

**MINUTES
CHARTER REVIEW COMMITTEE
WEDNESDAY, JULY 9, 2025
4:00 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 4:00 p.m.

ROLL CALL:

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

COMMITTEE MEMBERS ABSENT: Sal Marullo, Vice Chair

STAFF MEMBERS PRESENT: Town Manager Elise Hui
Town Clerk Kathy Heard

ADVISORS PRESENT: Town Attorney Stephanie Velo
Town Attorney Wade Vose

GUESTS PRESENT: Mayor Shane Taylor

APPROVAL OF APRIL 21, 2025, MEETING MINUTES

MOTION was made by Member Cox, seconded by Member Huneycutt to approve the April 21, 2025, Meeting Minutes.

AYE: Cox, Gies, Huneycutt, Motley

NAY: None

MOTION PASSED with 4 Ayes, 0 Nays and Vice Chair Marullo absent.

DISCUSSION OF ARTICLE FIVE OF THE CHARTER - ELECTIONS

Town Clerk Heard opened discussion of Article 5, Section 5.1 Election (e) Run-off Election and stated the Supervisor of Elections is urging municipalities to remove run-offs from their Charter due to added costs and time constraints on SOE and town staff.

Town Attorney Wade Vose explained the processes of a run-off election along with the timeline and parameters it places on the Town and the Supervisor of Elections Office. He stated the Supervisor of Elections Office along with other governmental agencies are

requesting run-offs be eliminated. He further noted this topic is listed in the memo for discussion, because it was previously discussed. The memo will be discussed later in the meeting.

Town Clerk Heard opened discussion of Article 1, Section 2.4 of the Charter regarding Qualifications for Election, and stated the Supervisor of Elections Office is requesting municipalities to remove the petition process from their Charter due to costs, additional time it places on the qualifying process along with staff time.

Town Manager Hui explained the petition process for qualifying has not been utilized and it takes up 10 days of the qualifying process. Even though the candidate may obtain 100 petitions, they are still required to pay the Supervisor of Elections Office a fee per petition. The Town is asking whether petitions are necessary, because if a resident cannot afford the fee, there is a fee waiver they can fill out called "Affidavit of Undue Burden for Municipal Candidates," F.S. 99.093.

Charter Review Committee discussions were as follows:

- Member Huneycutt stated she is in favor of eliminating the petition process and retaining the qualifying by fee; and further, if a resident cannot afford the fee, the waiver is an option.
- Chair Motley stated she is in agreement as well.
- Member Gies stated he is prodemocracy, and residents should not have to pay to run for office; however, with the waiver being an option, he is in favor of eliminating the petition process.

Chair Motley suggested to continue on to the next agenda item and vote on the two prior discussion items when they come up in the memo.

DISCUSSION OF MEMORANDUM FROM TOWN ATTORNEY STEPHANIE VELO

Town Attorney Stephanie Velo led discussion of the Memorandum (*attached*) which is a compilation of proposed Charter amendments that have been previously discussed and are now before them for a final vote.

I. PROPOSED CHARTER AMENDMENTS FOR DISCUSSION AND VOTE

1. Proposed Cleanup Amendments

Section 2.5(b) – Forfeiture by Disqualification.

(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.

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

(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.

Section 4.4 – Emergency Ordinances.

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.~~

MOTION was made by Member Gies, seconded by Member Huneycutt to approve the proposed clean-up amendments under Section I, Sub-Section 1 of the Memorandum.

AYE: Cox, Gies, Huneycutt, Motley

NAY: None

MOTION PASSED with 4 Ayes, 0 Nays and Vice Chair Marullo absent.

2. Proposed Amendment to Section 2.5(c) – Filling of Vacancies.

Section 2.5(c) – Filling of Vacancies.

(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 ~~ninety~~ninety (~~thirty~~90) 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 ~~ninety~~^{thirty} (90~~30~~) days after it shall have occurred, appointment to fill the existing vacancy shall be filled by special election called by the Town Commission made by the Governor.

