



**AGENDA**  
**CHARTER REVIEW COMMISSION**  
**Meeting 2026-03**

**Thursday, March 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 2026-02; February 12, 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 VI, Taxes and Fees (Vice-Chair Gaume)
  - b. Article VII, City Borrowing
  - c. Article VIII, Public Safety

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

- d. Article IX, Miscellaneous Provisions
- e. Article X, Transition Schedule

**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 2026-02**

Held on Thursday, the 12<sup>th</sup> day of February, 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 David Myers gave the invocation which was followed by the Pledge of Allegiance to the Flag.

**ROLL CALL:**

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

**ALSO PRESENT:**

Patricia Smith, City Attorney; Terese Jones, City Clerk.

Motion by Mr. Miller, seconded by Ms. Kaufhold, to consider Item 2, under New Business, prior to Item 1, under New Business. Motion carried unanimously.

**ADOPTION OF MINUTES:**

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

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

**PUBLIC COMMENTS:**

There were no public comments.

**REPORTS:**

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

No action was required for this item.

**NEW BUSINESS:**

Item 2, under New Business, was considered at this time.

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

Motion by Vice-Chair Gaume, seconded by Mr. Weinberg, to approve a curfew of 8:00 P.M., except that upon a motion for each, two (2) thirty (30) minute extensions may be approved by the Commission to continue past the adjournment hour. Motion carried unanimously.

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

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

**a. Article I, Creation, Powers and Definitions**

*Section 1.01 CREATION, POWERS, AND DEFINITIONS.*

Ms. Kaufhold proposed the following amendment to 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 “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).<< 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.”

Motion by Mr. Norris, seconded by Mr. O’Neil, to approve the amendment to Section 1.01.

Motion carried with members voting as follows:

Mr. Delgado	Yea
Mr. Myers	Yea
Mr. Miller	Yea
Mr. Gaume	Nay
Mr. Norris	Yea
Mr. O’Neil	Yea
Ms. Sepp	Yea
Ms. Kaufhold	Yea
Mr. Chandler	Yea
Mr. Weinberg	Nay

**b. Article V, Qualifications and Elections**

*Section 5.01 NONPARTISAN ELECTIONS.*

There were no changes to this section.

*Section 5.02 QUALIFICATIONS.*

There were no changes to this section.

*Section 5.03 FORM OF BALLOTS.*

There were no changes to this section.

*Section 5.04 ELECTIONS.*

*5.041 Councilmembers.*

Vice-Chair Gaume presented a proposal to eliminate the primary election, and the seat designations for City Council, except for the Mayor's seat. The terms of office would not change, but the person(s) having the highest number of votes in the election would be elected. Mr. O'Neil felt the votes would be spread too thin for each candidate. Mr. Weinberg wanted to keep the process as is. Ms. Sepp supported eliminating the primary elections but wanted to keep the seat designations. Mr. Miller said the seat designations had no value and supported the proposal. There was further discussion amongst the Commission.

Motion by Ms. Kaufhold, seconded by Mr. Miller, to approve eliminating seat designations for City Council, except for the Mayor's seat, and that the four (4) councilmember seats should be elected at large.

Motion failed with members voting as follows:

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

Vice-Chair Gaume withdrew his other proposals for this Article V.

*5.042 Elections and terms of office.*

Mr. Miller suggested a proposal to Subsection 5.042, Elections and terms of office. He felt the term requirements should be separate for serving as councilmember and as mayor. An individual could be elected and serve as a councilmember up to twelve (12) consecutive years and could then serve up to twelve (12) consecutive years in the position of mayor. Vice-Chair Gaume said it should state a total of twelve (12) years and a partial term counted as a full term. He noted that the mayor's seat was ceremonial and held no more power than any other member of council.

Motion by Mr. Miller to amend Subsection 5.042 to reflect that members of City Council shall be limited to twelve (12) years. Chair Delgado asked if it would be consecutive.

Motion by Mr. Miller, seconded by Mr. Norris, to amend Subsection 5.042 to reflect that members of City Council should be limited to twelve (12) consecutive years or a maximum of three (3) consecutive terms and a partial term would be considered as a full term. Motion carried unanimously.

