



AGENDA
CHARTER REVIEW COMMISSION
Meeting 2026-02

Thursday, February 12, 2026 - 6:00 P.M.
Council Chambers, 120 Malabar Road SE, Palm Bay, Florida 32907

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. Meeting 2026-01; January 15, 2026.

PUBLIC COMMENTS (Non-agenda Items Only):

Public Comments on Agenda Items – Individuals wishing to address items on the agenda can do so at the time the item is being considered by the Commission. The Chairperson will ask for public comment prior to the Commission taking action on the item. Speakers are limited to three (3) minutes for agenda and non-agenda items each.

REPORTS:

1. List of approved City Charter amendments to date. (Informational)

NEW BUSINESS:

1. Review and discussion of the City Charter.
 - a. Article I, Creation, Powers, and Definitions
 - b. Article V, Qualifications and Elections

THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE.

c. Article VI, Taxes and Fees

2. Discussion of a curfew for Charter Review Commission meetings. (AGENDA REVISION)

ADJOURNMENT:

If an individual decides to appeal any decision made by the Charter Review Commission with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

**ADOPTION OF
MINUTES**

City of Palm Bay, Florida
CHARTER REVIEW COMMISSION
Meeting 2026-01

Held on Thursday, the 15th day of January, at the Palm Bay City Hall Council Chambers, 120 Malabar Road, Palm Bay, Florida.

The meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, 120 Malabar Road, SE, Palm Bay, Florida. The minutes are not a verbatim transcript, but a brief summary of the discussions and actions taken at the meeting.

The meeting was called to order by Chair Delgado at 6:00 P.M.

Commissioner Mark Miller gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIR:	Ken Delgado	Present
MEMBER:	David Myers	Absent
MEMBER:	Mark Miller	Present
VICE-CHAIR:	Thomas Gaume	Present
MEMBER:	Jonathon Norris	Present
MEMBER:	Tyler O'Neil	Present
MEMBER:	Eileen Sepp	Present
MEMBER:	Ruth Kaufhold	Present
MEMBER:	Jordin Chandler	Absent
MEMBER:	Phil Weinberg	Present

ALSO PRESENT:

Patricia Smith, City Attorney; Terese Jones, City Clerk; Larry Wojciechowski, Finance Director; Angelica Collins, Assistant Finance Director.

ADOPTION OF MINUTES:

1. Meeting 2025-03; December 11, 2025.

Motion by Mr. Weinberg, seconded by Mr. Miller, to adopt the minutes as presented. Motion carried unanimously.

PUBLIC COMMENTS:

1. Bill Battin, resident, mentioned that he had heard discussions about proposing a strong mayor form of government. He said he was against any amendments for same.

REPORTS:

1. **List of approved City Charter amendments to date. (Informational)**

Mrs. Jones advised that a list of the proposed amendments approved by the Commission for recommendation to City Council would be included in each agenda packet.

UNFINISHED AND OLD BUSINESS:

1. **Review and discussion of the City Charter.**

- a. **Citizenship Qualifications for Charter Officers (Commissioner Kaufhold)**

Ms. Kaufhold proposed the following amendment to Sections 3.07, City Clerk; 3.11, City Attorney; and 4.01, City Manager:

Section 3.07 CITY CLERK.

The council shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall coordinate with the city manager and shall give notice of council meetings to its members and to the public, shall keep the minutes of its proceedings, and perform such other duties as are assigned by this charter or by the council.

>>The city clerk must be a qualified citizen of the United States of America, and a legal citizen of the United States of America by birth or has completed the naturalization process and received a United States Certificate of Naturalization. The City of Palm Bay and its electorate must be able to have full trust and confidence in the city clerk in its employment.<<

3.071 Removal. The council may remove the city clerk by majority vote of all of the councilmembers, by a resolution, which states the cause(s) for removal.

3.072 Compensation. The compensation of the city clerk shall be fixed by the council and shall not be reduced during the city clerk's period of employment except by the consent of the city clerk.

