

**RESOLUTION NO. 25-03**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, MEMORIALIZING ITS SUPPORT FOR A PUBLIC RECORDS EXEMPTION FOR MUNICIPAL CLERKS, MUNICIPAL EMPLOYEES PERFORMING DUTIES RELATED TO MUNICIPAL ELECTIONS, AND MUNICIPAL EMPLOYEES PERFORMING DUTIES RELATED TO MUNICIPAL CODE ENFORCEMENT TO THE STATE LEGISLATURE TO ENACT LEGISLATION IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF MUNICIPAL EMPLOYEES AND THEIR FAMILIES; AUTHORIZING THE TOWN MANAGER OR HER/HIS AUTHORIZED DESIGNEE TO TAKE ANY NECESSARY FURTHER ACTIONS TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Dundee (the "Town") is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution; and

**WHEREAS**, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166, Florida Statutes, the Town is vested with governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

**WHEREAS**, Town staff performing duties that include, or result in, investigations into complaints regarding election fraud, legal enforcement of hearings that could lead to a criminal prosecution or code enforcement actions are exposed to threats and other acts of violence; and

**WHEREAS**, the Town clerk, as well as other municipal clerks, often administer elections with the help and assistance of other Town staff, and municipal election workers have been targeted for threats and violence due to their duties and responsibilities arising out of the sensitive nature of the materials and information which are the subject of a municipal election; and

**WHEREAS**, municipal clerks are often involved in quasi-judicial legal enforcement proceedings in and/or for violations of applicable municipal codes and ordinances and, as a result of the adversarial nature of such proceedings, municipal clerks have experienced acts of retaliation and threats by respondents/defendants; and

**WHEREAS**, pursuant to applicable Florida law, public records exemptions are available for local personnel who either investigate, enforce, or otherwise provide a service that can result in adversarial and/or contentious interactions; and

**WHEREAS**, the Town Commission of the Town of Dundee, Florida, finds that, when quasi-judicial enforcement proceedings are commenced, municipal clerks and certain municipal employees are at a greater risk of retaliation and need greater protection(s); and

**WHEREAS**, the Florida Association of City Clerks is concerned for the safety and well-being of municipal clerks and municipal employees who serve the public on a daily basis and are, oftentimes, the first contact of citizens with cities; and

**WHEREAS**, the Town of Dundee, Florida, has complied with all requirements and procedures in processing and adopting this **Resolution No. 25-03**; and

**WHEREAS**, the Town Commission of the Town of Dundee, Florida, finds that the approval of this **Resolution No. 25-03** is intended to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; is consistent with the public interest and this **Resolution No. 25-03** is intended to promote, protect, and improve the public health, safety, and general welfare of the employees, citizens, and residents of the Town of Dundee, Florida.

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

**Section 1. Incorporation of Recitals.**

The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements which form a factual and material basis for the passage of this **Resolution No. 25-03**, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the passage of this Resolution. The above factual recitals are hereby incorporated herein and serve as a factual and material basis for the passage of this Resolution.

**Section 2. Commission Support.**

The Town Commission of the Town of Dundee, Florida, hereby urges and encourages the Florida State Legislature to enact legislation to provide a public records exemption for municipal clerks and municipal employees who perform municipal elections work or have any part in the code enforcement processes and/or functions.

**Section 3. Authorization.**

The Town Manager, or her/his designee, is hereby authorized to take any and all necessary further action(s) to effectuate the intent of this **Resolution No. 25-03** which includes, but shall not

be limited to, directing and authorizing a certified copy of this **Resolution No. 25-03** to be sent and delivered to Governor Ron DeSantis, Senator Colleen Burton, and Representative Scott Franklin, the Ridge League of Cities, and the Florida League of Cities (FLC).

**Section 4. Administrative Correction of Scrivener's Errors.**

It is the intention of the Town Commission that sections of this **Resolution No. 25-03** may be renumbered or re-lettered and the word "resolution" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and sections of this **Resolution No. 25-03** may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

**Section 5. Conflicts.**

All resolutions in conflict with this **Resolution No. 25-03** are repealed to the extent necessary to give this **Resolution No. 25-03** full force and effect.

**Section 6. Severability.**

The provisions of this **Resolution No. 25-03** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 25-03**, 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 **Resolution No. 25-03**, 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 **Resolution No. 25-03** 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 **Resolution No. 25-03** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 25-03** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 25-03**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 25-03**, 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 7. Effective Date.** This **Resolution No. 25-03** shall take effect immediately upon passage by the Town Commission of the Town of Dundee, Florida.

**READ, PASSED AND ADOPTED** at a duly called meeting of the Town Commission of the Town of Dundee, Florida, assembled on the 11th day of February, 2025.

**TOWN OF DUNDEE**

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Samuel Pennant, Mayor

ATTEST WITH SEAL:

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Erica Anderson, Town Clerk

Approved as to form:

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Frederick J. Murphy, Jr., Town Attorney