*5.041 Councilmembers.*

Mr. Weinberg proposed the following amendment to 5.041, Councilmembers:

“A councilmember shall be elected to a specific seat on the council. All councilmembers shall be elected by a citywide vote, however, in addition to representing all the residents of the city, the following seats shall in addition be responsible to the concerns of the residents in the specified quadrants of the city. Seat 2 shall represent the concerns of the residents of the NE quadrant, Seat 3 shall represent the concerns of the SE quadrant, Seat 4 shall represent the NW quadrant and Seat 5 shall represent the SW quadrant. Seat 1 shall continue to represent the concerns of all the residents of the city.”

There was discussion about having equal representation from City Council. Ms. Smith said that it could become confusing because although the proposal did not create districts, the council seats would be representing an area and would also be considered at large. Mr. Weinberg explained that the council members would not be limited to a certain area of the city nor would they have to reside in a specific area of the city. The purpose of the proposal was for the council members to act as a liaison to specific areas to assist in addressing their concerns.

Mr. Chandler felt the City Charter was not the proper area to place this language. He said it should be a policy decision by the City Council. Vice-Chair Gaume agreed with it being a policy in which Council had the flexibility to modify the designated areas or eliminate it altogether.

Mr. Myers left the meeting at 6:54 P.M. and did not return.

Ms. Sepp said that the Brevard County Commissioners represented districts, but residents had the ability to meet with any one of them. She supported the proposal.

As there was no support from most of the Commission, Mr. Weinberg withdrew his proposal.

*Section 5.05 RECALL.*

There were no changes to this section.

*Section 5.06 ELECTION DISTRICTS (VOTING PRECINCTS).*

There were no changes to this section.

**c. Article VI, Taxes and Fees**

*Section 6.01 TAXES.*

Vice-Chair Gaume presented a proposal to remove the terms “emergency or critical need” from Section 6.01(c). He said the three percent (3%) cap stood as an absolute limit unless overridden by a supermajority of Council.

Motion by Ms. Sepp to approve the proposed amendment. Vice-Chair Gaume said he would not second the motion as he preferred the language to remain as is. Ms. Sepp withdrew her motion. There was further discussion as to whether the three percent (3%) cap should remain or be removed, and how the cap affected the City’s budget.

Motion by Mr. Weinberg, seconded by Mr. Chandler, to remove all references to the three percent (3%) cap.

Motion failed with members voting as follows:

Mr. Delgado	Nay
Mr. Miller	Nay

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

*Section 6.02 SPECIAL ASSESSMENTS.*

There were no changes to this section.

*Section 6.03 LICENSING FEES.*

There were no changes to this section.

**ADJOURNMENT:**

The meeting adjourned at approximately 7:40 P.M.

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Ken Delgado, Chair

ATTEST:

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Terese M. Jones, City Clerk

**AMENDMENTS APPROVED**

**BY THE**

**CHARTER REVIEW  
COMMISSION**

**AS OF FEBRUARY 12, 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.~~

##### >>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 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.<<"

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**Meeting 2026-01; January 15, 2026**

**ARTICLE III – LEGISLATIVE**

*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.<<"

*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.~~

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(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.

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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.

**>>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.<<**

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### **Meeting 2026-02; February 12, 2026**

## **ARTICLE III – LEGISLATIVE**

### *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 “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).<<** 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.”

## **ARTICLE V – QUALIFICATIONS AND ELECTIONS.**

### *Section 5.04 ELECTIONS.*

#### *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.”

# CURRENT CITY CHARTER LANGUAGE

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ARTICLE VI – TAXES AND FEES

ARTICLE VII – CITY BORROWING

ARTICLE VIII - PUBLIC SAFETY

ARTICLE IX – MISCELLANEOUS  
PROVISIONS

ARTICLE X – TRANSITION  
SCHEDULE

## **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)

## **ARTICLE VII. CITY BORROWING**

### **Section 7.01 AUTHORITY TO BORROW.**

The council may borrow money, contract loans, and issue notes and bonds as may be authorized by state law.

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

### **Section 7.02 BOND ISSUES.**

(a) The council may authorize the issuance of bonds and notes by resolution or ordinance, or if required by the Constitution of the state of Florida by affirmative vote of the electors of Palm Bay, to finance approved city projects.

(b) The council shall approve the terms and manner of sale and distribution or other disposition of any and all notes and bonds it may issue and it shall have any and all powers necessary or convenient to such disposition.

