



To: Honorable Mayor and Village Council	Date: July 11, 2016
From: Edward Silva, Village Manager	Re: FY 2016-2017 Maximum Millage Rate and Budget Hearings

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD-VALOREM TAXES; ESTABLISHING THE PROPOSED MAXIMUM MILLAGE RATE AND SETTING THE DATES, TIMES, AND LOCATION FOR THE FIRST AND SECOND BUDGET HEARINGS FOR FISCAL YEAR 2016-2017; FURTHER DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS:

The procedures and timetables for taxation and the establishment of the Village budget are governed by a series of rules of both the State of Florida and Miami-Dade County. These rules are generally referred to as TRIM (Truth in Millage) rules. This Resolution deals with two (2) important TRIM rules – establishment of the maximum millage rate and scheduling of formal budget public hearings.

Maximum Millage Rate:

A primary source of revenue for municipal government is the property or ad valorem tax base. Property taxes apply to commercial and residential real property, and also commercial personal property. The rate at which property is taxed is referred to as the millage rate. The amount of taxes paid by a property owner is determined by multiplying the millage rate times each \$1,000.00 of assessed property value.

Local jurisdictions are required, at the beginning of the budget process, to establish a maximum millage rate. This rate will be advertised by the Village and also mailed by the Miami-Dade Property Appraiser. The initial maximum rate may be decreased by the Village Council during the budget process, but it cannot be increased except under extraordinary circumstances.

The Miami-Dade County Property Appraiser has estimated the Taxable Value within the Village of Palmetto Bay at approximately \$2,659,000,000. This valuation represents a 4.2% increase from Fiscal Year 2015-16 level of \$2,551,313,193.

It is important to highlight that while the total market value of property within the Village might have increased, this is not necessarily reflected in an individual homeowner's assessment. Homeowners are taxed based on the assessed value of their home, as compared to the appraised or fair market value of their home. Changes in the overall assessment are due primarily to three factors: new construction, resale of existing homes, and increased value of commercial property now capped at 10%. A Palmetto Bay homeowner may have realized a 3.62% increase in the market value of their home this past year, but the assessed value will only increase by the lesser of 3% or the Consumer Price Index (CPI), which is 0.7% as of December 2015. The Save Our Home (SOH) recapture clause, allows the assessed value to increase as long as the market value is not exceeded. Palmetto Bay homeowners that have owned their property for a long time generally have a larger spread between their assessed value and market value, and therefore might still see an increase in the assessed value.

Budget Hearing Schedule:

The Village is required to hold two formal Budget Public Hearings. There are guidelines on when these hearings must be held. Additionally, a local municipality cannot hold a budget hearing on the same date as either the County or the School Board. There are also special advertising requirements for these hearings. The Village Charter requires that the budget be adopted no later than September 30.

It is recommended, given these constraints, that the following schedule be established:

First Budget Hearing	Monday, September 5, 2016 7:00 PM	Village of Palmetto Bay Municipal Center 9705 E Hibiscus Street Palmetto Bay, FL 33157
Second Budget Hearing	Monday, September 19, 2016 7:00 PM	Village of Palmetto Bay Municipal Center 9705 E Hibiscus Street Palmetto Bay, FL 33157

FISCAL/BUDGETARY IMPACT:

Administration is recommending using the current millage rate of 2.4470 as the maximum millage for Fiscal Year 2016-2017.

RECOMMENDATION:

Approval is recommended.

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RESOLUTION NO. 2016-__

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD VALOREM TAXES; ESTABLISHING THE PROPOSED MAXIMUM MILLAGE RATE AND SETTING THE DATES, TIMES, AND LOCATION FOR THE FIRST AND SECOND BUDGET HEARINGS FOR FISCAL YEAR 2016-2017; FURTHER DIRECTING THE VILLAGE CLERK TO FILE SAID RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village has received the Certification of Taxable Value from the Miami-Dade County Property Appraiser; and

WHEREAS, the Village is required under State Statutes to establish and furnish to the Property Appraiser the proposed maximum millage rate and the dates, times and location(s) at which public hearings will be held to consider the FY 2016-2017 millage rate and budget; and

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

Section 1. The proposed maximum millage rate for the Village of Palmetto Bay for Fiscal Year 2016-2017 is established at 2.4470 mills, which is \$2.4470 for each \$1,000.00 of assessed property within the Village of Palmetto Bay.

