

RESOLUTION PROHIBITING CERTAIN MONMOUTH COUNTY EMPLOYEES
FROM HOLDING ELECTIVE MUNICIPAL PUBLIC OFFICE
WITHIN MONMOUTH COUNTY

Freeholder HANDLIN offered the following resolution and moved its adoption:

WHEREAS, the County of Monmouth ("COUNTY") has firmly and fully committed itself to ensuring that County residents and taxpayers have complete confidence in the integrity of County government, and that County government employees will act solely in the best interests of all County residents and taxpayers equally, free from any undue political influence or bias; and

WHEREAS, it is also the policy of the County that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited herein or by other law or regulation, their right to participate or refrain from participation in the political processes of their nation, state, county and municipality; and

WHEREAS, there is a legitimate perception that certain County employees who hold elective municipal public office within the County of Monmouth are required to interact with the County on a regular and substantial basis and may be placed in a situation where their loyalties may be divided between their responsibilities to the municipality that they serve and the

best interests of the County as a whole, and feeds the public perception that political influence may unduly bear on the ability to obtain and hold County employment; and

WHEREAS, the New Jersey Supreme Court has established that there is no fundamental right to be a candidate for public office, and that reasonably and suitably tailored restrictions on an individual's right to run for public office do not violate the United States or New Jersey Constitutions, Matthews v. Atlantic City, 84 N.J. 153, 168 (1980), and such restrictions as a condition of employment have long existed in New Jersey for various state and local employees under the "Hatch Act," 5 U.S.C. §§ 1501 et seq. and by New Jersey Court Rule 1.17.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Monmouth that, except as herein provided, the following County employees shall not serve as a mayor or as a member of a municipal governing body of any municipality located within the County, nor shall any such employee be a candidate for mayor or for membership on a municipal governing body within the County, nor shall any such employee accept appointment as mayor or as a member of a municipal governing body for an unexpired term by virtue of a vacancy in the office of mayor or on a municipal governing body within the County:

(1) A County unclassified employee, as established by the New Jersey Department of Personnel, specifically as set forth on the attached list. Any unclassified title created after the passage of this Resolution is subject to this Resolution unless specifically exempted by the Board of Chosen Freeholders; and/or,

(2) Any County employee in the classified service holding the position of administrator, chairperson, director, division head and/or department head; and/or,

(3) Any County employee with primary responsibility for the review, drafting and/or award of purchases, contracts, or agreements, regardless of the specific method used to award any such purchase, contract or agreement, above the bid threshold established by N.J.S.A. 40A:11-3 of the "Local Public Contracts Law."

The prohibition on serving in elective municipal public office shall not apply to employees of autonomous County authorities and agencies.

BE IT FURTHER RESOLVED that the County shall not hire any applicant for any such position if that individual holds any such elective municipal public office or has filed official documentation with the New Jersey Election Law Enforcement Commission and/or the County Clerk and/or any municipal clerk within the County indicating that he or she is a candidate for

any such elective municipal public office, excluding any individual who has filed documentation prior to the effective date of this Resolution indicating he or she will be a candidate for such office in the 2005 general election to be held on November 8, 2005. This prohibition shall not apply to autonomous County authorities and agencies.

BE IT FURTHER RESOLVED that any individual currently employed by the County who is holding elective municipal public office within the County on the effective date of this Resolution, or is elected to office in the November 8, 2005 general election, shall be allowed to continue to serve and hold such office. Further, any such individual may run for re-election to that particular office and serve if re-elected. Once an individual grandfathered under this provision retires, resigns, or is defeated for re-election to that elective municipal public office, such individual may not thereafter be a candidate for or hold elective municipal public office in the County while employed in a position with the County implicated by this Resolution.

BE IT FURTHER RESOLVED that a County employee affected by this Resolution may continue to participate in political activity to the fullest extent permitted by law, with the sole exception of serving in elective municipal public office

representing any municipality within Monmouth County, or becoming a candidate for such office.