* * *

Section 3.11 CITY ATTORNEY.

3.111 Appointment or employment. The city council shall appoint or employ a city attorney as required to act as legal advisor to the council and officials of the city as designated in [subsection] 3.123(b) and serve at the pleasure of the council.

~~“3.112 Qualifications. The city attorney shall be a practicing attorney with at least five (5) years' experience and practice in the courts of the state of Florida.~~

>>3.112 Qualifications.

(a) The city attorney shall be a practicing attorney with at least five (5) years of experience and practice in the courts of the state of Florida.

(b) The city attorney and all assistant attorneys must be qualified citizens of the United States of America. All attorneys must be legal citizens of the United States of America by birth or have completed the naturalization process and received a United States Certificate of Naturalization. The City of Palm Bay and its electorate must be able to have full trust and confidence in the attorneys in its employment.<<”

* * *

Section 4.01 CITY MANAGER.

There shall be a city manager who shall be the chief executive and administrative officer of the city. The manager shall be responsible to the council for the administration of all city affairs placed in the manager's charge by or under this charter.

4.011 Appointment.

The council shall appoint a manager by a majority vote of all councilmembers. The manager shall be selected solely on the basis of administrative and executive qualifications. At the time of appointment, the manager need not be a resident of the city or state. However, should the manager change residency subsequent to his or her appointment, the manager shall reside within the city during his or her tenure.

>>The city manager must be a qualified citizen of the United States of America, and a legal citizen of the United States of America by birth or has completed the naturalization process and received a United States Certificate of Naturalization. The City of Palm Bay and its electorate must be able to have full trust and confidence in the city manager in its employment.<<

Motion by Mr. Norris, seconded by Ms. Kaufhold, to approve the amendments to Sections 3.07, 3.11 and 4.01.

Motion carried with members voting as follows:

Mr. Delgado	Yea
Mr. Miller	Yea
Mr. Gaume	Nay
Mr. Norris	Yea
Mr. O'Neil	Yea
Ms. Sepp	Yea
Ms. Kaufhold	Yea
Mr. Weinberg	Nay

Chair Delgado suggested that the proposed amendments be placed into ballot format for review by the Commission prior to Council's consideration. Ms. Smith explained that with the number of amendments that could potentially be given to Council, it was very likely that City Council would not accept all amendments to be placed on the ballot. She said the ballot language was drafted by outside counsel, and it would not be financially responsible to pay outside counsel to draft language that may not be considered by City Council. Ms. Sepp suggested a joint workshop with City Council to review all of the recommended changes.

Ms. Kaufhold said she had additional revisions to Section 4.01, City Manager, and would present them at the February meeting. The Commission concurred.

NEW BUSINESS:

1. Review and discussion of the City Charter:

The Commission concurred to consider Article VI, Taxes and Fees, at this time.

b. Article VI, Taxes and Fees

Vice-Chair Gaume called Point of Order and noted that elected officials, charter officers and staff members took an oath to uphold the City Charter. If any of those individuals spoke contrary to the Charter, they would be going against their oath. He asked that the item be tabled. Ms. Smith explained that it was staff's role to give input on changes to the City Charter, ordinances, or policy. There was no provision stating that staff could not suggest changes to an item that was approved or adopted by City Council. Tonight's presentation by staff was to educate and help the Commission and public understand the three percent (3.00%) cap and how it affected revenues.

Motion by Vice-Chair Gaume to table the item. The motion died for lack of a second.

Ms. Collins provided an overview of the three percent (3.00%) cap. She explained how the cap was calculated, along with historical data and statistics. Ms. Collins responded to questions posed by the Commission.

