

**ORDINANCE NO. 2021-XX**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER V OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED “HUMAN RESOURCES (PERSONNEL)” BY SPECIFICALLY CREATING A NEW SECTION ENTITLED “EMPLOYEE RUNNING FOR POLITICAL OFFICE”; PROVIDING FOR THE RESIGNATION FROM CITY EMPLOYMENT IF AN EMPLOYEE QUALIFIES TO RUN FOR MAYOR OR CITY COMMISSIONER OF THE CITY OF NORTH MIAMI BEACH; PROVIDING FOR THE RESIGNATION FROM CITY EMPLOYMENT IF AN EMPLOYEE IS ELECTED TO ANY OTHER POLITICAL OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it has long been recognized that local governments have a strong interest in regulating the political activities of employees in the workplace to maintain a productive work environment; and

**WHEREAS**, employees running for political office can result in the lack of political harmony and cooperation in the workplace between employees; and

**WHEREAS**, employees running for political office can negatively impact the productivity of employees due to absences; and

**WHEREAS**, the City Manager’s ability to manage employees will be negatively impacted when employees running for office are allowed to continue employment with the City; and

**WHEREAS**, while employees of the City are permitted to run for office or participate in political activities, the City has authority to require the resignation of an employee if the employee qualifies as a candidate for Mayor or City Commissioner of the City of North Miami Beach to avoid conflict of interest or political influence in the workplace; and

**WHEREAS**, the City has authority to require the resignation of an employee if the employee is elected to a political office with another government entity to maintain productivity and a workplace free of political influence; and

**WHEREAS**, the City has adopted policies to prevent employees from coercing other employees to be involved in political campaigns in the City or other areas; and

**WHEREAS**, it is well-known that classified employees of the State of Florida are prohibited from holding office while employed by the State of Florida with limited exceptions; and

**WHEREAS**, numerous local governments, including Miami-Dade County, have adopted rules and policies which require the resignation or temporary leave of absence of employees who are seeking elected office to prevent conflict of interest or to maintain a workplace free of political influence; and

**WHEREAS**, the Mayor and City Commission has determined that it is in the best interest of the City to maintain a workplace free of conflict of interest and political influence by requiring the resignation of an employee if such employee qualifies to run for Mayor or City Commissioner of the City of North Miami Beach or if the employee is elected to a political office with another government entity.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Commission of the City of North Miami Beach, Florida:

**Section 1.** That the recitals and finding contained in the forgoing “whereas” clauses are adopted by reference and incorporated as if fully set forth in this section.

**Section 2.** That Chapter V, entitled “Human Resources (“Personnel”)”, is hereby amended to create a new section entitled “Employee Running for Political Office” and provides as follows:

**5-5.5 Employee Running for Political Office.**

- a. Running for Mayor or City Commissioner for the City of North Miami Beach. An employee shall resign immediately from employment with the City if the employee qualifies as a candidate for Mayor or City Commissioner of the City of North Miami Beach. For the purpose of this section, qualifying for office in North Miami Beach means filing the appropriate paperwork with the City Clerk to run for any elected office.
- b. Running for other Political Offices. An employee shall resign immediately from employment with the City upon being elected for political office with any government entity, except as provided above for the City of North Miami Beach.
- c. Political Activities of Employees. Employees shall not engage in political activities while on duty. However, nothing in this section shall be deemed to prohibit any employee from expressing their opinion on any candidate or issue, or from participating in any political campaign during their off-duty hours, so long as such activities are not in violation of any state or local laws.

**Section 3.** All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4.** If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

**Section 5.** It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section,” “Article,” or other word as the codified may deem appropriate.

**Section 6.** Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

APPROVED on this first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
ANDRISE BERNARD, CMC  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
ANTHONY F. DEFILLIPO  
MAYOR

APPROVED AS TO FORM, LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
HANS OTTINOT  
INTERIM CITY ATTORNEY

Sponsored By: Vice Mayor Paule Villard