

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2017-34

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: R, F

Date of Analysis: January 26, 2017

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 126 – Procurement Code – to condense the current “sole source” and “proprietary” procurement processes into a unified “single source” classification for non-competitive procurements.

Background Information: The City currently has two methods of making non-competitive procurements when unique circumstances dictate that there is only one entity that can provide the desired good or service. Proprietary procurement takes place when follow-up good and services (such as replacement parts, warranty-related services or required maintenance) are most efficiently and effectively provided by one justifiable source, the company that provided the original goods or services. Sole source procurement applies to procurement of goods for which there is only one supplier or to services such as follow-ups to professional studies where it is justifiable to award the subsequent work to the company the provided the original service. Procurements of this type require certification by the Chief of Procurement that the non-competitive process is justified by the relevant facts, and such non-competitive awards may be protested by other interested parties.

A 2011 audit by the Council Auditor’s Office found that many non-competitive purchases were mis-classified, in part because of the difficulty in some instances of drawing the distinction between “sole source” and “proprietary” circumstances. The Procurement Division desires to simplify the process and to adopt the State of Florida’s “single source” designation to apply to all such non-competitive procurements. All justifications and requirements remain intact; the bill merely combines the two classifications into one “single source” designation.

Policy Impact Area: Non-competitive procurement

Fiscal Impact: None; no processes or requirements are changing.

Analyst: Clements

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Bill Type and Number: Ordinance 2017-35

Sponsor: Council Member Dennis:

Date of Introduction: January 25, 2017

Committee(s) of Reference: R; F

Date of Analysis: January 27, 2017

Type of Action: Ordinance Amendment

Bill Summary: The ordinance amends Chapter 126 (Procurement Code), Part 1 (General Regulations), Section 126.112 (Ex-Offender Re-Entry Requirements), *Ordinance Code*.

Background Information: Section 126.112, the Procurement Code's Ex-Offender Re-Entry Requirements section states that it is the policy of the City of Jacksonville that the rehabilitation of ex-offenders is an essential component in a community fight against criminal activity; that the hiring of ex-offenders into fair paying jobs helps restore the economic stability of ex-offenders, perpetuates their rehabilitation, reduces recidivism and contributes to a community crime free environment. The Procurement Code requires that persons or entities that are awarded City contracts in the amount of \$200,000 or more are required to cooperate with the City in efforts to secure employment for ex-offenders. The amended language recognizes as a contractor a third party that is the recipient of a contract with the City awarded \$200,000 or more. JSO shall have an Ex-Offender Program Provider that encourages contractors in providing job training and placement services to ex-offenders. The contractor is to contact the Ex-Offender Program Provider and furnish said provider with job descriptions and job applications for ex-offenders. The Chief of Procurement shall provide an annual report to the Mayor and City Council on the number of ex-offenders employed pursuant to this section of the Ordinance Code.

Policy Impact: Procurement; Ex-Offenders

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-0036

Sponsor: Council President at the request of the Office of General Counsel

Date of Introduction: January 24, 2017

Committee(s) of Reference: LUZ

Date of Analysis: January 23, 2017

Type of Action: *Ordinance Code* amendment

Bill Summary: This bill amends Chapter 656 (*Zoning Code*), *Ordinance Code*, to amend the definition of administrative deviation; recognizes and requires construction of such code consistent with Civil Rights Laws; and provides a process by which disabled persons may seek and the City may grant and reasonable accommodations from the *Zoning Code*.

Background Information: In 2014, Ability Housing of Northeast Florida proposed to renovate an apartment building on Cottage Avenue near Main Street in the Springfield Historic District into 12 units of permanent supportive housing for the chronically homeless and the disabled. Citing the Springfield zoning overlay regulations, the Planning Director issued a written interpretation finding the proposed project to be a "Special Use" due to the project's proposed level of social services to be provided to residents by the developer, and which made the project more similar to an assisted living facility or social service organization. New Special Uses are prohibited in the historic district by the overlay regulations. Ability Housing, Disability Rights Florida and the U.S. Department of Justice all sued the City alleging it violated the federal Fair Housing Act (FHA) and the Americans With Disabilities Act (ADA) by its prevention of the development of permanent supportive housing for person with disabilities and by subsequent retaliation against Ability Housing after it filed complaints under the FHA and ADA. After the Ability Housing lawsuit was filed, the City ruled the organization ineligible to compete for Jacksonville Journey grant funding because of the pending lawsuit against the City. The three lawsuits were consolidated and the City and U.S. Department of Justice have reached a proposed settlement agreement to end the DOJ federal lawsuit.

The settlement has several parts. As it pertains to the City Zoning Code, language will be revised to provide, among other things, for such reasonable accommodation requests to be considered as a request for an administrative deviation, identify a permanent supportive housing use and define the term "supportive services", and to authorize group care homes and residential treatment facilities by exception in Springfield. The amendments are:

Part 3 (Schedule of District Regulations), Subpart F (Planned Unit Development), to prohibit use of Planned Unit Developments (PUD) to discriminate or violate Civil Rights;

Part 3 (Schedule Of District Regulations), Subpart I (Springfield Zoning Overlay And Historic District Regulations), to remove prohibitions on new community residential homes, housing for the elderly, nursing homes, hospice facilities, and group care homes, allow group care homes by exception in the RMD-S District, and to allow residential treatment facilities and emergency shelters by exception in the CCG-S District; and

Part 16 (Definitions), to amend definitions of community residential home, dwelling, multiple-dwelling use, dwelling unit, group care home, residential treatment facility, and rooming houses, adding definitions for supportive services and reasonable accommodation

Policy Impact: City Zoning Code; fair housing enforcement; disability housing enforcement

Fiscal Impact: Undetermined

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-0047

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: PHS, F

Date of Analysis: January 23, 2017

Type of Action: Transfer Authorization

Bill Summary: This bill authorizes the transfer of \$2,350,000.00 in available budget capacity for the Jacksonville Sheriff's Office (JSO) to the Jacksonville Fire and Rescue Department (JFRD) within the General Fund-GSD to cover a departmental over budget condition in JFRD as of September 30, 2016, as initiated by B.T. 16-128.

Background Information: The City's Accounting Division completed the FY16 Comprehensive Annual Financial Report (CAFR) which includes the Original Budget, Final Budget, Actual Expenditures, Outstanding Encumbrances, Budgetary Actuals, and the Variance between Budgetary Actuals with the Final Budget (positive or negative). The CAFR determined that JFRD was considerably over budget in the General Fund due to its overtime. The Government Finance Officers Association (GFOA) recommends amending the final budget to correct the over budget condition applicable to the fiscal year. This process can be achieved within the timeframe of the on-going CAFR preparation and independent financial audit.

Policy Impact: JSO, JFRD

Fiscal Impact: The transfer of \$2,350,000.00 from JSO to JFRD, as initiated by B.T. 16-128.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-0048

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: NCIS, TEU, F

Date of Analysis: January 20, 2017

Type of Action: Appropriation; CIP Amendment

Bill Summary: The bill appropriates \$376,863.30 (as initiated by B.T. 17-043) to the Downtown Investment Authority (DIA), from the Bay Street Towncenter Improvement Project to the Bay Street Parking Lot Improvements Project. This is an amendment to Ordinance 2016-505-E, the Five-Year Capital Improvement Program.

Background Information: The purpose of the appropriation is to provide funding for improvements to the existing parking lot at 950 East Bay Street in the Sports Complex and also for a sidewalk extension, landscaping, and amenities from the new boat dock on the St. Johns River to Parking Lot X. This balance transfer appropriates unspent monies from the Bay Street Towncenter Improvement Project to the Bay Street Parking Lot Improvements Project. The appropriation will provide DIA with the funds to create 73 short term parking spaces and, with the Parks and Recreation Department, a sidewalk connection from the parking lot to the new boat dock on the St. Johns River.

