

**MINUTES
CHARTER REVIEW COMMITTEE
WEDNESDAY, SEPTEMBER 24, 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 4:03 p.m.

ROLL CALL:

COMMITTEE MEMBERS PRESENT: Kurt Gies
Sal Marullo, Vice Chair
Yumeko Motley, Chair

COMMITTEE MEMBERS ABSENT: Kevin Cox
Andrea Huneycutt

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

ADVISORS PRESENT: Town Attorney Stephanie Velo
Town Attorney Wade Vose

APPROVAL OF JULY 9, 2025, MEETING MINUTES

MOTION was made by Member Gies, seconded by Vice Chair Marullo to approve the July 9, 2025, Meeting Minutes.

AYE: Gies, Marullo, Motley

NAY: None

MOTION PASSED with 3 Ayes, 0 Nays and Members Cox and Huneycutt absent.

DISCUSSION OF ARTICLE IV. BORROWING AND DEBT LIMITATIONS

Sec. 4.11. - Borrowing and Debt Limitations.

(a) *Borrowing.* The Town Commission shall exercise from time to time the full authority granted by the Constitution of the State of Florida and Florida Statutes to borrow money, contract loans and issue bonds as defined by Florida Statutes, to finance the undertaking of any capital or other project for purposes permitted by the state constitution and may pledge funds, credit, property and taxing power of the municipality for the payment of such debts and bonds.

- (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.
- (c) *Refinancing for savings.* The Town may borrow money without approval of the Town's electors to refinance a previously elector approved Town borrowing if the total principal and interest scheduled to be paid on the refinancing is less than the total principal and interest that was scheduled to be paid on the borrowing that is refinanced.
- (d) *Elector approval.* All proposed issuance of general obligation bonds or other types of borrowing will follow Florida Statutes. Where Town elector approval for the borrowing is required by Florida Statutes or there is a proposal to exceed the 2% debt limitation, the Town Commission shall propose to the qualified voters of the Town, in a public hearing, the purpose or purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose of which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter.

If the Town Commission desires to continue with the borrowing proceedings, it shall then, by resolution, direct that the question be submitted to a referendum. An election date for the proposed borrowing shall be established per Florida Statutes.

Chair Motley informed the Board that this item had been tabled to allow for a more in-depth discussion on whether an increase or decrease to the debt limitation was warranted, and invited members to share any additional comments.

Vice Chair Marullo stated that it is his understanding the article does not include specific details so that those specifics can be established through ordinances. He asked whether this approach is standard in towns where borrowing and debt limitations are not outlined in the Charter.

Town Attorney Wade Vose explained that Charter provisions concerning limitations usually include language establishing a threshold, often expressed as a specific percentage.

Vice Chair Marullo asked whether there was any history behind the Town's decision to include the limitation.

Member Gies responded that, to his recollection, it was related to establishing boundaries with the charter school.

Vice Chair Marullo asked whether the limitation has been an issue throughout the past ten years since the last Charter review.

Finance Director Leon responded that it had not, noting that the Town has consistently remained under the debt ceiling, but cautioned that imposing a limitation could impact the Town's needs.

Vice Chair Marullo asked whether costly improvements are subject to the limitation.

Finance Director Leon explained that if an improvement exceeds the debt limitation, it would need to be approved by residents through a referendum.

Member Gies asked if any revisions to this item were made at a prior meeting.

Town Attorney Wade Vose explained no revised language had been proposed in previous meetings, and the Board simply wanted to revisit this article.

MOTION was made by Member Gies, seconded by Vice Chair Marullo to accept the language as it is currently written in Article IV, Section 4.11 Borrowing and Debt Limitations in the Town of Oakland Charter.

AYE: Gies, Marullo, Motley

NAY: None

MOTION PASSED with 3 Ayes, 0 Nays and Members Cox and Huneycutt absent.

PUBLIC COMMENT:

There was no public comment.

