



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

**Charter Review Committee Meeting Agenda  
July 9, 2025 - 4:00 P.M.  
Oakland Meeting Hall  
221 N. Arrington Street, Oakland, FL 34760  
(Details to view meeting through Zoom are at bottom of agenda)**

**PLEASE NOTE:** All meetings are open to the public. Any interested party is invited to offer comments in-person at the public meeting on July 9, 2025 at 4:00 p.m. or in advance by 5:00 p.m. on Tuesday, July 8, 2025, in writing to the Town of Oakland, PO Box 98, Oakland, FL 34760, or by e-mail to [kheard@oaklandfl.gov](mailto:kheard@oaklandfl.gov). Any person needing special accommodations to attend a public meeting must contact Kathy Heard, Town Clerk, at 407-656-1117 x2110, at least 24 hours before the meeting.

- 1. CALL TO ORDER**
- 2. ROLL CALL: Town Clerk**
- 3. APPROVAL OF APRIL 21, 2025, MEETING MINUTES**
- 4. DISCUSSION OF ARTICLE V. ELECTIONS**
- 5. MEMORANDUM FROM TOWN ATTORNEY VELO**
- 6. PUBLIC COMMENT**
- 7. DISCUSSION ITEMS FOR NEXT MEETING**
- 8. ADJOURNMENT**

**Next Meeting: TBD**

**PLEASE NOTE:** This meeting will be held as an in-person meeting and livestreamed to Zoom. Attendees may watch the livestream of the meeting via the Zoom link below, however, attendees will be in listen-only mode and will not have the opportunity to provide public comment virtually. ***Any interested party is invited to offer comments in-person at the public meeting on July 9, 2025 at 4:00 p.m. or in advance by 5:00 p.m. on Tuesday, July 8, 2025, in writing to the Town of Oakland, PO Box 98, Oakland, FL 34760, or by e-mail to [kheard@oaklandfl.gov](mailto:kheard@oaklandfl.gov).***

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82929772209>

Passcode: h1Epxf

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Join via audio:

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Passcode: 856947

**MINUTES  
CHARTER REVIEW COMMITTEE  
MONDAY, APRIL 21, 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 3:04 p.m.

**INTRODUCTIONS/ROLL CALL:**

COMMITTEE MEMBERS PRESENT: Kevin Cox  
Kurt Gies (via Zoom and in person)  
Andrea Huneycutt (via Zoom)  
Sal Marullo, Vice Chair  
Yumeko Motley, Chair

COMMITTEE MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Town Manager Elise Hui

ADVISORS PRESENT: Town Attorney Stephanie Velo  
Town Attorney Wade Vose

GUESTS PRESENT: Dan Helm, Director of Special Projects  
Orange County Supervisor of Elections Office

**APPROVAL OF APRIL 7, 2025, MEETING MINUTES**

**MOTION** was made by Committee Member Cox, seconded by Committee Member Marullo to approve the April 7, 2025, Meeting Minutes.

AYE: Cox, Gies, Huneycutt, Marullo, Motley

NAY: None

**PRESENTATION FROM ORANGE COUNTY SUPERVISOR OF ELECTIONS OFFICE**

Dan Helm, Director of Special Projects for Orange County Supervisor of Elections Office distributed handouts summarizing districting options and election logistics and outlined charter accommodations for various election setups, including at-large and single-member districts. Discussion included the following:

- Districting and polling logistics:
  - Discussed approaches from single member to multi-member districts.

- Compared examples from Orlando, Apopka, Belle Isle, Ocoee, Maitland, and Winter Park.
- Weighed splitting precincts versus maintaining a single polling location, emphasizing cost implications for new sites.
- Cost breakdown:
  - Estimated \$2,500–\$3,000 added per polling site (tabulators, ballot printing, staffing, location fees).
  - Last election cost about \$8,000, including by-mail and multi-page ballot expenses.
- Census tract mapping and redistricting:
  - Considered using census tracts for district boundaries.
  - Noted reliance on 2020 data and need to account for long-term growth.
  - Option to engage independent experts/consultants for legal compliance and map drawing.

