

RESOLUTION NO. 26-21

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, ESTABLISHING A CODE REVIEW COMMITTEE FOR THE PURPOSE OF REVIEWING THE TOWN'S CODE OF ORDINANCES AND MAKING ADVISORY RECOMMENDATIONS TO THE TOWN COMMISSION; PROVIDING FOR MEMBERSHIP, APPOINTMENT, TERMS, DUTIES, RULES OF PROCEDURE, PUBLIC MEETINGS, PUBLIC COMMENT, PUBLIC RECORDS, ADMINISTRATIVE SUPPORT, AND LIMITATIONS OF AUTHORITY; PROVIDING FOR PRESERVATION OF REQUIRED LAND DEVELOPMENT CODE, PLANNING AND ZONING BOARD, LOCAL PLANNING AGENCY, CHARTER, AND ORDINANCE ADOPTION PROCEDURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee, Florida, is a municipal corporation vested with home rule authority pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission finds that periodic review of the Town's Code of Ordinances is necessary to promote clarity, consistency, enforceability, operational efficiency, transparency, and compliance with applicable law; and

WHEREAS, the Town Commission desires to establish a Code Review Committee to serve in an advisory capacity only for the purpose of reviewing existing code provisions, identifying potential inconsistencies, ambiguities, outdated provisions, duplicative provisions, and operational deficiencies, and making recommendations to the Town Commission regarding potential amendments; and

WHEREAS, the Town Commission recognizes that any amendment to the Town's Code of Ordinances, Land Development Code, land development regulations, zoning regulations, or other codified regulations must proceed through all applicable procedures required by the Town Charter, the Town Code, the Land Development Code, Chapter 166, Florida Statutes, Chapter 163, Florida Statutes, and other applicable law; and

WHEREAS, the Town Commission further recognizes that the Code Review Committee shall not replace, supersede, or exercise the authority of the Town Commission, the Planning and Zoning Board, the Local Planning Agency, the Board of Adjustment, the Development Review Committee, Town staff, or the Town Attorney; and

WHEREAS, the Town Commission finds that the establishment of the Code Review Committee is in the best interest of the Town and will assist the Town Commission in considering future code updates in an orderly and transparent manner.

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

Section 1. Incorporation of Recitals.

The above recitals are hereby adopted as legislative findings and incorporated herein as though fully set forth.

Section 2. Establishment.

There is hereby established the Town of Dundee Code Review Committee, referred to herein as the “Committee.” The Committee shall serve solely as an advisory committee to the Town Commission.

Section 3. Purpose.

The purpose of the Committee shall be to review the Town’s Code of Ordinances and make advisory recommendations to the Town Commission regarding potential amendments, additions, repeals, reorganization, modernization, clarification, or simplification of code provisions.

The Committee may review codified land development regulations or related development provisions only when such matters are referred for advisory review and subject to the limitations and procedures stated in this Resolution.

The Committee shall not serve as a Charter Review Committee and shall not review or recommend amendments to the Town Charter unless separately authorized by the Town Commission and only in accordance with applicable law.

Section 4. Membership and Appointment.

The Committee shall consist of five members.

In accordance with the Town Charter, the Mayor hereby names the Code Review Committee and appoints the following initial members, with the concurrence of at least two members of the Town Commission as reflected by adoption of this Resolution:

1. Mervin Raggs
2. Joanne Clanton
3. Jill Kitto
4. Jackie Nichols
5. Tony Perez

Members shall serve at the pleasure of the Town Commission until removed, replaced, resigned, or until the Committee is dissolved.

Vacancies shall be filled in the same manner as the initial appointments, unless otherwise required by the Town Charter or applicable law.

Committee members shall serve without compensation unless otherwise authorized by the Town Commission.

Section 5. Officers.

The Committee shall elect from among its members a Chair and Vice Chair.

The Chair and Vice Chair shall serve one-year terms and may be re-elected.

The Chair shall preside over meetings, maintain order, recognize speakers, and ensure the orderly conduct of business.

