ORDINANCE NO. 2015-029

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 21, "PERSONNEL ADMINISTRATION," ARTICLE II, "AT-WILL EMPLOYEE POLICIES AND PROCEDURES," SECTION 21-22, "EMPLOYMENT INFORMATION AND REQUIREMENTS," BY ENACTING A NEW SUBSECTION 21-22.13, "PROHIBITION ON CAMPAIGN ACTIVITIES," TO PROHIBIT CAMPAIGN ACTIVITIES BY KEY CITY EMPLOYEES FOR CERTAIN ELECTIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the United States Supreme Court has stated, "The right to participate in democracy through political contributions is protected by the First Amendment, but that right is not absolute. Congress may regulate campaign contributions to protect against corruption or the appearance of corruption." *McCutcheon v. Federal Election Commission*, 134 S.Ct. 1434 (2014); and

WHEREAS, the International City/County Management Association (ICMA) has as its members county and city managers, assistant city managers, and assistants to the city managers who follow a Code of Ethics; and

WHEREAS, Tenet 7 of ICMA's Code of Ethics provides that its members shall:
"Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body."; and

WHEREAS, in support of Tenet 7, ICMA provides Guidelines which provide:
"Members should maintain a reputation for serving equally and impartially all members of the governing body they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body."

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"Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office."; and

WHEREAS, Section 104.31, Florida Statutes, prohibits officers and employees of the City from using their official authority or influence for the purpose of interfering with an election; and

WHEREAS, on a local level, voters expect that a supervisor of elections will maintain impartiality in elections and election related decisions; and

WHEREAS, the City Clerk and Deputy City Clerk function as the equivalent of a supervisor of elections in the City of Coconut Creek and are responsible for handling all aspects of municipal elections, including the statutorily required advertising; administrating the petition initiative process; assisting with the identification and selection of polling locations; acting as the local qualifying officer for municipal candidates, including the receipt and completeness of campaign treasurer's reports; notifying candidates and the State of Florida regarding campaign report deficiencies as necessary; collecting qualifying fees; transmitting election assessments to the Florida Elections Commission; transmitting ballot information to the Broward County Supervisor of Elections; executing agreements with the Broward County Supervisor of Elections for the hiring, training and placement of poll workers; paying poll workers; ensuring smooth conduct of elections on Election Day by visiting polls; and presenting election results to the City Commission; and

WHEREAS, the City Attorney and Assistant City Attorney(s) are responsible for

providing legal advice to the City Clerk prior to, during and after an election; and

WHEREAS, the Police Chief and his/her Deputy enforce Florida's Election Code; and

WHEREAS, when there are elections for City Commissioners of the City of Coconut Creek, the City desires to prevent actual, or even the appearance of partiality, bias, conflicts of interest, or corruption.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA AS FOLLOWS:

Section 1. That Chapter 21, "Personnel Administration," Article II, "At-Will Employee Policies and Procedures," Section 21-22, "Employment Information and Requirements," be amended by enacting a new subsection 21-22.13, "Prohibition on Campaign Activities," to read as follows:

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Sec. 21-22.13. - Prohibition on campaign activities.

In order to avoid the appearance of impropriety, the City Manager, Assistant City Manager(s), Assistant to the City Manager, City Clerk, Deputy City Clerk, Police Chief, Deputy Police Chief, City Attorney and Assistant City Attorney(s) shall not participate in a campaign involving any candidate or incumbent Commissioner, for the City of Coconut Creek City Commission, including being a member of an election or re-election committee for a candidate; public endorsement with or without financial support of a candidate; holding campaign signs, wearing a campaign tee-shirt, or other public display of support for a candidate; signing an endorsement card for a candidate; attending a candidate's campaign fundraiser; chairing or co-chairing an ongoing election campaign or fundraiser for a candidate; or providing a financial campaign contribution. Nothing in this section shall be deemed to prohibit the City Manager, Assistant City Manager(s), Assistant to the City Manager, City Clerk, Deputy City Clerk, Police Chief, Deputy Police Chief, City Attorney and Assistant City Attorney(s) from casting a vote for any such municipal candidate in a municipal election.

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Section 2. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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Section 3. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 4. Codification. That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 5. Effective Date. That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED FIRST READING THIS 23rd DAY OF July , 2015.

PASSED SECOND READING THIS 27th DAY OF August , 2015.

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Rebecca A. Tooley, Mayor

Attest:

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Leslie Wallace May, MMC, City Clerk

	1st	2nd
Tooley	Aye	Aye
Belvedere	Aye	Aye
Sarbone	Aye	Aye
Welch	Aye	Aye
Rydell	Aye	Aye