

**MINUTES
CHARTER REVIEW COMMITTEE
MONDAY, APRIL 7, 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 (via Zoom)
Andrea Huneycutt
Sal Marullo, Vice Chair (via Zoom)
Yumeko Motley, Chair

COMMITTEE MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Town Manager Elise Hui

ADVISORS PRESENT: Town Attorney Stephanie Velo
Town Attorney Wade Vose

APPROVAL OF MARCH 31, 2025, MEETING MINUTES

MOTION was made by Committee Member Cox, seconded by Committee Member Huneycutt to approve the March 31, 2025, Meeting Minutes.

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

DISCUSSION OF DRAFT AMENDMENT OF SECTION 2.5(C), "FILLING OF VACANCIES"

Town Attorney Stephanie Velo went over recommended amendment and draft proposed amendment language for Section 2.5(c), "Filling of vacancies". The recommended amendment language is as follows:

(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~~ninety (390) 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; provided that if such vacancy is not filled

within ~~thirty~~ninety (390) days after it shall have occurred, ~~appointment to fill the existing vacancy shall be made~~filled by the ~~Governor~~special election called by the Town Commission.

As requested by the Charter Review Committee, the above language amends Section 2.5(c) to provide for a longer period to fill an existing vacancy (90 days as opposed to 30 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.

Town Attorney Velo said that a special election could take place if there is difficulty in reaching a consensus for appointments among Town Commission members, for challenges in appointing a candidate if the commission is reduced to three members, and for potential difficulty in finding a suitable candidate.

PRESENTATION OF ADDITIONAL INFORMATION REGARDING MUNICIPAL CHARTER PROVISIONS GOVERNING TERM LIMITS AND VOTING DISTRICTS

Town Attorney Stephanie Velo provided an analysis of municipal charter provisions governing term limits and voting districts.

Municipal Charter Provisions

- **Term Limits and Voting Districts:**
 - A table was prepared listing municipalities comparable in size to Oakland, indicating the presence of voting districts and term limits.
 - Findings showed that most municipalities do not have voting districts, with Belle Isle being an exception.
 - Term limits were found in Hillsboro Beach (four consecutive two-year terms) and Fort Myers Beach (two consecutive four-year terms).
- **Population Projections and Charter Implications:**
 - Discussion on the potential population doubling to 10,000 in 10 years and its impact on voting districts and term limits.
 - It was noted that substantial variation in districting might not occur until reaching larger populations.
- **Voter Turnout Data:**
 - Oakland's voter turnout was 29.1% in 2020, decreasing to 13.4% in 2022, and increasing to 35.4% in 2024.
 - Oakland had one of the higher voter turnouts compared to other jurisdictions in Orange County.

Future Discussions and Data Collection

- **Supervisor of Elections Involvement:**
 - Orange County Supervisor of Elections is willing to discuss districting and voter turnout demographics.
 - Further analysis of voter turnout and demographic data is planned for future meetings.

DISCUSSION OF CHAPTERS ONE THROUGH THREE OF THE CHARTER

Town Attorney Stephanie Velo and Town Attorney Wade Vose led discussion of chapters one through three of the charter. Charter Review Committee discussions were as follows:

Review of Charter Articles

- **Article 1: Corporate Existence and Powers:**
 - Establishes the town's corporate existence and government form.
 - Section 1.4 outlines broad powers as per the Municipal Home Rule Powers Act.
- **Article 2: Town Commission and Mayor:**
 - Establishes the Town Commission, Mayor, and Vice Mayor roles.
 - Covers elections, qualifications, vacancies, and compensation.

Discussion on Residency Definition in the Charter

Legal Opinions and Case Law

- **Residency Definition:** The definition of residency is crucial for eligibility to hold office and vote, governed by state law and case law.
 - **Key Elements:** Residency is determined by the intention to reside in a particular place coupled with factual evidence of residing there.
 - **Case Law Examples:**
 - An individual claiming residency in Nassau must have both the intention and factual evidence of residing there.
 - Temporary displacement, such as living in a hotel due to home repairs, does not negate residency if the intention to return exists.
- **Challenges in Defining Residency:**
 - Case law has developed over decades, making it difficult to encapsulate residency definition in a simple sentence.

