending the time for filling vacancies from 30 to 90 days and the possibility of a special election.

- **Acting Town Manager**

Clarification on the appointment and duration of an acting town manager in case of the town manager's absence.

- **Quorum and Voting**

Discussion on quorum and voting procedures, especially in the context of a four-member commission.

Conclusion

1. Further research on case law regarding residency and qualifications will be conducted.
2. Further investigation into potential discrimination against renters and clarification of residency definition.
3. Proposed language for extending vacancy filling to 90 days and considering special elections will be drafted.
4. No time limit will be set for the acting town manager to ensure qualified personnel can serve.
5. Further guidance on resolving deadlock votes will be sought.

2. Election procedures and charter amendments

- **Election Procedures**

Discussion on the implications of a candidate's death, withdrawal, or removal during the election process, and the validity of votes in such scenarios.

- **Run-off Elections**

Proposal to eliminate run-off elections due to their time-consuming and expensive nature, with a recommendation to declare the candidate with the most votes as the winner.

- **Conflicting Amendments**

Discussion on handling conflicting amendments adopted at the same election and the potential removal of language allowing such scenarios.

- **Election Timing and Costs**

Discussion on aligning election timing with Orange County to reduce costs and the implications for the March 2026 election.

- **Term Limits and Districting**

Consideration of term limits and districting for the town, with a suggestion to gather data from similar municipalities.

- **Public Engagement and Notification**

Concerns about public awareness and engagement in the election process and the notification of meetings.

Conclusion

1. Further clarification needed from Wade Vose, the election law expert, on handling scenarios with two or three candidates.
2. General agreement on the proposal, with a need to explore how ties are handled in other jurisdictions.
3. Suggestion to remove language allowing conflicting amendments as they should not occur.
4. Aligning with Orange County saves costs, but changes would not affect the March 2026 election.
5. Data collection on term limits and districting from similar municipalities is planned for further discussion.
6. Efforts to improve public notification through Facebook and other channels are planned.

PUBLIC COMMENT:

There was no public comment.

DISCUSSION ITEMS FOR NEXT MEETING:

- Proposed language for extending vacancy filling to 90 days and considering special elections will be drafted for the next meeting.
- Further research on case law regarding residency and qualifications will be conducted.
- Review chapters one through three of the Charter for the next meeting.
- Gather data on term limits and districting from similar municipalities.
- Improve public notification of meetings through Facebook and other channels.

LIST OF ITEMS FOR FUTURE DISCUSSION/STATUS:

- **Suggestions for Charter Amendments (Ongoing):**
 - **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.
- **Financial Considerations (Future):**
 - **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 (Ongoing)

- **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 (Discussion at 3/31 and 4/7 meetings):**
 - 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.

Discussion on Runoff Elections (Discussion at 3/31 and 4/7 meetings)

- **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.

DATE OF NEXT MEETING:

The next meeting of the Charter Review Committee will be on Monday, April 7, 2025, at 3:00 p.m.

ADJOURNMENT:

The meeting was adjourned at 4:16 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 language¹ 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;

¹ 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.~~

- (e~~f~~) *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.
- (f~~g~~) *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.
- (g~~h~~) *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.