

ORDINANCE NO. 26-03

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, RELATING TO THE ESTABLISHMENT OF A FOUR COMMISSIONER SUPER MAJORITY VOTING REQUIREMENT FOR THE APPOINTMENT AND/OR TERMINATION OF THE TOWN OF DUNDEE TOWN ATTORNEY; CREATING SECTION 2-37, ARTICLE ARTICLE IIA, CHAPTER 2 OF THE CODE OF ORDINANCES, TOWN OF DUNDEE, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; PROVIDING FOR BUSINESS IMPACT ESTIMATE; 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, the Town Attorney serves as the chief legal advisor to the Town Commission and provides legal services to the Town in furtherance of public interest; and

WHEREAS, the Town Commission is the governing body of the Town of Dundee and is vested with the authority to appoint professional service providers necessary for the operation and governance of the Town, including the Town Attorney; and

WHEREAS, in the interest of transparency, accountability, and consistency in governance, the Town Commission desires to clearly establish the process by which the Town Attorney is appointed and removed; and

WHEREAS, the Town Commission finds it to be in the best interest of the Town that the hiring and termination of the Town Attorney require a heightened majority vote to ensure broad consensus among the elected governing body; and

WHEREAS, pursuant to *Section 2-36(b) of the Code of Ordinances of the Town of Dundee, Florida*, rules of procedure may be amended and/or new rules of procedure may be adopted by ordinance; and

WHEREAS, in the exercise of its legislative authority, the Town Commission has determined it is in the best interests of the health, safety and welfare of the citizens and residents of the Town of Dundee, Florida, and consistent and in accordance with applicable Florida law to amend the *Code of Ordinances of the Town of Dundee, Florida* (the “Code”) by adopting and creating *Section 2-37, Article IIA, Chapter 2 of the Code* relating to voting requirements to appoint and remove the Town of Dundee Town Attorney; and for the repeal or amendment of such provisions; and

WHEREAS, on February 10, 2026, at a duly noticed public meeting, the Town Commission finds that the purpose of this **Ordinance No. 26-03** does not have a financial impact and therefore, no business impact estimate is required to be prepared or posted prior to adoption of this **Ordinance No. 26-03**; and

WHEREAS, on March 10, 2026, at a duly noticed public hearing, the Town Commission determined that this **Ordinance No. 26-03** amending the Code promotes the public health, safety, and general welfare of the community and found that the passage and enactment of this **Ordinance No. 26-03** is consistent with the *Town of Dundee 2030 Comprehensive Plan*; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this **Ordinance No. 26-03** 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 **Ordinance No. 26-03** 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, 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 adoption of this **Ordinance No. 26-03**, and the Town Commission of the Town of Dundee, Florida (the “Town Commission”), hereby adopts the above-referenced factual recitals as the legislative findings supporting the adoption of this **Ordinance No. 26-03**.

Section 2. Amendment.

The Code of Ordinances, Town of Dundee, Florida (the “Code”) is hereby amended to create *Section 2-37, Article IIA, Chapter 2 of the Code* as set forth in **Exhibit “A”** attached hereto and made a part hereof by reference (provisions deleted are shown as strikethrough and provisions added are shown as underlined).

Section 3. Conflicts.

All ordinances in conflict herewith are hereby repealed but only to the extent necessary to give this **Ordinance No. 26-03** full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the *Code of Ordinances, Town of Dundee, Florida* unless such repeal is explicitly set forth herein.

Section 4. Severability.

The provisions of this **Ordinance No. 26-03** are severable. If any section, subsection, sentence, clause, phrase of this **Ordinance No. 26-03**, 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 **Ordinance No. 26-03**, 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 **Ordinance No. 26-03** 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 **Ordinance No. 26-03** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Ordinance No. 26-03** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Ordinance No. 26-03**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Ordinance No. 26-03**, 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 5. Administrative Correction of Scrivener's Errors.

It is the intention of the Town Commission that sections of this **Ordinance No. 26-03** 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 sections of this **Ordinance No. 26-03** 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 6. Codification.

It is the intent of the Town Commission that the provisions of Section 2 to this **Ordinance No. 26-03** shall be codified as and become and be made a part of the *Code of Ordinances of the Town of Dundee, Florida*. The implementing sections of this **Ordinance No. 26-03**, Sections 1, 3, 4, 5, and 6, shall not be codified.

Section 7. Business Impact Estimate.

In this instance, this **Ordinance No. 26-03** will not have a direct economic impact on businesses located in the Town of Dundee, Florida, and therefore a business impact estimate is not required for compliance with general law of the State of Florida.

Section 8. Effective Date.

This **Ordinance No. 26-03** shall become effective immediately upon its passage and adoption after Second and Final Reading.

INTRODUCED AND PASSED on first reading with a quorum present and voting at the meeting of the Town of Dundee Town Commission duly assembled held this 10th day of February, 2026.

PASSED AND FINALLY ADOPTED on second reading and adoption public hearing with a quorum present and voting at the meeting of the Town of Dundee Town Commission duly assembled on this 10th day of March, 2026.

TOWN OF DUNDEE, FLORIDA

Sam Penant, Mayor

ATTEST:

Erica Anderson, Town Clerk

Approved as to form:

Markeishia Smith, Town Attorney

ORDINANCE NO. 26-03
EXHIBIT 'A'

Provisions being deleted are shown as strikethrough and provisions being added are shown as underlined

CHAPTER 2 – ADMINISTRATION

ARTICLE IIA.– RULES OF PROCEDURE FOR THE TOWN COMMISSION AND ALL
BOARDS, COMMITTEES, AND COMMISSIONS ESTABLISHED BY TOWN ORDINANCE
OR TOWN CHARTER

Sec. 2-37. – Appointment and/or termination of Town Attorney.

- a. The appointment and/or termination of the Town of Dundee Town Attorney shall require an affirmative vote of four (4) out of the five (5) members of the Town Commission at a duly noticed public hearing
- b. In addition, this section may not be repealed, amended, modified, or otherwise rescinded except upon the affirmative vote of four (4) out of the five (5) members of the Town Commission at a duly noticed public hearing.