

RESOLUTION NO. 2021-297

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA REQUIRING THAT EVERY PERSON THAT IS EMPLOYED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA WHO RUNS FOR PARTISAN ELECTED PUBLIC OFFICE MUST, UPON APPOINTING A CAMPAIGN TREASURER, TAKE AND CONTINUOUSLY REMAIN ON VACATION AND/OR AN APPROVED LEAVE OF ABSENCE WITHOUT PAY FROM THE DATE OF MAKING SUCH APPOINTMENT TO AND INCLUDING THE DATE SUCH PERSON IS ELECTED TO OFFICE, DEFEATED IN THE ELECTION, OR OFFICIALLY AND IRREVOCABLY WITHDRAWS FROM THE ELECTION, WHICHEVER EVENT IS FIRST TO OCCUR; PROVIDING THAT ANY PERSON WHO IS EMPLOYED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY WHOSE POSITION IS ENTIRELY FEDERALLY FUNDED AND WHO RUNS FOR AN ELECTED PUBLIC OFFICE IN A PARTISAN ELECTION SHALL RESIGN FROM HIS OR HER POSITION UPON BEGINNING A CAMPAIGN FOR ELECTIVE OFFICE IN A PARTISAN ELECTION; AND PROVIDING FURTHER THAT EVERY PERSON WHO RUNS FOR AN ELECTED PUBLIC OFFICE WHO HAS BEEN APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO ANOTHER BOARD, COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL BODY SHALL RESIGN FROM SUCH OTHER GOVERNMENTAL BODY ON OR PRIOR TO THE DATE SUCH PERSON APPOINTS A CAMPAIGN TREASURER OR OTHERWISE QUALIFIES FOR PUBLIC OFFICE.

WHEREAS, Section 104.31, Florida Statutes, prohibits employees of political subdivisions from participating in any political campaign for elective office while on duty; and

WHEREAS, the Hatch Act (5 U.S.C. § 1501 et seq.) prohibits a local officer or employee who is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, from being a candidate for elective office in a partisan election; and

WHEREAS, the United States Office of Special Counsel, which is responsible for enforcement of the Hatch Act, issued an advisory opinion dated June 17, 2009, stating that "any action that can reasonably be construed as evidence that an individual is seeking support for or undertaking an initial "campaign" to secure a nomination or election to office would be viewed as a candidacy for purposes of the Hatch Act"; and

WHEREAS, the Board of County Commissioners of St. Johns County (the Board) finds that candidacy for public office is presumed to involve an interest that conflicts with an employee's fulltime employment and with an appointed official's duties to an appointed board, commission, authority, or other governmental body.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. The above recitals are incorporated into the body of this resolution and are adopted as findings of fact.

Section 2. Every person that is employed by the Board who runs for an elected public office in a partisan election must, upon appointing a campaign treasurer, or, if not required by law to appoint a campaign treasurer, upon qualifying to appear on the ballot for an elected public office in a partisan election, take and continuously remain on vacation and/or an approved leave of absence without pay from the date of making such appointment to and including the date such person is elected to office, defeated in the election, or officially and irrevocably withdraws from the election, whichever event is first to occur.

Section 3. Every person that is employed by the Board whose position is paid completely, directly or indirectly, by loans or grants paid by the United States or a Federal agency, who runs for an elected public office in a partisan election must resign from such position on or prior to the date such person engages in any activity that could reasonably be construed as evidence that said person is seeking support for or undertaking an initial campaign to secure a nomination or election to office, including, but not limited to:

- a. Taking action necessary under state law to qualify for nomination or election;
- b. Soliciting or receiving contributions or making expenditures in connection with a candidacy or potential candidacy for election;
- c. Canvassing for voter support;
- d. Conducting polls for name recognition;
- e. Meeting with individuals to plan the logistics and strategy of a campaign;
- f. Circulating nominating petitions; or
- g. Giving consent or acquiescing to such activities by others on one's behalf.

For the purposes of this resolution, a "partisan election" shall mean an election in which any candidate on the ballot represents a party whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

Section 4. No person employed by the Board shall take any active part in a political campaign while on duty within any period of time such person is expected to perform services for the County for which such person receives compensation.

Section 5. Every person who runs for an elected public office who has been appointed by the Board to another Board, Commission, Authority or other governmental body shall resign from such other governmental body on or prior to the date such person appoints a campaign treasurer or, if not required by law to appoint a campaign treasurer, upon qualifying to appear on the ballot for an elected public office. The provisions of this section shall not apply to members of the Board of County Commissioners.

Section 6. Nothing in this resolution shall prevent any person employed by the Board from running for an elected public office in a non-partisan election, except to the extent that (i) such candidacy creates a real or apparent conflict of interest on the part of the employee or (ii) such candidacy would be prohibited under Article II, Section 5(a) of the Florida Constitution. No person employed by the Board who runs for an elected public office in a non-partisan election shall conduct campaign activities during work hours. For the purposes of this section a conflict of interest is defined as any situation in which the employee's financial, professional, commercial, or personal interests or activities outside the County affects, or appears to affect, the employee's professional judgment or obligations to the County.

Section 7. Nothing in this resolution shall be construed to prohibit any Board employee or Board appointed member from expressing his or her opinion on any candidate or issue, or, except as otherwise provided in this resolution, from participating in any politically campaign during such person's off duty hours so long as such activities are not in conflict with this resolution and applicable state or federal law.

Section 8. St. Johns County Resolution 1992-119 is hereby repealed.

PASSED AND ADOPTED this 20 day of July, 2021.

ATTEST: Brandon J. Patty, Clerk of the Circuit Court & Comptroller

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

By: Sam Halterman
Deputy Clerk

By: Jeremiah R. Blocker
Jeremiah R. Blocker, Chair

RENDITION DATE 7/21/21