Section 2. The proposed date and place of the first and second public hearings are scheduled as follows:

First Budget Hearing	Monday, September 5, 2016 7:00 PM	Village of Palmetto Bay Municipal Center 9705 E Hibiscus Street Palmetto Bay, FL 33157
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Second Budget Hearing	Monday, September 19, 2015 7:00 PM	Village of Palmetto Bay Municipal Center 9705 E Hibiscus Street Palmetto Bay, FL 33157
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Section 3. The Village Clerk is directed to file the original certification of Taxable Value and a certified copy of this resolution to the Property Appraiser.

Section 4. This Resolution shall take effect immediately upon enactment.

1 PASSED and ADOPTED this _____ of July, 2016.

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3
4 Attest: _____

5 Missy Arocha
6 Village Clerk

_____ Eugene Flinn
Mayor

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8
9 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND
10 RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

11
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13 _____
14 Dexter Lehtinen
15 Village Attorney

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19 FINAL VOTE AT ADOPTION:

20
21 Council Member Karyn Cunningham _____

22
23 Council Member Tim Schaffer _____

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25 Council Member Larissa Siegel-Lara _____

26
27 Vice Mayor John DuBois _____

28
29 Mayor Eugene Flinn _____

**VILLAGE OF PALMETTO BAY
PROPOSALS FOR ELECTION OF 2016**

PROPOSAL NUMBER ONE

Section 3.3 Powers and Duties of the Village Manager.

The Manager shall:

(1) Be responsible for the appointing, hiring, promoting, supervising and removing of all Village employees, except the Village Attorney and the Village Clerk. ~~However, the Village Manager may not appoint any department director without first obtaining majority approval of the Council.~~

Ballot Language (to appear on ballot)

AMENDMENT NUMBER ONE – POWERS OF THE MANAGER

Deleting from section 3.3 of the Village Charter the requirement that department directors appointed by the Village Manager be approved by the Council.

Yes _____
No _____

PROPOSAL NUMBER TWO

Section 4.1 Council Meeting Procedure.

(C) *Quorum and Voting.* A majority of the Council shall constitute a quorum but a smaller number may in absence of quorum make a motion to compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. Voting on ordinances shall be by roll call on final reading. Voting on all other matters shall be by voice vote unless a Council member or the Village Clerk requests otherwise. In the event that three or more Council members are unavailable to vote on a particular matter due to required abstention pursuant to State law, then the remaining members of the Council may vote and approve such matter by unanimous vote. A quorum of four is required for the appointment or removal of any Charter Officers and for the appointment of auditors.

Ballot Language (to appear on ballot)

AMENDMENT NUMBER TWO – APPOINTMENT AND REMOVAL OF CHARTER OFFICERS AND AUDITORS

Amending section 4.1(C) of the Village Charter to require a quorum of four members of the Village Council for appointment and removal of any Charter officer (Village Manager, Village Clerk, and Village Attorney) and for the appointment of auditors.

Yes _____

No _____

PROPOSAL NUMBER THREE

Section 4.2(B) Interference With Administration.

(1) Except for the purpose of inquiries and investigations made in good faith and in accordance with a resolution adopted by the Council, the Council and any of its individual members shall deal with Village employees who are subject to the direction and supervision of the Village Manager solely through the Village Manager, and neither the Council nor its members shall give orders to any such employee, ~~except the Village Manager and the Village Attorney~~, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in Village government operations by individual Council members are made solely to and through the Village Manager. Council members may discuss with the Village Manager any matter of Village business; however, no individual Council member shall give orders to the Village Manager.

~~(2) Any willful violation of this Section by the Mayor or any Council member shall be grounds for his/her removal from office by an action brought in the Circuit Court by the State Attorney of Miami-Dade County.~~

Ballot Language (to appear on ballot)

AMENDMENT NUMBER THREE – INTERFERENCE WITH ADMINISTRATION

Amending section 4.2(D) of the Village Charter to eliminate interference with administration by any member of the Village Council as a ground for removal from office in an action brought by the State Attorney in Circuit Court; and clarifying that the Village Manager and the Village Attorney are not employees subject to the direction of the Village Manager.

Yes _____

No _____

PROPOSAL NUMBER FOUR

Section 5.1 Elections.

(B) *Nonpartisan Elections.* All elections for the Council, Vice-Mayor and Mayor shall be conducted on a nonpartisan basis. The ballot nor any campaign literature shall show the party designation of any candidate. Nonpartisan office means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation. ~~A willful violation of this provision shall be enforced by the State Attorney. A judicial determination of a violation shall be grounds for removal from elected office and subject the individual to a fine up to \$1000, per willful violation, and not to exceed a total of \$10,000.~~

Ballot Language (to appear on ballot)

AMENDMENT NUMBER FOUR – NONPARTISAN CAMPAIGNING

Amending section 5.1(B) of the Village Charter to eliminate a violation of the prohibition against partisan campaigning by any candidate as a ground for removal from office and a fine in an action brought by the State Attorney in Circuit Court.

