VILLAGE OF PALMETTO BAY

Mayor Karyn Cunningham
Vice Mayor Mark Merwitzer
Council Member Patrick Fiore (Seat 1)
Council Member Steve Cody (Seat 2)
Council Member Marsha Matson (Seat 3)

Village Manager Nick Marano
Village Attorney John Quick
Village Clerk Missy Arocha

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

AGENDA
SPECIAL COUNCIL MEETING
MONDAY, JUNE 15, 2026 – 5:00 PM

VILLAGE HALL MUNICIPAL CENTER
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157
(305) 259-1234

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1. **CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

2. **REQUEST, PETITIONS, AND PUBLIC COMMENTS** Individuals wishing to speak on matters on the agenda and on items pertinent to the Village may do so by speaking during this section of the agenda. The Mayor will recognize those persons who wish to speak. Each speaker must sign-in prior to speaking on the designated public commentary sign-in sheet. Items for public hearing provided for within the agenda shall not be a topic of discussion during this section of the agenda. Please limit your comments to three (3) minutes or less. Public comments made by members of the public are important to the Village Council. Speakers will address the Village Council with respect.

3. ORDINANCES FOR FIRST READING WITH PUBLIC COMMENTS

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REPEALING AND RESCINDING ORDINANCE 2026-01; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by the Village Council) (Deferred from the June 1, 2026, Regular Council Meeting)*

4. RESOLUTIONS WITH PUBLIC COMMENTS

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REPEALING AND RESCINDING RESOLUTION NO. 2025-80; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by the Village Council) (Deferred from the June 1, 2026, Regular Council Meeting)*

5. COUNCIL COMMENTS

6. NEXT MEETING AND ADJOURNMENT

WE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, HEREBY COMMIT OURSELVES TO MAINTAINING CIVILITY IN OUR PUBLIC AND POLITICAL DISCOURSE AND PLEDGE TO THE FOLLOWING PRINCIPLES:

- We will respect the right of all citizens in our community to hold different opinions;
- We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- We will strive to understand differing perspectives;
- We will choose our words carefully;
- We will speak truthfully without accusation and we will avoid distortion;
- We will speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur.

NOTICE OF APPEAL RIGHTS

Pursuant to Florida Statutes 286.0105, the Village hereby advises the public that if a person decides to appeal any decision made by the Council with response to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, the affected person may need to ensure that verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not

otherwise allowed.

AMERICAN DISABILITIES ACT OF 1990

This meeting is open to the public. In accordance with the American Disabilities Act of 1990, persons needing special accommodation or a sign language interpreter to participate in this proceeding should contact the Village Clerk at (305) 259-1234 no later than four (4) days prior to the meeting. Hearing Assistance Devices are available with the Village Clerk.

AGENDA ITEM NO. 3.A

Item Cover Page

SPECIAL COUNCIL MEETING AGENDA ITEM REPORT

DATE:	June 15, 2026
SUBMITTED BY:	Missy Arocha, Village Council
ITEM TYPE:	Ordinance
AGENDA SECTION:	**ORDINANCES FOR FIRST READING WITH PUBLIC COMMENTS**
SUBJECT:	AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REPEALING AND RESCINDING ORDINANCE 2026-01; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by the Village Council)* *(Deferred from the June 1, 2026, Regular Council Meeting)*
SUGGESTED ACTION:	

ATTACHMENTS:

Ord-Repealing & Rescinding Ordinance 2026-01 re: CRC

Exhibit A - Ordinance-2026-01

ORDINANCE 2026 -

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REPEALING AND RESCINDING ORDINANCE 2026-01; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE *(Sponsored by Village Council)*

WHEREAS, the Village Council of the Village of Palmetto Bay ("Village Council"), at its meeting on or about February 2, 2026, adopted Ordinance No. 2026-01 amending Section 2.51 of the Village Code as it relates to matters which may be proposed by the Village Charter Revision Commission ("CRC"); and

WHEREAS, a copy of Ordinance No. 2026-01 is attached hereto as Exhibit "A"; and

WHEREAS, certain litigation was recently initiated in relation to Ordinance No. 2026-01; and

WHEREAS, the Village may in its right repeal and rescind Ordinance No. 2026-01;

WHEREAS, the Village Council intends to retain the right to approve any and all proposals from the CRC while giving due weight to the expertise and work performed by the CRC; and

WHEREAS, the Village Council finds that the adoption of this Ordinance is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated as if set forth in full.