Policy Impact Area: Pedestrian and river access to the Sports Complex

Fiscal Impact: Appropriation of \$376,863.30 as initiated by B.T. 17-043

Analyst: Hampsey

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Bill Type and Number: Ordinance 2017-49

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: TEU; F; PHS

Date of Analysis: January 27, 2017

Type of Action: Appropriation; CIP Amendment

Bill Summary: The ordinance reappropriates \$89,545.66 from two duplicate projects, the Asbestos Removal Program (\$87,666.66) and the Asbestos Remediation & Removal Program (\$1,879.00) in order to consolidate available funding into the Facilities Capital Maintenance Gov't – Assessment and Remediation Project to provide the Public Building Division with a resource to address multiple issues which affect indoor air quality such as asbestos, lead, mold, mildew, water intrusion, and any other issues identified as dangerous to indoor air quality, as initiated by B.T. 17-046; it amends the 2017-2021 five-year Capital Improvement Program, approved by Ordinance 2016-505-E, to eliminate funding for the projects entitled “Asbestos Removal Program” and “Asbestos Remediation & Removal Program,” and establish funding for the project entitled “Facilities Capital Maintenance - Gov't – Assessment & Remediation.

Background Information: Within the City of Jacksonville's ledger there are currently two projects which are duplicative in both description and scope: “Asbestos Removal Program (PW0079-01)” and “Asbestos Remediation & Removal Program (PW0250-01).” Due to the specific use of the funds being listed in the project titles, the City is only able to use these funds when it identifies asbestos issues which need to be remediated. The result is an unspent balance carried forward in these projects for subsequent fiscal years. To better manage the City's existing resources, it is necessary to consolidate the available funds within these two projects and create a new project titled “Facilities Capital Maintenance Gov't - Assessment and Remediation.” Reappropriated funds to the newly created project will provide the Public Buildings Division with a resource to address multiple issues which affect indoor air quality, i.e., asbestos, lead, mold, mildew, water intrusion, and any other issues identified as dangerous to indoor air quality.

Policy Impact: Public Works/Public Buildings Division

Fiscal Impact: The ordinance reappropriates \$89,545.66.

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-50

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: TEU, F

Date of Analysis: January 26, 2017

Type of Action: Appropriation; CIP amendment; approval of Interlocal agreement; designation of oversight agency

Bill Summary: The bill appropriates \$8,418,103 from Fair Share Sector Areas Transportation Improvements Special Revenue Funds and to provide supplemental funding to local option gas tax roadway improvement projects to be constructed by the JTA in Fair Share Fund Sector Areas of Greater Arlington Planning District Sector 2-1, the Southeast Planning District Sector 304, the North Planning District Sector 6-1, and Southwest Planning District Sector 4-2. It amends the 2017-21 CIP to remove City funding for 5 road projects as a result of the projects being transferred to the JTA for completion as part of the City/JTA gas tax extension roadway projects agreement. The bill approves an Interlocal agreement between the City and JTA for construction of the JTA Fair Share Projects List and designates the Department of Public Works as the City's oversight agency.

Background Information: By executing the Agreement Regarding Fair Share Funds, the City and JTA agree that the JTA will assume the full cost of constructing 5 projects: Kernan Boulevard/Atlantic to McCormick Road – Sector 2-1 (\$1,088,673); Kernan Boulevard/Atlantic to McCormick Road – Sector 3-4 (\$320,659); San Pablo Road/Beach to Atlantic Blvd. – Sector 2-1 (\$2,937,278); Alta Drive/ I-295 south of Faye Rd. to Burkit Lane – Sector 6-1 (\$3,731,959); and Collins Road/Blanding to Pine Verde/Roosevelt – Sector 4-2 (\$339,534). The City will contribute \$8,418,103 in accumulated Fair Share Sector Funds toward the cost of construction of the projects within the relevant sectors to supplement JTA's funding for those projects. The City and JTA agree that in consideration of the JTA's construction of the 5 projects and the City's contribution of \$8.4 million thereto, both parties will resolve their disagreement over an amount of \$13,567,289 shown on JTA's books as a receivable from the BJP Program and on the City's books as a payable to the BJP Program by removing that amount from their respective BJP Program books and considering the amount as settled. The \$13.5 million amount resulted from expenditures by the JTA on Better Jacksonville Plan road projects covered by the original 2000 BJP Interlocal agreement.

Policy Impact Area: Roadway improvements

Fiscal Impact: The bill appropriates \$8,418,103 from Fair Share Sector Funds to the JTA

Analyst: Clements

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Bill Type and Number: Ordinance 2017-0051

Sponsor: Council President at the request of the Sheriff

Date of Introduction: January 24, 2017

Committee(s) of Reference: PHS, F

Date of Analysis: January 23, 2017

Type of Action: Appropriation

Bill Summary: This bill appropriates \$883,518.00 from the State Attorney's Office (SAO), 4th Judicial Circuit, with no match, under the FY 2015 National Sexual Assault Kit Initiative (SAKI), as initiated by B.T. 17-049; approves and authorizes the Mayor, or his designee, and Corporation Secretary to execute and deliver the subcontract between the SAO and the Jacksonville Sheriff's Office (JSO); provides for City oversight by JSO's Department of Investigation and Homeland Security; and approves positions, as initiated by R.C. 17-080.

Background Information: The SAKI seeks to reduce the number of unsubmitted kits, pursues and supports new investigative leads and prosecutions, supports victims in the aftermath of the crime, and reviews the policies that contributed to the backlog of kits. The grant period is December 1, 2015 through September 30, 2018. The funds will cover the salary and benefits for 2 full-time cold case detectives to work exclusively on the SAKI project over a three-year period.

Policy Impact: JSO, JFRD

Fiscal Impact: The appropriation of \$883,518.00, as initiated by B.T. 17-049.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-0052

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: TEU, F

Date of Analysis: January 20, 2017

Type of Action: Appropriation; CIP Amendment

Bill Summary: This is a re-appropriation of existing dollars (\$220,320.00), derived from Local Option Gas Tax proceeds, from the Countywide Intersection Improvements Project to the Scott Mill Road – Southbound Right Turn Lane Mandarin Road Project. This ordinance amends Ordinance 2016-505-E, the 2017-2021 Five-Year Capital Improvement Program for the City and certain of its independent agencies, to decrease funding for the project entitled “Countywide Intersection Imp - Intersection” and increase funding for the project entitled “Scott Mill Road – Southbound Right Turn Ln – Mandarin Rd.”

Background Information: These funds will provide for the construction of a southbound right turn lane where Scott Mill Road intersects with Mandarin Road. The existing conditions of the intersection create obstructions to residential driveways, causing dangerous traffic conditions in the afternoon period. Once the project is completed, any unspent funds from this re-appropriation shall revert to the Project, PW0381-03, listed in the reversion of funds section.

Policy Impact Area: Construction of a turn lane to improve traffic safety.

Fiscal Impact: Appropriation of \$220,320.00 from countywide projects account to specific use.

Analyst: Hampsey

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Bill Type and Number: Ordinance 2017-0053

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: TEU, F

Date of Analysis: January 20, 2017

Type of Action: Appropriation; CIP Amendment

Bill Summary: The bill appropriates \$576,000 from the Traffic Signalization and the Countywide Intersection Improvements Projects to the Traffic Signalization – Staples Mill/Argyle Forest Boulevard Project. This bill amends Ordinance 2016-505-E, Five-Year Capital Improvement Program for the City and certain of its independent agencies, to decrease funding for the projects entitled “Traffic Signalization – Signalization” and “Countywide Intersection Imp – Intersection” and increase funding for the project entitled “Traffic Signalization – Staples Mill/Argyle for Blvd.”

Background Information: The purpose of this appropriation is to provide funding for the installation of a traffic signal where Staples Mill Drive intersects with Argyle Forest Boulevard. The intersection is currently within a reduced speed school zone with a crossing guard. The proposed traffic signal will be a mast arm construction accommodating a four lane median-divided roadway with left turn bays.

Policy Impact Area: School zone crosswalk safety

Fiscal Impact: Appropriation of \$576,000 as initiated by B.T. 17-051

Analyst: Hampsey

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Bill Type and Number: Ordinance 2017-0054

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: NCIS; F

Date of Analysis: January 27, 2017

Type of Action: Appropriation; CIP Amendment

Bill Summary: The ordinance reappropriates \$150,000 from the Facilities Capital Maintenance Project to the Florida Theater Façade Improvements Project to provide additional funding for improvements to the Florida Theater Façade, as initiated by B.T. 17-052. The ordinance amends the 2017-2021 five-year Capital Improvement Program, approved by Ordinance 2016-505-E, to decrease funding for the project entitled “Facilities Capital Maintenance – Govt” and increase funding for the project entitled “Florida Theater Façade Improvements.”