MOTION was made by Member Gies, seconded by Member Huneycutt to approve the proposed clean-up amendment under Section I, Sub-Section 2 of the Memorandum.

AYE: Cox, Gies, Huneycutt, Motley

NAY: None

MOTION PASSED with 4 Ayes, 0 Nays and Vice Chair Marullo absent.

3. Proposed Amendment to Section 3.4 – Acting Town Manager.

Section 3.4 – Acting Town Manager.

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.

MOTION was made by Member Gies, seconded by Member Huneycutt to approve the proposed clean-up amendment under Section I, Sub-Section 3 of the Memorandum.

AYE: Cox, Gies, Huneycutt, Motley

NAY: None

MOTION PASSED with 4 Ayes, 0 Nays and Vice Chair Marullo absent.

4. Proposed Amendment to Section 4.1(c) – Quorum and Voting.

Section 4.1(c) – Quorum and Voting.

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.

MOTION was made by Member Gies, seconded by Member Huneycutt to approve the proposed clean-up amendment under Section I, Sub-Section 4 of the Memorandum.

AYE: Cox, Gies, Huneycutt, Motley

NAY: None

MOTION PASSED with 4 Ayes, 0 Nays and Vice Chair Marullo absent.

5. Proposed Amendment to Section 6.1 – Procedure to Amend.

Section 6.1 – Procedure to Amend.

(a) The Charter may be amended in accordance with the provisions of Florida Statutes.

~~(b) If 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.~~

MOTION was made by Member Gies, seconded by Member Huneycutt to approve the proposed clean-up amendment under Section I, Sub-Section 5 of the Memorandum.

AYE: Cox, Gies, Huneycutt, Motley

NAY: None

MOTION PASSED with 4 Ayes, 0 Nays and Vice Chair Marullo absent.

II. CHARTER TOPICS FOR DISCUSSION AND VOTE

Town Attorney Stephanie Velo led discussion of various Charter topics stated in the Memorandum which are now before them for a final vote.

1. Term Limits. (At the April 21, 2025, CRC meeting, the CRC considered a potential Charter amendment to adopt term limits in the Town of Oakland.)

Chair Motley recalled the board was against term limits due to term staggering and lack of resident and voter participation.

Member Cox indicated he believes her statement is from opinions and not objective data. He stated if there is a need, there are residents that will step up as seen in the last election; and further, he stated he is in favor of two (2) staggered four-year terms.

MOTION was made by Member Gies, seconded by Member Huneycutt to not adopt term limits in the Town of Oakland.

AYE: Gies, Huneycutt, Motley

NAY: Cox

MOTION PASSED with 3 Ayes, 1 Nay and Vice Chair Marullo absent.

2. Voting Districts. (At the April 21, 2025, CRC meeting, the CRC considered a potential Charter amendment to adopt voting districts in the Town of Oakland.)

Member Gies recalled in their lengthy discussions that the board decided to not move forward with voting districts.

MOTION was made by Member Gies, seconded by Member Huneycutt to not adopt voting districts within the Town of Oakland.

AYE: Gies, Huneycutt, Motley

NAY: Cox

MOTION PASSED with 3 Ayes, 1 Nay and Vice Chair Marullo absent.

3. Run-Off Elections. (At the March 31, 2025, CRC meeting, the CRC discussed a proposed amendment to consolidate Section 5.1 of the Charter and eliminate the requirement for run-off elections.)

Chair Motley asked for clarification and a recommendation, if there is any.

Town Attorney Wade Vose stated from a policy standpoint they do not have a recommendation; however, run-offs are time consuming.

Town Clerk Heard informed the board the process of a run-off is no different than the initial election and the election process starts all over again without a qualifying period, and every election cost the Town approximately \$10,000.

Town Attorney Wade Vose further informed the board that due to the current complexities of elections, the current trend through the decades is removing run-offs and whoever gets the most votes wins.

Section 5.1 – Elections.

(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.~~

MOTION was made by Member Gies, seconded by Member Huneycutt to approve the proposed amendment to eliminate run-offs in the Town of Oakland.