Section 2. Repeal and Rescission. Ordinance No. 2026-01, attached hereto as Exhibit A, is hereby repealed and rescinded in its entirety.

Section 3. Repeal of Conflicting Provisions. The provisions of the Village Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses, or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. It is the intention of the Village Council, and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment at Second Reading.

PASSED ON FIRST READING this ____ day of _____, 2026.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____, 2026.

Attest: _____ _____

Missy Arocha	**Karyn Cunningham**
Village Clerk	**Mayor**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE SOLE USE AND BENEFIT OF THE VILLAGE:

_____

John J. Quick
Village Attorney

VOTE ON FIRST READING:

Mayor Karyn Cunningham ___

Council Member Steven Cody ___

Council Member Marsha Matson ___

Vice-Mayor Mark Merwitzer ___

Council Member Patrick Fiore ___

FINAL VOTE AT ADOPTION ON SECOND READING:

Mayor Karyn Cunningham ___

Council Member Steven Cody ___

Council Member Marsha Matson ___

Vice-Mayor Mark Merwitzer ___

Council Member Patrick Fiore ___

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ORDINANCE NO. 2026-01

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 2.51, "CHARTER REVISION COMMISSION," OF THE VILLAGE CODE; REQUIRING THE VILLAGE COUNCIL TO FORWARD TO THE VILLAGE ELECTORS ALL CHARTER AMENDMENTS OR REVISIONS UNALTERED AS RECOMMENDED BY THE CHARTER REVISION COMMISSION; CLARIFYING THAT THE VILLAGE COUNCIL MAY SUBMIT ALTERNATIVE AMENDMENTS OR REVISIONS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

WHEREAS, the Charter Revision Commission (the "Commission") performs a critical function under the Village Charter by ensuring that Village electors (the "electors") retain the authority to revise the Charter adopted at the time of the municipal incorporation of the Village of Palmetto Bay; and

WHEREAS, on December 3, 2025, the Village Council (the "Council") adopted a resolution affirming that the Council is required to forward to the electors all Charter revisions unaltered as recommended by the Commission; and

WHEREAS, the Council desires to codify in the Village Code of Ordinances the requirement that all Charter amendments or revisions unaltered as recommended by the Commission shall be forwarded to the electors; and

WHEREAS, the Council further desires to clarify that it retains the authority to submit alternative Charter amendments or revisions to the electors for consideration.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

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Section 1. Incorporation of Recitals. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2. Statement of Intent. It is the legislative intent of the Mayor and Council of the Village of Palmetto Bay to affirm and preserve the independent authority of the Charter Revision Commission as established by the Village Charter and to ensure that Village electors receive, without alteration, all Charter amendments or revisions duly recommended by the Commission. This Ordinance is intended to promote transparency, voter choice, and the orderly exercise of Charter revision authority consistent with the will of the electors and the foundational principles of the Village Charter.

Section 3. Amendment to Section 2.51 of the Village Code. Section 2.51 of the Municipal Code of the Village of Palmetto Bay is hereby amended to read as follows (additions underlined):

> If the Commission determines that an amendment or revision is needed, it shall submit the same to the Village Council no later than the deadline established by the Miami-Dade County Supervisor of Elections, so that such amendment or revision may be placed on the ballot for the next regularly scheduled Village election. The Village Council shall submit to the Village electors all amendments or revisions to the Charter unaltered as recommended by the Charter Revision Commission. The Village Council may also submit alternative Charter amendments or revisions to the Village electors, in accordance with the provisions of Section 6.1 of the Village Charter, at the next regularly scheduled Village election.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance. It is the legislative intent of the Village Council that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. It is the intention of the Village Council, and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be renumbered or re-lettered

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to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment at Second Reading.

PASSED ON FIRST READING this 12th day of January, 2026.

PASSED AND ADOPTED ON SECOND READING this 2nd day of February, 2026.