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

### **Section 7.03 SINKING FUNDS.**

The council may establish and administer appropriate sinking funds for the satisfaction of any outstanding indebtedness of the city.

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

## **ARTICLE VIII. PUBLIC SAFETY**

### **Section 8.01 POLICE DEPARTMENT.**

There shall be a police department.

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

### **Section 8.02 FIRE DEPARTMENT.**

There shall be a fire department.

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

### **Section 8.03 CIVIL DEFENSE.**

The city manager shall cause to be prepared and maintained current a plan to deal with all disasters, emergencies and catastrophes such as floods, hurricanes, tornadoes, other "acts of God," riots, and civil disturbances.

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

## **ARTICLE IX. MISCELLANEOUS PROVISIONS**

### **Section 9.01 CHARTER REVIEW COMMISSION.**

Within one (1) month after receipt of the results of the federal decennial census in 1990 and following each federal decennial census thereafter, the council shall appoint a commission of not less than ten (10) electors of the city, to be known as a charter review commission. The council may appoint a charter review commission at any other time when deemed appropriate. This commission shall review and recommend to the council any additions or deletions to this charter as in its judgment it deems advisable. The council shall submit to the electors any proposed additions or deletions to the charter in the manner provided in article III, section 3.09, of this charter.

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

### **Section 9.02 BOARDS, COMMITTEES, COMMISSIONS.**

The council shall establish such boards, committees or commissions, and appoint members, as it deems advisable to make recommendations regarding the general welfare of Palm Bay residents and to ensure planned orderly growth and development of the city in accordance with state law.

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

## **ARTICLE X. TRANSITION SCHEDULE**

### **Section 10.01 CONFLICTING LAWS AND ORDINANCES.**

Any section of a law, ordinance, or regulation, insofar as it conflicts with or is inconsistent with the provisions of this charter, is hereby repealed.

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

### **Section 10.02 PENDING MATTERS.**

All rights, claims, actions, orders, contracts, legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this charter.

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

### **Section 10.03 SEVERABILITY CLAUSE.**

If any article, part of article, or any provision of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such article, part of article, or provision so held invalid may appear, except to the extent that an entire article or part may be inseparably connected in meaning and effect with the provision to which the court holding shall apply.

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

### **Section 10.04 EFFECTIVE DATE.**

This charter, except as herein otherwise provided, shall take effect as prescribed by law. The city clerk shall place the effective date of this charter on the official copy filed in the clerk's office.

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

Referendum Election: November 3, 1992

Filed with Florida Department of State: November 16, 1992

**NEW BUSINESS #1a**

**REVISIONS PROPOSED**

**BY**

**VICE-CHAIR**

**TOM GAUME**

# CHARTER AMENDMENT PROPOSAL

Palm Bay Charter Review Commission

**To:** Palm Bay Charter Review Commission  
**From:** Thomas Gaume, Vice Chair  
**Date:** February 16, 2026  
**Re:** **Amend Charter §6.01(b) — Replace 3% Cap with Inflation-Linked Formula**

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## What This Proposal Does

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This proposal replaces the fixed 3% revenue cap with a formula tied to the Consumer Price Index plus 1%. It is not a repeal. It is an update.

The current cap says the city's property tax revenue can grow by no more than **3% per year**, regardless of what's happening in the real economy. The proposed formula is simple: instead of a flat 3%, the cap adjusts each year based on actual inflation plus a 1% buffer, with a hard ceiling of 5%. The cap can never exceed 5% in any year. Period.

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## Why I'm the One Proposing This

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In 2016, I worked directly with Councilman Bailey to get the 3% revenue cap on the ballot. He and I were in near-daily communication on the referendum language and strategy. Voters approved it 71-29. I believed in the cap then because inflation was running under 2% annually. The cap gave the city enough room to operate while giving voters real control over spending growth. That was a good deal, and I was proud to help make it happen.

Four years ago, when the question came back as a straight repeal, I worked to defeat it. Voters rejected the repeal 65-35, and I agreed with that result. Removing the cap entirely was the wrong answer. Voters wanted spending control. Taking it away wasn't what they were asking for.