AYE: Cox, Gies, Huneycutt, Motley

NAY: None

MOTION PASSED with 4 Ayes, 0 Nays and Vice Chair Marullo absent.

4. Timing of Elections. (At the April 21, 2025, CRC meeting, the CRC considered a potential Charter amendment to require that Town elections, when possible, take place concurrently with the general election.)

Town Attorney Wade Vose explained at the April 21st meeting the Supervisor of Elections representative was present and indicated they prefer to have all municipal elections in March and requested the Town retain the current time frame in order to maintain a smaller ballot at the November cycle.

Chair Motley recalled they agreed to leave the timing as is, in the March cycle, similar to other municipalities.

Member Gies stated he still feels strongly that all elections should all be held at the same time for the ease of voters.

MOTION was made by Chair Motley, seconded by Member Huneycutt to retain the current election time of March for elections in the Town of Oakland.

Town Attorney Wade Vose advised Chair Motley that the chair is not allowed to make motions and asked if another member would make the motion.

AMENDED MOTION was made by Member Huneycutt, seconded by Member Cox to strike any discussion of moving the date of elections in the Town of Oakland.

AYE: Cox, Huneycutt, Motley

NAY: Gies

MOTION PASSED with 3 Ayes, 1 Nay and Vice Chair Marullo absent.

ARTICLE 1, SECTION 2.4 – QUALIFICATIONS *(Not included in the Memorandum)*

Town Attorney Wade Vose instructed the board to Article 1, Section 2.4, Qualifications with regards to petitions, which was previously presented and addressed.

MOTION was made by Member Cox, seconded by Member Huneycutt to eliminate petitions under Qualifications in the Town of Oakland.

AYE: Cox, Gies, Huneycutt, Motley

NAY: None

MOTION PASSED with 4 Ayes, 0 Nays and Vice Chair Marullo absent.

Town Attorney Stephanie Velo advised they will bring back some language on this amendment at the next meeting.

I. PROPOSED CHARTER AMENDMENTS FOR DISCUSSION AND VOTE
(continued)

- 5. Compensation of Elected Officials.** (At the April 21, 2025 CRC meeting, the CRC considered a potential Charter amendment to raise the compensation of the Town's elected officials.)

Town Manager Hui advised the annual salary of elected officials is set by ordinance; and further, handed out a memorandum explaining the history of the Town Commission compensation (*attached*).

MOTION was made by Member Cox, seconded by Member Gies to retain the current process of adjusting the compensation of elected officials by ordinance in the Town of Oakland.

AYE: Cox, Gies, Huneycutt, Motley

NAY: None

MOTION PASSED with 4 Ayes, 0 Nays and Vice Chair Marullo absent.

- 6. Debt Limitations.** (At the April 21, 2025, CRC meeting, the CRC requested clarification on debt limitations.)

Finance Director Leon explained the Town's debt limitations and handed out a Town debt schedule (*attached*).

Chair Motley asked if the Town has ever exceeded the 2% debt limitation. Finance Director Leon answered the Town has not exceeded the 2% debt limitation but has been close to it.

Town Manager Hui advised the prior discussion was whether the 2% should be in the Charter, because it was added in 2015 (*stated below*).

Sec. 4.11. - Borrowing and Debt Limitations.

- (b) *Debt Limitations.* Without elector approval, the aggregate amount of bonds or other evidences of indebtedness of the Town shall not exceed two (2) percent of the assessed valuation of the taxable property within the Town as shown on the pertinent tax records at the time of the authorization; provided, however, in determining the amount of indebtedness, there shall not be included within the computation:
- (1) Revenue bonds related to utility enterprise funds in the amount that can be supported by utility enterprise revenues, based on user fees as established by the Town Commission, and accepted at reasonable rates by the bonding company.
 - (2) Short-term notes which mature before the close of the next fiscal year in which the money is so borrowed.\
 - (3) Existing debt previously approved by Ordinance 2013-07, for refunding of the outstanding revenue bonds of the Oakland Avenue Charter

- School.
(4) Emergency appropriations as permitted in this Charter section 4.4.5.