Attest: Signed by: Missy Arocha 6E[illegible]1E5E8C480... **Missy Arocha**
Village Clerk

Signed by: Karyn Cunningham 35B[illegible]CD2D0CB470... **Karyn Cunningham**
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE SOLE USE AND BENEFIT OF THE VILLAGE:

Signed by: C71CE56E4F6849D...
John J. Quick
Village Attorney

VOTE ON FIRST READING:

Mayor Karyn Cunningham	NO
Council Member Steven Cody	NO
Council Member Marsha Matson	YES
Vice-Mayor Mark Merwitzer	YES
Council Member Patrick Fiore	YES

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FINAL VOTE AT ADOPTION ON SECOND READING:

Mayor Karyn Cunningham	NO
Council Member Steven Cody	NO
Council Member Marsha Matson	YES
Vice-Mayor Mark Merwitzer	YES
Council Member Patrick Fiore	YES

AGENDA ITEM NO. 4.A

Item Cover Page

SPECIAL COUNCIL MEETING AGENDA ITEM REPORT

DATE:	June 15, 2026
SUBMITTED BY:	Missy Arocha, Village Council
ITEM TYPE:	Resolution
AGENDA SECTION:	**RESOLUTIONS WITH PUBLIC COMMENTS**
SUBJECT:	A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REPEALING AND RESCINDING RESOLUTION NO. 2025-80; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by the Village Council)* *(Deferred from the June 1, 2026, Regular Council Meeting)*
SUGGESTED ACTION:	

ATTACHMENTS:

Reso-Repealing & Rescinding Resolution 2025-80 re: Charter Revision Commission

Exhibit A - Resolution-2025-80

RESOLUTION NO. 2026-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REPEALING AND RESCINDING RESOLUTION NO. 2025-80; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE *(Sponsored by Village Council)*

WHEREAS, the Village Council of the Village of Palmetto Bay ("Village Council"), at its meeting on or about December 1, 2025, adopted Resolution No. 2025-80 addressing matters which may be proposed by the Village Charter Revision Commission ("CRC"); and

WHEREAS, a copy of Resolution No. 2025-80 is attached hereto as Exhibit "A"; and

WHEREAS, certain litigation was recently initiated in relation to Resolution No. 2025-80; and

WHEREAS, the Village may in its right repeal and rescind Resolution No. 2025-80;

WHEREAS, the Village Council intends to retain the right to approve any and all proposals from the CRC while giving due weight to the expertise and work performed by the CRC; and

WHEREAS, the Village Council finds that the adoption of this resolution is in the best interests of the Village and its residents.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated as if set forth in full.

Section 2. Repeal and Rescission. Resolution No. 2025-80, attached hereto as Exhibit A, is hereby repealed and rescinded in its entirety.

Section 3. Repeal of Resolutions in Conflict. All resolutions or parts thereof in conflict are hereby repealed to the extent of such conflict.

Section 4. Severability. The provisions of this Resolution are declared to be severable, and if any sentence, section, clause, or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses, or phrases of the Resolution, but they shall remain in effect it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption.

PASSED and **ADOPTED** this _____ day of June 2026.

Attest:

_____ _____

Missy Arocha Karyn Cunningham
Village Clerk Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE SOLE USE AND BENEFIT OF THE VILLAGE:

_____

John J. Quick
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member Steve Cody _____

Council Member Marsha Matson _____

Vice-Mayor Mark Merwitzer _____

Mayor Karyn Cunningham _____

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RESOLUTION NO. 2025-80

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUIRING THE VILLAGE COUNCIL TO FORWARD TO THE VOTERS ALL REVISIONS RECOMMENDED BY THE CHARTER REVISION COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

WHEREAS, Section 6.2 (C) of the Charter of the Village of Palmetto Bay ("Charter Revision") provides in part that: If the Commission determines that an amendment or revision is needed, it shall submit the same to the Council no later than the deadline established by the County Commission on Elections so that the amendments or revisions may appear on the ballot for the next regularly scheduled election of the Village. Alternative proposals may be submitted. The Council shall submit suggested amendments and revisions to the electors of the Village in accordance with the provisions of Section 6.1, at the next regularly scheduled election; and,

WHEREAS, the outgoing Village Attorney, Mr. John Dellagloria, advised the Charter Revision Commission that pursuant to Section 6.2(C) of the Charter of the Village of Palmetto Bay the Village Council must submit to electors of the Village amendments or revisions to the Charter recommended by the Charter Revision Commission; and,

WHEREAS, Section 6.1 of the Charter of the Village of Palmetto Bay provides:

(A) The Charter may be amended in accordance with the provisions of Section 6.03 of the Home Rule Charter of Miami-Dade County. The Village shall enact an ordinance to implement this Article.