### **Discussion of Districting Options and Census Data**

- Members debated districting options, focusing on:
  - Balancing cost, voter turnout, and infrastructure.
  - The legal and advisory roles of external consultants versus county staff.
  - Managing changes affecting voter clarity on ballot styles.
- Census data usage:
  - Proposed providing a breakdown of Oakland by census tracts.
  - Noted statutory requirement for equal district populations (allowing ~10% deviation).
  - Considered long-term planning, acknowledging current data is five years old and updates are expected by 2031.

### **Election Administration and Ballot Logistics**

- Logistical challenges discussed:
  - Multi-page ballots in general elections may cause voter confusion and higher costs.
  - Comparing in-person logistics with vote-by-mail, noting vote-by-mail could improve turnout.
- Election timing:
  - Debated holding elections in March versus aligning with November general elections.
  - Concerns included ballot length, voter fatigue, and printing/mailing complexities.
  - Noted Florida legislature is considering moving municipal elections to November.

### **Discussion of Runoff Elections**

- Runoff elections:
  - Reviewed current charter provisions.
  - Concerns about short time frames (21 days) conflicting with federal 45-day mailing requirements.

- Proposed eliminating runoffs in favor of first-past-the-post or extending runoff period (minimum 60 days).

**PROOF OF RESIDENCY FOR QUALIFICATION UNDER THE CITY OF ORLANDO**

Town Attorney Wade Vose said that at the Town of Oakland Charter Review Committee meeting on April 7, 2025, the CRC requested the attorney to prepare a brief memorandum concerning the requirement found in the City of Orlando Charter that a candidate for city office submit proof of residency to qualify as a candidate.

- Residency qualifications:
  - Candidates must maintain permanent residence during term (Section 2.5b.1).
  - Discussed complications if a candidate relocates post-attestation; disqualification required if residency not maintained.
  - Emphasized standard certification under Florida Election Code and minimal variation to avoid litigation.

Town Attorney Wade Vose said that he would suggest that an ordinance would be a more useful tool to be able to address a lot of the different circumstances that may go into that because anything that you put into a charter is going to be there until you have a referendum to change it. He said one of the most troublesome circumstances you run into in local government law is a situation where you may have something that is found in a charter and there is nothing that can be done about it. Town Attorney Wade Vose said that from the county level up, there is nothing at all other than a certification that is required in the Florida Election Code and the forms that are promulgated by the Commission of Elections, where a candidate is certifying under oath that they hold all the qualification for the office they are running for.

**DISCUSSION OF CHAPTERS FOUR THROUGH SEVEN OF THE CHARTER**

Town Attorney Wade Vose led discussion of chapters four through seven of the charter. Charter Review Committee discussions were as follows:

**Review of Charter Articles**

- Chapter 4 – Legislative Provisions:
  - Commission meetings: twice monthly standard, 24-hour notice, compliance with Florida Sunshine Law.
  - Voting procedures: proposal for absolute majority (3 affirmative votes) when only three members are present.
  - Emergency ordinances: automatic repeal around the 61st day; language clean-up for redundancy.

- Chapter 4 – Fiscal and Debt Provisions:
  - Uniform fiscal year starting October 1, regardless of election timing.
  - Debt limitations: 2% cap of assessed taxable property value, with exceptions (revenue bonds, charter school debt, emergency appropriations).
  - Discussed refinancing for savings without referendum; finance director input suggested.
  - Current debt levels are well managed.
- Chapters 4–7 – Additional Topics:
  - Prohibitions on commission interference with staff management.
  - Ethical standards and conflict of interest (Chapter 112).
  - Charter amendment process: ten-year reviews, mechanisms for conflicting amendments, and community input.
  - Discussed necessity of detailed debt limitations and appointment provisions.
  - Debated whether to enact charter changes now or defer issues, especially regarding election methods.

**PUBLIC COMMENT:**

There was no public comment.

**NEXT STEPS:**

- Plan for an in-depth review of Article 5 (Elections) at a future meeting, covering runoff changes, voter turnout data, and election timing.
- Proposal to invite the Finance Director to discuss debt and budget matters.
- Discuss sending a memo summarizing revisions and pending items for further review.

**DATE OF NEXT MEETING:**

Town Manager Hui said she would get with Town Attorney Velo and Town Attorney Vose to get a few dates that might work well for upcoming meetings and then will send those out to the group for consensus.

**ADJOURNMENT:**

The meeting was adjourned at 5:11 p.m.