The Vice Chair shall act in the absence or unavailability of the Chair.

Section 6. Duties and Responsibilities.

The Committee shall serve solely in an advisory capacity and shall have no final legislative, administrative, enforcement, permitting, development review, or quasi-judicial authority.

The duties of the Committee may include, but are not limited to, the following:

1. Reviewing existing provisions of the Town Code of Ordinances.
2. Identifying provisions that may be outdated, conflicting, duplicative, ambiguous, difficult to enforce, or operationally inefficient.
3. Recommending potential amendments, additions, repeals, reorganizations, clarifications, or modernization of code sections.
4. Identifying potential legal consistency issues for review by the Town Attorney.

5. Reviewing code-related requests referred by the Town Commission, Town Manager, Town Clerk, Town Attorney, Town staff, Town boards, or members of the public through established Town procedures.
6. Considering regulatory improvements that may promote public health, safety, welfare, economic development, administrative efficiency, and quality of life.
7. Assisting in the modernization, codification, organization, and simplification of municipal regulations.
8. Providing written recommendations, reports, findings, or summaries to the Town Commission.
9. Coordinating with Town staff, consultants, the Town Attorney, and subject matter experts as needed and as authorized through Town procedures.
10. Identifying potential operational impacts, implementation challenges, and fiscal impacts of proposed code amendments for consideration by the Town Commission.

Section 7. Limitations of Authority.

The Committee's recommendations are advisory only.

The Committee shall not:

1. Adopt, amend, repeal, interpret, or enforce any ordinance, code provision, regulation, policy, permit condition, development order, or land development regulation.
2. Direct Town staff, consultants, the Town Attorney, or any Town board or department.
3. Exercise final decision-making authority on behalf of the Town.
4. Conduct quasi-judicial hearings or make quasi-judicial decisions.
5. Replace or supersede any required review by the Planning and Zoning Board, Local Planning Agency, Board of Adjustment, Development Review Committee, Town staff, Town Attorney, or Town Commission.
6. Modify or waive any requirement of the Town Charter, Town Code, Land Development Code, Comprehensive Plan, Florida Statutes, or other applicable law.

Any recommendation involving the Town's Land Development Code, zoning regulations, Comprehensive Plan, land development regulations, development review procedures, or development-related provisions shall remain subject to all applicable review, notice, public hearing, recommendation, and adoption requirements, including review by the Planning and Zoning Board/Local Planning Agency where required by law.

Any proposed ordinance arising from a Committee recommendation shall be processed in accordance with the Town Charter, the Town Code, Chapter 166, Florida Statutes, Chapter 163, Florida Statutes, and any other applicable law, including any required notice, public hearing, business impact estimate, staff review, legal review, planning review, and Town Commission action.

Section 8. Rules of Procedure.

The Committee shall operate under the following rules:

A. Meetings.

The Committee shall meet as needed at dates, times, and locations determined by the Chair in coordination with the Town Manager, Town Clerk, Town Attorney, and other appropriate Town staff.

B. Public Meetings.

All meetings of the Committee shall comply with the Florida Sunshine Law, including reasonable public notice, open meetings, and the preparation and preservation of minutes.

C. Public Records.

All records made or received by the Committee in connection with official Committee business shall be maintained as public records in accordance with Chapter 119, Florida Statutes, and the Town's public records procedures.

D. Quorum.

A quorum shall consist of three members.

E. Voting.

Any action, recommendation, report, or finding of the Committee shall require a majority vote of the members present, provided a quorum exists.

F. Public Comment.

Members of the public shall be provided a reasonable opportunity to be heard on any proposition before the Committee prior to the Committee taking official action or making a recommendation, in accordance with Section 286.0114, Florida Statutes.

The Chair may enforce reasonable time limits, speaker procedures, decorum rules, and other meeting procedures consistent with Florida law and Town meeting procedures.

G. Minutes.

Minutes shall be maintained for all Committee meetings and preserved as public records.

