

## RESOLUTION NO. 23-31

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, CALLING A SPECIAL ELECTION FOR THE PURPOSE OF APPROVING CERTAIN TEXTUAL AMENDMENTS TO THE CHARTER OF THE TOWN OF DUNDEE AND CODE OF ORDINANCES OF THE TOWN OF DUNDEE, FLORIDA, THAT WILL HAVE GENERAL APPLICATION THROUGHOUT THE CHARTER OF THE TOWN OF DUNDEE AND CODE OF ORDINANCES OF THE TOWN OF DUNDEE, FLORIDA, AMENDING ANY REFERENCE TO TOWN TO CITY AND TOWN COMMISSIONER TO CITY COMMISSIONER; SETTING THE DATE FOR A SPECIAL ELECTION; CONDUCTING THE ELECTION; PROVIDING FOR EFFECTIVE DATES.**

**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**, Section 166.031 of the Florida Statutes permits the amendment of any part or all of the Charter of the Town of Dundee, Florida, by initiation of an ordinance by the Town Commission of the Town of Dundee, Florida (the “Town Commission”); and

**WHEREAS**, on December 12, 2023, at a duly noticed public meeting, the Town Commission adopted *Town of Dundee Ordinance No. 23-17* (the “Ordinance”); and

**WHEREAS**, the Ordinance approved certain proposed textual amendment(s) to the *Charter of the Town of Dundee* and *Code of Ordinances of the Town of Dundee* and provided that, upon final passage of the Ordinance by the Town Commission, the proposed textual amendment(s) are to be placed on the ballot at the next regular election or special election for a vote of the voters of the Town of Dundee, Florida; and

**WHEREAS**, Section 100.151 of the Florida Statutes requires “the governing authority of a municipality” when issuing a call for a special election to first give notice to the

Supervisor of Elections and obtain consent from the Supervisor of Elections as to a date when the registration books can be available; and

**WHEREAS**, the Supervisor of Elections for Polk County has advised the Town Manager and Town Attorney that her registration books will be available for use for a townwide special election on **Tuesday, April 2, 2024**; and

**WHEREAS**, the Town Commission desires to set a special election for **Tuesday, April 2, 2024**, for the people of the Town of Dundee to vote on certain proposed textual amendment(s) to the *Charter of the Town of Dundee* and *Code of Ordinances of the Town of Dundee* amending any reference to *Town* to *City* and *Town Commissioner* to *City Commissioner*; and

**WHEREAS**, under the general powers conferred on the Town Commission by the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution, the Town Commission finds that a “resolution” or “provision for the disposition of a particular item of the administrative business of the governing body” – See §166.041(1)(b), Fla. Stat. (2023) – is a sufficient exercise of legislative authority to accomplish the ends expressed in these recitals; and

**WHEREAS**, the Town Commission finds that all necessary procedures for the enactment and adoption of this Resolution have been followed and proper notice has been provided to the public in accordance with Section 166.041 of the Florida Statutes; and

**WHEREAS**, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this Resolution is consistent with the public interest; and this Resolution 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 adoption 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 adoption of this Resolution.

**Section 2. Special Election.** A **special municipal election** is called for on **Tuesday, April 2, 2023**, for the purpose of approving certain proposed textual amendment(s) to the *Charter of the Town of Dundee* and *Code of Ordinances of the Town of Dundee* amending any reference to *Town* to *City* and *Town Commissioner* to *City Commission*.

**Section 3. Notice of Special Election.** A notice of the calling and the holding of the special election shall be published at least twice, once in the fifth week (week of February 27, 2024, for a special election on April 2, 2024), and once in the third week (week of March 12, 2024, for a special election on April 2, 2024), prior to the week in which the election is to be held (week of April 1, 2024, for a special election on April 2, 2024). Electors of the Town shall have the same qualifications to be permitted to vote in this election as electors for state elections and shall be registered with the Supervisor of Elections of Polk County before the date for the close of the supervisor's registration books provided in Section 97.055 of the Florida Statutes. No capitation or poll tax payment shall be a prerequisite to the qualifications of an elector.

**Section 4. Effective Date.** This Resolution shall be effective immediately upon adoption.

**READ, PASSED AND ADOPTED** at a duly called meeting of the Town Commission of the Town of Dundee, Florida, assembled on the 12th day of December, 2023.

**TOWN OF DUNDEE**

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Samuel Pennant, Mayor

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ATTEST WITH SEAL:

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Trevor Douthat, Town Clerk

Approved as to form:

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Frederick J. Murphy, Jr., Town Attorney