APPROVAL OF THE FINAL REPORT OF RECOMMENDED CHARTER AMENDMENTS

Town Attorney Wade Vose led discussion of the Final Report which is a compilation of proposed Charter amendments for final approval. He invited discussion and requested any guidance regarding potential language revisions or organizational changes to the report (*Final Report attached*).

Member Gies stated that he believes the questions were very well summarized and that he is satisfied with both the questions and the report overall.

Chair Motley stated that she agrees the ballot summaries align with their discussion and approved changes, and she does not see a more logical way to reorder them than the current arrangement.

Chair Motley stated that if there is no further discussion, she would be willing to entertain a motion.

MOTION was made by Vice Chair Marullo, seconded by Member Gies to approve the Final Report of Recommended Charter Amendments for the Town of Oakland be submitted to the Town Commission.

AYE: Gies, Marullo, Motley

NAY: None

MOTION PASSED with 3 Ayes, 0 Nays and Members Cox and Huneycutt absent.

NEXT STEPS – PRESENTATION TO TOWN COMMISSION:

Chair Motley stated their work has concluded, and the final report will be submitted to the Town Commission for their final review and vote to move forward on the March ballot.

Discussion ensued on educating the residents on the Charter questions that the Town Commission approves to be on the ballot.

ADJOURNMENT:

The meeting was adjourned at 4:21 p.m.

ATTEST:


KATHY HEARD, CMC, TOWN CLERK



M E M O R A N D U M

TO: Town Commission of the Town of Oakland, Florida
COPY: Elise Hui, Town Manager
FROM: 2025 Town of Oakland Charter Revision Committee
DATE: August 27, 2025
SUBJECT: Final Report of the 2025 Town of Oakland Charter Revision Committee

I. Background.

Per Section 7.4 of the Town of Oakland Charter (“Charter”) and the request of the Town Commission, the 2025 Town of Oakland Charter Revision Committee (“CRC”), over the span of six meetings, has conducted a thorough review of, and has discussed potential amendments to, the Charter. Over the course of its deliberations, the CRC developed a list of issues that it found worthy of its discussion and study as potential charter amendments. As part of its study and deliberation, the CRC obtained written information and data from various Town Departments, the Florida League of Cities, and the Orange County Supervisor of Elections office. All such requests for information were handled expeditiously and professionally by the officials receiving the requests, and the CRC is grateful for such cooperation.

This Final Report briefly outlines the topics that were considered by the CRC and compiles the recommended Charter amendments¹ that received a favorable vote from the CRC.

II. Issues Considered and Debated by the Charter Revision Committee.

Throughout its initial meetings, and as supplemented thereafter as additional issues were raised, the CRC developed a list of possible issues for consideration as part of its review of the Charter. These issues were as follows:

1. Revising the methods of filling vacancies in elected Town offices.
2. Providing for uniform voting thresholds in the event that two Town Commission members are unavailable to vote, due to either absence or abstention.
3. A “clean-up” amendment to correct various grammatical and wording errors, and omissions found throughout the Charter.
4. Eliminating a provision relating to adopting conflicting Charter amendments.
5. Eliminating or revising provisions relating to run-off elections.
6. Eliminating the petition process as an alternative method for qualifying as a candidate for Mayor or Town 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. The use of ellipses (. . .) indicates omitted text.

7. Eliminating or revising provisions relating to the Town's borrowing and debt limitations.
8. Revising the timing of elections.
9. Revising provisions relating to the compensation of Town Commissioners.
10. Providing for term limits for Town Commissioners.
11. Providing for election of Town Commissioners by voting districts, rather than on a Town-wide, at-large basis.

As to Items 1, 2, 3, 4, 5, and 6, after deliberation and discussion, a majority of the CRC voted to recommend six Charter amendments, as discussed below. As to items 7, 8, 9, 10, and 11, after deliberation, discussion, and receiving data and information from Town staff, the Florida League of Cities, and the Orange County Supervisor of Elections office, a majority of the CRC affirmatively voted to have no further consideration of such matters.