Chair Motley stated she thinks the 2% should not be altered or removed.
Member Gies announced he would like to table this item in order to get more clarity.
Member Huneycutt supported tabling the item.

Town Attorney Wade Vose explained they will draft charter and ballot language and draft a final report from the Committee for the next meeting.

Further discussion ensued regarding the borrowing and debt limitations procedures.

PUBLIC COMMENT:

There was no public comment.

NEXT STEPS:

Chair Motley stated the town attorney has indicated he will be bringing back the drafted language of Qualifications to the next meeting along with additional discussion on the debt limitation; and further, advised members to reach out to Town staff for more information on the debt limitation language and/or process.

DATE OF NEXT MEETING:

To be determined.

ADJOURNMENT:

The meeting was adjourned at 5:18 p.m.

TOWN OF OAKLAND:



YUMEKO MOTLEY, CHAIR

ATTEST:



KATHY HEARD, CMC, TOWN CLERK

M E M O R A N D U M

TO: Town of Oakland Charter Review Committee Members
COPY: Elise Hui, Town Manager
FROM: Stephanie M. Velo, Esq., Town Attorney
DATE: July 2, 2025
SUBJECT: Charter Amendments and Charter Topics for Discussion and Vote

Background

The Town of Oakland Charter Review Committee (“CRC”), over the span of four meetings, has conducted a thorough review of, and has discussed potential amendments to, the Town of Oakland Charter. At the most recent CRC meeting on April 21, 2025, the CRC requested that the Town Attorney’s Office provide a memorandum compiling the Charter amendments that have received favorable discussion by the CRC—those potential amendments are set forth in Section I below.¹ As to the matters set forth in Section I, the Town Attorney’s Office recommends that the CRC consider the proposed amendments and take the official action of voting on whether each proposed amendment should be included in the CRC’s final recommendations to the Town Commission.

Section II of this memorandum lists certain Charter topics that have been discussed by the CRC, but the CRC has yet to indicate whether it would like to move forward with consideration of any potential amendments covering the listed matters. As to the matters set forth in Section II, the Town Attorney’s Office recommends that the CRC consider the listed matters and come to a consensus as to whether any language should be brought forward for consideration and a vote at the next CRC meeting.

I. PROPOSED CHARTER AMENDMENTS FOR DISCUSSION AND VOTE.

1. Proposed Cleanup Amendment.

At the March 31, 2025 CRC meeting, the CRC determined that Sections 2.5(b), 2.5(d), and 4.4 of the Charter could benefit from a single “cleanup” amendment as follows:

Section 2.5(b) – Forfeiture by Disqualification.

(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:

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.

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

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

(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.

Section 4.4 – Emergency Ordinances.

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 various bases for the “cleanup” amendment are as follows:

- a. Section 2.5(b) contains grammatical errors.
- b. 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.
- c. Section 4.4 contains a repeated clause which appears to have been the result of a clerical error.

The proposed “cleanup” could be accomplished by placing a single Charter amendment on the ballot due to the nature and intent of the amendment.

2. Proposed Amendment to Section 2.5(c) – Filling of Vacancies.

At the March 31, 2025 and April 7, 2025 CRC meetings, the CRC discussed the following proposed amendment to Section 2.5(c) of the Charter:

Section 2.5(c) – Filling of Vacancies.

(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 ~~ninety~~^{ninety}~~thirty~~ (90~~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; provided that if such vacancy is not filled within ~~ninety~~^{ninety}~~thirty~~ (90~~30~~) days after it shall have occurred, appointment to fill the existing vacancy shall be filled by special election called by the Town Commission~~made by the Governor.~~

The revised language provides for a longer period to fill an existing vacancy and provides 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.

3. Proposed Amendment to Section 3.4 – Acting Town Manager.

At the March 31, 2025 CRC meeting, the CRC discussed the following proposed amendment to Section 3.4 of the Charter:

Section 3.4 – Acting Town Manager.