Yes _____

No _____

PROPOSAL NUMBER FIVE

Section 5.1 Elections.

(A) *Electors.* Any person who is a resident of the Village, has a qualified as an elector of the State, and registers to vote in the manner prescribed by law, shall be an elector of the Village.

(B) *Nonpartisan Elections.* All elections for the Council, Vice-Mayor and Mayor shall be conducted on a nonpartisan basis. The ballot nor any campaign literature shall show the party designation of any candidate. Nonpartisan office means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation. A willful violation of this provision shall be enforced by the State Attorney. A judicial determination of a violation shall be grounds for removal from elected office and subject the individual to a fine up to \$1000, per willful violation, and not to exceed a total of \$10,000.

(C) Election Dates - (1) Primary Election - A primary election shall be held for any Council seat subject to election (Mayor, Vice-Mayor, or Council member) for which three or more candidates have qualified on the date on which Miami-Dade County and the State of Florida conduct their primary elections. If a candidate in this primary election receives a majority of the votes cast, such candidate shall be duly elected with no further election. If no candidate received a majority of the votes cast, the two candidates receiving the largest number of votes shall be placed on the general election ballot.

(2) General Election - A general election shall be held for any Council seat subject to election (Mayor, Vice-Mayor, or Council Member) for which only two candidates have qualified and for which two candidates received the highest number of votes cast (but not a majority of the votes cast) in a primary election on the first Tuesday following the first Monday in November. The candidates for each seat receiving the highest number of votes cast shall be duly elected.

(3) The Council shall hold no meetings between the general election and the swearing in of those newly-elected or re-elected Council members except in the case of an emergency affecting life, health, property or the public peace.

~~(C) Election Dates. A general election shall be held in each even-numbered year, on the first Tuesday following the first Monday in November of that year. A runoff election, if necessary, shall be held by the Village as provided by ordinance, which ordinance shall schedule and authorize the runoff date, in compliance with state law. The Council shall hold no meetings between the general election and the swearing in of those newly elected or re-elected Council members except in the case of an emergency affecting life, health, property or the public peace.~~

(D) Voting. The ballot in a primary election and in a general election shall instruct electors to cast one vote for each Council seat subject to election (Mayor, Vic-Mayor, or Council member).

~~(D) General Election.~~ The ballot for the general election shall contain the names of all qualified candidates for Mayor, if the Mayor's term is expiring, and for each of the seats which are to be filled as a result of members' terms expiring. The ballot shall instruct electors to cast one vote for Mayor or Vice Mayor, if applicable, and one vote for each Council Seat, with a maximum of one vote per candidate. If any candidate for Mayor receives a number of votes greater than 50% of the total number of ballots cast, such candidate shall be the duly elected Mayor and no run-off election for Mayor shall be required. If any candidate for Vice Mayor receives a number of votes greater than 50% of the total number of ballots cast, such candidate shall be the duly elected Vice Mayor and no run-off election for Vice Mayor shall be required. If any candidate for a Council Seat receives a number of votes greater than 50 percent of the total number of ballots cast, such candidate(s) shall be duly elected to the Council and no run-off election for that Seat(s) shall be required. The candidate that receives the largest number of votes shall be duly elected.

~~(E) Run-off Election.~~ If necessary, the ballot for the runoff election shall contain the names of the two candidates for Mayor, the two candidates for Vice Mayor, and the names of the two candidates for each Council Seat, who received the most votes in the general election. The ballot shall instruct electors to cast one vote for Mayor, one vote for Vice Mayor, and one vote for each Council Seat, with a maximum of one vote per candidate. The candidate for Mayor receiving the most votes shall be duly elected Mayor. The candidate for Vice Mayor receiving the most votes shall be duly elected Vice Mayor. The candidate for each Council Seat receiving the most votes shall be duly elected to that Council Seat.

(E) (F) Special Elections. Special elections, when required, shall be scheduled by the Council at such times and in such manner as shall be consistent with this Charter and State law.

(F) (G) Single Candidates. No election for Mayor or Vice-Mayor or any Council seat shall be required in any election if there is only one duly qualified candidate for Mayor, Vice-Mayor, or any Council Seat. That candidate shall be considered elected by operation of law.

(G) Commencement of Term - The term of office for all newly-elected or re-elected elected officials will commence on the third Monday of November at a Council meeting held solely for the purpose of swearing in the elected officials and undertaking organizational matters. .