III. Recommended Charter Amendments.

After substantial discussion and opportunity for public comment and input, a majority of the 2025 Town of Oakland Charter Revision Committee voted to recommend six charter amendments. The recommended Charter amendments, including ballot titles and ballot summaries, are attached hereto as Exhibit "A". A brief explanation of the rationale for each of the recommended Charter amendments is provided below.

Question #1 – Charter Amendment Revising Procedures for Filling Town Commission Vacancies

Section 2.5(c) of the Charter currently requires the Town Commission to fill vacancies on the Town Commission within thirty days, or the vacancy will be filled by appointment by the Governor. The recommended amendment provides for a longer period to fill such vacancies (90 days) 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.

Question #2 – Charter Amendment Revising Town Commission Voting Thresholds

Section 4.1(c) of the Charter 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. 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 recommended amendment provides for a uniform voting procedure as to matters upon which only three Commission members are voting.

Question #3 – Charter Amendment Removing Requirement for Run-Off Elections

Run-off elections, which are currently required under certain circumstances pursuant to Section 5.1 of the Charter, can be time consuming and expensive. The recommended amendment provides that the candidate for Mayor or a Town Commission seat receiving the most votes in the General Election shall be duly elected, and removes the requirement for run-off elections where no

candidate receives over 50% of the votes cast.

Question #4 – Charter Amendment Revising Methods of Qualifying for Town Commission Elections

Section 2.4 of the Charter currently provides that candidates for Commission member or Mayor shall qualify for election (i) by the filing of a written notice of candidacy and payment of a qualifying fee in the amount of one hundred dollars or (ii) by collecting signature cards from 10% of the Town of Oakland registered voters (based on the previous countywide general election) or 100 signatures, whichever is less. The recommended amendment would eliminate the use of petitions as an alternate method of qualifying as a candidate for Commission member or Mayor. It is important to note that the Town provides a qualifying fee waiver for any potential candidates who can demonstrate indigency, and accordingly, the recommended amendment would not have a disproportionate impact upon indigent residents in the Town of Oakland.

Question #5 – Charter Amendment Removing Provision Relating to Conflicting Charter Amendments

Section 6.1 of the Charter currently provides for the adoption of conflicting Charter amendments at the same election. To avoid serious voter confusion, conflicting amendments should not be proposed or adopted at the same election.

Question #6 – Charter Amendment Correcting Errors and Omissions

The purpose of this amendment is to correct various errors and omissions found throughout the Charter. The bases for the recommended “cleanup” amendment are as follows:

- a. Section 2.5(b) of the Charter contains grammatical errors.
- b. Section 2.5(d) of the Charter 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” in that Section is for clarity.
- c. Section 3.4 of the Charter contains a provision governing designation of an Acting Town Manager, and while that provision appears to be consistent with portions of similar charter provisions found around the State, it omits certain language.
- d. Section 4.4 of the Charter contains a repeated clause which appears to have been the result of a clerical error.

IV. Conclusion.

From its first meeting, the CRC took its job seriously and undertook the task of Charter review with energy and enthusiasm. As members of the CRC noted at the outset of this process, the measure of the success of the 2025 CRC should be measured by the thoroughness with which the Charter review task is conducted and the openness of the CRC to exploring the need and

desirability of proposals for charter amendment. Measured on this scale, the CRC was open to proposals for change, did a thorough job of reviewing the Charter and all proposals brought forward for change, thereby fulfilling its responsibilities under the Charter.

The 2025 CRC is proud to have been entrusted with this task by the Town Commission. Being directly involved in this task for the past several months has affirmed, for the 2025 CRC members, the value of a regularly scheduled citizen review of the Town's most basic governing document—the Town Charter.

QUESTION #1

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

**CHARTER AMENDMENT REVISING PROCEDURES
FOR FILLING TOWN COMMISSION VACANCIES**

Amending the Town of Oakland Charter to revise, from 30 days to 90 days, the time period in which the Town Commission must fill vacancies in its membership by appointment, and to provide that if not filled in that time, the vacancy shall be filled by special election, rather than appointment by the Governor.