TOWN OF OAKLAND:

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YUMEKO MOTLEY, CHAIR

ATTEST:

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KATHY HEARD, CMC, TOWN CLERK

## **PART I CHARTER<sup>1</sup>**

### **PREAMBLE**

We, the people of the Town of Oakland, in order to secure for ourselves the benefits and responsibilities of home rule do hereby adopt this revised Charter. This Government was created to protect the governed, not the governing. We recognize that the orderly, efficient and fair operation of the Government requires the intelligent and informed participation of individual citizens. Towards this end, all persons are entitled to receive fair, equitable and prompt treatment, full and accurate information, and convenient access to public records and government officials.

### **ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS**

#### **Sec. 1.1. Corporate existences.**

A municipal corporation known as the Town of Oakland (the "Town") was created pursuant to the Constitution of the State of Florida (the "State") in 1887.

#### **Sec. 1.2. Form of government.**

The Town shall have a "Mayor-Commission-Manager" form of government.

#### **Sec. 1.3. Corporate boundaries.**

The corporate boundaries of the Town of Oakland have been previously established and up to date records shall be maintained in the Town Hall. The boundaries may be extended from time to time as provided by State Statutes.

State law reference(s)—Municipal annexation or contraction, F.S. § 171.011 et seq.

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<sup>1</sup>Editor's note(s)—Printed herein is the Town Charter, as adopted by mail ballot in a town election held on March 10, 2015. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, punctuation and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166; Charter amendments, F.S. § 166.031.

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### **Sec. 1.4. Powers.**

The Town shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. The powers of the Town of Oakland shall be construed liberally in favor of the municipality, limited only by the Constitution, general law, and special law.

All officers heretofore elected or appointed and holding office under said municipality shall continue to hold their respective offices. All ordinances and parts of ordinances now in force in said municipality that are not in conflict with the provisions of this revised charter shall remain in full force and effect until repealed by law or ordinance. No obligation or contract of said municipality shall be affected or impaired by the enactment of this Charter.

State law reference(s)—Home rule powers generally, F.S. § 166.021; extraterritorial powers, Fla. Const., art. VIII, § 2(c).

## **ARTICLE II. TOWN COMMISSION; MAYOR**

### **Sec. 2.1. Town Commission.**

There shall be a Town Commission (the "Commission") vested with all legislative powers of the Town. The Commission shall consist of the Mayor and four (4) members; references in this Charter to the Commission and/or Commission Members shall include the Mayor unless the context dictates otherwise.

### **Sec. 2.2. Mayor and Vice Mayor.**

- (a) *Powers of the Mayor.* The Mayor shall preside at meetings of the Commission and be a voting member of the Commission. In addition, the Mayor shall have the following specific responsibilities:
- (1) The Mayor shall recommend the appointment of a Town Manager to the Commission.
  - (2) The Mayor or designee shall present State of the Town and budgetary addresses annually either via newsletter or at a Commission meeting.
  - (3) The Mayor shall be recognized as head of the Town government for all ceremonial purposes, for purposes of military law, and for service of process.
  - (4) The Mayor shall be the Official designated to represent the Town in all dealings with other governmental entities.
  - (5) The Mayor shall execute contracts, deeds and other documents on behalf of the Town as authorized by the Commission or State Statute.
- (b) *Vice Mayor.* During the absence or incapacity of the Mayor, the Vice Mayor shall have all the powers, authority, duties and responsibilities of the Mayor. At the first Commission meeting after each regular Town Election, or in any calendar year in which there is no regular Town Election, at the second Commission meeting in the month of March, the Commission shall elect one (1) of its members as Vice Mayor.

### **Sec. 2.3. Election and term of office.**

- (a) *Election and term of office.* Each Commission Member and the Mayor shall be elected at-large for four-year terms by the qualified electors of the Town in the manner provided in Article V of this Charter.

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- (b) *Seats.* Commission members shall serve in seats individually numbered 1-4. One (1) Commission member shall be elected to each seat. The Mayor and Commission seats 2 and 3 shall be elected in the year of the Presidential Election. Commission seats 1 and 4 shall be elected in the year of the gubernatorial election.