- Various scenarios, such as temporary displacement, are covered by case law, complicating a straightforward definition.

Evidence for Establishing Residency

- **Potential for Additional Guidelines:**

- Consideration of adding guidelines on what evidence the town should look for to establish residency.
- Example: The City of Orlando requires rigorous evidence to demonstrate residency, which some view as too stringent.

- **Charter vs. Ordinance:**

- Discussion on whether residency evidence should be addressed in the charter or as an ordinance.
- Ordinances allow for more flexibility and easier amendments compared to charter provisions.

Legal Documentation and Requests

- **Requesting Documentation:**

- Inquiry about the legality of requesting a Florida driver's license as proof of residency.
- Discussion on the types of documents that can be requested to sustain residency claims.

Legal Services and Research

- **Law Firm Services:**

- The law firm serves as the town attorney on a fixed fee basis.
- While extensive research is not advised without interest, additional inquiries are included in the fixed fee.

Review of Memorandum Provisions

Article 2.5B - Forfeiture Clause

- **Grammatical Adjustments:** The clause in 2.5(b) was identified as needing grammatical improvements to enhance clarity. The intention is not to alter the legal effect but to ensure the language is clear and concise.
- **Charter Amendment Proposal:** It was suggested that all cleanup references could be consolidated under a single charter amendment. This would clarify to the public that no substantial changes are being made, only linguistic improvements.

Vacancies and Candidacy

- **Handling Multiple Candidates:** Discussion on how to manage situations where more than two candidates remain after a vacancy. The language suggests that regardless of the number of candidates, the process remains consistent.
- **Partisan vs. Non-Partisan Elections:**
 - **Partisan Elections:** In Florida, partisan elections involve primaries where parties nominate candidates. If a nominee resigns or passes away, the party can select a replacement.
 - **Non-Partisan Elections:** In non-partisan elections, there is no party to select a replacement, so the remaining candidate wins by default if one withdraws or passes away.

Compensation and Participation

Inquiry into Compensation Effects

- **Impact on Candidate Turnout:** A question was raised about whether increased compensation for council or commission members would lead to more candidates running for office.
- **Comparison with Peer Towns:** There was interest in comparing compensation levels with other towns of similar size to Oakland. Data from the Florida League of Cities City Stats program might provide insights.

Historical Context and Current Compensation

- **Current Compensation:** The commission's compensation is set at \$599 to avoid tax implications, as opposed to \$600 or more. Historically, the compensation was higher but was reduced for tax reasons.

Discussion on Article 3: Administrator

Overview of Article 3

- **Governing by Commission:** Article 3 addresses the transition of governance to a manager and administrative references, including the powers and duties of the manager.
- **Common Offices:** Positions such as clerk and policeman are commonly found in charters, though not universally. The City Manager form of government often includes references to police departments, especially in older charters.

Financial and Committee Management

- **Town Funds:** The charter states that town funds should be expended in accordance with Florida law, which is a standard requirement.

- **Boards and Committees:** The commission has the authority to establish or terminate boards and committees, which report to the commission. This is typical in council or commission-manager forms of government, though variations exist.

Acting Town Manager Provisions

Designation and Approval

- **Section 3.4:** References the Acting Town Manager, with language typical of municipal charters in Florida. It allows the town manager to designate another employee to act in their absence, subject to commission approval.
- **Approval Process:** The Town Manager's designation is subject to commission approval, though in some cities, the Town Manager can designate without further approval.

Distinction Between Acting and Interim Town Manager

- **Acting Town Manager:** Refers to a temporary replacement when the Town Manager is indisposed (e.g., vacation, hospital stay).
- **Interim Town Manager:** Indicates there is no current Town Manager, and someone is appointed temporarily until a permanent replacement is found. The term "interim" is often not used in charters as it implies the person is the Town Manager for a short period.