At our February meeting, I proposed a minimal fix: remove the "emergent or critical need" language and require a consensus of four Council members to exceed the cap. That proposal didn't get traction. I respect the Commission's judgment on that.

This proposal is my response. The 3% cap was the right answer to the problem we had in 2016. It is not the right answer to the economy we have in 2026. I'm not asking you to remove the cap. I'm asking you to **update the formula** so it works the way voters originally

intended: controlling spending without forcing service cuts when the cost of doing business rises faster than 3%.

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### Why Trading 3% for 1% Is a Better Deal for Voters

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Under the current charter, the city gets a flat 3% growth allowance every single year, no matter what. In a low-inflation year like 2020 (inflation was 1.2%), the city got almost two full percentage points of growth above actual costs. That's more room than any city needs.

Under the proposed formula, the city only gets **1% above whatever inflation actually is**. In that same 2020 scenario, the cap would have been **2.2%** instead of 3%. That's *tighter* than what we have now.

The trade is straightforward. Voters give up a fixed number (3%) and get a smarter number (inflation + 1%) that does two things the current cap cannot do:

<b>Current Cap: Flat 3%</b>	<b>Proposed Cap: CPI + 1%</b>
Low inflation (1.2%): City gets 1.8% cushion above costs	Low inflation (1.2%): Cap is only 2.2% (tighter than 3%)
High inflation (8.0%): City falls 5% behind costs	High inflation (8.0%): Cap is 5% (hard ceiling protects voters)
<b>Result: Overshoot in good years, forced cuts in bad years</b>	<b>Result: Tracks reality in both directions, never exceeds 5%</b>

Voters keep **three hard protections** that the current cap does not fully provide:

- 1. 5% hard ceiling.** Revenue growth can never exceed 5% in any year, no matter how high inflation goes. The current cap has no upper limit on the critical-need override.
- 2. Federal benchmark.** The formula uses Consumer Price Index data published by the Bureau of Labor Statistics. Council cannot change the number. It's the same index used to adjust Social Security payments and military cost-of-living allowances. If it's reliable enough for your Social Security check, it's reliable enough for your city budget.
- 3. Supermajority override.** If Council ever needs to exceed the cap, it still requires a supermajority vote at a public hearing with a declared critical need. This protection is unchanged.

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### Why This Matters Now

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The 3% cap worked fine when inflation ran under 2%. That was the deal voters made in 2016, and it was a good one. The economy broke that deal. From 2019 through 2024, the actual cost of goods and services went up 22.4% (Bureau of Labor Statistics CPI-U data).

The 3% cap allowed only 15.9% growth over the same period. That gap is real money. It means the city has quietly lost over 5 cents of purchasing power on every dollar, without anyone voting for a single cut.

For FY2026, the 3% cap rate fell below the rollback rate for the first time in city history. That's the point where the cap stops limiting growth and starts forcing a revenue decline on existing properties. The cap is no longer controlling spending. It's cutting revenue below what the city collected last year, before accounting for inflation.

Council responded by declaring "critical need" to fund baseline operations. That emergency mechanism was designed for hurricanes and one-time crises. Using it every September to pass a routine budget means the charter has a structural problem.

The practical impact is visible. Palm Bay staffs **1.31 police officers per 1,000 residents**, ranking 241st out of 246 Florida city police departments (FDLE data). Per-capita public safety spending is \$769 versus a statewide city average of \$1,045. These numbers aren't the result of policy choices. They're the result of a revenue formula that no longer matches the economy it operates in.

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### What Voters Have Already Told Us

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Voters approved the 3% cap in 2016 with 71% support. They wanted spending control. That was a clear mandate.

In 2022, voters rejected repealing the cap by a 65-35 margin. The question was framed as "remove the cap." Voters said no. They didn't want a blank check. That was also a clear mandate.

This proposal is **not a repeal**. It does not remove the cap. It does not give Council unlimited authority. It updates the formula from a fixed number that was set when inflation was under 2% to one that adjusts automatically so voters don't have to keep coming back to the ballot every time the economy changes.

The 2016 voters got it right: the city needs a cap. The 2022 voters got it right: the cap shouldn't be removed. What neither group could have predicted is that inflation would hit 8% in a single year and break the formula. This proposal fixes the formula while keeping the cap.