~~(H) Commencement of Terms.~~ The term of office of all elected officials will commence at the next regularly scheduled council meeting following the day of the run-off election

~~or, if there is no run-off election for Mayor, Vice Mayor or Council Seat, at the next regularly scheduled council meeting after the general election.~~

Ballot Language (to appear on ballot)

AMENDMENT NUMBER FIVE – AUGUST PRIMARY ELECTION AND NOVEMBER GENERAL ELECTION

Amending section 5.1 of the Village Charter to provide for a primary election in August (when County and State elections are held) for any seat with three or more candidates, and a general election in November (when State and Federal elections are held) for any seat for with only two candidates and for the two candidates receiving the highest number of votes in the primary election (if no candidate received a majority). .

Yes _____

No _____

**ANNEXATION PROPOSALS FOR ELECTION OF 2016
VILLAGE OF PALMETTO BAY**

ANNEXATION QUESTION

Ballot Language (to appear on ballot)

ANNEXATION QUESTION

Should the Village Council initiate the process with Miami-Dade County to annex the area bounded by the Busway on the west, the Palmetto Bay boundary ((Highway US 1) on the east, SW 160 Street on the north, and SW 184 Street on the south, which is presently a non-residential commercial area?

Yes _____

No _____



To: Honorable Mayor and Village Council Date: July 11, 2016
 From: Edward Silva, Village Manager Re: Citizens Independent
 Transportation Trust

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY; RELATING TO CITIZENS INDEPENDENT TRANSPORTATION TRUST (CITT) FUND; DIRECTING THE VILLAGE MANAGER TO ALLOCATE \$50,400 OF THE VILLAGES SHARE OF CITT FUNDING TOWARDS RELATED STUDIES REGARDING THE DEVELOPMENT OF A COMPREHENSIVE STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN IMPLEMENTATION DOCUMENT THAT INCLUDES PLANNING AND FUNDING SOLUTIONS FOR ALL RAPID TRANSIT CORRIDORS IDENTIFIED IN THE APPROVED SMART PLAN; PROVIDED AND REQUIRING THAT EQUAL FUNDING PARTICIPATION FROM ALL MUNICIPALITIES IN SOUTH DADE IS INCLUDED; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS:

In 2002, the electors of Miami-Dade County approved the imposition of a one-half percent surtax with the purpose of improving, among other things, mass transit within the County through the People's Transportation Plan. The Transportation Plan included six rapid transit corridors located throughout Miami-Dade County which included the South Dade Transit Way. On February 16, 2016, the MPO Governing Board unanimously approved a policy to set as highest priority the advancement of Rapid Transit Corridors and transit supportive projects in Miami-Dade County.

The Metropolitan Planning Organization Transit Solutions Committee has, over the past several months, received and considered input from transportation partner agencies, elected officials, and the public at large. As a result of those meetings, the Metropolitan Planning Organization Transit Solutions Committee approved the Strategic Miami Area Rapid Transit (SMART) Plan which identifies the South Dade Transit Way as one of the six rapid transit corridors for development of an implementation plan. The Village of Palmetto Bay seeks an agreement to develop a multi-agency partnership for undertaking activities to support the South Dade Transit Way Implementation Plan. All parties agree that the MPO will be the

lead agency for the development of the implementation plan. The Village of Palmetto Bay wishes to be an equal partner with Cutler Bay, Pinecrest, Homestead, Florida City, and Miami-Dade County by allocating \$50,400 to fund the implementation plan with the intention of bringing light rail to the community for the purposes of increasing the availability of transit options to the residents.

FISCAL/BUDGETARY IMPACT:

Funding is available under "Citizens Independent Transportation Trust" Funds in an amount not to exceed \$50,400.

RECOMMENDATION:

Approval is recommended.

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RESOLUTION NO. 2016-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OP PALMETTO BAY; RELATING TO CITIZENS INDEPENDENT TRANSPORTATION TRUST (CITT) FUND; DIRECTING THE VILLAGE MANAGER TO ALLOCATE \$50,400 OF THE VILLAGES SHARE OF CITT FUNDING TOWARDS RELATED STUDIES REGARDING THE DEVELOPMENT OF A COMPREHENSIVE STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN IMPLEMENTATION DOCUMENT THAT INCLUDES PLANNING AND FUNDING SOLUTIONS FOR ALL RAPID TRANSIT CORRIDORS IDENTIFIED IN THE APPROVED SMART PLAN; PROVIDED AND REQUIRING THAT EQUAL FUNDING PARTICIPATION FROM ALL MUNICIPALITIES IN SOUTH DADE IS INCLUDED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2002, the electors of Miami-Dade County approved the imposition of a one-half percent surtax with the purpose of improving, among other things, mass transit within the County through the People's Transportation Plan; and