Background Information: The purpose of this legislation is to provide additional funds for the Florida Theater Terra Cotta Restoration project for unknown deficiencies identified during construction. An assessment performed by the contract, as part of their scope, identified several areas where the brick had cracked and mortar joints separated. Based on this assessment, the additional work was needed to stabilize the structure and to protect and warrant the areas already repaired. The City had previously provided matching funds for the project in Ordinance 2015-259-E. Components of the project included terra cotta exterior restoration, re-caulking all terra cotta joints, grouting and caulking all sills and replacing one (1) case stone sill at rear of the building. The Public Works Department/Engineering & Construction Management Division will provide oversight for this project.

Policy Impact: Public Works/Engineering & Construction Management

Fiscal Impact: The ordinance reappropriates \$150,000.00.

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-55

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: NCIS; F

Date of Analysis: January 27, 2017

Type of Action: Appropriation; CIP Amendment

Bill Summary: The ordinance reappropriates \$274,000 from the Countywide Bulkhead Assessment, Repair and Replacement Project to the Bert Maxwell Park Bulkhead Improvements Project to provide funding for the construction of a steel sheet pile structure which will not corrode in the harsh salt water environment, as initiated by B.T. 17-053; it amends the 2017-2021 five-year Capital Improvement Program, approved by Ordinance 2016-505-E, to decrease funding for the project entitled "Countywide Bulkhd – Assmnt, Repair, Replcem" and increase funding for the project entitled "Bert Maxwell Park Bulkhead Improvements."

Background Information: The purpose of this legislation is to provide additional funds to address unforeseen conditions, identified after construction started, in order to complete the Bert Maxwell Bulkhead. Contract documents called for the contractor to utilize city provided stockpiled sheet pile; however, there was insufficient quantity stockpiled. Additional fill is required to fill voids that could not be identified until construction was underway. Once installed, a 30' section of the wall had to be replaced with longer, coated sheet pile to provide adequate penetration and support of the wall. In addition, modified corner connections are needed to address the different sizes of sheet pile long with additional concrete top cap. The contractor will remobilize with the special equipment needed once the change order is executed. The Public Works Department/Engineering & Construction Management Division will provide oversight for this project.

Policy Impact: Public Works/Engineering & Construction Management

Fiscal Impact: The ordinance appropriates \$274,000.00.

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-0056

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: PHS, F

Date of Analysis: January 23, 2017

Type of Action: Appropriation

Bill Summary: This bill appropriates \$2,700,000.00 from the Jacksonville Sheriff's Office (JSO) Information Systems Management Account to provide funding to replace network equipment for implementation of a body camera project, as initiated by B.T. 17-055.

Background Information: JSO is in need of a significant upgrade in network infrastructure. Presently, JSO is operating with equipment with a 1999 expiration date; the majority of the remaining equipment expired between 2006 and 2012. The risk of a system failure increases daily and has the potential to negatively impact officer safety and daily operations. Many law enforcement offices are implementing a body camera project to assist with evidence documentation, increased accountability and transparency. JSO requires the infrastructure upgrade to ensure the effectiveness and efficiency of the body camera project, and protect the flow of information inside and outside of the Sheriff's Office.

Policy Impact Area: Public safety

Fiscal Impact: The appropriation of \$2,700,000.00, as initiated by B.T. 17-055.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-57

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: TEU, F

Date of Analysis: January 26, 2017

Type of Action: Amendment to solid waste hauler agreement; designation of oversight agency

Bill Summary: The bill authorizes a first amendment to the franchise waste hauling agreement between the City and Advanced Disposal Services Jacksonville, Inc. resulting from the 2016 waste hauler rate review. The amendment sets the rate of contract compensation beginning October 1, 2016, sets fuel caps for FY16-17, FY17-18 and FY18-19, approves the hauler's premises count, and provides the percentage markup on expenses. The bill designates the Solid Waste Division as the oversight agency for the contract.

Background Information: Ordinance Code Sec. 382.309 - Determination of annual rate of compensation and measure of contract compensation – requires that every 3 years the City Council shall conduct a full rate review of its franchised residential waste haulers in order to evaluate the following factors that determine each hauler's compensation: the number of residential premises in each service area as determined by the Director of Solid Waste; reasonable necessary expenses incurred in operations; projected operating expenses for the next ensuing fiscal year; a rate of return based upon the total operating expenses of the contractor before interest and state/federal corporate income taxes; any other relevant factors, which may include an operating ratio of the contractor's operating expenses to gross revenue; the need for and amount of a contractor's reserve for any anticipated substantial increase in any major operation expenses; recommendations of the Mayor; and recommendations of the Council Auditor. Council sets a compensation rate for the first year after the full rate review and the compensation for the 2 succeeding years is based on a CPI adjustment factor.

Advanced Disposal is determined to have 71,252 premises as of October 1, 2016. The base rate is \$10.08 effective October 1, 2016. The fuel cap shall be 337,517 gallons for FY17, 340,267 for FY18 and 343,040 for FY19. The hourly rate for travel time to disposal sites is \$104 effective October 1, 2016. If and when the Mayor declares a Storm Emergency Event after December 1, 2016, the City agrees to pay the contractor \$83.18 per ton for collection of Storm Yard Waste as stipulated and adjusted pursuant to the Agreement. The markup percentage is 17.5% on operating expenses before profit, interest expense on capital and corporate taxes.

Policy Impact Area: Solid waste collection

Fiscal Impact: The FY16/17 budget appears to contain sufficient funding for this contract.

Analyst: Clements

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Bill Type and Number: Ordinance 2017-58

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: TEU, F

Date of Analysis: January 26, 2017

Type of Action: Solid waste hauler agreement amendment

Bill Summary: The bill authorizes a second amendment to the franchise waste hauling agreement between the City and Republic Services of Florida Limited Partnership d/b/a Southland Waste Systems of Jacksonville resulting from the 2016 waste hauler rate review. The amendment sets the rate of contract compensation beginning October 1, 2016, sets fuel caps for FY16-17, FY17-18 and FY18-19, approves the hauler's premises count, and provides the percentage markup on expenses. The bill designates the Solid Waste Division as the oversight agency for the contract.

Background Information: Ordinance Code Sec. 382.309 - Determination of annual rate of compensation and measure of contract compensation – requires that every 3 years the City Council shall conduct a full rate review of its franchised residential waste haulers in order to evaluate the following factors that determine each hauler's compensation: the number of residential premises in each service area as determined by the Director of Solid Waste; reasonable necessary expenses incurred in operations; projected operating expenses for the next ensuing fiscal year; a rate of return based upon the total operating expenses of the contractor before interest and state/federal corporate income taxes; any other relevant factors, which may include an operating ratio of the contractor's operating expenses to gross revenue; the need for and amount of a contractor's reserve for any anticipated substantial increase in any major operation expenses; recommendations of the Mayor; and recommendations of the Council Auditor. Council sets a compensation rate for the first year after the full rate review and the compensation for the 2 succeeding years is based on a CPI adjustment factor.

Southland Waste Systems is determined to have 73,725 premises as of October 1, 2016. The base rate is \$10.99 effective October 1, 2016. The fuel cap shall be 400,564 gallons for FY17, 424,208 for FY18 and 427,883 for FY19. The hourly rate for travel time to disposal sites is \$105 effective October 1, 2016. If and when the Mayor declares a Storm Emergency Event after December 1, 2016, the City agrees to pay the contractor \$94.22 per ton for collection of Storm Yard Waste as stipulated and adjusted pursuant to the Agreement. The markup percentage is 12% on operating expenses before profit, interest expense on capital and corporate taxes.

Policy Impact Area: Solid waste collection

Fiscal Impact: The FY16/17 budget appears to contain sufficient funding for this contract.

Analyst: Clements

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Bill Type and Number: Ordinance 2017-59

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: TEU, F

Date of Analysis: January 26, 2017

Type of Action: Solid waste hauler agreement amendment

Bill Summary: The bill authorizes a second amendment to the franchise waste hauling agreement between the City and Waste Pro of Florida, Inc. resulting from the 2016 waste hauler rate review. The amendment sets the rate of contract compensation beginning October 1, 2016, sets fuel caps for FY16-17, FY17-18 and FY18-19, approves the hauler's premises count, and provides the percentage markup on expenses. The bill designates the Solid Waste Division as the oversight agency for the contract.