BE IT FURTHER RESOLVED that a County employee or individual who violates the provisions of this Ordinance shall be removed from his or her position with the County pursuant to the appropriate procedures for removal, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual in question. Prior to the institution of a removal action, the employee shall be given written notice of the violation and granted the opportunity to resign from the public office in question and retain County employment.

BE IT FURTHER RESOLVED that this Resolution shall not be deemed in any way to prohibit or limit any individual who resigns from employment with the County from holding any elective public office or being a candidate for any elective public office.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:9-4, this Resolution shall be deemed not to apply to individuals holding or seeking simultaneously an elective county office and an elective municipal office.

BE IT FURTHER RESOLVED that if any section, subsection, clause or phrase of this Resolution is held to be

unconstitutional or invalid for any reason, such decision shall not affect the remaining provisions of this Resolution.

BE IT FURTHER RESOLVED that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby replaced to the extent of each inconsistency.

BE IT FURTHER RESOLVED that this Resolution shall take effect on July 1, 2005.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this Resolution to every Department Head in the County of Monmouth.

Seconded by Freeholder CLIFTON and adopted on roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Clifton	X			
Mr. Barham	X			
Mr. Narozanick	X			
Mrs. Handlin	X			
Mr. Powers	X			

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF MONMOUTH AT A MEETING HELD Apr. 28 2005

James H. Gray
CLERK

ATTACHMENT

LIST OF UNCLASSIFIED MONMOUTH COUNTY EMPLOYEES PROHIBITED
FROM HOLDING ELECTIVE MUNICIPAL PUBLIC OFFICE PURSUANT TO
THE ATTACHED RESOLUTION

1. Administrator, Board of Elections
2. Assistant Fire Marshal
3. Assistant Medical Examiner
4. Assistant Prosecutor
5. Chief Financial Officer
6. Chief Warrant Officer
7. Chairperson, Board of Elections
8. Clerk to the Board of Freeholders
9. Clerk to the Director of Finance
10. Clerk to the County Clerk
11. Clerk to a County Constitutional Officer
12. County 4-H Agent
13. County Adjuster
14. County Administrator
15. County Agricultural Agent
16. County Department Head
17. County Division Head
18. County Emergency Management Coordinator
19. County Engineer
20. County Investigator
21. County Medical Examiner

22. County Tax Administrator
23. County Victim Witness Coordinator
24. Commissioner, Board of Elections
25. Computer Coordinator
26. Confidential Aide to Freeholder
27. Confidential Assistant
28. Confidential Assistant, Central Motor Pool
29. Confidential Assistant, Economic Development Director
30. Confidential Assistant, Division Head
31. Confidential Secretary to Freeholder
32. Deputy Commissioner of Registration
33. Deputy County Clerk
34. Deputy Medical Examiner
35. Director of Alcohol and Drug Programs
36. Director of Consumer Affairs
37. Director of Economic Development and Tourism
38. Director of Employment and Training
39. Director Office of the Handicapped
40. Director of Public Information
41. Director of Public Works and Engineering
42. Director of Purchasing and Purchasing Agent
43. Director of Voting Machine Warehouse
44. Division Head, Benefits

45. Executive Director, Medical Home
46. Executive Controller
47. Executive Director, Office on Aging
48. Fire Marshal
49. First Assistant Prosecutor
50. Law Intern
51. Medical Director (GLTMH/JLMMH)
52. Mental Health Administrator
53. Prosecutor Agent
54. Prosecutor
55. Secretary to the Board of Elections
56. Secretary to the Prosecutor
57. Secretary to the Sheriff
58. Sheriff Investigator
59. Superintendent of Bridges
60. Superintendent of Buildings and Grounds
61. Supervising Election Clerk Typist
62. Training Officer Law Enforcement
63. Undersheriff
64. Warden

The following positions are excluded from this list as these positions are not confidential positions and do not have any involvement in bids/contracts and/or policy:

1. Chaplain
2. County 4-H Program Associate
3. Custodian of Voting Machines
4. Principal Election Typist Typist/Senior Election Clerk
Typist/Election Clerk Typist
5. Secretarial Assistant to Computer Coordinator
6. Employee Agricultural Extension Service