(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; and,

WHEREAS, Section 6.03 of the Home Rule Charter of Miami-Dade County provides in part:

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(A) Any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner: Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

(B) All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.

WHEREAS, precedent establishes that the Village Council has submitted to electors of the Village all charter revisions recommended by the past Charter Revision Commission; and,

WHEREAS, the current Village Attorney, Mr. John Quick, opined that the Village Council is not required to submit the Charter Revision Commission's proposed revisions to Village electors; and,

WHEREAS, on October 23, 2025, the Charter Revision Commission voted unanimously (5-0) to suspend all further meetings until such time as the Village Council adopts a resolution affirming that the Council will approve forwarding to Village electors all charter revisions recommended by the Charter Review Commission; and,

WHEREAS, the work of the Charter Revision Commission fulfills a critical function of the Village Charter and is subject to statutory and election-related timelines, making clarification of the Commission's authority both necessary and urgent.

Docusign Envelope ID: F8B6AD40-54BA-404B-A0F1-F4F6CB70B1B4

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein and made a part of this Resolution.

Section 2. The Village Council shall submit to Village electors all revisions to the Charter unaltered and recommended by the Charter Review Commission.

Section 3. This Resolution shall take effect immediately upon adoption.

Attest:

Signed by:
Missy Arocha
6EDC211E7E8C48C...

Missy Arocha
Village Clerk

Signed by:
Karyn Cunningham
35B93CD2D9CB470...

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE SOLE USE AND BENEFIT OF THE VILLAGE:

Signed by:
C41C556E4F6240D...

John J. Quick
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	YES
Council Member Steve Cody	NO
Council Member Marsha Matson	YES
Vice-Mayor Mark Merwitzer	YES
Mayor Karyn Cunningham	NO

Docusign Envelope ID: F8B6AD40-54BA-404B-A0F1-F4F6CB70B1B4

RESOLUTION NO. 2025-80

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUIRING THE VILLAGE COUNCIL TO FORWARD TO THE VOTERS ALL REVISIONS RECOMMENDED BY THE CHARTER REVISION COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

WHEREAS, Section 6.2 (C) of the Charter of the Village of Palmetto Bay ("Charter Revision") provides in part that: If the Commission determines that an amendment or revision is needed, it shall submit the same to the Council no later than the deadline established by the County Commission on Elections so that the amendments or revisions may appear on the ballot for the next regularly scheduled election of the Village. Alternative proposals may be submitted. The Council shall submit suggested amendments and revisions to the electors of the Village in accordance with the provisions of Section 6.1, at the next regularly scheduled election; and,

WHEREAS, the outgoing Village Attorney, Mr. John Dellagloria, advised the Charter Revision Commission that pursuant to Section 6.2(C) of the Charter of the Village of Palmetto Bay the Village Council must submit to electors of the Village amendments or revisions to the Charter recommended by the Charter Revision Commission; and,

WHEREAS, Section 6.1 of the Charter of the Village of Palmetto Bay provides:

(A) The Charter may be amended in accordance with the provisions of Section 6.03 of the Home Rule Charter of Miami-Dade County. The Village shall enact an ordinance to implement this Article.

(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; and,

WHEREAS, Section 6.03 of the Home Rule Charter of Miami-Dade County provides in part:

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(A) Any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner: Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

(B) All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.

WHEREAS, precedent establishes that the Village Council has submitted to electors of the Village all charter revisions recommended by the past Charter Revision Commission; and,

WHEREAS, the current Village Attorney, Mr. John Quick, opined that the Village Council is not required to submit the Charter Revision Commission's proposed revisions to Village electors; and,

WHEREAS, on October 23, 2025, the Charter Revision Commission voted unanimously (5-0) to suspend all further meetings until such time as the Village Council adopts a resolution affirming that the Council will approve forwarding to Village electors all charter revisions recommended by the Charter Review Commission; and,

WHEREAS, the work of the Charter Revision Commission fulfills a critical function of the Village Charter and is subject to statutory and election-related timelines, making clarification of the Commission's authority both necessary and urgent.

Docusign Envelope ID: F8B6AD40-54BA-404B-A0F1-F4F6CB70B1B4

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein and made a part of this Resolution.

Section 2. The Village Council shall submit to Village electors all revisions to the Charter unaltered and recommended by the Charter Review Commission.

Section 3. This Resolution shall take effect immediately upon adoption.

