

ORDINANCE NO. 26-12

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, SUPPLEMENTING THE CHARTER OF THE TOWN OF DUNDEE BY CREATING SECTION 3.12 OF THE CHARTER OF THE TOWN OF DUNDEE ESTABLISHING THE OFFICE OF THE TOWN CLERK; PROVIDING FOR THE APPOINTMENT, DUTIES, POWERS, AND RESPONSIBILITIES OF THE TOWN CLERK; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR RECORDATION, CHARTER INCORPORATION, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee, Florida (the "Town"), is a municipal corporation organized under the Constitution and laws of the State of Florida and possesses broad home-rule authority pursuant to Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission is authorized to exercise any power for municipal purposes except as otherwise prohibited by law; and

WHEREAS, the Town Commission finds that the Charter neither expressly establishes the Office of the Town Clerk nor prescribes the method of appointment, supervision, or administration of such office, and does not prohibit the Commission from establishing such office pursuant to its home rule authority; and

WHEREAS, the Town Commission finds that establishing the Office of the Town Clerk and defining the duties, powers, and responsibilities of the Town Clerk promotes efficient municipal administration, enhances accountability, and serves the public health, safety, and welfare; and

WHEREAS, after consideration of the Charter and applicable law, the Town Commission finds that it is appropriate to establish the Office of the Town Clerk by ordinance pursuant to the Town's legislative and home-rule authority.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. Legislative Findings.

The foregoing recitals are hereby adopted and incorporated herein as the legislative findings of the Town Commission and are found to be true and correct

Section 2. Purpose and Intent.

The purpose and intent of this Ordinance is to establish the Office of the Town Clerk, clarify the appointment, authority, supervision, and duties of the Town Clerk, and promote the efficient administration of the legislative, records management, and statutory functions of the Town.

Section 3. Creation of Section 3-12 of the Charter.

Chapter 1, Article III of the Charter of the Town of Dundee is hereby supplemented by creating Section 3.12 to read as follows:

Sec. 3.12. – Town Clerk.

(a) There shall be a Town Clerk appointed by the Commission. The Town Clerk shall serve at the pleasure of the Commission and shall serve under the direction and supervision of the Commission. The Town Clerk shall be selected solely on the basis of administrative qualifications, education, training, experience, and ability to perform the duties of the office.

(b) The Town Clerk shall:

(1) Be the administrative head of the Office of the Town Clerk and shall direct and supervise the administration of the Office of the Town Clerk. The Town Clerk shall exercise control over the Office of the Town Clerk and all divisions and personnel assigned thereto. The Town Clerk shall appoint and, when the Town Clerk deems it necessary for the good of the Town, suspend or remove all subordinate employees assigned to the Office of the Town Clerk, except as otherwise provided by law, this Charter, or the Town's duly adopted personnel policies.

(2) Serve as the custodian of the official records of the Town and shall have the authority to administer oaths and certify, under the Seal of the Town, true copies of ordinances, resolutions, minutes, journal entries, contracts, and other official records of the Town.

(3) Be the custodian of the Town Seal and of all records and papers of a general character pertaining to the affairs of the Town.

(4) Attend all meetings of the Commission, or designate an employee of the Office of the Town Clerk to attend such meetings; prepare and maintain the official journal and minutes of the proceedings of the Commission; and certify the correctness of such proceedings by the signature of the Town Clerk and the signature of the presiding officer.

(5) Execute such certificates, attestations, notices, and other official documents as may be required by this Charter, the general laws of the State of Florida, ordinance or resolution of the Commission, or as otherwise necessary in the performance of the duties of the office.

(6) Perform all duties prescribed by this Charter, the general laws of the State of Florida, ordinances and resolutions of the Commission not inconsistent with this Charter or general law, together with such additional duties as may be assigned by the Commission.

Section 4. Transition.

The individual serving as Town Clerk immediately preceding the effective date of this **Ordinance No. 26-12** shall continue serving as the Town Clerk without interruption in service and without any break in employment. Effective upon the effective date of this **Ordinance No. 26-12**, such individual shall be deemed to be serving as the Town Clerk pursuant to Section 3.12 of the Charter, as created herein, without the necessity of further appointment or other action by the Commission. All compensation, accrued leave, retirement benefits, years of service, and all other employment rights and benefits shall continue uninterrupted. Nothing contained herein shall prohibit the Commission from entering into an employment agreement with the Town Clerk or taking any other action authorized by law, this Charter, or the Town's duly adopted personnel policies.

Section 5. Severability.

The provisions of this **Ordinance No. 26-12** are severable. If any section, subsection, sentence, clause, phrase of this **Ordinance No. 26-12**, or the application thereof shall be held invalid, unenforceable, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby. The Town Commission of the Town of Dundee hereby declares that it would have passed this **Ordinance No. 26-12**, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared invalid, unenforceable, or unconstitutional, or unenforceable. If any word, sentence, clause, phrase, or provision of this **Ordinance No. 26-12** for any reason is declared by any court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, then all remaining provisions and portions of this **Ordinance No. 26-12** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Ordinance No. 26-12** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Ordinance No. 26-12**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Ordinance No. 26-12**, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Implementation.

The Town Manager, Town Clerk, and Town Attorney are authorized to take all administrative actions necessary to implement this **Ordinance No. 26-12**

Section 8. Recordation, Codification, and Scrivener's Errors.

The Town Clerk is hereby authorized to record this **Ordinance No. 26-12** in the public records of Polk County, Florida, and to take all administrative actions necessary to incorporate this **Ordinance No. 26-12** into the Charter of the Town of Dundee, Florida.

Town Clerk, Town Attorney, and/or their designees are further authorized to correct typographical errors, scrivener's errors, formatting issues, section numbering, cross- references, and other non-substantive errors or omissions that do not affect the intent, substance, or legal effect of this **Ordinance No. 26-12**, without the need for further public hearing or action by the Town Commission.

Section 9. Effective Date.

This **Ordinance No. 26-12** shall become effective immediately upon passage on second reading, unless otherwise provided herein.

INTRODUCED ON FIRST READING this ____ day of _____, 2026, by the Town Commission of the Town of Dundee, Florida, in Regular Session.

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

TOWN OF DUNDEE

TOWN COMMISSION

Joe Garrison, Mayor

ATTEST:

Erica Anderson, Town Clerk

Approved as to form:

Markeishia Smith, Town Attorney

TOWN OF DUNDEE
EXHIBIT "A"
ORDINANCE 26-

Provisions being deleted are shown as strikethrough and
provisions being added are shown as underlined

CHAPTER 1 – CHARTER

ARTICLE III.– LEGISLATIVE

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(4) Attend all meetings of the Commission, or designate an employee of the Office of the Town Clerk to attend such meetings; prepare and maintain the official journal and minutes of the proceedings of the Commission; and certify the correctness of such proceedings by the signature of the Town Clerk and the signature of the presiding officer.

(5) Execute such certificates, attestations, notices, and other official documents as may be required by this Charter, the general laws of the State of Florida, ordinance or resolution of the Commission, or as otherwise necessary in the performance of the duties of the office.

(6) Perform all duties prescribed by this Charter, the general laws of the State of Florida, ordinances and resolutions of the Commission not inconsistent with this Charter or general law, together with such additional duties as may be assigned by the Commission.