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.

The basis for this proposed amendment is that the current provision appears to be consistent with portions of similar charter provisions found around the State of Florida; however, it omits language that would authorize the Town Manager to designate an acting Town Manager prior to the Town Manager's absence or disability. Section 3.4 currently provides:

[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.

The omitted language appears to have been the result of a clerical error.

4. Proposed Amendment to Section 4.1(c) – Quorum and Voting.

At the March 31, 2025 CRC meeting, the CRC discussed the following proposed amendment to Section 4.1(c) of the Charter:

Section 4.1(c) – Quorum and Voting.

- (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.

The basis for this proposed amendment is that 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, and therefore, the application of the language set forth in Section 4.1(c) results in voting procedures which may vary based upon the reason for a Commissioner's absence or abstention. The proposed amendment provides for a uniform voting procedure as to matters upon which only three Commission members are voting.

5. Proposed Amendment to Section 6.1 – Procedure to Amend.

At the March 31, 2025 CRC meeting, CRC discussed the following proposed amendment to Section 6.1 of the Charter:

Section 6.1 – Procedure to Amend.

- (a) The Charter may be amended in accordance with the provisions of Florida Statutes.
- (b) ~~If 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.~~

The basis for this proposed amendment is that Section 6.1 currently provides, 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.” However, in order to avoid serious voter confusion, conflicting amendments should not be proposed or adopted at the same election in any event.

II. CHARTER TOPICS FOR DISCUSSION.

1. Term Limits.

At the April 21, 2025 CRC meeting, the CRC considered a potential Charter amendment to adopt term limits in the Town of Oakland. Per the CRC's request, data and information relating to municipal term limits was provided by the Town Manager, the Town Attorney's Office, and the Orange County Supervisor of Elections Office.

2. Voting Districts.

At the April 21, 2025 CRC meeting, the CRC considered a potential Charter amendment to adopt voting districts in the Town of Oakland. Per the CRC's request, data and information relating to municipal voting districts was provided by the Town Manager, the Town Attorney's Office, and the Orange County Supervisor of Elections Office.

3. Run-Off Elections.

At the March 31, 2025 CRC meeting, the CRC discussed a proposed amendment to consolidate Section 5.1 of the Charter and eliminate the requirement for run-off elections. The CRC considered following language:

Section 5.1 – Elections.

- (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.

The basis for this proposed amendment is that run-off elections can be time consuming and expensive. If the CRC 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). Based upon the information provided by the Orange County Supervisor of Elections Office, the recommended timeframe would be 120 days.

4. Timing of Elections.

At the April 21, 2025 CRC meeting, the CRC considered a potential Charter amendment to require that Town elections, when possible, take place concurrently with the general election. Per the CRC's request, data and information relating to municipal elections was provided by the Town Attorney's Office and the Orange County Supervisor of Elections Office.

5. Compensation of Elected Officials.

At the April 21, 2025 CRC meeting, the CRC considered a potential Charter amendment to raise the compensation of the Town's elected officials. Per the CRC's request, data and information relating to compensation of municipal elected officials will be provided by the Town Manager.

6. Debt Limitations.

The CRC has requested clarification as to the basis for the following debt limitation set forth in Article IV, Section 4.11(b) of the Charter:

Sec. 4.11. - Borrowing and Debt Limitations.

- (b) *Debt Limitations.* Without elector approval, the aggregate amount of bonds or other evidences of indebtedness of the Town shall not exceed two (2) percent of the assessed valuation of the taxable property within the Town as shown on the pertinent tax records at the time of the authorization; provided, however, in determining the amount of indebtedness, there shall not be included within the computation:
- (1) Revenue bonds related to utility enterprise funds in the amount that can be supported by utility enterprise revenues, based on user fees as established by the Town Commission, and accepted at reasonable rates by the bonding company.
 - (2) Short-term notes which mature before the close of the next fiscal year in which the money is so borrowed.
 - (3) Existing debt previously approved by Ordinance 2013-07, for refunding of the outstanding revenue bonds of the Oakland Avenue Charter School.
 - (4) Emergency appropriations as permitted in this Charter section 4.4.5.