Attest:

Signed by:
Missy Arocha
6EDC211E7E8C48C...

Missy Arocha
Village Clerk

Signed by:
Karyn Cunningham
35B93CD2D9CB470...

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE SOLE USE AND BENEFIT OF THE VILLAGE:

Signed by:
C41C556E4F6240D...

John J. Quick
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	YES
Council Member Steve Cody	NO
Council Member Marsha Matson	YES
Vice-Mayor Mark Merwitzer	YES
Mayor Karyn Cunningham	NO

Docusign Envelope ID: E09033F7-F1D4-444E-AEB4-7159CA773BA8

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 2.51, "CHARTER REVISION COMMISSION," OF THE VILLAGE CODE; REQUIRING THE VILLAGE COUNCIL TO FORWARD TO THE VILLAGE ELECTORS ALL CHARTER AMENDMENTS OR REVISIONS UNALTERED AS RECOMMENDED BY THE CHARTER REVISION COMMISSION; CLARIFYING THAT THE VILLAGE COUNCIL MAY SUBMIT ALTERNATIVE AMENDMENTS OR REVISIONS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Marsha Matson)*

WHEREAS, the Charter Revision Commission (the "Commission") performs a critical function under the Village Charter by ensuring that Village electors (the "electors") retain the authority to revise the Charter adopted at the time of the municipal incorporation of the Village of Palmetto Bay; and

WHEREAS, on December 3, 2025, the Village Council (the "Council") adopted a resolution affirming that the Council is required to forward to the electors all Charter revisions unaltered as recommended by the Commission; and

WHEREAS, the Council desires to codify in the Village Code of Ordinances the requirement that all Charter amendments or revisions unaltered as recommended by the Commission shall be forwarded to the electors; and

WHEREAS, the Council further desires to clarify that it retains the authority to submit alternative Charter amendments or revisions to the electors for consideration.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Docusign Envelope ID: E09033F7-F1D4-444E-AEB4-7159CA773BA8

Section 1. Incorporation of Recitals. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2. Statement of Intent. It is the legislative intent of the Mayor and Council of the Village of Palmetto Bay to affirm and preserve the independent authority of the Charter Revision Commission as established by the Village Charter and to ensure that Village electors receive, without alteration, all Charter amendments or revisions duly recommended by the Commission. This Ordinance is intended to promote transparency, voter choice, and the orderly exercise of Charter revision authority consistent with the will of the electors and the foundational principles of the Village Charter.

Section 3. Amendment to Section 2.51 of the Village Code. Section 2.51 of the Municipal Code of the Village of Palmetto Bay is hereby amended to read as follows (additions underlined):

> If the Commission determines that an amendment or revision is needed, it shall submit the same to the Village Council no later than the deadline established by the Miami-Dade County Supervisor of Elections, so that such amendment or revision may be placed on the ballot for the next regularly scheduled Village election. The Village Council shall submit to the Village electors all amendments or revisions to the Charter unaltered as recommended by the Charter Revision Commission. The Village Council may also submit alternative Charter amendments or revisions to the Village electors, in accordance with the provisions of Section 6.1 of the Village Charter, at the next regularly scheduled Village election.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance. It is the legislative intent of the Village Council that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. It is the intention of the Village Council, and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be renumbered or re-lettered

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to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment at Second Reading.

PASSED ON FIRST READING this 12th day of January, 2026.

PASSED AND ADOPTED ON SECOND READING this 2nd day of February, 2026.

Attest: Signed by: Missy Arocha 6E[illegible]1E5E8C480... **Missy Arocha**
Village Clerk

Signed by: Karyn Cunningham 35B[illegible]CD2D0CB470... **Karyn Cunningham**
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE SOLE USE AND BENEFIT OF THE VILLAGE:

Signed by: C71CE56E4F6849D...
John J. Quick
Village Attorney

VOTE ON FIRST READING:

Mayor Karyn Cunningham	NO
Council Member Steven Cody	NO
Council Member Marsha Matson	YES
Vice-Mayor Mark Merwitzer	YES
Council Member Patrick Fiore	YES

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FINAL VOTE AT ADOPTION ON SECOND READING:

Mayor Karyn Cunningham	NO
Council Member Steven Cody	NO
Council Member Marsha Matson	YES
Vice-Mayor Mark Merwitzer	YES
Council Member Patrick Fiore	YES