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## Proposed Charter Language (Redline)

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**REDLINE KEY:** ~~Strikethrough text~~ = language removed    Underlined text = language added

### SECTION 6.01. LIMITATIONS ON AD VALOREM TAXATION.

(a) *[No changes proposed to subsection (a)]*

**(b) Ad valorem revenue cap.**

~~Annual budgeted ad valorem revenue shall not exceed the prior year's budgeted amount increased by three percent (3%), excluding revenue attributable to new construction as defined by law. For purposes of this subsection, "ad valorem revenue" means all property tax revenue available for appropriation in the General Fund and does not include ad valorem revenue pledged to the payment of bonded indebtedness.~~

Annual budgeted ad valorem revenue shall not exceed the prior year's budgeted amount increased by the lesser of (1) the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, All Items, as published by the United States Bureau of Labor Statistics for the most recent twelve-month period ending June 30 preceding the fiscal year, plus one percentage point, or (2) five percent (5%), excluding revenue attributable to new construction as defined by law. For purposes of this subsection, "ad valorem revenue" means all property tax revenue available for appropriation in the General Fund and does not include ad valorem revenue pledged to the payment of bonded indebtedness.

In the event that the CPI-U data for the applicable measurement period is not available by the date the City Council must adopt the tentative millage rate pursuant to Florida law, the City shall use the most recent CPI-U data available and shall adjust the cap calculation retroactively if necessary when final data is published.

*[Remainder of Section 6.01, including the critical need supermajority override provision, is unchanged.]*

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**What This Would Have Looked Like (and What It Looks Like Today)**

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Here's what the proposed formula would have produced versus the current cap, using actual Bureau of Labor Statistics data. The last row uses the January 2026 CPI report, published February 13, 2026.

Year	Actual CPI	Current Cap (3%)	Proposed Cap	What Happens
2020	1.2%	3.0%	<b>2.2%</b>	Proposed is tighter
2021	4.7%	3.0%	<b>5.0%*</b>	Ceiling kicks in
2022	8.0%	3.0%	<b>5.0%*</b>	Ceiling kicks in
2023	4.1%	3.0%	<b>5.0%*</b>	Ceiling kicks in
2024	2.7%	3.0%	<b>3.7%</b>	Tracks inflation
2025	2.4%	3.0%	<b>3.4%</b>	Only 0.4% above current

\* 5% hard ceiling applies when CPI + 1% exceeds 5%. † January 2026 BLS data (published Feb 13, 2026).

Two rows tell the whole story. In 2020, the proposed cap would have been **2.2%**, not 3%. Voters get a tighter cap in normal years. In 2022, the 5% ceiling kicks in instead of the current formula that fell 5 points behind reality and forced emergency declarations.

#### Where the formula goes from here:

As of January 2026, CPI is running at 2.4%. Under this formula, the cap would be 3.4%, only four-tenths of a point above the current cap. Treasury Secretary Bessent stated on February 13 that he expects inflation to return to the Federal Reserve's 2% target by mid-2026. If that trajectory holds:

**At 2.0% CPI: the proposed cap = 3.0%** (identical to the current cap)

**At 1.5% CPI: the proposed cap = 2.5%** (tighter than the current cap)

**At 1.0% CPI: the proposed cap = 2.0%** (significantly tighter)

The only time this formula allows more than 3% is during high-inflation years. As inflation comes down, the formula automatically tightens. That's the point. Voters get a cap that self-corrects in both directions instead of a fixed number that ignores the economy.

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### Anticipated Questions

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#### ***"Isn't this just a backdoor tax increase?"***

No. The cap still limits how much revenue can grow. It just ties the limit to actual inflation instead of an arbitrary number. In years when inflation is below 2%, the proposed cap is lower than the current 3%. At today's 2.4% inflation rate, the proposed cap would be 3.4%, four-tenths of a point above the current cap. If inflation drops to 2% as projected, the

proposed cap matches the current cap exactly. The 5% ceiling means growth can never run away. The current cap has no ceiling on the critical-need override.

***"Voters already said no in 2022."***

Voters rejected removing the cap. This proposal keeps the cap and makes it smarter. The 2022 ballot asked voters to eliminate the cap entirely. That's not what this does. This updates the formula from a fixed 3% to an inflation-linked number with a 5% ceiling. The cap stays. The control stays. The formula gets better. As someone who worked to defeat the 2022 repeal, I can tell you this is a fundamentally different question.