The Commission resumed the order of business as shown on the agenda.

a. Article V, Qualifications and Elections

Vice-Chair Gaume wanted to strengthen the residency requirements for candidates. Currently, each candidate was required to sign a Residency Affidavit stating they met the requirements to run for office. He wanted the candidates' qualifications to be vetted by staff. Ms. Smith advised that the City Clerk had no authority to determine if an individual's name could or could not be placed on the ballot. If someone wanted to challenge a candidate's qualifications, they would have to do so through the court system by filing an injunction.

b. Article VI, Taxes and Fees

The item was considered earlier in the meeting prior to Article V, Qualifications and Elections.

There was discussion on the previously approved two-hour meeting curfew. Motion by Vice-Chair Gaume, seconded by Mr. Norris, to reconsider this item at the next meeting. Motion carried unanimously.

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ADJOURNMENT:

The meeting adjourned at approximately 8:03 P.M.

Ken Delgado, Chair

ATTEST:

Terese M. Jones, City Clerk

AMENDMENTS APPROVED

BY THE

**CHARTER REVIEW
COMMISSION**

AS OF JANUARY 15, 2026

City of Palm Bay, Florida
CHARTER REVIEW COMMISSION

APPROVED AMENDMENTS TO CITY CHARTER

Meeting 2025-02; November 13, 2025

ARTICLE III – LEGISLATIVE

Section 3.06 VACANCIES.

~~“3.062 Filling of vacancies. When a vacancy occurs on council as a result of death, resignation, illness, disability, written court order, forfeiture of office, or other lawful written order or action, such vacancy shall be filled in accordance with the procedures prescribed by ordinance by appointment of the majority of the remaining members within sixty (60) days. If the majority of the remaining members of the City Council fail to fill the vacancy through appointment within the sixty-day period, a special election to fill the vacancy shall be called and held in a manner coordinated by the City Clerk with the Supervisor of Elections and adopted by resolution of the City Council. All vacancy elections will run concurrent with the regularly scheduled city elections. Appointments will be to serve until the next general election cycle.~~

>>(1) In the event of a vacancy on council, a special election to fill the vacancy shall be called and held in a manner coordinated by the City Clerk with the Supervisor of Elections and adopted by resolution of the City Council.

(2) The method for filling a vacancy shall be determined by the time remaining in the unexpired term:

(a) If twelve (12) months or less remain in the unexpired term, the vacancy shall be filled by appointment of the majority of the remaining members of the City Council within sixty (60) days of the seat being declared vacant. The appointee shall serve the remainder of the unexpired term or until the next general election, whichever is less.

(b) If more than twelve (12) months remains in the unexpired term, and no general municipal election is scheduled to be held within one year of the vacancy, a special election shall be scheduled to be held no sooner than ninety (90) days or no more than one hundred eighty (180) days following the date of the vacancy. The person so elected shall serve the remainder of the unexpired term. (If a general election is already scheduled within one year, the appointee shall serve until that election.)<<

Meeting 2025-03; December 11, 2025

ARTICLE III – LEGISLATIVE

Section 3.08 PROCEDURES.

“3.082 Rules and order. The council shall determine its own rules and order of business->>, to include the following provisions for regular meetings:

(1) Public comments shall be heard on general items not listed on the agenda:

(a) Prior to Public Hearings; and

(b) After Administrative and Legal Reports.

(2) Individuals requesting to speak on any item on the agenda, including the Public Comments section of the agenda, shall complete a Public Comment Card reflecting their name and address. Speakers shall not be required to be city residents and shall not be required to state their name for the record prior to addressing City Council.

(3) The Public Comments portion of the meeting shall be broadcast through an audiovisual system unless due to interruption, failure or degradation of equipment.

(a) A minimum five (5) second broadcast or time delay shall be required for unexpected or inappropriate content.<<”

Section 3.09 PETITIONS TO AMEND THE CITY CHARTER OR TO ADOPT OR REPEAL ORDINANCES.