Background Information: Ordinance Code Sec. 382.309 - Determination of annual rate of compensation and measure of contract compensation – requires that every 3 years the City Council shall conduct a full rate review of its franchised residential waste haulers in order to evaluate the following factors that determine each hauler's compensation: the number of residential premises in each service area as determined by the Director of Solid Waste; reasonable necessary expenses incurred in operations; projected operating expenses for the next ensuing fiscal year; a rate of return based upon the total operating expenses of the contractor before interest and state/federal corporate income taxes; any other relevant factors, which may include an operating ratio of the contractor's operating expenses to gross revenue; the need for and amount of a contractor's reserve for any anticipated substantial increase in any major operation expenses; recommendations of the Mayor; and recommendations of the Council Auditor. Council sets a compensation rate for the first year after the full rate review and the compensation for the 2 succeeding years is based on a CPI adjustment factor.

Waste Pro is determined to have 73,107 premises as of October 1, 2016. The base rate is \$11.88 effective October 1, 2016. The fuel cap shall be 498,489 gallons for FY17, 503,046 for FY18 and 507,645 for FY19. The hourly rate for travel time to disposal sites is \$104 effective October 1, 2016. If and when the Mayor declares a Storm Emergency Event after December 1, 2016, the City agrees to pay the contractor \$93.44 per ton for collection of Storm Yard Waste as stipulated and adjusted pursuant to the Agreement. The markup percentage is 16.4% on operating expenses before profit, interest expense on capital and corporate taxes.

Policy Impact Area: Solid waste collection

Fiscal Impact: The FY16/17 budget appears to contain sufficient funding for this contract.

Analyst: Clements

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2017-60

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: TEU; F

Date of Analysis: January 27, 2017

Type of Action: Conveyance Authorization and Approval

Bill Summary: The ordinance approves, in accordance with Section 122.421(b), *Ordinance Code*, the conveyance to the Florida Department of Transportation (FDOT) OF Parcel 119, a fee parcel lying within property owned and occupied by Edward Waters College, located at 1850 Kings Road, in Council District 9 (the "parcel"), needed by FDOT to install a mast arm traffic signal, pedestrian signal, and control box; it authorizes the Mayor and Corporation Secretary to execute and deliver, for an on behalf of the City, (1) the City Quitclaim Deed and all other documents necessary to convey Parcel 119 to FDOT and 2) the partial release of mortgage and all other documents necessary to partially release a mortgage held by the City of Jacksonville against Edward Waters College on the parcel; it provides for oversight by the Real Estate Division of the Department of Public Works.

Background Information: This fee parcel lies within a property owned and occupied by Edward Waters College at 1850 Kings Road and contains 200 square feet. The City of Jacksonville has a "Joint Use Agreement" for the multipurpose facility and pool on the property. A Quit Claim Deed to release the City's joint use interest in that 200 square foot parcel is required by FDOT. The parcel will be used to install a mast arm traffic signal, pedestrian signal and control box. The City of Jacksonville holds a mortgage on the property. Partial release of the mortgage will not leave the City under collateralized.

Policy Impact: Public Works/Real Estate Division

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-61

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: TEU

Date of Analysis: January 27, 2017

Type of Action: Authorizing Easement Conveyance

Bill Summary: The ordinance approves, in accordance with Section 122.421(b), *Ordinance Code*, the conveyance of perpetual easement to the Florida Department of Transportation (FDOT) to allow FDOT to use the City's right-of-way for the installation of a mast arm, as well as to complete a sidewalk and curb-and-gutter replacement at the intersection of Kings Road and Eaverson Street; it authorizes the Mayor and Corporation Secretary to execute, for and on behalf of the City, a perpetual easement and all other documents necessary to convey the perpetual easement to FDOT; it provides for oversight by the Real Estate Division of the Department of Public Works.

Background Information: The conveyance of this parcel enables FDOT to install signal improvement projects along Kings Road. This perpetual easement lies over Parcel 802, north of Kings Road at its intersection with Eaverson Street in Council District 8.

Policy Impact: Public Works/Real Estate Division

Fiscal Impact: Minimum

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-62

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: NCIS; F

Date of Analysis: January 27, 2017

Type of Action: Authorization for Expenditure Requests

Bill Summary: The ordinance authorizes the Mayor to approve current and future expenditure requests from FDEP for funds in the State of Florida Internal Improvement Trust Fund for shoreline stabilization repairs and maintenance of the George Crady Bridge Fishing Pier State Park.

Background Information: When the Florida Department of Transportation (FDOT) constructed a new bridge over the Nassau River, the boundary between Nassau County and the City of Jacksonville, the City, the Florida Department of Environmental Protection (FDEP), and Nassau County requested FDOT to leave the old bridge over the Nassau River and its approaches to allow the old bridge to be used as a public recreation facility, now known as the George Crady Bridge Fishing Pier State Park. In anticipation of FDOT's transfer of ownership of the old bridge to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida,, (the "Trustees") for the use and benefit of the City, FDOT at its own expense, maintained the old bridge, including structural repairs and repainting, constructed improvements such as placing barricades to prevent vehicular access to the old bridge, designed and constructed the expansion of the former parking areas at each end of the bridge to accommodate an additional 100 cars, constructed a restroom facility, together with associated well and septic system, at the south end of the bridge. Resolution 2000-121-A authorized the Mayor of Jacksonville to enter into an agreement with FDOT, FDEP, and Nassau County for the operation and maintenance of George Crady Bridge Fishing Pier State Park but failed to identify authority to approve maintenance expenditure requests from FDEP. Recent high tides and storms have eroded areas along the Nassau Sound shoreline and portions of the roadway connecting Sawpit Creek Bridge and George Crady Bridge are in danger of collapse. Based on maintenance recommendations by FDOT, FDEP has requested approval to expend the remaining balance in the State of Florida Internal Improvement Trust Fund, which receives annual contributions from Duval and Nassau Counties for emergency shoreline stabilization repairs along Sawpit Island. An ordinance is required to authorize the Mayor to approve the expenditure of the current balance of the Trust Fund account by FDEP and future expenditure requests as needed by FDEP for maintenance repairs.

Policy Impact: Public Works/Engineering & Construction Maintenance

Fiscal Impact: Minimal

Analyst: Jackson

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2017-0063

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: PHS, F

Date of Analysis: January 20, 2017

Type of Action: Budget Amendment

Bill Summary: This ordinance amends the Fiscal Year 2017 B4c Vehicle Replacement Schedule as it pertains to the Jacksonville Sheriff's Office (JSO) to allow for the purchase of twenty (20) Ford Police Interceptor Utility Vehicles in lieu of twenty-three (23) Ford Police Interceptor Sedans.

Background Information: Based on the positive feedback from "on-road" tests of Ford Police Interceptor Utility Vehicles, JSO will add 20 of that model vehicle instead of the Ford Police Interceptor Sedans. The Ford Police Interceptor Utility Vehicles were selected instead of the sedans due to the maneuverability, handling and driver visibility, quieter cabins, and standard back-up camera system. The amended vehicle purchase has equivalent value and as such the change to the vehicle replacement schedule will have no additional financial impact on the city.

Policy Impact Area: Jacksonville Sheriff's Office vehicle replacement

Fiscal Impact: None

Analyst: Hampsey

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Bill Type and Number: Ordinance 2017-0064

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: NCIS, PHS, TEU

Date of Analysis: January 23, 2017

Type of Action: Authorization of a lease agreement and designation of City oversight

Bill Summary: The bill authorizes execution of a lease between the City and Northeast Florida Women Veteran, Inc. for the operation of the former health clinic located at 2133 Broadway Avenue, in Council District 9, for a term of five (5) years; and the Department of Military Affairs and Veteran Services is designated as the City's oversight agency for the lease.

Background Information: The lease is for 5 years at a rental rate of one dollar (\$1.00) and a minimum of \$1,500 (in-kind services) per month in lieu of the appraised monthly rental payments of \$2,022.75 per month. The in-kind services includes mental health counseling, community outreach, Her Total Wellness Workshops, case management, emergency food baskets for female veterans and families, distribution of bus passes for work & medical appointments. The tenant will be responsible for costs and provision of all utilities, maintenance, and other property improvements.

Policy Impact Area: Public health and safety

Fiscal Impact: The tenant's monthly rental payments are one dollar (\$1.00) and a minimum of \$1,500 (in-kind services) per month in lieu of the appraised monthly rental payments of \$2,022.75 per month.