WHEREAS, the People's Transportation Plan included six rapid transit corridors located throughout Miami-Dade County which included the South Dade Transit Way; and

WHEREAS, on February 16, 2016, the MPO Governing Board unanimously approved a policy to set as highest priority the advancement of Rapid Transit Corridors and transit supportive projects in Miami-Dade County; and

WHEREAS, the Metropolitan Planning Organization Transit Solutions Committee has, over the past several months, received and considered input from transportation partner agencies, elected officials, and the public at large; and

WHEREAS, the Metropolitan Planning Organization Transit Solutions Committee reviewed and approved the Strategic Miami Area Rapid Transit (SMART) Plan which identifies the South Dade Transit Way as one of the six rapid transit corridors for development of an implementation plan; and

WHEREAS, an agreement to develop a multi-agency partnership for undertaking activities to support the South Dade Transit Way Implementation Plan is required; and

WHEREAS, all parties agree that the MPO will be the lead agency for the development of the implementation plan; and

1 **WHEREAS**, the Village of Palmetto Bay wishes to be an equal partner with Cutler Bay,
2 Pinecrest, Homestead, Florida City, and Miami-Dade County by allocating \$50,400 to fund the
3 implementation plan with the intention of bringing light rail to the community there by
4 increasing the availability of transit options.
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6 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
7 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
8

9 Section 1. A public hearing on the present application was held on July 11, 2016, in
10 accordance with the Village's Code of Ordinances and now the Village Council desires to allocate
11 \$50,400 from its CITT funding source for participation in an agreement with multi-agency
12 partnership for undertaking activities to support the South Dade Transit Way Implementation
13 Plan necessary to secure a light rail system along the South Dade Transit Way, provided in so
14 doing, this action is taken in partnership with of the Village of Pinecrest, Town of Cutler Bay,
15 City of Homestead, Florida City and Miami-Dade County.
16

17 Section 2. This Resolution shall take effect immediately upon approval.
18

19 PASSED and ADOPTED this _____ day of July, 2016.
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21

22 Attest: _____

23 Missy Arocha
24 Village Clerk
25

Eugene Flinn
Mayor
26

27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
28 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
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30 _____
31 Dexter W. Lehtinen
32 Village Attorney
33

34 FINAL VOTE AT ADOPTION:
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36 Council Member Karyn Cunningham _____
37

38 Council Member Tim Schaffer _____
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40 Council Member Larissa Siegel Lara _____
41

42 Vice-Mayor John DuBois _____
43

44 Mayor Eugene Flinn _____

RESOLUTION NO. 2016-____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE SPECIAL EVENTS; PROVIDING THAT ALL VILLAGE SPECIAL EVENTS FOR WHICH A CHARGE IS IMPOSED UPON THE PUBLIC A VEGETARIAN FOOD OPTION SHALL BE PROVIDED. (Sponsored by Mayor Eugene Flinn.)

WHEREAS, diversity and vegetarian habits is a characteristic of the Village of Palmetto Bay; and

WHEREAS, in an effort to provide food options to all residents and visitors attending village-wide events, a vegetarian food option shall be provided which a charge is imposed upon for the admission and/or attendance of the event.

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

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. At all events sponsored and hosted by the Village of Palmetto Bay which food is available and for which a charge is imposed upon the public, a vegetarian food option shall be provided.

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

PASSED AND ADOPTED this ____ day of July, 2016.

Attest: _____
Missy Arocha
Village Clerk

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

Dexter W. Lehtinen
Village Attorney

1 FINAL VOTE AT ADOPTION:
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3 Council Member Karyn Cunningham _____
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5 Council Member Tim Schaffer _____
6
7 Council Member Larissa Siegel Lara _____
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9 Vice-Mayor John DuBois _____
10
11 Mayor Eugene Flinn _____

RESOLUTION NO. 2016-____

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3 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF**
4 **THE VILLAGE OF PALMETTO BAY, FLORIDA, RE-EMPHASIZING**
5 **THE VILLAGE'S COMMITMENT TO MAINTAIN CIVILITY IN**
6 **THE CONDUCT OF THE PUBLIC'S BUSINESS; AND PROVIDING**
7 **FOR AN EFFECTIVE DATE. (Sponsored by Councilwoman Katyn**
8 **Cunningham)**
9

