

STATE OF FLORIDA
COUNTY OF VOLUSIA

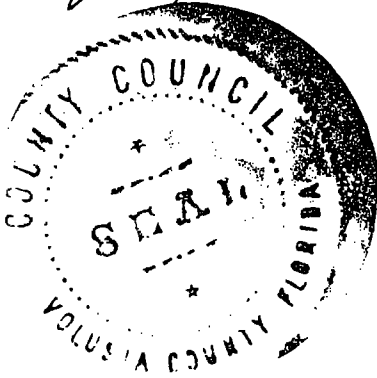
I, JAMES T. DINNEEN, County Manager and Clerk to the County Council of Volusia County, Florida, do hereby certify that the attached and foregoing ORDINANCE 2016-03 is a true and correct copy of that certain Ordinance as adopted by the County Council of Volusia County, Florida, at its meeting held on January 21, 2016.

WITNESS my hand and official seal at DeLand, Volusia County, Florida, this 22nd day of January, A.D. 2016.

JAMES T. DINNEEN
COUNTY MANAGER AND CLERK TO THE
COUNTY COUNCIL OF VOLUSIA COUNTY,
FLORIDA

BY:


MARCY A. ZIMMERMAN, DEPUTY CLERK



ORDINANCE 2016-03

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA TO AMEND SECTION 86-45(b) OF DIVISION 1 OF ARTICLE II OF CHAPTER 86 OF THE VOLUSIA COUNTY CODE OF ORDINANCES TO ALLOW COUNTY EMPLOYEES TO BECOME CANDIDATES FOR ELECTED DIRECTORSHIPS WITHOUT RESIGNING THEIR COUNTY EMPLOYMENT; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AS FOLLOWS:

(Words in ~~strike-through~~ type are deletions; words in underscore type are additions.)

SECTION I: AMENDMENT. Section 86-45(b) of Division 1 of Article II of Chapter 86 of the Code of Ordinances of the County of Volusia is hereby amended as follows:

Section 86-45. – Conduct of employees.

(b) *Political activity.* All employees are entitled to exercise their rights as citizens to express their opinions on all political subjects and candidates, to vote as they choose, to hold membership in and support a political party, to maintain political neutrality, and to attend political meetings. Classified employees and those unclassified employees in excepted positions may not:

- (1) a. Hold political office. Any employee becoming a candidate for nomination or election to any public office shall resign from his or her position. Any employee appointed to fill a vacancy in one of the offices of elected department director created pursuant to charter section 602.1 ~~an elective office of county government may~~ shall be placed on leave of

absence for the duration of the appointment. An employee appointed as an elected department director thereafter may become a candidate for such charter office. However, if elected, such employee shall be deemed upon commencement of the term for which election is first sought to have vacated his or her former position of county employment and to retain no right to re-employment. Nothing herein shall create a right to continued county employment for an unclassified employee. from his position for the duration of the appointment or until such time as he may become a candidate for nomination or election.

- b. 1. Notwithstanding the foregoing sub-subsection, an employee without resignation of employment may become a candidate for one of the offices of elected department director created by section 602.1 of the county charter if such office shall be open. An office of elected department director shall be deemed open if (i) the incumbent department director submits in writing to the county manager his or her intention not to run for reelection or (ii) the department director office is vacant and to be filled by election. An office of elected department director shall not be deemed open if a vacancy in office has been filled by appointment and the appointed incumbent seeks election to either the remainder of the unexpired term or a new term.
2. Unless waived by the county manager for the needs of the county, an employee who becomes a candidate for an elected department director office shall take a fifteen calendar day uninterrupted leave of absence immediately prior to and on the date of each primary or general election for which office is on the ballot. An employee taking such leave shall

use available personal or annual leave time to meet the requirements of this sub-subsection; however, if such employee has insufficient personal or annual leave available for the entirety of the mandatory leave period, the remainder shall be treated as an approved leave of absence without pay pursuant to section 86-518 of this code of ordinances.

3. Nothing in this sub-subsection shall excuse an employee from complying with the provisions of subsection (b)(2) against political activity during working hours. Employees who run for office pursuant to this sub-subsection shall continue to abide by all other applicable county personnel rules and policies while employed by the county.

4. An employee who is elected as a department director shall be deemed upon taking office to have vacated his or her former position of county employment and to retain no right to re-employment in such former position.

- (2) Participate in the management, affairs or political campaign of any candidate for political office during work hours.
- (3) Solicit any assessments, contributions or services for any political party during work hours.
- (4) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
- (5) Nothing herein shall create a right to continued county employment for an unclassified employee.

An employee occupying a position funded in whole or in part by federal monies shall be subject to the federal Hatch Act except when that act is in conflict with this section, in which case the more stringent provisions shall apply.

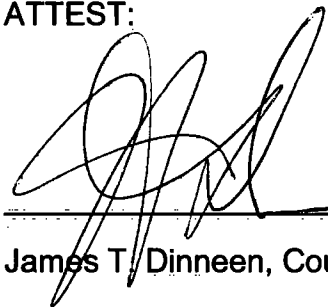
SECTION II: SEVERABILITY. Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections or sections shall remain in full force and effect.

SECTION III: CODIFICATION. The provisions of Section I of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments thereto, and, if necessary, shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION IV: EFFECTIVE DATE. This ordinance shall take effect upon filing of a certified copy by e-mail with the Department of State.

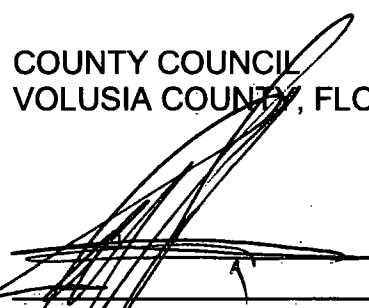
ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE HISTORIC COURTHOUSE, 125 W. NEW YORK AVENUE, SECOND FLOOR, ROOM 204, DELAND, FLORIDA THIS 21th DAY OF JANUARY, A.D. 2016.

ATTEST:



James T. Dinneen, County Manager

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA



Jason P. Davis, County Chair