3.092 Petitions.

(1) Number of signatures. All petitions must be signed by at least ~~ten percent (10%)~~ >>four- and one-half percent (4.5%)<< of the electors of the city. They need not be in affidavit form. The petition to amend the charter must be signed by at least ~~ten percent (10%)~~ >>four- and one-half percent (4.5%)<< of the electors of the city of the registered electors as of the last preceding municipal general election or as provided in section 166.031 Florida Statutes as may be amended from time to time. Petitions to propose or repeal ordinances must be signed by at least ~~ten percent (10%)~~ >>four- and one-half percent (4.5%)<< of the registered electors as of the last preceding municipal general election.”

Section 3.11 CITY ATTORNEY.

“3.112 Qualifications. The city attorney shall be a practicing attorney with at least five (5) years' experience and practice in the courts of the state of Florida.

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(b) The city attorney and all assistant attorneys must be a qualified citizen of the United States of America. All attorneys must be a legal citizen of the United States of America by birth or has completed the naturalization process and received a United States Certificate of Naturalization. The City of Palm Bay and its electorate must be able to have full trust and confidence in the attorneys in its employment.<<"

Meeting 2026-01; January 15, 2026

ARTICLE III – LEGISLATIVE

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ARTICLE IV - ADMINISTRATIVE

Section 4.01 CITY MANAGER.

There shall be a city manager who shall be the chief executive and administrative officer of the city. The manager shall be responsible to the council for the administration of all city affairs placed in the manager's charge by or under this charter.

4.011 Appointment.

The council shall appoint a manager by a majority vote of all councilmembers. The manager shall be selected solely on the basis of administrative and executive qualifications. At the time of appointment, the manager need not be a resident of the city or state. However, should the manager change residency subsequent to his or her appointment, the manager shall reside within the city during his or her tenure.

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**CURRENT
CITY CHARTER LANGUAGE**

**ARTICLE I – CREATION,
POWERS, AND DEFINITIONS**

**ARTICLE V – QUALIFICATIONS
AND ELECTIONS**

ARTICLE VI – TAXES AND FEES

ARTICLE I. CREATION, POWERS, AND DEFINITIONS

Section 1.01 CREATION, POWERS, AND DEFINITIONS.

The existing municipal corporation known as the city of Palm Bay, Brevard County, Florida, is hereby continued and reestablished. It shall have and may exercise all governmental, corporate and proprietary powers under the Constitution, general and special acts of the state of Florida as fully and completely as if specifically enumerated in this charter to enable it to conduct municipal government, perform municipal functions and render municipal services.

Wherever the word “city” shall appear in this charter, it shall be construed to mean the “city of Palm Bay”. Wherever the word “manager” shall appear in this charter, it shall be construed to mean the “city manager”. Wherever the words “council,” “city council”, or “city of Palm Bay” shall appear in this charter, it shall be construed to mean “the mayor and the other councilmembers”, unless specifically excepted by other provisions of this charter.

When any reference herein is made to any gender, such reference shall be deemed to include either masculine, feminine or neuter, as appropriate, and any reference herein to any number shall be deemed to include both singular and plural where the context of the provisions of this document shall permit or require.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 1.02 INCORPORATION.

The existing municipal corporation known as the city of Palm Bay, Brevard County, Florida, is hereby continued and reestablished. The inhabitants of the territory hereinafter described shall constitute a body politic and corporate in perpetuity:

* * *

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

(Amended by Ordinance 96-49, passed 9-19-96, Ordinance 2015-06, passed 3-5-15, and Ordinance 2023-18, passed 4-20-23 in accordance with Fla. Stat. § 166.031(3))

Section 1.03 EXTRATERRITORIAL POWERS.

The extraterritorial powers conferred upon the existing municipal corporation are hereby continued to include municipal sharing of personnel and services such as fire and police protection and mutual aid with Brevard County and other municipalities.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 1.04 CONSTRUCTION.

The powers of the city shall be construed liberally in favor of the city, limited only by the Constitution, general and special acts and laws of the state of Florida and specific limitations contained herein. Future special acts, pertaining to the jurisdiction and exercise of powers by the city may be considered amendments to this charter and, pursuant to the provisions adopted for incorporation of other charter amendments, may be incorporated as official amendments to this charter.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 1.05 SUCCESSION.