Per the CRC's request, information relating to the above debt limitation will be provided by the Town's Finance Director.

Recommendation

Consider and vote upon the proposed amendments set forth in Section I and provide direction as to the matters listed in Section II.



TO: Charter Review Committee

FROM: Elise Hui, Town Manager

DATE: July 9, 2025

SUBJECT: History of Mayor and Town Commission Compensation

The current Town of Oakland Charter says the following as it relates to Mayor and Town Commission compensation:

Sec. 2.6 Compensation; reimbursement for expenses.

- a) The Commission may determine the annual salary of the Mayor and Commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of terms of Commission members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months.
- b) The Mayor and the Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office. Florida Statutes should be a guideline for expenses. Expenses over one hundred dollars (\$100.00) should be approved in advance unless exigent circumstances arise.

Compensation is established through ordinance in the Code. The Town of Oakland Code of Ordinances says the following:

Sec. 2-21. Salary of members of commission

The annual salary of commission members shall be \$599.00 per year, payable in 11 monthly payments of \$50.00 and one monthly payment of \$49.00.

In researching the history of the Mayor and Town Commission compensation, I found the compensation was originally established through Ordinance 76-17 on January 4, 1977, and compensated the Mayor and Commissioners the sum of \$10.00 for attendance at any regular or special meeting. It appears that the commission may have met one time monthly because in March 1990 through Ordinance 90-1, the annual salary of commission members was increased from \$120 per year to \$300.00 per year, payable monthly at \$25.00 per month. The increase was to become effective upon the date of commencement of the terms of the commission members elected at the next regular election, provided that such election followed the adoption of the ordinance by at least six (6) months. The annual salary of commission members was then increased in May 1994 through Ordinance 94-2 from \$300.00 per year to \$600.00 per year, payable monthly at \$50.00 per month. The increase was to become effective upon the date of commencement of the terms of the commission members elected at the next regular election, provided that such election followed the adoption of the ordinance by at least six (6) months. The most recent time the annual pay of commission members was adjusted was in September 2000 through Ordinance 2000-15 when the annual salary of commission members was decreased from \$600.00 per year to \$599.00 per year, payable in eleven monthly payments of \$50.00 and one monthly payment of \$49.00. This change was effective as of September 2000.

Town Debt Schedule

- According to Town Charter: Without elector approval, Town debt cannot be more than 2% of the assessed valuation of taxable property.
 - 2% of 2025/2026 taxable property value = \$18,448,600
 - 2% of 2024/2025 taxable property value = \$16,746,634
 - Currently, the Town has accumulated almost \$9 Million dollars of debt.
 - Not included in the 2% is any existing debt previously approved by Ord. 2013-17; for the refunding of the revenue bond on OACS AND any utility bonds.
 - USDA 1991 Bond is exempt from the 2%
 - Yearly payments total: ~\$1.15 million (with interest)
 - ~\$950,000 out of General Fund
 - ~\$165,000 out of Water Fund
 - Portion out of Budget:
 - ~8.9% of FY 26 General Fund budget goes to pay debt services
 - ~5.2% of FY 26 Water Fund budget goes to pay debt services
 - \$3,183,550 is WF operating, the rest is grant money
-

1. Oakland Ave Charter School Revenue Refunding Bond Series 2013 – PNC Bank (08/2013)
 - a. Total loan: \$6,695,000
 - i. Approximately \$2,120,000 remaining
 - b. Maturity Date: 12/1/2027
 - c. Approximately \$571,000 annually with principal & interest due Dec 1st. An additional interest payment is due June 1st