### **Sec. 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.

### **Sec. 2.5. Vacancies; forfeiture of office; filling of vacancies.**

- (a) *Vacancies.* The office of a Commission member shall become vacant upon his/her death, resignation, disability, suspension or removal from office in any manner authorized by law or by forfeiture of his/her office.
- (b) *Forfeiture of office.*
- (1) *Forfeiture by disqualification.* A Commission Member shall forfeit his/her office if at any time during his/her term.
    - a. Ceases to maintain his/her permanent residence in the Town.
    - b. Otherwise ceases to be a qualified elector of the Town.
  - (2) *Forfeiture by absence.* A Commission Member shall be subject to forfeiture of his/her office, in the discretion of the remaining Commission Members, if he/she is physically absent without good cause from any four (4) regular meetings of the Commission during any calendar year or if he/she is physically absent without good cause from any three (3) consecutive regular meetings of the Commission, whether or not during the same calendar year.
  - (3) *Procedures.* The Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commission Member's office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the Commission Member in question; provided, however, that any Commission Member may at any time during any duly held meeting move to establish good cause for the absence of him/herself or the absence of any other Commission Member, from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A Commission member whose qualifications are in question, or, who is otherwise subject to forfeiture of his/her office, shall not vote on any such matters. The Commission member in question shall be entitled to a public hearing(s) upon request regarding an alleged forfeiture of office. If a public hearing is requested, notice will be posted at Town Hall and in the Town kiosk(s). Any final determination by the Commission that a Commission Member has forfeited his/her office shall be made by a majority of the Commission by resolution. All votes and other acts of the Commission Member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.
- (c) *Filling of vacancies.* A vacancy on the Commission shall be filled as follows:

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- (1) If any vacancy occurs in the Town Commission, the Town Commission shall elect within thirty (30) days by the affirmative votes of not less than three (3) members, an eligible person to fill the vacancy until the next Town Regular Election, at which time the office shall be filled for the unexpired term; provided that if such vacancy is not filled within thirty (30) days after it shall have occurred, appointment to fill the existing vacancy shall be made by the Governor.
  - (2) In the event that all members of the Commission are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor shall appoint interim Commission members who shall call a Special Election within not less than sixty (60) calendar days or more than one hundred twenty (120) calendar days after such appointment. Such election shall be held in the same manner as the first elections under this Charter; provided, however, that if there are less than six (6) months remaining in any of the unexpired terms, such interim Commission appointee(s) by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in this article.
- (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 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 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.
  - (3) A candidate withdrawing or being removed from the ballot after having qualified and paying a qualifying fee shall not receive a refund of the qualifying fee.

### **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 the 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.

## **ARTICLE III. ADMINISTRATIVE**

### **Sec. 3.1. Town Manager.**

There shall be a Town Manager who shall be the Chief Administrative Officer of the Town. The Town Manager shall be responsible to the Commission for the administration of all Town affairs and for carrying out policies adopted by the Commission. The Commission shall establish the term, conditions and compensation of the Town Manager.

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### **Sec. 3.2. Same; appointment, removal.**

The Town Manager shall be nominated by the Mayor subject to confirmation by a majority of the Commission. No Town Commissioner shall be considered for appointment as Town Manager during the term for which he/she shall have been elected, nor within one (1) year after the expiration of their term. Once a selection for Town Manager has been submitted to the Commission and rejected, the Mayor may not resubmit that name to the Commission without approval by a majority of the Commission. The Town Manager shall be removed by a majority of the Commission either upon the recommendation of the Mayor or upon the Commission's own motion.

### **Sec. 3.3. Powers and duties of the Town Manager.**

The Manager shall:

- (a) Be responsible for the hiring, supervision and removal of all Town employees, and fix the salary of Town employees within the salary range set by the Town Commission. The Town Manager shall appoint all department heads, subject to approval of the Town Commission;
- (b) Direct and supervise the administration of all departments and offices but not Town Boards or Committees, unless so directed by the Commission from time to time;
- (c) Attend Commission meetings and have the right to take part in discussion but not the right to vote;
- (d) Ensure that all laws, provisions of this Charter and acts of the Commission, subject to enforcement and/or administration by him/her or by employees subject to his/her direction and supervision, are faithfully executed;
- (e) Prepare and submit to the Commission a proposed annual budget and capital program;
- (f) Submit to the Commission and make available to the public an annual report on the finances and administrative activities of the Town as of the end of each fiscal year;
- (g) Prepare such other reports as the Commission may require concerning the operations of Town departments, offices, boards and committees;
- (h) Keep the Commission fully advised as to the financial condition and future needs of the Town and make such recommendations to the Commission concerning the affairs of the Town as he/she deems to be in the best interests of the Town;
- (i) Execute contracts, deeds and other documents on behalf of the Town as authorized by the Commission; and
- (j) Perform such other duties as are specified in this Charter or as may be required by the Commission.

