

ORDINANCE NO. 24-08

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE TOWN OF DUNDEE PERSONNEL POLICY HANDBOOK AND CREATING SECTION 14.8 TITLED “COMPUTER, CELLULAR PHONE, INFORMATION AND DIGITAL TECHNOLOGY”; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER’S ERRORS; PROVIDING FOR CODIFICATION; PROVIDING BUSINESS IMPACT ESTIMATE; AND PROVIDING 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, on May 11, 2010, at a duly noticed public hearing, the Town Commission of the Town of Dundee (the “Town Commission”) adopted Ordinance No. 10-02 establishing a new and revised Town of Dundee Personnel Policy Handbook; and

WHEREAS, pursuant to Section 4.06 of the Town of Dundee Charter (the “Charter”), the Town Commission may establish personnel procedures and rules by ordinance; and

WHEREAS, pursuant to Section 1.04A of the Personnel Policy Handbook, the Town Manager shall present to the Town Commission rules, regulations and changes, as necessary, for the administration of the personnel system; and

WHEREAS, on May 25, 2021, at a duly noticed public hearing, the Town Commission adopted Ordinance No. 21-07 adopting a revised and restated Town of Dundee Personnel Policy Handbook (the “Handbook”); and

WHEREAS, on April 12, 2022, at a duly noticed public hearing, the Town Commission adopted Ordinance No. 22-12 amending Section 14.01 of the Handbook; and

WHEREAS, on September 23, 2023, at a duly noticed public hearing, the Town Commission adopted Ordinance No. 23-08 amending Sections 5.01, 5.02, 5.03, 6.01, 7.01, 8.01, 8.02 and 8.13 of the Handbook; and

WHEREAS, on June 7, 2024, at a duly notice public hearing, the Town Commission adopted Ordinance No. 24-07 amending Section 2 titled "Definition of Terms," Section 3.6 titled "Employment of Relatives," and creating Section 14.7 titled "No Tobacco – Smoking" of the Handbook; and

WHEREAS, the Town Commission has considered and reviewed the amendments to the for the Handbook which creates Section 14.8 titled "Computer, Cellular Phone, Information and Digital Technology" of the Handbook (the "Amendments"); and

WHEREAS, the Amendments are more particularly set forth on **Exhibit "A"** attached hereto and incorporated herein by reference; and

WHEREAS, the Town Commission finds that it is beneficial, appropriate, and in the best interests of the residents and citizens of the Town of Dundee to adopt the Amendments (see **Exhibit "A"**) for the Town of Dundee Personnel Policy Handbook; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this Ordinance is intended and necessary 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 Ordinance is intended to promote, protect, and improve the public health, safety, and general welfare of the citizens and residents of the Town of Dundee, Florida.

NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. Incorporation of Recitals. The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements that form a factual and material basis for the adoption of this Ordinance, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the adoption of this Ordinance.

Section 2. Amendment. The Town of Dundee hereby amends the Town of Dundee Personnel Policy Handbook (*Revised June 2024*) (the "Handbook") and creates Section 14.8 titled "Computer, Cellular Phone, Information and Digital Technology" (the "Amendments") of as shown in **Exhibit "A"**, which is attached hereto and made a part hereof (deleted provisions are shown in ~~strike through~~ format, and new provisions are shown in underlined format).

Section 3. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect. The

amended sections of the Handbook (see attached **Exhibit “A”**), insofar as they are substantially the same as legislation previously adopted by ordinance(s) of the Town of Dundee and relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Section 4. Severability. The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase of this Ordinance, 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, 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 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 shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this Ordinance, 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 5. Administrative Correction of Scrivener’s Errors. It is the intention of the City Commission that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the Town of Dundee is accomplished, sections of this Ordinance 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 6. Codification. This Ordinance shall not be codified in the Code of Ordinances of the Town of Dundee, Florida. A certified copy of this Ordinance shall be located in the Office of the Town of Dundee Town Clerk, and the revised and restated Town of Dundee Personnel Policy Handbook (July 2024) shall be reviewed annually by the Town of Dundee Town Manager and remain on file in the Office of the Town of Dundee Town Clerk.

Section 7. Business Impact Estimate. On October 1, 2023, Senate Bill 170, *Chapter 2023-309, Laws of Florida*, was enacted creating Section 166.0411 of the Florida Statutes and requiring a municipality to prepare a business impact estimate before the enactment of an ordinance. Provided however, Section 166.041(4)(c), Florida Statutes

(2023) provides, in pertinent part, that municipal ordinances required to implement a contract or agreement, as well as ordinances enacted and required for compliance with federal or state law or regulation, are exempt from this requirement. Notwithstanding the fact that this Ordinance is otherwise exempt from Section 166.041 of the Florida Statutes, the economic and/or cost impact of the provisions of this Ordinance, as an overall average, is *de minimis* or negligible, if any, in regard to the Amendments. The Handbook is not applicable to the general public, and the Amendments represent a contract and/or an agreement between the agency and its employees and therefor are only applicable to person(s) employed by the Town of Dundee. Therefore, this Ordinance has no direct economic impact on private businesses within the corporate limits of the Town of Dundee, Florida.

Section 8. Effective Date. The effective date of this Ordinance shall be immediately upon passage on second reading.

INTRODUCED AND PASSED on first reading, at a regular meeting of the Town Commission of the Town of Dundee, Florida, held this 25th day of June, 2024.

PASSED AND FINALLY ADOPTED on second reading and adoption public hearing at the meeting of the Town Commission of the Town of Dundee, Florida, duly assembled on this _____ day of _____, 2024.

TOWN OF DUNDEE, FLORIDA

Mayor- Sam Pennant

ATTEST:

Town Clerk – Trevor Douthat

Approved as to form:

Town Attorney - Frederick J. Murphy, Jr.

EXHIBIT "A"

(Additions shown in underline and deletions shown in ~~striketrough~~)