Clarifications and Comments

Clarification of Terms

- **Acting vs. Interim:** Acting is temporary due to indisposition, while interim is a temporary appointment until a permanent Town Manager is appointed.

Comments on Article 3

- **Distinctions in Positions:** Discussion on the distinctions and positions contained within Article 3, focusing on the roles and responsibilities outlined.

Discussion on Charter Provisions

Fire Department vs. Police Department in Charters

- **Historical Context:**
 - It was noted that police departments are often referenced in charters due to their significant power, such as the ability to arrest, which historically necessitated clear governance.
 - In contrast, fire departments are less frequently mentioned, possibly due to their different roles and historical context.

- Example: In Florida, Police Chiefs in some cities have been elected separately for over 80 years, whereas fire departments are not typically structured this way.

- **Local Governance:**

- There is a distinction in the town of Oakland, where the Police Department is town-controlled, while fire services are contracted through Orange County, reducing the need for detailed charter provisions.

Employment Protections and Removal Procedures

- **Town Clerk vs. Police Chief:**

- A question was raised about the differing removal procedures for the Town Clerk and Police Chief. The town clerk's removal requires Town Manager and Commission approval, while the Police Chief's removal does not explicitly require Commission approval.
- General provisions allow the town manager to hire and fire employees, with exceptions for department heads needing Commission approval for appointment but not removal.

Clarification on Charter Language

- **Qualified Electors:**

- There was discussion of the term "qualified electors" in Section 2.4, which refers to state law definitions of who can vote in a municipality.
- The term "qualified" is considered almost redundant as it primarily references state law criteria for electors.

- **Continuous Residency:**

- There was a question of the meaning of "resided continuously" in the charter.
- The explanation was that temporary absences, such as vacations, do not break continuous residency, which is determined by intent and legal residence.

Residency Requirements and Voting

Continuous Residency

- **Discussion on Continuous Residency:**

- There was clarification that the term "continuously" implies an unbroken period of residency leading up to qualifying dates.

- Example: A person cannot reside in Oakland for six months, then move to Albuquerque for three months, and return to Oakland for another seven months and claim continuous residency.
- The term ensures residency is unbroken and aligns with qualifying dates.

Snowbirds and Residency

- **Impact on Snowbirds:**

- There was a concern raised about how snowbirds fit into the existing charter language.
- It was explained that snowbirds typically do not change their voter registration twice a year. They often remain registered in one place, maintaining their primary residence.
- Example: Snowbirds moving between North Carolina and Michigan usually stay registered in one location.
- Potential amendments could include provisions similar to those in Orlando, requiring evidence of residency.

Charter Amendments and Research

Evidence of Residency

- **Discussion on Evidence Requirements:**

- There was a suggestion to incorporate provisions from the City of Orlando regarding evidence needed to prove residency.
- It was requested to conduct further research on evidence factors for the next meeting.

Compensation and Amendments

- **Research on Compensation Comparisons:**

- There was a request to conduct research on compensation comparisons.

- **Additional Amendments:**

- For upcoming meetings, there is a need to review amendments four, five, and six.

Drafting Charter Amendments

- **Approach to Drafting Amendments:**

- There was a proposal to create separate drafts for different charter amendments to avoid confusion.

- Suggested creating a draft for cleanup charter amendments and another for changes related to filling vacancies.

PUBLIC COMMENT:

There was no public comment.

DISCUSSION ITEMS FOR NEXT MEETING:

Town Manager Hui will see if the Orange County Supervisor of Elections office is available to attend the next meeting to talk through districting and answer committee member questions.

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 into 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 21, 2025, at 3:00 p.m.

ADJOURNMENT:

The meeting was adjourned at 4:23 p.m.

TOWN OF OAKLAND:



 YUMEKO MOTLEY, CHAIR

ATTEST:



 ELISE HUI, TOWN CLERK