### **Sec. 3.4. Acting Town Manager.**

[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.

### **Sec. 3.5. Town Clerk.**

The Town Manager shall appoint the Town Clerk subject to the approval of the Commission. The Town Clerk shall give notice of all Commission meetings to its members and the public, and shall keep minutes of the Commission's proceedings. The Town Clerk shall perform such other duties as the Town Manager may prescribe

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from time to time. The Town Clerk shall report to the Town Manager. The Town Clerk may be removed by the Town Manager with the approval of the Commission.

### **Sec. 3.6. Police Department.**

- (a) There is hereby created a Police Department within the Town, for the preservation of law and order; whose duties include the enforcement of State laws and local ordinances, conducting investigations, establishment of crime prevention measures and other duties as may be assigned from time to time by the Town Manager.
- (b) The head of the Police Department shall be the Chief of Police, who will be appointed by the Town Manager, with the approval of a majority of the Town Commission. The Department shall consist of the Chief and such other subordinate officers and employees as the Town Manager may direct.
- (c) The Chief of Police and sworn officers of the Department shall have all of the rights and authority afforded them by the State of Florida and the Town of Oakland.
- (d) The Chief of Police shall have exclusive control of the administration and the day to day operations of the Police Department, including the stationing and transfer of all officers and employees, subject to the approval of the Town Manager.
- [(e)] The Chief of Police shall perform such other duties appropriate to the office as may be imposed upon the Chief by law and by the direction of the Town Manager, consistent with this Charter.

### **Sec. 3.7. Town Attorney.**

By a majority vote, the Town Commission shall appoint an individual attorney or law firm to act as the Town Attorney under such terms, conditions, and compensation as may be established by the Commission. The Town Attorney shall report to the Commission and may be removed by majority vote of the Commission either upon the recommendation of the Mayor or upon the Commission's own motion.

### **Sec. 3.8. Expenditure of Town funds.**

No funds of the Town shall be expended except pursuant to duly approved appropriations.

### **Sec. 3.9. Town Boards and Committees.**

The Commission shall establish or terminate such boards and committees, as it may deem advisable from time to time. The boards and committees shall report to the Commission.

## **ARTICLE IV. LEGISLATIVE**

### **Sec. 4.1. Commission meeting procedures.**

- (a) *Meetings.* The Commission shall meet twice a month unless by action of the majority of the Commission. Special meetings may be held on the call of the Mayor or upon the call of three (3) Commission members upon no less than twenty-four (24) hours' notice to the public or such shorter time as a majority of the Commission deems necessary in case of an emergency affecting life, health, property or the public peace.
- (b) *Rules and minutes.* The Commission shall determine its own rules of procedure and order of business and shall keep minutes open for public inspection.

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- (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 required abstention pursuant to State law, then 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.

#### **Sec. 4.2. Prohibitions.**

- (a) *Appointment and removals.* Neither the Commission nor any of its members shall in any manner dictate the appointment or removal of any Town employees. The Commission may express its views and fully and freely discuss with the Town Manager anything pertaining to appointment and removal of such officers and employees.
- (b) *Interference with administration.*
- (1) Except for the purpose of inquiries and investigations made in good faith and in accordance with a resolution adopted by the Commission, the Commission and any of its individual members shall deal with Town employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Commission nor its members shall give orders to any such employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in Town government operations by individual Commission members are made solely to and through the Town Manager. Commission members may discuss with the Town Manager any matter of Town business; however, no individual Commission member shall give orders to the Town Manager.
- (2) Any willful violation of this section by the Mayor or any Commission member may be grounds for his/her removal from office.
- (c) *Holding other office.* No elected Town official shall hold any appointed Town office or Town employment while in office.