Analyst: Mitchell

CITY COUNCIL RESEARCH DIVISION

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Bill Type and Number: Ordinance 2017-0065

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: PHS, F

Date of Analysis: January 20, 2017

Type of Action: Agreement Authorization

Bill Summary: The bill authorizes the execution and delivery of a Mentoring Program Agreement between Big Brothers Big Sisters of Northeast Florida (BBBSNEFL) and the City of Jacksonville, Fire and Rescue Department (JFRD).

Background Information: This mentoring agreement will allow JFRD to provide one-on-one mentoring at fire stations to high school aged students who are interested in pursuing a career in fire and rescue. Volunteers from JFRD will provide students exposure to real-world fire and rescue environments and opportunities to observe various aspects of fire and rescue activities at local fire stations and help develop an understanding of the many facets of JFRD's day-to-day operations. In addition, this mentoring experience will encourage high school graduation and post-secondary opportunities, strengthen academic skills, build positive interpersonal skills, and nourish self-confidence in the participants.

The agreement is for a term of one year, with two additional one year renewal options; it may be terminated by either party upon 30 days written notice. BBBSNEFL will be responsible for match support specialist who will pair mentors with mentees and manage parental permission slips etc. JFRD will be responsible for providing a sufficient number of mentors, meeting space and program activities.

Policy Impact Area: Youth mentoring, JFRD recruiting

Fiscal Impact: None

Analyst: Hampsey

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LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2017-0066

Sponsor: Council Member Becton

Date of Introduction: January 24, 2017

Committee(s) of Reference: NCIS, PHS, TEU

Date of Analysis: January 23, 2017

Type of Action: Designating Nocatee development as a golf cart community

Bill Summary: The bill designates the Nocatee Development as a “Golf Cart Community” pursuant to *Section 316.212, Florida Statute*; designating Armorer Court, Aspen Leaf Drive, Autumn Knoll Court, Bister Court, Blacksmith Terrace, Carnauba Way, Cobbler Trail, Coconut Palm Parkway, Crestway Lane, Cypress Trails Drive, Cypress Knoll Court, Dyer Court, Festing Grove Drive, Forest View Lane, Furrier Court, Gray Wolf Trail, Kiwi Palm Drive, King Palm Court, Knotwood Way, Natter Drive, Old Carriage Court, Queensland Circle, Pine Manor Drive, Pine Shadow Parkway, Rockhurst Trail, Rope Maker Court, Senegal Drive, Stone Mason Way, Stony Ford Drive, Timberland Crossing Drive, Vestavia Court, Wayfare Lane, Wayside Lane, Wheelwright Lane, White Marsh Drive, Willow Ridge Drive, Wingstone Drive, and Woodley Drive as appropriate for use by golf carts, subject to conditions; finds that golf carts may safely travel on or across the rights-of-way listed; and directs posting of signs indicating that golf cart operation is permitted on the rights-of-way named herein, subject to reimbursement to the City by the Tolomato Community Development District.

Background Information: The Tolomato Community Development District requested designation of the Nocatee Development as a “Golf Cart Community”. The Jacksonville Sheriff’s Office and the City’s Traffic Engineering Division have reviewed the request and do not object to the designation.

The following are conditions for the designation:

- drivers of golf carts shall be at least sixteen years old and shall hold a valid driver’s license; and
- only golf carts equipped with headlights, tail lights, brake lights, and turn signals may be operated on the public rights-of-way between sunset and sunrise. All other golf carts shall only be operated between sunrise and sunset (daylight hours).

The City’s Public Works Department (PWD) shall post at least one sign at the entrance of each subdivision, and other signage throughout the Nocatee Development, as deemed necessary by PWD. The Tolomato Community Development shall reimburse the City for the costs associated with the signage and installation.

Policy Impact: Public Works

Fiscal Impact: Undetermined

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-0067

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: NCIS, F

Date of Analysis: January 23, 2017

Type of Action: Authorization of a license agreement and designation of City oversight

Bill Summary: The bill authorizes execution of a license agreement between the City and Northeast Florida Healthy Start Coalition, Inc. for occupancy at the Jacksonville Children's Commission's facility located at 1095 A. Phillip Randolph Boulevard, in District 9; and the Jacksonville Children's Commission is designated as the City's oversight agency.

Background Information: The license is for 2,633 square feet of office space within the Jacksonville Children's Commission facility. The space provides accommodations for 32 staff members. Northeast Florida Healthy Start Coalition, Inc. is a contracted provider for the Healthy Families Program of Jacksonville. Ordinance 2015-287 consolidated Healthy Families Jacksonville Services to one provider. Afterwards, the funder, Ounce of Prevention required that all services were physically together in one location. The grant received from Ounce of Prevention includes match funds from the City. This license replaces previous agreement with the Bridge of Northeast Florida, Inc. The license is effective October 1, 2016 through June 30, 2017 and renews automatically for three (3) year additional one-year periods through June 30, 2020.

Policy Impact Area: Public health, Jacksonville Children's Commission

Fiscal Impact: Estimated annual cost savings of \$84,500.00 with consolidation of providers and relocation of staff.

Analyst: Mitchell

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2017-68

Introducer/Sponsor(s): Council President at the request of the General Counsel

Date of Introduction: January 24, 2017

Committee(s) of Reference: F

Date of Analysis: January 26, 2017

Type of Action: Authorizing legal settlement

Bill Summary: The bill authorizes settlement of the pending federal court litigation styled *United States of America v. the City of Jacksonville, Case No. 3:16-CV-1563-J-32PDB* (re: Ability Housing of Northeast Florida) arising under the Americans with Disabilities Act and the Fair Housing Act.

NOTE: see companion bills 2017-36 and 2017-69

Background Information: In 2014, Ability Housing of Northeast Florida proposed to renovate an apartment building on Cottage Avenue near Main Street in the Springfield Historic District into 12 units of permanent supportive housing for the chronically homeless and the disabled. Citing the Springfield zoning overlay regulations, the Planning Director issued a written interpretation finding the proposed project to be a "Special Use" due to the project's proposed level of social services to be provided to residents by the developer, and which made the project more similar to an assisted living facility or social service organization. New Special Uses are prohibited in the historic district by the overlay regulations. Ability Housing, Disability Rights Florida and the U.S. Department of Justice all sued the City alleging it violated the federal Fair Housing Act (FHA) and the Americans With Disabilities Act (ADA) by its prevention of the development of permanent supportive housing for person with disabilities and by subsequent retaliation against Ability Housing after it filed complaints under the FHA and ADA. After the Ability Housing lawsuit was filed, the City ruled the organization ineligible to compete for Jacksonville Journey grant funding because of the pending lawsuit against the City. The three lawsuits were consolidated and the City and U.S. Department of Justice have reached a proposed settlement agreement to end the DOJ federal lawsuit.

The settlement has several parts. Under the heading General Injunction and Nondiscrimination Provisions the City agrees not to: deny or otherwise make unavailable rental or owner-occupied housing to persons because of a disability; adopt, maintain, enforce and implement any zoning or land use laws, regulations, policies or practices that discriminate on the basis of disability in violation of the FHA and ADA; refuse to make reasonable accommodations in the application of rules, policies, practices or services when such accommodations are necessary to afford a person with disabilities an equal opportunity to use and enjoy a dwelling; or to coerce, intimidate, threaten or interfere with persons in the exercise or enjoyment of their rights under the FHA or ADA.

Under the heading Specific Injunctive Relief the City agrees that it shall not deem any entity or individual ineligible to receive City funds based on that entity or individual having complained in any manner that the City discriminated against them in violation of their civil rights. Ability Housing is deemed to be eligible to apply and compete for any City funding, including Jacksonville Journey funds, for which it is qualified. The City agrees to amend its Zoning Code to make clear that permanent supportive housing is properly characterized as a multiple-

dwelling use and is permitted wherever multi-family dwellings are permitted. The Zoning Code shall be amended to: recognize and require construction of the code to be consistent with civil rights laws; to create a procedure for persons with disabilities to request reasonable accommodations from provisions of the Zoning Code; to prohibit the use of PUDs to discriminate or violate civil rights; to amend the Springfield Zoning Overlay and Historic District Regulations to remove prohibitions on housing for people with disabilities, to allow group care homes by exception in the RMD-S district and to allow residential treatment facilities as allowable uses by exception in the CCG-S district; and to amend the Part 16 Definitions to make clear that permanent supportive housing is properly characterized as a multi-family dwelling and permitted wherever multi-family units are permitted, to add definitions for “supportive services” and “reasonable accommodations”, and to ensure that the definitions reflect that a resident’s receipt of supportive services in a dwelling unit does not change that dwelling unit into another type of use.

