

**RESOLUTION NO. 24-29**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, RELATING TO MUNICIPAL PLANNING AND REVISIONING; RATIFYING, AND APPROVING THE ESTABLISHMENT OF THE TOWN OF DUNDEE VISIONING COMMITTEE AND RULES OF PROCEDURE; 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**, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and mandates the Town of Dundee, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements, or portions thereof, to guide the future growth and development of the Town; and

**WHEREAS**, as provided in section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

**WHEREAS**, pursuant to *Section 3.01 of the Charter of the Town of Dundee*, the Town Commission of the Town of Dundee, Florida (the "Town Commission") has all legislative powers of the Town vested in a mayor and four (4) commissioners; and

**WHEREAS**, pursuant to *Section 1.01 of the Charter of the Town of Dundee*, the Town Commission may by ordinance or resolution prescribe the manner in which any power of the Town shall be exercised; and

**WHEREAS**, pursuant to *Sec. 2-28.1 of the Code of Ordinances of the Town of Dundee, Florida* (the "Town Code"), it is the intent of *Article IIA, Chapter 2, of the Town Code* to adopt provisions relating to general rules of procedure for all boards, committees and commissions established by the Town Commission; and

**WHEREAS**, on March 12, 2024, at a duly noticed public meeting, the Town Commission approved RFQ 24-01 (the “RFQ”); and

**WHEREAS**, the RFQ sought qualifications for professional consultants related to and/or for *Municipal Planning and Revisioning Services*; and

**WHEREAS**, pursuant to the RFQ, the Town Commission approved the *Master Continuing Professional Consulting Agreement For Professional Planning and Visioning Services* (the “Agreement”) and, based on the scoring criteria set forth in the RFQ, unanimously voted to approve and adopt the recommendation(s) provided by the Town of Dundee Evaluation Committee to enter into an Agreement with certain qualified professional consultants; and

**WHEREAS**, the Agreement(s) entered into between the Town and qualified professional consultant(s) provided for certain municipal planning and revisioning services which included, but were not limited to, assisting the Town with amending its 2030 Comprehensive Plan, updating the Town of Dundee Land Development Code to implement any adopted comprehensive plan amendments, and assisting the Town with planning for the impacts of unprecedented growth and new residential and/or non-residential development(s) and/or redevelopment within the municipal limits of the Town of Dundee; and

**WHEREAS**, on September 10, 2024, the Town Commission, at a duly noticed public meeting, approved and adopted Town of Dundee Ordinance No. 24-09 (the “Ordinance”); and

**WHEREAS**, the Ordinance established a twelve (12) month moratorium on and/or for residential development within the municipal limits of the Town of Dundee in order to enable, amongst other things, the Town to commence with the revisioning process and address concurrency related issue(s); and

**WHEREAS**, on September 10, 2024, the Town Commission voted to ratify and approve the establishment of the Town of Dundee Visioning Committee (the “Committee”) and approve the appointment of members to serve on the Committee; and

**WHEREAS**, the Committee is an advisory committee created by the Town Commission for the intended purpose of *information gathering* and/or *fact-finding* (as such term(s) are interpreted by *Florida’s Government in the Sunshine Laws*, §286.011, FS); and

**WHEREAS**, the Town Commission established the Committee to perform *fact-finding* and *information gathering* in order to make recommendation(s) related to the Town’s revisioning efforts in planning for the impacts of unprecedented growth and new residential and/or non-residential development(s) and/or redevelopment located within the municipal limits of the Town of Dundee; and

**WHEREAS**, pursuant to applicable Florida law which includes, but is not limited to, *Florida’s Government in the Sunshine Laws* (the “Sunshine Law”), the Committee is an appointed board and subject to the requirements of the Sunshine Law; and

**WHEREAS**, the purpose of this Resolution is to comply with the *Charter of the Town of Dundee*, the *Code of Ordinances of the Town of Dundee*, and applicable Florida law in and/or for the establishment of a citizen advisory board or committee; and

**WHEREAS**, the Town Commission of the Town of Dundee, Florida, finds that the approval of this Resolution No. 24-29 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. 24-29 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 RESOLVED BY THE TOWN COMMISSION 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 which form a factual and material basis for the passage of this Resolution, 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. Authorization.**

The Town Commission of the Town of Dundee, Florida, hereby confirms, ratifies, and authorizes the establishment of the *Town of Dundee Visioning Committee* (the “Committee”). The Committee shall be deemed to have been established on September 10, 2024 and shall automatically be sunsetted and repealed on September 10, 2029.

The Committee shall act solely as an advisory committee to the Town Commission on and/or for such matters which include, but shall not be limited to, the following:

- (a) Communication, dialogue, and the exchange of ideas related to municipal planning and revisioning within the municipal limits of the Town of Dundee; and
- (b) Communication, dialogue, and the exchange of ideas related to planning for the impacts of unprecedented growth and new residential and/or non-residential development(s) and/or redevelopment within the municipal limits of the Town of Dundee; and
- (c) Receiving public input pertaining to municipal planning and revisioning within the municipal limits of the Town of Dundee; and
- (d) Receiving public input pertaining to planning for the impacts of unprecedented growth and new residential and/or non-residential development(s) and/or redevelopment within the municipal limits of the Town of Dundee; and

- (e) Providing recommendation(s) to the Town Commission, Town Manager, and/or any qualified professional consultant of the Town on matters relating to municipal planning and revisioning within the municipal limits of the Town of Dundee.

**Section 3. Appointment and Rules of Procedure.**

The Town Commission shall appoint any and all members of the Committee, and the Committee shall consist of no less than five (5) and no more than fifteen (15) voting members as determined by the Town Commission, and one (1) non-voting Town Commission Liaison. The Committee shall hold, at a minimum, two (2) meetings during each calendar year; and, at the first meeting for each calendar year, the Committee shall elect a Chair and Vice-Chair.

Once the Committee is established, pursuant to *Sec. 2-28.1 of the Code of Ordinances of the Town of Dundee, Florida* (the “Town Code”), the provisions of *Article IIA, Chapter 2, of the Town Code* relating to general rules of procedure for all boards, committees, and commissions shall be applicable to the Committee. The most recent edition of Roberts Rules of Order for small bodies shall apply to the conduct of the meetings of the Committee.

**Section 4. Severability.**

The provisions of this Resolution are severable. If any section, subsection, sentence, clause, phrase of this Resolution, 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, 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 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 shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this Resolution is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this Resolution, 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. Conflicts.**

Any Resolution in conflict herewith is hereby repealed but only to the extent of the conflict and as required to give this Resolution full force and effect.

**Section 6. Administrative Correction of Scrivener’s Errors.**

It is the intention of the Town Commission that sections of this Resolution 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 regardless of whether such inclusion in the Code of Ordinances of the Town of Dundee is accomplished, sections of this Resolution 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 7. Effective Date.** This Resolution shall become effective immediately upon its passage.

**READ, PASSED AND ADOPTED** at a duly called meeting of the Town Commission of the Town of Dundee, Florida assembled on the 22nd day of October, 2024.

**TOWN OF DUNDEE**

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Sam Pennant, Mayor

ATTEST WITH SEAL:

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Lita O'Neill, Town Clerk

Approved as to form:

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Frederick J. Murphy, Jr., Town Attorney