

ORDINANCE NO. 2012 - 03

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO OFFICIALLY DESIGNATE THE TOWN CLERK AS THE TOWN'S CUSTODIAN OF PUBLIC RECORDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 3.06 of the Town's Charter provides for the appointment of a Town Clerk; and

WHEREAS, in addition to the duties prescribed by the Town Council and Town Administrator, Section 3.06 of the Town's Charter requires the Clerk to give notice of Council meetings, and to keep minutes of all proceedings; and

WHEREAS, since the formation of the Town, the Town Clerk has also been given the responsibility to maintain all of the records of the Town; and

WHEREAS, Chapter 119 Florida Statutes, defines a "custodian of public records" as the elected or appointed municipal officer charged with the responsibility of maintaining the office having public records; and

WHEREAS, although the Town Clerk has always served as the Town's custodian of public records, the Town has never formally designated the Town Clerk as the custodian of public records;

WHEREAS, this Ordinance serves to officially designate the Town Clerk as the Town's custodian of public records; and

WHEREAS, the Town believes that the designation of the Town Clerk as the Town's custodian of public records is in the best interest of the health, safety, and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AS FOLLOWS:

Section 1. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. That the Town Code is hereby amended to state:

Town Clerk

In accordance with Section 3.06 of the Town's Charter, as may be amended from time to time, the Town Clerk shall be officially designated as the Town's custodian of public records, as defined in Chapter 119, Florida Statutes, as may be amended from time to time.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. That the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Southwest Ranches, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

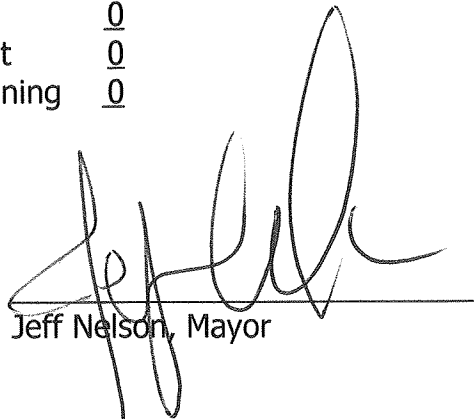
Section 5. Conflict. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective upon adoption on second reading.

PASSED ON FIRST READING this 9th day of February, 2012, on a motion by Council Member Breitkreuz and seconded by Council Member Fisikelli.

PASSED ON SECOND READING this 8th day of March 2012, on a motion made by Council Member Jablonski and seconded by Council Member Breitkreuz.

Nelson	<u>YES</u>	Ayes	<u>5</u>
McKay	<u>YES</u>	Nays	<u>0</u>
Breitkreuz	<u>YES</u>	Absent	<u>0</u>
Fisikelli	<u>YES</u>	Abstaining	<u>0</u>
Jablonski	<u>YES</u>		

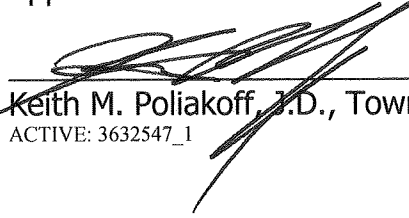


Jeff Nelson, Mayor

ATTEST:


Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:


Keith M. Poliakoff, J.D., Town Attorney
ACTIVE: 3632547_1