***"But the city's revenue keeps going up. They got 55% more in five years."***

Total revenue has gone up because Palm Bay is adding roughly 430 new residents per month. New construction is exempt from the cap in its first year, so new homes add to total revenue. But those new homes also add 430 residents who need police, fire, and road service. The cap restricts what the city can collect on existing properties. That's where the erosion happens. Growth in total revenue from new construction doesn't offset the purchasing power loss on the existing tax base.

***"Council seems to have no problem spending the money they already get."***

That's a fair concern, and it's exactly why this proposal ties the cap to an external federal benchmark instead of removing it. The Bureau of Labor Statistics publishes the CPI number. Council cannot change it, negotiate it, or override it. The only discretion Council has is the critical-need supermajority override, which is identical to what exists today. If you don't trust Council with a blank check, this proposal doesn't give them one. It gives them inflation plus one percent, verified by a federal agency, capped at five.

***"Why not just keep using the critical-need override?"***

Because that override was designed for emergencies, not annual budgets. When Council has to declare a crisis every September just to fund police and fire, the override has become the budget process. That's not what voters intended. It also creates uncertainty for city employees, bond markets, and long-term planning. Fixing the formula is better governance than relying on emergency powers year after year.

***"What is CPI and can Council manipulate it?"***

CPI stands for Consumer Price Index. It measures the average change in prices paid by consumers for goods and services. It's calculated and published by the Bureau of Labor Statistics, a federal agency. City Council has zero control over the number. It's the same index used to adjust Social Security payments, federal tax brackets, and military cost-of-living allowances. If it's reliable enough for your Social Security check, it's reliable enough for your city budget.

***"What's the +1% for?"***

Municipal costs run higher than consumer costs. When you buy gas for your car, you're paying CPI prices. When the city buys fuel for 200 police cars and 40 fire trucks, maintains 800 miles of road, and covers employee health insurance, those costs consistently run 1 to 2 points above general CPI. Brevard County's own budget staff confirmed this: construction costs rose 40% over the past decade while CPI rose 25%. The +1% is a buffer so the city doesn't fall behind even when it's under the cap.

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## Recommendation

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I'm asking the Charter Review Commission to forward this amendment to City Council with a favorable recommendation for the November 2026 general election ballot.

The math supports it. The 3% cap has produced a 6.5 percentage point gap with actual inflation since 2019. Every year that gap compounds. The FY2026 cap rate fell below rollback for the first time, forcing Council to use emergency powers for a routine budget.

The voter history supports it. The 2016 vote showed 71% of voters want spending control. The 2022 vote showed 65% don't want the cap removed. This proposal gives both groups what they asked for: a cap that controls spending without forcing service cuts when inflation runs above 3%.

The current economy supports it. At today's 2.4% inflation rate, this formula produces a 3.4% cap. If inflation continues to decline as projected, the formula produces the same or lower cap than the current 3%. The only scenario where this formula is meaningfully higher is during an inflation spike, and that's exactly when the city needs the flexibility most.

The framing matters. The ballot question should lead with "**inflation plus one percent**," so voters understand they're getting a tighter, smarter cap. Below is suggested ballot language:

### SUGGESTED BALLOT LANGUAGE

Shall the Palm Bay City Charter be amended to replace the fixed three percent (3%) annual limit on property tax revenue growth with a limit tied to the Consumer Price Index for All Urban Consumers (CPI-U) plus one percentage point, not to exceed five percent (5%) in any year, while retaining the exclusion for new construction revenue and the supermajority critical need override?

The Charter Review Commission exists to identify when charter provisions no longer serve the voters who approved them. The 3% cap was good policy in a low-inflation economy. It is broken policy in the economy we actually live in. This proposal keeps the cap, keeps the voter protections, and updates the formula so it works the way voters originally intended.

I helped build this cap because I believed in it. I defended it four years ago because voters wanted to keep it. I'm proposing this update because the formula has stopped doing what we designed it to do. The cap should control spending, not force service cuts. This fix accomplishes that.

I'd appreciate your review and any questions or concerns before we bring this to a Commission vote.

**Thomas Gaume**

Vice Chair, Palm Bay Charter Review Commission