The city shall continue to own and possess all property, real and personal, property rights heretofore owned, possessed or held by the city, interest, uncollected taxes, franchises, claims, judgments, and may sue and be sued. The city shall assume, manage, and dispose of all trusts in any way connected therewith and may purchase, receive, hold and enjoy or sell and dispose of any real and personal property.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 1.06 INTERGOVERNMENTAL RELATIONS.

The city may exercise any of its powers to perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or agencies thereof, other counties or municipalities, or the United States or agencies thereof, to the fullest extent permitted by law.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 1.07 CORPORATE SEAL.

The city shall have a common seal and the council may change the same at its pleasure. The keeper of the seal shall be the city clerk.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

ARTICLE V. QUALIFICATIONS AND ELECTIONS

Section 5.01 NONPARTISAN ELECTIONS.

All elections for councilmembers shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any candidate.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 5.02 QUALIFICATIONS.

Candidates for the office of city council shall be a resident of the city and shall have been for at least two (2) years immediately preceding the election, shall be a registered voter residing at a city address, and shall qualify for such office by complying with the Florida Statutes and in such manner as may be prescribed by ordinance and shall continue to be a resident and an elector of the city during the term of office.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92) (Amendment adopted by electorate 11-6-12, 11-8-16)

Section 5.03 FORM OF BALLOTS.

The form of the ballot shall be determined by state law and municipal ordinance.

A charter amendment or other municipal issue to be voted upon shall be presented for voting as prescribed by state law.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 5.04 ELECTIONS.

5.041 Councilmembers. A councilmember shall be elected to a specific seat on the council. The councilmember shall be elected by receiving the highest vote total of the votes cast in the election for a designated council seat. In the event of a tie vote in a special or regular election in which two (2) or more candidates are seeking the same designated seat on the council, a run-off election will only be held to determine the successful candidate. Each elective officer shall hold such office until a successor is elected and qualified. Absentee voting shall be permitted in all elections as provided by law.

(Amendment adopted by electorate 11-8-22)

5.042 Elections and terms of office. A primary election and a general election are to be held pursuant to law. The regular or general election of councilmembers shall be held on the first Tuesday after the first Monday of November. Councilmembers shall be elected to a four (4) year term of office and limited to three (3) consecutive four (4) year terms. For the purpose of this limitation, a partial term shall be considered a full term, except for appointments of less than one (1) year. No councilmember may appear on the ballot for reelection if by the end of the current term of office, the councilmember will have served (or, but for resignation, would have served) in that office for twelve (12) consecutive years. All councilmembers shall be elected at-large. The mayor and two (2) other councilmembers, Seats 2 and 3, shall be elected in the same year as the presidential election. The two (2) additional councilmembers, Seats 4 and 5, shall be elected in the following even year.

(Amendment adopted by electorate 11-8-16)

5.043 Primary elections. Primary Elections shall be held on the Tuesday nine weeks prior to the general election or such other date as established by applicable general law of the state for primary elections.

(a) Should there be more than two (2) qualifying candidates for Mayor or for a given Council seat, their names will be placed on the primary ballot. The two (2) primary candidates receiving the highest number of votes shall be the candidates in the general election. The candidate receiving the highest number of votes in the general election shall be declared elected to the office for which he or she was a candidate. In the event there are fewer than three (3) qualifying candidates for Mayor or for a given Council seat, their names will not appear on the primary election ballot but they will appear on the general election ballot. If a candidate for Mayor or for a given Council seat receives more than fifty percent (50%) of the vote in a primary election, then said candidate shall be declared elected to the office and no names shall appear on the general election ballot.