10 **WHEREAS**, the Mayor and members of the Village of Palmetto Bay Council are the
11 elected officials who remain accountable to and in direct contact with the Village residents; and
12

13 **WHEREAS**, the elected Village officials are in a unique position to have a positive
14 impact on behavior, both individually and collectively, and to lead by example; and
15

16 **WHEREAS**, civil, honest, professional, and courteous public discourse is the method by
17 which the Village may be able to properly address any and all challenges facing Palmetto Bay and
18 its surrounding communities; and
19

20 **WHEREAS**, public and political discourse often results in a confrontational atmosphere
21 that can hamper the development of solid solutions to problems that the Village may face; and
22

23 **WHEREAS**, the members of the Council hereby commit to building an atmosphere in
24 which each person's opinion is respected and public and political discourse are aimed at
25 confronting the problems facing our community, rather than confronting or condemning those
26 with whom we disagree.
27

28 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE**
29 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**
30

31 **Section 1.** The above recitals are true and correct and are incorporated herein by this
32 reference.
33

34 **Section 2.** The Village Council hereby commits ourselves to maintaining civility in
35 our public and political discourse and pledges the following:
36

- 37 • We will respect the right of all citizens in our community to hold different opinions;
- 38
- 39 • We will avoid rhetoric intended to humiliate or question the wisdom of those whose
40 opinions are different from ours;
- 41
- 42 • We will strive to understand differing perspectives;
- 43
- 44 • We will choose our words carefully;
- 45
- 46 • We will speak truthfully without accusation and we will avoid distortion; and
47

- 1 • We will speak out against violence, prejudice, and incivility in all of their forms, whenever
2 and wherever they occur.
3

4 **Section 3.** The Village Council further pledges to exhibit and encourage the kind of
5 personal qualities that are emblematic of and predominate the Village and society in general:
6 gratitude, humility, openness, passion for service to others, propriety, kindness, honesty, caring,
7 sense of duty, and a commitment to doing what is right.
8

9 **Section 4.** The Village Clerk is hereby directed to post this Resolution on the
10 Village's website. The Village Clerk is further directed to place the provisions within Section 2 of
11 this Resolution on each Village Council Agenda.
12

13 **Section 5.** This Resolution shall take effect immediately upon adoption.
14

15 PASSED AND ADOPTED this ____ day of July, 2016.
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19 Attest: _____
20 Missy Arocha
21 Village Clerk
22

Eugene Flinn
Mayor
23

24 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
25 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
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28 _____
29 Dexter W. Lehtinen
30 Village Attorney
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33 FINAL VOTE AT ADOPTION:

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35 Council Member Karyn Cunningham _____
36

37 Council Member Tim Schaffer _____
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39 Council Member Larissa Siegel Lara _____
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41 Vice-Mayor John DuBois _____
42

43 Mayor Eugene Flinn _____
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RESOLUTION NO. 2016-____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING DESIGNATING THE VILLAGE AS AN AGE-FRIENDLY CITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilwoman Karyn Cunningham.)

WHEREAS, the Palmetto Bay community is composed of diverse elements and a significant number of older persons; and

WHEREAS, the World Health Organization of the United Nations has articulated meaningful and useful goals for "Age-friendly Cities.

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

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The Village Council declares the Village of Palmetto Bay to be an Age-friendly City which strives to meet the standards and goals articulated by the World Health Organization of the United Nations for Age-friendly Cities, including outdoor space and buildings, transportation, housing, social participation, respect and social inclusion, civic participation and employment, communication and information, and community and health services.

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

PASSED AND ADOPTED this ____ day of July 2016.

Attest: _____
Missy Arocha
Village Clerk

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

Dexter W. Lehtinen
Village Attorney

1 FINAL VOTE AT ADOPTION:
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3 Council Member Katryn Cunningham _____
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5 Council Member Tim Schaffer _____
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7 Council Member Larissa Siegel Lara _____
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9 Vice-Mayor John DuBois _____
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11 Mayor Eugene Flinn _____

RESOLUTION NO: _____

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3 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF**
4 **THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO**
5 **THE PARKS MASTER PLAN FOR PALMETTO BAY PARKS;**
6 **PROVIDING THAT NO CHANGES TO THE UTILIZATION OR**
7 **FACILITIES OF PALMETTO BAY PARK AS PROVIDED IN THE**
8 **PARKS MASTER PLAN MAY BE ADOPTED EXCEPT BY AT LEAST**
9 **FOUR-FIFTHS VOTE OF THE VILLAGE COUNCIL; PROVIDING**
10 **FOR AN EFFECTIVE DATE. (Sponsored by Councilmember Larissa**
11 **Siegel Lara and Co-Sponsored by Mayor Eugene Flinn)**

12
13 **WHEREAS,** Palmetto Bay parks are an essential component of the community of
14 Palmetto Bay; and

15
16 **WHEREAS,** nearby residents are uniquely affected by the facilities and usage of
17 particular parks; and

18
19 **WHEREAS,** nearby residents deserve special notice of proposed site specific changes to
20 facilities and usage of specific sites; and

21
22 **WHEREAS,** the Village Council wishes to assure residents of the continued enjoyment
23 of Palmetto Bay parks, according to the Parks Master Plan.