The City agrees to submit to the federal government within 60 days of the entry of the settlement decree a written policy detailing the process by which persons may request reasonable accommodations or modifications on the basis of disability from the City’s zoning, land use and code requirements. The City agrees to implement the reasonable accommodation policy within 10 days after it is subsequently approved by the federal government. The City is required to designate a Fair Housing Compliance Officer (FHCO) to receive complaints of alleged housing and disability discrimination and to serve as a resource for the City, its officers and elected officials, employees and agents on housing and disability rights issues in coordination with the Office of General Counsel. The FHCO shall coordinate the City’s compliance with the settlement decree and shall report to the City on a quarterly basis on activities taken in compliance with the settlement.

The City agrees to hire a qualified third party (not related to the City) to provide training within 90 days of the entry of the decree to all elected and appointed City officials and employees whose job responsibilities relate to planning, zoning, permitting, construction, code enforcement or occupancy of residential housing, including the Mayor, City Council, Planning Commission members, and employees of the Planning and Development Department. The City shall document and certify the completion of the training by all individuals and shall provide a copy of this settlement order to every participant.

The City agrees to pay Ability Housing and Disabled Rights Florida the amount agreed upon in the Private Settlement Agreement (\$425,000). Within 1 year the City shall establish and award a \$1.5 million grant for the development of permanent supportive housing for persons with disabilities to a qualified developer through a competitive grant process, for which Ability Housing shall be eligible to participate. The City agrees to pay a civil penalty of \$25,000 to the U.S. Treasury “to vindicate the public interest.” The court retains jurisdiction over the settlement for 5 years after its entry.

Policy Impact Area: Fair housing enforcement; disability housing enforcement

Fiscal Impact: Outside the payment of the civil penalties and other settlement amounts, the cost to the City is minimal. The City is required under the settlement to establish a one-time \$1.5 million grant for the development of permanent supportive housing to a qualified developer, to pay \$25,000 to the U.S. Treasury as a civil penalty, and to pay the cost of training provided by a third party to all to all elected and appointed City officials and employees who deal with housing issues. See the bill summary for 2017-69 for the separate costs of the private settlement agreement with Ability Housing and Disability Rights Florida.

Analyst: Clements

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Bill Type and Number: Ordinance 2017-69

Introducer/Sponsor(s): Council President at the request of the General Counsel

Date of Introduction: January 24, 2017

Committee(s) of Reference: F

Date of Analysis: January 26, 2017

Type of Action: Authorizing legal settlement

Bill Summary: The bill authorizes settlement of the pending consolidated federal court litigation styled *Ability Housing of Northeast Florida, Inc. v. the City of Jacksonville* and *Disability Rights Florida, Inc. v. the City of Jacksonville* arising under the Americans with Disabilities Act and Fair Housing Act.

NOTE: see companion bills 2017-36 and 2017-68

Background Information: In 2014, Ability Housing of Northeast Florida proposed to renovate an apartment building on Cottage Avenue near Main Street in the Springfield Historic District into 12 units of permanent supportive housing for the chronically homeless and the disabled. Citing the Springfield zoning overlay regulations, the Planning Director issued a written interpretation finding the proposed project to be a "Special Use" due to the project's proposed level of social services to be provided to residents by the developer, and which made the project more similar to an assisted living facility or social service organization. New Special Uses are prohibited in the historic district by the overlay regulations. Ability Housing, Disability Rights Florida and the U.S. Department of Justice all sued the City alleging it violated the federal Fair Housing Act (FHA) and the Americans With Disabilities Act (ADA) by its prevention of the development of permanent supportive housing for person with disabilities and by subsequent retaliation against Ability Housing after it filed complaints under the FHA and ADA. After the Ability Housing lawsuit was filed, the City ruled the organization ineligible to compete for Jacksonville Journey grant funding because of the pending lawsuit against the City. The three lawsuits were consolidated and the City and Ability Housing and Disability Rights Florida have reached a proposed settlement agreement to end their federal lawsuits.

The Settlement Agreement between the City and Ability Housing and Disability Rights Florida contains the settlement terms and includes requirements for various procedural changes to the manner in which the City addresses requests for reasonable accommodations for persons covered under the ADA and Fair Housing Act. It requires amending the City Zoning Code to provide, among other things, for such reasonable accommodation requests to be considered as a request for an administrative deviation, identify a permanent supportive housing use and define the term "supportive services", and to authorize group care homes and residential treatment facilities by exception in Springfield. It requires rescission of a written interpretation by the Planning Director finding permanent supportive housing to be akin to prohibited "special uses" in Springfield and requires designation of a Fair Housing Compliance Officer to oversee the City's compliance with Fair Housing requirements. It requires specified Fair Housing and ADA training to certain City employees; and requires payment of civil damages in the amount of \$400,000 to Ability Housing and \$25,000 to Disability Rights Florida.

Policy Impact Area: Fair housing enforcement; disability housing enforcement

Fiscal Impact: The settlement agreement provides that the City will pay Ability Housing the sum of \$400,000 for its out-of-pocket legal expenses and a portion of its reasonable attorneys' fees and costs, and that it will pay Disability Rights Florida the sum of \$25,000 for its reasonable attorney's fees. See the summary for 2017-68 for the separate costs of the settlement with the U.S. Department of Justice.

Analyst: Clements

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Bill Type and Number: Resolution 2017-76

Sponsor: Council President at the request of the Greater Arlington / Beaches CPAC

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 20, 2017

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Greater Arlington / Beaches District Citizens Planning Advisory Committee's appointment of Michael J. Anania to the Taxation, Revenue Utilization and Expenditures (TRUE) Commission, filling a seat formerly held by Patricia E. Schorr, for a partial term to expire June 30, 2017, followed by a first full three-year term to expire June 30, 2020.

Background Information: The TRUE Commission is established pursuant to Chapter 57, *Ordinance Code*, and charged to act as an advisory body to the city concerning fiscal policy; improve the city's long-range financial soundness, planning budgeting, and management and to keep the public better informed about important issues related to city financing and budgeting; and may review any aspect of fiscal policy, including: the city's long-range financial soundness, planning budgeting, and management; the city's budgetary process, including taxation, revenue generation, expenditures, use of permit fees and user fees, bonding capacity, franchise fees, state and federal mandates, privatization, "zero based" financing and other similar topics; the appropriateness of each revenue source the city receives to make up its annual general revenue budget; potential new revenue sources, such as impact fees, and the use of any such funds; the pre- and post-retirement benefit structure for city employees and the potential impact on the financial status of the city; and other areas as the Commission may determine are appropriate and within their scope.

Section 57.102, *Ordinance Code*, provides that six of the members of the commission shall be county residents interested in public finance issues and actively involved in the community, and be selected, one each by the CPAC's in the six Planning Districts, and shall be confirmed by the Council.

Mr. Anania is a veteran of the United States Navy and is the Owner of *CAM Automotive, Inc.* He has been involved in a number of community organizations including the Arlington Business Society and the Mobility Plan Task Force. Mr. Anania is a member of the Greater Arlington / Beaches CPAC and resides in the Arlingtonwood area within Council District #1 in Planning District #2.

Policy Impact Area: TRUE Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Shoup

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Bill Type and Number: Resolution 2017-77

Sponsor: Council President at the request of the Police & Fire Pension Board

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 20, 2017

Type of Action: Confirmation

Bill Summary: This bill confirms the Police and Fire Pension Fund Board of Trustees' appointment of Tracey A. Devine to the Jacksonville Police and Fire Pension Fund Board of Trustees Financial Investment and Advisory Committee, for an initial term ending March 1, 2018.

Background Information: The Jacksonville Police and Fire Pension Fund Board of Trustees Financial Investment and Advisory Committee is established pursuant to Chapter 121, *Ordinance Code*, and charged to provide advice to the Jacksonville Police and Fire Pension Board of Trustees ("Board") on: financial matters; actuarial practices and assumptions; investment strategy and policy; the selection of outside financial services providers, including investment managers and advisors; and such other matters as may be requested by the Board. Section 121.503, *Ordinance Code*, provides that the five members of the committee shall be residents of Duval, Nassau, St. Johns, Baker or Clay County nominated by the Board and confirmed by the City Council. The members shall be financially sophisticated professionals with expertise in any or all of the following competencies; actuarial science, fiscal operations, or investment practices and possess knowledge, of and experience and familiarity with, portfolio and/or pension fund management, institutional investment and fiduciary responsibilities.