(Amendment adopted by electorate 11-8-16)

5.044 Election returns. Election results shall be determined, certified, and published as provided by law. A regular or special meeting shall be held within three (3) working days following the receipt by the city clerk of the official election results from the supervisor of elections at which those councilmembers present shall be given a certified copy of the official canvass of the election and the city clerk or the clerk's designee shall announce the election results. Immediately thereafter the newly elected official or officials shall then be administered the oath of office.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92) (Ord. 2002-48, passed 8-22-02) (Adopted by electorate 11-5-02) (Amendment adopted by electorate 11-6-12)

Section 5.05 RECALL.

Councilmembers may be removed from office by the electors of the city, through recall, as provided by law. The procedure for recall and filling of vacancies thereunder shall be in accordance with state law.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

Section 5.06 ELECTION DISTRICTS (VOTING PRECINCTS).

5.061 Number of precincts. The city shall be divided into voting precincts. The boundaries of such precincts shall correspond with the boundaries of the county voting precincts.

5.062 Registration of electors. Registration of electors to qualify them to vote in all elections shall be determined as provided by Florida Statutes.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

ARTICLE VI. TAXES AND FEES

Section 6.01 TAXES.

(a) The council shall have full power and authority to levy taxes as authorized by law.

(b) Unless otherwise allowed by this subsection, the City Council shall not impose any ad valorem tax for city purposes at a millage rate which causes the budgeted revenue therefrom to the City to increase over the budgeted ad valorem revenue for the previous fiscal year by more than three percent (3%).

(c) Notwithstanding paragraph (b) of this subsection, the City Council may impose an ad valorem tax for municipal purposes at a rate which exceeds the limitations in paragraph (b) if a supermajority of the City Council concurs in a finding that such an excess is necessary because of emergency or critical need. The finding shall set forth the ultimate facts upon which it is based and shall be valid for a single budget year.

(d) In calculating the allowable increase in ad valorem revenues over the ad valorem revenues budgeted for the previous year under paragraph (b) of this subsection, the City Council shall exclude from the anticipated revenues all revenue changes from the following kinds of property not appearing on the previous year's roll: 1) new construction; 2) additions to or demolitions in whole or in part of existing construction; and 3) changes in the value of improvements that have undergone renovation to an extent of not less than 100% increase in assessed value (as measured from the last year of assessment prior to commencement of renovation).

(e) Nothing in this subsection shall authorize imposition of a millage rate which exceeds the rate prohibited by the constitution or general laws of Florida, or prohibit imposition of a millage rate which is required by the constitution or general laws of Florida or by any final order of a court of competent jurisdiction. Nothing in this subsection shall apply to any millage necessary to the payment of general obligation bonds in accordance with all bond covenants or to any other millage approved by referendum of the electors, whether before or after the effective date of this subsection.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92) (Amendment adopted by electorate 11-8-16)

Section 6.02 SPECIAL ASSESSMENTS.

Before the governing body for the city may levy any special assessment involving more than fifty (50) property owners or involving a project expenditure of greater than twenty-five thousand dollars (\$25,000.00), the proposed assessment must first be approved, in writing, by a majority vote of the affected property owners who return a ballot.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92) (Ord. 2001-57, passed 9-6-01) (Adopted by electorate 11-6-01) (Amendment adopted by electorate 11-8-16, 11-05-19)

Section 6.03 LICENSING FEES.

The city may levy reasonable business, professional, and occupational fees on businesses, professions and occupations, according to law.

(Ord. 92-28, passed 9-17-92) (Adopted by electorate 11-3-92)

NEW BUSINESS

REVISIONS PROPOSED

BY

COMMISSIONER

RUTH KAUFHOLD

Ruth T. Kaufhold
kaufholdruth153@gmail.com (ofc)
rkaufhold77@gmail.com
Brevard County Constitution Coach
Palm Bay Charter Review Commission

Section 1.01 Creation, Powers, and Definitions.

Current wording: Wherever the word “city” shall appear in this charter, it shall be construed to mean the “city of Palm Bay”. Wherever the word “manager” shall appear in this charter, it shall be construed to mean the “city manager”. Wherever the words “council”, “city council”, or “city of Palm Bay” shall appear in this charter, it shall be construed to mean “the mayor and the other councilmembers”, unless specifically excepted by other provisions of this charter.