#### **Sec. 4.3. Ordinances.**

Ordinance[s] shall be adopted in accordance with Florida Statutes.

State law reference(s)—Minimum procedural requirements and prohibitions for adoption of ordinances and resolutions, F.S. § 166.041.

#### **Sec. 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.

- (1) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in the preamble as an emergency ordinance and

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shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

- (2) *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced and shall be enacted by no less than three (3) members of the Commission. After its adoption, the ordinance shall be published and printed as prescribed for other ordinances.
- (3) *Effective date.* An emergency ordinance shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (4) *Repeal.* Every emergency ordinance except emergency appropriation ordinances shall automatically be repealed as of the sixty-first (61st) calendar day following its effective date, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
- (5) *Emergency appropriations.* The Commission may make emergency appropriations in the manner provided in this section. Notwithstanding the provisions of Section 4.11 to the extent that there are not sufficiently available unappropriated revenues to meet such appropriations, the Commission may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, including renewals thereof, shall be payable no later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation ordinance was originally adopted.

State law reference(s)—Emergency ordinance adoption procedures, F.S. § 166.041(3)(b).

#### **Sec. 4.5. Authentications, recording and disposition of ordinances, resolutions and Charter amendments.**

- (a) *Authentication.* The Mayor and the Town Clerk shall authenticate by their signature all ordinances and resolutions adopted by the Commission. In addition, when the qualified electors have approved Charter amendments, the Mayor and the Town Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.
- (b) *Recording.* The Town Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the Commission. Ordinances shall, at the direction of the Commission, be periodically codified. The Town Clerk shall also maintain the Charter in current form including all Charter amendments.
- (c) *Availability of enactments.* The Commission shall establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available for public inspection and available for purchase at a reasonable price.

#### **Sec. 4.6. Annual budget adoption.**

Balanced budget: Each annual budget adopted by the Commission shall be a balanced budget and adopted in accordance with Florida Statutes.

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#### **Sec. 4.7. Fiscal year.**

The fiscal year of the Town government shall begin on the first day of October and shall end on the last day of September of the following calendar year. Such fiscal year shall also constitute the annual budget and accounting year.

State law reference(s)—Mandate for fiscal year, F.S. §§ 166.241, 218.33.

#### **Sec. 4.8. Appropriation amendments during the fiscal year.**

- (a) *Supplemental appropriations.* If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the Commission may by resolution make supplemental appropriations for the fiscal year up to the amount of such excess.
- (b) *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, he/she shall report in writing to the Commission without delay, indicating the estimated amount of the deficit, and his/her recommendations as to the remedial action to be taken. The Commission shall then take such action, as it deems appropriate to prevent any deficit spending.

#### **Sec. 4.9. Tax levy, assessments and fees.**

The Town, by majority of the Commission, shall have the right to levy, assess and collect all such taxes, assessments and fees as are permitted by law, including without limitation, fines, ad valorem taxes, special assessments and fees, excise, franchise or privilege taxes and taxes on services and utilities.

State law reference(s)—Municipal finance and taxation, F.S. § 166.201 et seq.

#### **Sec. 4.10. Independent audit.**

The Commission shall provide for an annual independent audit of all Town accounts and may provide more frequent audits, as it deems necessary. Audits shall be made in accordance with generally accepted auditing standards by a certified public accountant or firm of such accountants who have no personal interest direct or indirect in the fiscal affairs of the Town government, its employees or officers. Residency, per se, shall not constitute a direct or indirect interest. A summary of the results, including any deficiencies found, shall be made public.

State law reference(s)—Annual audit, F.S. §§ 166.241, 218.32 et seq.

#### **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:

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- (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.

State law reference(s)—Municipal borrowing, F.S. § 166.101 et seq.

## ARTICLE V. ELECTIONS

### Sec. 5.1. Elections.

- (a) *Electors.* Any person, who is a resident of the Town, has qualified as an elector of the State, and registers to vote in the manner prescribed by law shall be an elector of the Town.
- (b) *Nonpartisan elections.* All elections for the Commission and Mayor shall be conducted on a nonpartisan basis. The ballot shall not show the party designation of any candidate.
- (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

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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.