2. Oakland Ave Charter School HVAC Project Loan – BciCapital (Start Date: 2021)
 - a. Total loan: ~\$3,000,000
 - i. Remaining: \$2,869,068
 - b. Maturity Date: 4/1/2031
 - c. Structured Payments
 - i. 2024: \$180,000 annually (\$90k April 2024 / \$90k October 2024)
 - ii. 2025: \$180,000 annually (\$90k April 2025 / \$90k October 2025)
 - iii. 2026: \$240,000 annually (\$120k April 2026 / \$120k October 2026)
 - iv. 2027: \$240,000 annually (\$120k April 2027 / \$120k October 2027)
 - v. 2028: \$726,530 annually (OACS Bond pmt matured allowing large increase)
 - vi. 2029: \$726,530 annually
 - vii. 2030: \$726,530 annually
 - viii. 2031: \$363,265 (Final pmt April 1)

3. HVAC Project Refinancing/ Additional work – NCL Government Capital (2021)
 - a. Refinanced Claw Truck and Backhoe for collateral to pay for the rental of dehumidifiers. Payment for additional work on HVAC as well.
 - b. Maturity Date: 8/10/2026
 - c. Payments
 - i. HVAC and Claw truck payments out of General Fund
 1. 2024: \$24,500 (Payments made in Aug and Feb)
 - a. Claw Truck: \$12,841.67
 - b. HVAC: \$11,581.17
 2. 2025: \$24,500 (Payments made in Aug and Feb)
 - a. Claw Truck: \$12,841.67
 - b. HVAC: \$11,581.17
 3. 2026: \$24,500 (Payments made in Aug and Feb)
 - a. Claw Truck: \$12,841.67
 - b. HVAC: \$11,581.17
 - ii. Backhoe payments out of Water Fund
 - a. 2024: \$9,513.08 (Payments made in Aug and Feb)
 - b. 2025: \$9,513.08 (Payments made in Aug and Feb)
 - c. 2026: \$9,513.08 (Payments made in Aug and Feb)

4. Town Center – FL Municipal Loan Bond Series 2016– Bank of NY Mellon (09/2016)
 - a. Approximately \$1,135,000 remaining
 - b. Maturity Date: 10/1/2032
 - c. Structured Payments – due on March 20 and September 20
 - i. Oct 2024: \$127,893.75 (principal and interest)
 - ii. April 2025: \$16,793.75 (interest)
 - iii. Oct 2025: \$131,793.75 (principal and interest)
 - iv. April 2026: \$15,500 (interest)
 - v. Oct 2026: \$135,500 (principal and interest)
 - vi. April 2027: \$14,150 (interest)
 - vii. Oct 2027: \$134,150 (principal and interest)
 - viii. April 2028: \$12,650 (interest)
 - ix. Oct 2028: \$137,650 (principal and interest)
 - x. April 2029: \$10,775 (interest)
 - xi. Oct 2029: \$135,775 (principal and interest)
 - xii. April 2030: \$7,650 (interest)
 - xiii. Oct 2030: \$142,650 (principal and interest)
 - xiv. April 2031: \$2,175 (interest)
 - xv. Oct 2031: \$147,175 (principal and interest)

5. USDA Bond Payment (1991)
 - a. Loan Amount: \$225,600
 - i. Remaining: \$80,800
 - b. Maturity Date: 9/1/2031
 - c. Structured Payments – due Sept 1st
 - i. Sept 2025: \$9,300 (principal only)

6. Water Treatment Facility – FDEP SRF Loan (Date 9/2013)
 - a. Total Loan - \$1,973,322
 - i. Remaining: ~\$1,591,781
 - b. Maturity Date: 03/15/2045
 - c. Semiannual payments due on March 15 & Sept 15
 - i. \$47,917.52 March (principal + interest)
 - ii. \$47,917.52 Sept (principal + interest)

7. Alternative Water Supply – FDEP SRF Loan (future loan)
 - a. Loan Total: \$319,000 (interest not included)
 - b. Maturity Date: 5/15/2035
 - c. Future Start Date: May 15, 2025
 - d. First Payment Date: November 15, 2025
 - e. Semiannual payments (due May 15 and Nov 15)
 - i. \$18,773 Nov 2025 (principal and interest)
 - ii. \$18,773 May 2026 (principal and interest)