Proposed wording: Wherever the word “Constitution” appears in this charter, it is to refer to the Laws of the United States of America (specifically the United States Declaration of Independence, The Constitution of the United States of America, The Bill of Rights of the United States of America) and the State of Florida (specifically The Constitution of the State of Florida). Whenever the word “city” shall appear in this charter, it shall be construed to mean the “city of Palm Bay”. Wherever the word “manager” shall appear in this charter, it shall be construed to mean the “city manager”. Wherever the words “council”, “city council”, or “city of Palm Bay” shall appear in this charter, it shall be construed to mean “the mayor and the other councilmembers”, unless specifically excepted by other provisions of this charter. We must strengthen all our county municipalities charters to ensure there is absolutely no question America is a Godly Constitutional Republic.

Purpose¹

The insertion of this is to prevent any other forms of government to be defined as “The City of Palm Bay, FL”. Our country is a Constitutional Republic defining the legal citizens of The United States of America as Sovrn. No other form of law shall be accepted.

Congressman Mike Haridopolos (FL) has co-sponsored H.R.5512² the No Sharia Act and there are other bills in Congress strengthening our Constitutional Republic Laws:

- Congressman Self, Congressman Roy, and Senator Tuberville are the leading voices in Congress sounding the alarm about the dangers Sharia poses to America and Western Civilization.

¹ <https://keithself.house.gov/media/press-releases/congressmen-keith-self-and-chip-roy-launch-sharia-free-america-caucus>

² <https://www.congress.gov/bill/119th-congress/house-bill/5512/cosponsors?s=3&r=19>

Ruth T. Kaufhold
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- To date, the Congressmen have introduced or supported critical pieces of legislation to combat Sharia in America, including:
- **H.R. 5512**, the **No Sharia Act**, which would restrict courts from enforcing any judgment, decree, or arbitration that relies on Islamic law or any foreign system that violates constitutional rights.
- Senator Tuberville leads **S.3008**, the companion version of the bill in the Senate.
- **H.R. 5722**, the **Preserving a Sharia-Free America Act**, which would prevent foreign nationals who adhere to Sharia from entering or staying in the U.S.
- Senator Tuberville leads **S.3009**, the companion version of the bill in the Senate.
- **H.R. 6225**, the **Pausing All Admissions Until Security Ensured (PAUSE) Act**, which would freeze ALL immigration until the system is fixed.
- **H.R. 6230**, the **Tehran Incitement to Violence Act**, which would designate Iranian clerics who put multi-million-dollar Sharia-based fatwas on the heads of President Donald Trump and Israeli Prime Minister Benjamin Netanyahu as terrorists.
- Congressman Self introduced this bill, which was **passed** out of the House Foreign Affairs Committee on December 3, 2025.
- **H.R. 5890**, the **No Tax-Exemptions for Terror Act**, which would eliminate the tax-exempt status for groups, like CAIR, with close ties to terrorist organizations.
- **H.R. 4387**, the **Muslim Brotherhood Terrorist Designation Act of 2025**, which would designate the Muslim Brotherhood as a terrorist organization.
- **H.R. 4097**, the **Designate Council on American-Islamic Relations (CAIR) as a Terrorist Organization Act**, which would designate CAIR as a **terrorist organization**.

NEW BUSINESS

REVISIONS PROPOSED

BY

VICE-CHAIR

TOM GAUME

Formal Proposals for Charter Amendment

I. Executive Summary

The following proposals are submitted for the February 12, 2026, Charter Review Commission packet. This submission is designed to streamline our deliberations by providing a comprehensive, source-backed foundation for each amendment. By addressing potential legal, fiscal, and procedural questions within this document, we can move efficiently toward a final decision and avoid the semantic debates that have historically hindered progress.