- (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.
- (f) *Special Elections.* Special elections, when required, shall be scheduled by the Commission at such times and in such a manner as shall be consistent with this Charter and State Statutes.
- (g) *Single candidates.* No election for Mayor or any seat shall be required in any election if there is only one (1) duly qualified candidate for Mayor or for any seat. At close of qualifying that candidate shall be considered elected by operation of law.
- (h) *Commencement of terms.* The term of office of all elected officials will commence at the next regularly scheduled Commission meeting following the day of the Run-off Election or, if there is no run-off election for any seat or for Mayor, at the next regularly scheduled Commission meeting after the General Election.

### **Sec. 5.2. Recall, initiatives, [and] referendum, etc.**

Recalls, initiatives and referendums, and any other procedures relative to elections not referenced herein shall be conducted in accordance with the provisions of Florida Statutes.

State law reference(s)—Recall of members of governing body, F.S. § 100.361; initiatives, F.S. §§ 100.371, 106.19, 106.191; referendum for bonds, F.S. § 100.291 et seq.

## **ARTICLE VI. CHARTER AMENDMENTS<sup>2</sup>**

### **Sec. 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.

## **ARTICLE VII. GENERAL PROVISIONS**

### **Sec. 7.1. Severability.**

If any article, section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such article, section or part of section so held invalid may appear, except to the extent that an entire article, section or part of section

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<sup>2</sup>State law reference(s)—Charter amendments, F.S. § 166.031.

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may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

### **Sec. 7.2. Conflicts of interest; ethical standards.**

All Commission members, officials, employees and appointees of the Town shall be subject to the standards of conduct for public officers and employees set by law. The Commission may, by ordinance, adopt additional standards of conduct and code of ethics, but in no case inconsistent with law.

Without in any way limiting the generality of the foregoing, no Commission member shall have a financial interest, direct or indirect, or by reason of ownership of stock or other equity ownership in any corporation or entity, in any contract or in the sale to the Town or to a contractor supplying the Town of any land or rights or interests in any land, materials, supplies, or services unless, after full disclosure to the Commission of the nature and extent of such interest, the same is authorized by the Commission before the event, or accepted and ratified by the Commission after the event. No member of the Commission who possesses such a financial interest shall vote on, or participate in the Commission deliberations concerning, any such contract or sale. Any violation of this section with the knowledge of the person or entity contracting with the Town shall render the contract voidable by the Commission.

State law reference(s)—Code of ethics for public officers and employees, F.S. § 112.311 et seq.

### **Sec. 7.3. Town personnel system.**

All appointments and promotions of Town officers and employees shall be made solely on the basis of merit and abilities demonstrated by a valid and reliable examination or other evidence of competence.

### **Sec. 7.4. Charter revisions.**

- (a) At least every ten (10) years, the Commission shall appoint and fund a Charter Revision Committee.
- (b) The Committee shall consist of five (5) persons. Each Commission member shall make one (1) appointment. The Committee shall commence its proceedings within forty-five (45) calendar days after appointment by the Commission.

If the Committee determines that an amendment or revision is needed, it shall submit the same to the Commission no later than October 1 of the year following its appointment. Alternative proposals may be submitted. The Commission shall submit suggested amendments and revisions to the qualified electors of the Town in accordance with the provisions of Section 6.1.

### **Sec. 7.5. Variations of pronouns.**

All pronouns and any variation thereof used in this Charter shall be deemed to refer to masculine, feminine, neutral, singular or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define or limit the scope, extent, or intent of this Charter.

### **Sec. 7.6. No discrimination.**

The Town shall not adopt any ordinance, policy or practice that discriminates against any person due to: race, national origin, religion, gender, age or disability.

State law reference(s)—Florida Civil Rights Act, F.S. § 760.01 et seq.

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**Sec. 7.7. Precedence over related laws.**

In case of a conflict between the provisions of this Charter and the provisions of the Code to be adopted pursuant thereto, the Charter terms shall control. Moreover, nothing in this Charter shall be construed to alter, abolish, affect or amend the general laws of the state, now in force, or which hereinafter may be enacted relative to or affecting this Town, except where such laws are in direct conflict in which case the provisions of this Charter or Code adopted pursuant thereto shall supersede and be in full force and effect.

**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

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**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.<sup>1</sup> 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:

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

- 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~~<sup>ninety</sup>~~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~~<sup>ninety</sup>~~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.