Yes
 No

Text Revisions: Upon approval of this question at referendum, the following portions of the Town of Oakland Charter are amended to read as follows:

Section 2.5 – Vacancies; forfeiture of office; 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~~⁹⁰~~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~~⁹⁰~~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.~~

QUESTION #2

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

**CHARTER AMENDMENT REVISING
TOWN COMMISSION VOTING THRESHOLDS**

The Town of Oakland Charter currently requires an affirmative vote of three (of five) Town Commission members to approve any matter if the other two Town Commission members are unavailable to vote due to abstention required by state law. Amending the Town Charter to apply this requirement to either the abstention, or absence, of two Town Commission Members.

Yes
 No

Text Revisions: Upon approval of this question at referendum, the following portions of the Town of Oakland Charter are amended to read as follows:

Section 4.1 – Commission meeting procedures.

- (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.

QUESTION #3

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

CHARTER AMENDMENT REMOVING REQUIREMENT FOR RUN-OFF ELECTIONS

Amending the Town of Oakland Charter to provide that the candidate for Mayor or a Town Commission seat receiving the most votes in the General Election shall be duly elected, and removing the requirement for run-off elections where no candidate receives over 50% of the votes cast.

Yes
 No

Text Revisions: Upon approval of this question at referendum, the following portions of the Town of Oakland Charter are amended to read as follows:

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.

QUESTION #4

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

**CHARTER AMENDMENT REVISING METHODS
OF QUALIFYING FOR TOWN COMMISSION ELECTIONS**

Amending the Town of Oakland Charter to remove the collection of signature cards (from 10% of the Town's registered voters or 100 voters, whichever is less) as an alternate method of qualifying for Town Commission elections, leaving the filing of a written notice of candidacy and payment of the \$100 qualifying fee as the sole method of qualification.

Yes
 No

Text Revisions: Upon approval of this question at referendum, the following portions of the Town of Oakland Charter are amended to read as follows:

Section 2.4 – Qualifications.

Candidates for Commission member or Mayor shall qualify for election by the filing of a written notice of candidacy with the Town Clerk at such time and in such manner as may be prescribed by ordinance ("qualifying date") and paying to the Town Clerk a qualifying fee of one hundred dollars (\$100.00), in addition to any fees required by Florida Statutes. ~~An alternate method of qualifying is to collect signature cards from ten (10) percent of the Town of Oakland registered voters (based on the previous countywide general election) or one hundred (100) signatures, whichever is less.~~ A person may not be a candidate for Commission and Mayor in the same election. Only qualified electors of the Town who have resided continuously in the Town for at least one (1) year preceding their qualifying date shall be eligible to hold the office of Commission Member, or Mayor.

QUESTION #5

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

**CHARTER AMENDMENT REMOVING PROVISION
RELATING TO CONFLICTING CHARTER AMENDMENTS**

Amending the Town of Oakland Charter to remove a provision relating to the adoption of conflicting Charter amendments at the same election.

Yes
 No

Text Revisions: Upon approval of this question at referendum, the following portions of the Town of Oakland Charter are amended to read as follows:

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.~~

QUESTION #6

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

**CHARTER AMENDMENT
CORRECTING ERRORS AND OMISSIONS**

Amending the Town of Oakland Charter to correct various scrivener's, grammatical, and wording errors, add clarifying language, and correct a clerical omission by clarifying that the Town Manager designates, subject to the Town Commission's approval, a qualified Town employee as Acting Town Manager during the Town Manager's temporary absence or disability.

Yes
 No

Text Revisions: Upon approval of this question at referendum, the following portions of the Town of Oakland Charter are amended to read as follows:

Section 2.5 – Vacancies; forfeiture of office; filling of vacancies.

(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.

...

(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:

...

(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 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.

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.~~