Ms. Devine received a bachelor's degree in business administration from Kaplan University and is a Senior Research Analyst at *Suntrust Bank*. She is a member of the CFA Institute and the Investment Management Consultants Association. Ms. Devine resides in Ponte Vedra Beach in St. Johns County.

Policy Impact Area: Jacksonville PFPF Board Financial Investment and Advisory Committee operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Shoup

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Bill Type and Number: Resolution 2017-78

Sponsor: Council President Boyer

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 20, 2017

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Council President's appointment of Hunter J. Anderson to the Duval County Election Advisory Panel, replacing C. Scott Wiley, for a first term ending April 16, 2019.

Background Information: The Duval County Election Advisory Panel is established pursuant to Chapter 59, *Ordinance Code*, and charged to study and make recommendations to the Supervisor of Elections to increase the quality of voter registration and education efforts; study and make recommendations to the Supervisor of Elections to enhance the voter's election-day experience, including poll worker training, polling locations, ballot styles, and fraud prevention; evaluate and recommend improvements on the election effectiveness, including number of overvotes, undervotes and spoiled ballots, voter complaints, and voter turnout; review and comment on ballot styles, instructions and absentee ballot appearance; and make an annual report to Council on progress, including an incorporation of any statistics, charts, studies, reports, or other data and materials generated.

Section 59.103, *Ordinance Code*, provides that the members of the Duval County Election Advisory Panel shall be Duval County registered voters and three of the members shall be designated by the Council President and confirmed by the City Council.

Mr. Anderson is the Campus Director for Generation Opportunity at the *University of North Florida*. He has been elected to serve as the Group 2 Supervisor for the Duval County Soil & Water Conservation District. Mr. Anderson is a Duval registered voter and resides in the Deerwood area within Council District #11.

Policy Impact Area: Duval County Election Advisory Panel operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Shoup

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Bill Type and Number: Resolution 2017-79

Sponsor: Council President Boyer

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 20, 2017

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Council President's appointment of Darren R. Gardner, as a member of the Public Service Grant Council with grant experience, filling the seat formerly held by Kevin Monahan for a partial term ending December 31, 2017.

Background Information: The Public Service Grant Council is established pursuant to Chapter 80, *Ordinance Code*, and charged to review and assess the annual needs of the City for public services for a program not otherwise funded by City funds; recommend Priority Populations or Needs to the City Council; recommend the process by which recipients of Public Service Grants are selected each year; submit for review an appropriation request for Public Service Grants for the upcoming fiscal year; review, evaluate and score each Public Service Grant application; participate in on-site evaluations of recipient programs; attend orientation sessions the annual training course, ethics, public records and open meeting laws training; and award and allocate the annual lump sum appropriation for Public Service Grants contained in the annual budget ordinance.

Mr. Gardner received a master's degree in management and leadership from Webster University. He is the Site Coordinator for the High Risk Delinquent and Dependent Child Educational Research Project at *Edward Waters College* and currently serves on a number of community organizations including the Jacksonville Juvenile Justice Coalition and the JDAI Alternatives to Detention Committee. He resides in the Chimney Lakes area within Council District #12.

Policy Impact Area: Public Service Grant Council operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Shoup

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Bill Type and Number: Resolution 2017-80

Sponsor: Council President Boyer

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 20, 2017

Type of Action: Appointment

Bill Summary: This bill appoints Tamara G. Baker, P.E., to the Building Codes Adjustment Board, replacing Joseph L. Hodgins, for a first full term ending September 30, 2019.

Background Information: The Building Codes Adjustment Board is established pursuant to Chapter 56, *Ordinance Code*, and charged to study building codes and recommend to Council needed amendments thereto as may be found necessary or desirable; hear and decide building code enforcement appeals; and authorize building code variances where authorized by law. Section 56.101, *Ordinance Code*, provides that the nine members of the board are appointed by the Council.

Ms. Baker received a master's degree in civil engineering from the University of Florida and is a Florida licensed Professional Engineer, Special Inspector and Certified Building Contractor. She is the Owner of *Baker Klein Engineering, P.L.* Ms. Baker resides in the Empire Point area within Council District #5.

Policy Impact Area: Building Codes Adjustment Board operations

Fiscal Impact: Anticipated to be minimal

Analyst: Shoup

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Bill Type and Number: Resolution 2017-81

Sponsor: Council President Boyer

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 20, 2017

Type of Action: Reappointment

Bill Summary: This bill reappoints Stephen C. Swann, P.E. to the Jacksonville Waterways Commission, for a third three-year term ending December 31, 2019.

Background Information: The Jacksonville Waterways Commission is established pursuant to Chapter 95, *Ordinance Code*, and charged to study and make recommendations to the Council with respect to the improvement, development and protection of the St. Johns River and all tidal waters in Duval County; formulate an overall plan for dealing with any problems that exist concerning the St. Johns River; devise methods of developing future uses of the St. Johns River; serve as the Duval County committee to review rules proposed by the Florida Fish and Wildlife Conservation Commission governing speed and operation of motorboats to protect manatees; advise governmental units and the public concerning the improvement, development and protection of the St. Johns River; and act as a coordinating agency for programs and activities affecting the improvement, development and protection of the St. Johns River. Section 95.103(c), *Ordinance Code*, provides that nine of the members of the Jacksonville Waterways Commission shall be members of the general public appointed by the Council.

Mr. Swann received a master's degree in environmental engineering from the University of Florida and is a Florida licensed Professional Engineer. He is a Vice President / Senior Environmental Engineer with *Applied Technology & Management, Inc.* Mr. Swann also serves on the JIA Area Redevelopment Agency board. He resides in Atlantic Beach within Council District #13.

Attendance: According to information provided by the staff for the commission, Mr. Swann has attended 94% of the meetings of the commission during his current term.

	Meetings Attended	Meetings Held
2014	13	12
2015	11	10
2016	10	10
Total	34	32

Policy Impact Area: Jacksonville Waterways Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Shoup

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Bill Type and Number: Resolution 2017-82

Sponsor: Council President Boyer

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 20, 2017

Type of Action: Reappointment

Bill Summary: This bill reappoints Dr. Jose Zayas to the Health Planning Council of Northeast Florida, Inc., in the "provider" category, for a fourth two-year term ending September 30, 2018.

Background Information: The Health Planning Council of Northeast Florida, Inc. is established pursuant to Section 408.033, *Florida Statutes*, and authorized to develop a district health plan; advise the state department on health care issues and resource allocations; promote public awareness of community health needs; collect data and conduct analyses and studies related to health care needs of the district; advise and assist local governments on the development of an optional health plan; and monitor and evaluate the adequacy, appropriateness and effectiveness of funds distributed to meet the needs of the medically indigent. The bylaws of the Health Planning Council provide that the Board of Directors shall be made up of health care consumers, providers and purchasers, with a provider being a licensed health care professional.

Dr. Zayas received a medical degree from Michigan State University and is the Clinical Learning Environment Review (CLER) Field Representative at the *University of Florida College of Medicine-Jacksonville*. He resides in St. Johns County.

Attendance: According to information provided by the staff for the Health Planning Council, Dr. Zayas has attended 83% of the meetings of the board during his current term.

	Meetings Attended	Meetings Held
2014	7	6
2015	7	5
2016	4	4
Total	18	15

Policy Impact Area: Health Planning Council of Northeast, Inc. operations

Fiscal Impact: Anticipated to be minimal

Analyst: Shoup

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Bill Type and Number: Resolution 2017-83

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 20, 2017

Type of Action: Reappointment Confirmation

Bill Summary: This bill confirms the Mayor's reappointment of Lee Arsenault, as a member of the Subdivision Standards and Policy Advisory Committee, as a representative of the home-building industry, for a first full term ending November 30, 2020.

Background Information: Section 654.142(a), *Ordinance Code*, provides that the members of the Subdivision Standards and Policy Advisory Committee shall be appointed by the Mayor, subject to confirmation by the Council, and that one of the members shall be a representative of the home-building industry.

Mr. Arsenault is a licensed general contractor and a Senior Project Executive with *New Leaf Construction, Inc.* He resides in the Royal Lakes area within Council District #11.