24
25 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
26 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

27
28 **Section 1.** No (a) site-specific changes to the Parks Master Plan, or (b) specific
29 facility changes in the Parks Master Plan costing over \$50,000 (other than maintenance), or (c)
30 changes in designation of use in the Parks Master Plan, shall be adopted except upon at least a
31 four-fifths vote of the Village Council. Such changes shall not be considered by the Village
32 Council until at least 45 days following the postmark date of mail notice of the proposed changes
33 to all properties within 500 feet of the outer boundaries of the site of the proposed changes. Such
34 mail notice is a courtesy only and failure to receive mail notice shall not be grounds for
35 invalidating any Council action. Notice required by this section is in addition to any notice
36 otherwise required by law or Ordinance.

37
38 **Section 2.** Any offer of a grant or other form of funding for Palmetto Bay parks may
39 be accepted only upon vote of the Village Council. Such acceptance by the Council may not
40 occur less than 45 days after the Village Manager has received and provided to the Village
41 Council complete documentation regarding the source and proposed use of the funds.

42
43 **Section 3.** This Resolution shall become effective upon the date of its adoption
44 herein.

1 PASSED AND ADOPTED this _____ day of June, 2016.

2
3
4
5
6 Attest: _____

7 Missy Arocha
8 Village Clerk

_____ Eugene Flinn
Mayor

9
10
11 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
12 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
13

14
15
16 _____
17 Dexter W. Lehtinen
18 Village Attorney

19
20
21 FINAL VOTE AT ADOPTION:

22
23 Council Member Karyn Cunningham _____

24
25 Council Member Tim Schaffer _____

26
27 Council Member Larissa Siegel Lara _____

28
29 Vice-Mayor John DuBois _____

30
31 Mayor Eugene Flinn _____
32

RESOLUTION NO. 2016-____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE CLERK; APPROVING AN EMPLOYMENT AGREEMENT WITH MISSEL (MISSY) AROCHA AS CLERK UNTIL THE COUNCIL SELECTS A PERMANENT CLERK; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilmember Larissa Siegel Lara.)

WHEREAS, the Village Council is undertaking a process to select a permanent Clerk; and

WHEREAS, Missel Arocha, a Village employee in good standing, has graciously agreed to serve as Clerk until the search for a permanent Clerk has concluded; and

WHEREAS, an employment agreement is appropriate to memorialize the terms of Missel Arocha's service as Clerk.

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

Section 1. The employment agreement between the Village of Palmetto Bay and Missel Arocha regarding the position of Village Clerk is hereby approved.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this ____ day of July, 2016.

Attest: _____
Missel Arocha
Village Clerk

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

1 **EXHIBIT A**

2
3 **EMPLOYMENT AGREEMENT FOR INTERIM CLERK**
4 **VILLAGE OF PALMETTO BAY AND MISSEL (MISSY) AROCHA**

5
6 **July 2016**
7

8 This document is an employment agreement between the Village of Palmetto Bay,
9 Florida (referred to herein as the "village"), and Missel Arocha as Clerk of the
10 Village Palmetto Bay (referred to herein as "Arocha") for the period until the
11 Village Council selects a permanent Village Clerk.
12

13 1. Missel Arocha has been designated to serve in the position of Village Clerk, as
14 defined by the Village Charter and other applicable Village documents, effective
15 June 16, 2016, for the period of time until the Village employs a permanent Clerk
16 or the Council otherwise determines in the Council's sole discretion.
17

18 2. Compensation -- (a) Arocha shall be paid annual salary of \$75,000, paid
19 proportionately every two weeks on the standard pay schedules used by the
20 Village.
21

22 (b) Car Allowance and Phone -- Arocha shall receive car allowance phone
23 service, under the same terms and conditions as Directors employed by the Village.
24

25 (c) Other Benefits -- Arocha shall receive the same benefits, under the same
26 terms and conditions, as Directors employed by the Village.
27