H. Attendance.

Members who miss three consecutive regular meetings without good cause may be recommended for removal and may be removed by action of the Town Commission.

I. Decorum.

Members shall conduct themselves professionally and respectfully and shall avoid disruptive conduct.

J. Sunshine Compliance.

Committee members shall avoid discussing matters that may come before the Committee with other Committee members outside of a properly noticed public meeting.

Section 9. Administrative Support.

The Town Manager, Town Clerk, Town Attorney, and other designated Town staff are authorized to provide administrative, clerical, legal, technical, and logistical support as necessary for the operation of the Committee.

The Town Clerk, or the Clerk's designee, shall coordinate public notice and minutes in accordance with Town procedures.

The Town Attorney may provide legal guidance to the Committee as needed; however, the Committee shall not issue legal opinions or make final legal determinations.

Section 10. Reports and Recommendations.

The Committee may provide written recommendations, reports, findings, or summaries to the Town Commission.

The Town Commission may accept, reject, modify, refer, or take no action on any recommendation of the Committee.

No recommendation of the Committee shall have the force or effect of law unless and until adopted by the Town Commission through the applicable legal process.

Section 11. Preservation of Required Procedures.

Nothing in this Resolution shall be construed to supersede, amend, waive, or replace any requirement of the Town Charter, Town Code, Land Development Code, Comprehensive Plan, Florida Sunshine Law, Florida Public Records Law, Chapter 166, Florida Statutes, Chapter 163, Florida Statutes, or any other applicable law.

Nothing in this Resolution shall be construed to alter the authority, duties, or procedures of the Town Commission, Planning and Zoning Board, Local Planning Agency, Board of Adjustment, Development Review Committee, Town Manager, Town Clerk, Town Attorney, or Town staff.

Section 12. Implementation.

The Town Manager, Town Clerk, Town Attorney, and appropriate Town staff are authorized to take all administrative actions necessary to implement this Resolution.

Section 13. Conflicts.

All resolutions or portions of resolutions in conflict herewith are hereby repealed, but only to the extent necessary to give this Resolution No. 26-21 full force and effect; provided, however, that nothing herein shall be interpreted so as to repeal, amend, supersede, or otherwise affect any existing ordinance, resolution, code provision, enforcement mechanism, compliance procedure, or means of securing compliance with the Code of Ordinances of the Town of Dundee, Florida, unless such repeal, amendment, or modification is explicitly set forth herein.

Section 14. Severability.

The provisions of this Resolution No. 26-21 are severable. If any section, subsection, sentence, clause, phrase, or provision of this Resolution, or the application thereof, is held invalid, unenforceable, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, such decision shall not affect the validity or enforceability of the remaining sections, subsections, sentences, clauses, phrases, provisions, or applications of this Resolution, which shall remain in full force and effect.

The Town Commission of the Town of Dundee hereby declares that it would have passed and adopted this Resolution No. 26-21, and each section, subsection, sentence, clause, phrase, and provision thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, provisions, or applications may be declared invalid, unenforceable, or unconstitutional.

Section 15. Administrative Correction of Scrivener's Errors.

It is the intention of the Town Commission that the sections of this Resolution No. 26-21 may be renumbered or re-lettered and that the word "Resolution" may be changed to "section," "provision," or such other appropriate word or phrase as may be necessary to accomplish the intent of the Town Commission.

The Town Manager, Town Clerk, or their designee, in consultation with the Town Attorney, is authorized to correct typographical errors, numbering errors, formatting errors, and/or scrivener's errors that do not affect the substantive intent of this Resolution, without the need for further public hearing or additional action by the Town Commission, by filing a corrected copy with the Town Clerk.

Section 16. Effective Date.

This Resolution shall take effect immediately upon its passage and adoption.

INTRODUCED AND PASSED this _____ day of July, 2026.

TOWN OF DUNDEE

(SEAL)

By: _____
Joe Garrison, Mayor

Attest:

Erica Anderson, Town Clerk

Approved as to form:

Markeishia L. Smith, Town Attorney