Policy Impact Area: Subdivision Standards & Policy Advisory Committee operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Shoup

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Bill Type and Number: Resolution 2017-84

Sponsor: Council President at the request of the Jacksonville Ethics Commission

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 20, 2017

Type of Action: Reappointment Confirmation

Bill Summary: This bill confirms the Jacksonville Ethics Commission's reappointment of Ywana M. Allen as a member of the Jacksonville Ethics Commission, for a second term ending December 31, 2019.

Background Information: The Jacksonville Ethics Commission is established pursuant to Chapter 602, Part 9, *Ordinance Code*, and empowered to review, interpret, render advisory opinions and enforce Chapter 602, *Ordinance Code*; and, in accordance with Section 1.202, *Jacksonville Charter*, to exercise the following powers and duties:

- Authorized to receive, and to investigate and issue findings with regard to complaints alleging an ethics violation;
- Provide assistance and input into the management and coordination of the training and education of local officers and employees in state and local ethics, including the City's Ethics Education Program, as well as all public records and sunshine law training throughout the government;
- May, upon employee or citizen complaint, or upon its own initiative, seek information and gather facts for the purpose of reviewing any circumstance or situation of which the Commission may become aware that appears to violate or may potentially violate an acceptable standard of ethics conduct for City officers and employees;
- Jurisdiction to levy those civil fines or penalties authorized in Chapter 602 for violations of the City's ethics code; and
- Act as the hiring committee, subject to Council confirmation, for the executive director of the Ethics Oversight and Compliance office.

Section 602.912, *Ordinance Code*, provides that three of the nine members of the commission shall be Duval County registered voters appointed by the commission and confirmed by Council.

Ms. Allen received masters' degrees in public administration and education and is the Chief Strategist with *Thomas & James Consulting*. She resides in the Golden Glades/The Woods area within Council District #3.

Policy Impact Area: Jacksonville Ethics Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Shoup

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Bill Type and Number: Resolution 2017-85

Sponsor: Council President at the request of the Jacksonville Ethics Commission

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 23, 2017

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Jacksonville Ethics Commission's appointment of Maria D. Mark as a member of the Jacksonville Ethics Commission, filling a seat formerly held by Thomas C. Paul, for a partial term ending December 31, 2017.

Background Information: The Jacksonville Ethics Commission is established pursuant to Chapter 602, Part 9, *Ordinance Code*, and empowered to review, interpret, render advisory opinions and enforce Chapter 602, *Ordinance Code*; and, in accordance with Section 1.202, *Municipal Charter*, to exercise the following powers and duties:

- Authorized to receive, and to investigate and issue findings with regard to complaints alleging an ethics violation;
- Provide assistance and input into the management and coordination of the training and education of local officers and employees in state and local ethics, including the City's Ethics Education Program, as well as all public records and sunshine law training throughout the government;
- May, upon employee or citizen complaint, or upon its own initiative, seek information and gather facts for the purpose of reviewing any circumstance or situation of which the Commission may become aware that appears to violate or may potentially violate an acceptable standard of ethics conduct for City officers and employees;
- Jurisdiction to levy those civil fines or penalties authorized in Chapter 602 for violations of the City's ethics code; and
- Act as the hiring committee, subject to Council confirmation, for the executive director of the Ethics Oversight and Compliance office.

Section 602.912, *Ordinance Code*, provides that three of the nine members of the commission shall be Duval County registered voters appointed by the commission and confirmed by Council.

Ms. Mark received an associate's degree in communications from Jones Business College. She is the Program Coordinator for the Environmental Center at the *University of North Florida* and has previously served as a Commissioner for the City of Atlantic Beach. Ms. Mark resides in Atlantic Beach within Council District #13.

Policy Impact Area: Jacksonville Ethics Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Shoup

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Bill Type and Number: Resolution 2017-86

Sponsor: Council President at the request of the Public Defender

Date of Introduction: January 24, 2017

Committee(s) of Reference: R

Date of Analysis: January 23, 2017

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Public Defender's appointment of Leslie Scott Jean-Bart as a member of the Jacksonville Ethics Commission, replacing Joe Jacquot, for a full term ending December 31, 2019.

Background Information: The Jacksonville Ethics Commission is established pursuant to Chapter 602, Part 9, *Ordinance Code*, and empowered to review, interpret, render advisory opinions and enforce Chapter 602, *Ordinance Code*; and, in accordance with Section 1.202, *Municipal Charter*, to exercise the following powers and duties:

- Authorized to receive, and to investigate and issue findings with regard to complaints alleging an ethics violation;
- Provide assistance and input into the management and coordination of the training and education of local officers and employees in state and local ethics, including the City's Ethics Education Program, as well as all public records and sunshine law training throughout the government;
- May, upon employee or citizen complaint, or upon its own initiative, seek information and gather facts for the purpose of reviewing any circumstance or situation of which the Commission may become aware that appears to violate or may potentially violate an acceptable standard of ethics conduct for City officers and employees;
- Jurisdiction to levy those civil fines or penalties authorized in Chapter 602 for violations of the City's ethics code; and
- Act as the hiring committee, subject to Council confirmation, for the executive director of the Ethics Oversight and Compliance office.

Section 602.912, *Ordinance Code*, provides that three of the nine members of the commission shall be Duval County registered voters appointed by the commission and confirmed by Council.

Ms. Jean-Bart received a law degree from the University of Miami School of Law. She is an Attorney / Partner at *Terrell Hogan Yegelwel, P.A.* She is a member of a number of community organizations including LSF Health Systems and Operation New Hope. Ms. Jean-Bart resides in the Oceanway area within Council District #2.

Policy Impact Area: Jacksonville Ethics Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Shoup

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Bill Type and Number: Resolution 2017-0087

Introducer/Sponsor(s): Council President at the request of Council Member Carter

Date of Introduction: January 10, 2017

Committee(s) of Reference: PHS, F

Date of Analysis: January 24, 2017

Type of Action: Resolution

Bill Summary: This bill is a resolution designating the First Coast Crime Stoppers, Inc. as Duval County's agent for applying for and receiving money from the Florida Crime Stoppers Trust Fund for a period of 3 years, expiring in 2020.

Background Information: First Coast Crime Stoppers, Inc. (FCCS) is a civilian volunteer organization formed to serve the citizens of the First Coast in the fight against crime. The State of Florida has been authorized to apply for grants and upon receipt deposit them into the Crime Stopper Trust Fund. These funds are allocated to units of local government upon application; however a grant may be awarded only to counties which are served by an official member of the Florida Association of Crime Stoppers. FCCS is the one and only official member of the Florida Association of Crime Stoppers in the fourth judicial circuit serving Duval, Nassau, Baker, Bradford, Clay and Union Counties.

Additionally, according to Florida statute, the proceeds of court costs imposed shall be deposited into a separate account to be used in the judicial circuit in which they were collected. Any county may apply to the department for a grant from the funds collected in the judicial circuit in which the County is located. To ensure that FCCS is eligible to apply for the above described grant funds, Council has designated FCCS as the agent for Duval County.

Policy Impact Area: Funding for crime prevention

Fiscal Impact: None

Analyst: Hampsey

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Bill Type and Number: Ordinance 2017-88

Sponsor: Council Member Love:

Date of Introduction: January 24, 2017

Committee(s) of Reference: TEU

Date of Analysis: January 27, 2017

Type of Action: R/W Closure

Bill Summary: The ordinance closes, abandons and/or disclaims the right-of-way of Parramore Road, an opened and improved right-of-way containing infrastructure, established in Plat Book 5, page 93, Jacksonville Heights, of the Public Records of Duval County, dated September 13, 1914, and located near the intersection of Collins Road and I-295, in Council District 14, at the request of Harmony Farms of Jacksonville, LLC (the "applicant"), subject to reservation unto the City of Jacksonville and JEA of an easement over the right-of-way for ingress and egress and for all utilities.

Background Information: The closure is requested to allow the applicant to facilitate the development of the adjacent property for a Costco and future outparcels. Parramore Road will be realigned to the south and will be connected to Youngerman Circle. The right-of-way contains JEA and Comcast facilities, thus requiring reservation of the all utilities easement. The City has no need, present or future, for the right-of-way. This request was sent to various state, municipal, and utility agencies which might have an interest in the matter and there were no objections.

Policy Impact: Public Works/Real Estate

Fiscal Impact: The applicant has paid a \$2,091.00 closure application processing fee.

Analyst: Jackson