28 (d) All compensation and benefits shall be calculated and paid (as
29 applicable) retroactive to June 16, 2016.
30

31 3. Prior Position -- Prior to assuming the position of Clerk on June 16, 2016,
32 Arocha was an employee in good standing with the Village and retains that status.
33

34 (a) Arocha is guaranteed through this agreement that she may return to her
35 prior classification (held prior to June 16, 2016) with the Village at the end of her
36 service as Clerk.
37

38 (b) Upon returning to her prior classification, Arocha will be credited with
39 all the benefits which would have accrued to her had she remained in the prior
40 position without serving as Clerk., but all compensation or benefits received while
41 serving as Clerk shall remain credited for that time period

1
2 (c) Upon returning to her prior position, Arocha will receive the prior salary
3 with adjustments for pay increases which she otherwise would have received had
4 she retained the prior position.
5

6 4. Education and Conferences -- Arocha is authorized and encouraged to attend
7 educational programs and conferences at Village expense, which she deems to be
8 relevant and useful in performing as Clerk. Arocha may attend any such
9 educational programs or conferences scheduled within two months following her
10 termination as Clerk, if she registered for such programs or conferences prior to
11 her termination as Clerk.
12

13 5. Permanent Position -- The Village acknowledges that Arocha may wish to
14 apply for the permanent position of Clerk, at her sole discretion, and nothing herein
15 is intended to act as a bar to or discouragement of such decision.
16

17 6. Hold Harmless -- It is the intent of this agreement that Arocha suffer no
18 disabilities or negative consequences from her service as Clerk, as compared to the
19 circumstances that would prevail had she not served as Clerk. Accordingly, this
20 agreement should be interpreted in this light if unforeseen issues arise in this
21 regard.
22

23 7. This agreement is effective upon approval by the Village Council through
24 Resolution and signature of the Mayor, and agreement and signature by Arocha.
25
26
27

28 _____
29 Eugene Flinn,
30 Mayor

Missel (Missy) Arocha

31 July ____, 2016

July _____, 2016

RESOLUTION NO. 2016-____

1
2
3 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF**
4 **THE VILLAGE OF PALMETTO BAY, FLORIDA, CALLING FOR**
5 **THE FLORIDA LEGISLATURE TO JOIN OTHER STATES IN**
6 **PROHIBITING THE SALE AND POSSESSION OF RAPID FIRE**
7 **AND HIGH POWER "ASSAULT" WEAPONS; AND PROVIDING**
8 **FOR AN EFFECTIVE DATE.**
9

10 **WHEREAS**, the drafters of the Second Amendment ("Amendment II") to the United
11 States Constitution never envisioned assault weapons when the right to bear arms was first
12 conceived; and
13

14 **WHEREAS**, one of the principal goals of the United States Constitution set forth in the
15 preamble to the Constitution, is "to insure domestic Tranquility"; and
16

17 **WHEREAS**, the United States Supreme Court has held that longstanding prohibitions
18 and restrictions on firearms possession are consistent with the Second Amendment
19 notwithstanding the fact that the Second Amendment protects an individual's right to possess a
20 firearm, unconnected to service in a militia; and
21

22 **WHEREAS**, legally acquired assault weapons were used by American citizens to
23 massacre innocent people in Columbine, Aurora, Newtown, San Bernardino, and now in
24 Orlando; and
25

26 **WHEREAS**, the legal possession of assault weapons is a proven threat to law
27 enforcement and to the safety and tranquility of Florida's population as a whole; and
28

29 **WHEREAS**, the federal government had an automatic weapons ban in force for ten
30 years until it expired in 2004; and
31

32 **WHEREAS**, California, Connecticut, District of Columbia, Hawaii, Maryland,
33 Massachusetts, New Jersey, New York have assault weapon bans in force at this time; and
34

35 **WHEREAS**, the Council finds that prohibiting the sale and possession of rapid fire and
36 high power "assault" weapons is in the best interest of the Village.
37

38 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
39 **COUNCIL OF THE VILLAGE OF PLAMETTO BAY, FLORIDA, AS FOLLOWS:**
40

41 **Section 1.** **Recitals.** The above recitals are true and correct and are incorporated
42 herein.
43

44 **Section 2.** **Support.** The Village of Palmetto Bay, Florida, urges the Florida
45 Legislature to prohibit the legal sale and possession of assault weapons in the State of Florida.
46 We further request that all other municipalities and counties in Florida join us in letting the
47 voices of sanity and reason be heard and prevail in Tallahassee by prohibiting the legal sale and
48 possession of assault weapons.