II. Article V: Qualifications and Elections

1. Unified Election Modernization (Section 5.03)

Proposed Amendment: Implement a "Single-Step Unified Election" by (A) Eliminating "Numbered Seats" in favor of a Single Pool At-Large System and (B) Moving all city races directly to the November General Election.

The Fact-Based Rationale:

- **Structural Dependency:** These two proposals go hand-in-hand. A Single Pool system requires a single high-turnout election to function effectively, while eliminating the primary requires a Single Pool to prevent strategic "seat shopping" during the qualifying period. Together, they create a fair, transparent, and simplified process for the voters.
- **End "Seat Shopping":** The current system allows candidates to strategically "shop" for a seat with a perceived weak opponent. This results in a "diluted mandate" where a candidate may win a specific seat with fewer votes than a losing candidate in another seat.
- **Maximum Community Support:** A Single Pool ensures that the individuals with the highest total community support are the ones who serve.

Anticipated Questions & Research-Based Answers:

- **Q: Why not use the "Quadrant Model" to ensure every part of the city is represented?**
 - **A:** Research shows the "Quadrant Model" (residency districts) is a legal liability. The 2021 case *Holloway v. City of Virginia Beach* saw a similar system struck down as illegal under the Voting Rights Act (VRA).
 - **The "One Person, One Vote" Risk:** Quadrants act as de facto districts. Without redrawing them after every census to maintain equal population, we invite constitutional challenges. A **Single Pool** avoids this legal risk entirely.
- **Q: Why eliminate the Primary instead of just fixing the seats?**
 - **A:** Because a primary in a Single Pool system would be unnecessarily complex and expensive. Under **Florida Statute 106.08**, a primary allows donors to double their contribution limits. By moving everything to November, we cut the influence of outside

money in half and ensure that winners have a mandate from the largest possible number of residents (November turnout is historically much higher than August).

- **Q: What about the physical blight of campaign season?**
 - **A:** This provides an immediate quality-of-life win. By removing the primary, we reduce the duration and volume of "snipe signs" littering intersections and rights-of-way by exactly 50%.

III. Article VI: Taxes and Fees (The 3% Cap)

1. Strengthening the Revenue Cap (Section 6.01)

Proposed Amendment: Remove the subjective "emergent or critical need" language. The 3% cap stands as an absolute limit unless overridden by a **Consensus of 4** (4 of 5 vote) of the City Council.

The Fact-Based Rationale:

- **Semantic Clarity:** The terms "emergent" and "critical" are undefined and subjective. Every year, city staff and the council waste hours debating these definitions to justify exceeding the cap. A **Consensus of 4** is a clear, objective procedural hurdle.
- **Respect the Mandate:** In 2016, voters approved this cap with **70.97%** of the vote. In 2022, they decisively rejected a repeal with **64.93%** of the vote. This is the highest level of voter consensus in recent Palm Bay history.

Anticipated Questions & Research-Based Answers:

- **Q: Won't this stop the city from responding to a crisis?**
 - **A:** No. If a crisis is real (hurricane, infrastructure collapse), it will easily garner the support of four council members. If a proposal cannot get four votes, it is likely a "want" rather than a "need." This system forces the administration to prove the necessity of the spend.
- **Q: Why not just repeal the cap if the city needs more money for growth?**
 - **A:** The voters have twice affirmed that they want this protection in place. As a Commission, our institutional duty is to "support, protect, and defend" the Charter as the voters intended. Proposing a repeal for a third time is a waste of city resources and ignores the clear, repeated mandate of the residents.
- **Q: What if the city faces a "budget crisis" because of the cap?**
 - **A:** A "budget crisis" is often an administrative talking point used to pressure the council into ignoring voter protections. Defending the Charter means respecting the will of the voters even when it presents a challenge to the city's budget. If the crisis is legitimate, the **Consensus of 4** mechanism provides the necessary path forward without the need for subjective loopholes.

Respectfully Submitted, Thomas Gaume