

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
Chief of Research
(904) 630-1377



117 West Duval Street
City Hall, Suite 425
Jacksonville, FL 32202
FAX (904) 630-3403

Bill Type and Number: Ordinance 2011-142

Sponsor: Council President at the request of the Mayor:

Date of Introduction: March 8, 2011

Committee(s) of Reference: F; PHS

Date of Analysis: March 11, 2011

Type of Action: Appropriation

Bill Summary: This ordinance appropriates \$4,976 in 2010 Paul Coverdell Forensic Sciences Improvement Grant Funds award to the District Four Medical Examiner's Office by the National Institute of Justice to fund the purchase of a Forensic Evidence Drying Cabinet, as initiated by B.T. 11-055; provides for City oversight by the Medical Examiner's Office.

Background: The Forensic Evidence Drying Cabinet will protect evidence from airborne pathogens and cross-contamination while eliminating personal exposure to putrid odors of decomposition and harmful bacteria and viruses. If wet evidence is not properly dried, it will mold, destroying any DNA. The drying cabinet will ensure the integrity of wet evidence as it dries. The Paul Coverdell Forensic Science Improvement Grants Program (the Coverdell program) awards grants to states and units of local government to help improve the quality and timeliness of forensic science and medical examiner services. Paul Coverdell was United States Senator from the State of Georgia serving from 1993 to 2000 (dying in 2000 as a result of a cerebral hemorrhage). He had previously served as Director of the Peace Corps from 1989 to 1991.

Policy Impact: Medical Examiner's Office

Fiscal Impact: The ordinance appropriates \$4,976 in a federal grant, with no local match required.

Analyst: Jackson

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Bill Type and Number: Ordinance 2011-143

Sponsor: Council President at the request of the Sheriff:

Date of Introduction: March 8, 2011

Committee(s) of Reference: F; PHS

Date of Analysis: March 11, 2011

Type of Action: Appropriation; Agreement Approval

Bill Summary: This ordinance appropriates \$40,000 (\$30,000 from the U.S. Department of Homeland Security and a required match of \$10,000 from the Special Law Enforcement Trust Fund) to provide funding for the purchase of an Underwater Anomaly System Prime Mover, as initiated by B.T. 11-056; the ordinance approves and authorizes the Mayor and Corporation Secretary to execute and deliver, for and on behalf of the Cit, the Sub-grantee Award Memorandum of Agreement between the Jacksonville Marine Transportation Exchange and the Jacksonville Sheriff's Office.

Background: The Underwater Anomaly System Prime Mover is a vehicle to transport a boat and sonar equipment for the inspection/detection of critical infrastructure that is critical for our region's vigilance for potential terrorist threat. The vehicle will be housed at JSO facilities.

Policy Impact: Jacksonville Sheriff's Office

Fiscal Impact: The ordinance appropriates \$40,000, \$30,000 of which is in the form of a grant, \$10,000 in a required match.

Analyst: Jackson

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Bill Type and Number: Ordinance 2011-144

Sponsor: Council President at the request of the Sheriff:

Date of Introduction: March 8, 2011

Committee(s) of Reference: F; PHS

Date of Analysis: March 11, 2011

Type of Action: Appropriation; Agreement Approval

Bill Summary: This ordinance appropriates \$36,000.18 (\$27,000.14 from the U.S. Department of Homeland Security and a required match of \$9,000.04 from the Special Law Enforcement Trust Fund) to provide funding for the purchase of Tactical Waterborne Response Team Plate Carriers, as initiated by B.T. 11-057; the ordinance approves, and authorizes the Mayor and Corporation Secretary to execute and deliver, for and on behalf of the City, the Sub-grantee Award Memorandum of Agreement between the Jacksonville Marine Transportation Exchange and the Jacksonville Sheriff's Office.

Background: The Tactical Waterborne Response Team Plate Carriers further augments JSO's capabilities of meeting potential terrorist threats to the critical infrastructure of the region. The Jacksonville Marine Transportation Exchange is the Fiduciary Agent that awards JSO (Sub-grantee) an allocation of funds from the Port Security Grant Program.

Policy Impact: Jacksonville Sheriff's Office

Fiscal Impact: The ordinance appropriates \$36,000, of which \$27,000.14 is in the form of a grant from Homeland Security and \$9,000.04 in a required local match).

Analyst: Jackson

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Bill Type and Number: Ordinance 2011-145

Sponsor: Council President at the request of the Sheriff:

Date of Introduction: March 8, 2011

Committee(s) of Reference: F; PHS

Date of Analysis: March 11, 2011

Type of Action: Appropriation

Bill Summary: This ordinance appropriates \$66,695.71 from the United States Department of Justice Bulletproof Vest Partnership Program, with no local match, in order to reimburse a portion of the expenses incurred by the Jacksonville Sheriff's Office for body armor, as initiated by B.T. 11-058.

Background: A rash of law enforcement officers' fatalities in the line of duty has underscored the need for bulletproof vests as a component of an officer's protective apparatus in law enforcement operations.

Policy Impact: Jacksonville Sheriff's Office

Fiscal Impact: The ordinance appropriates \$66,695.71 in a federal grant, with no local match required.

Analyst: Jackson

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Bill Type and Number: Ordinance 2011-146

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

Date of Introduction: March 8, 2011

Committee(s) of Reference: RDC, F

Date of Analysis: March 10, 2011

Type of Action: Appropriation; carry-over authorization; reporting requirement

Bill Summary: The bill appropriates \$88,172 from the Handicapped Parking Fines Trust Fund to the Recreation and Community Services Department's Military Affairs, Veterans and Disabled Services Division for various purposes benefitting persons with disabilities, including: \$5,172 for printing and binding of flyers, pamphlets, directories, etc. for distribution materials; \$13,000 for food vouchers for attendees at Fun With the Suns baseball game; \$10,500 for admission tickets for attendees at Fun With the Suns baseball game; \$3,500 for community empowerment event; \$2,500 for emergency assistance for utility bills, rent, transportation, etc. for persons with disabilities; \$10,000 for wheelchair ramps and minor home modifications; \$2,500 for purchase of durable medical equipment and wheelchair repairs; \$3,000 for interpreter services for persons with hearing impairments; \$5,000 for summer camp scholarships; \$7,500 for a wheelchair repair clinic; \$3,000 for a Special Needs Emergency Preparedness Conference; \$2,500 for a Disabilities Dialogue Event sponsored by the Jacksonville Human Rights Commission and other community partners; and \$20,000 for other supplies, activities, events and uses serving persons with disabilities as needs arise during the year.

Background Information: The Handicapped Parking Fines Trust Fund receives the proceeds of fines levied for illegal parking in designated handicapped parking spaces and the funds are used to provide a wide variety of activities and services for persons with disabilities, including social activities, educational activities, assistance with purchase of adaptive equipment, and other uses.

Policy Impact Area: Assistance to persons with disabilities

Fiscal Impact: The bill appropriates \$88,172 from the Handicapped Parking Fines Trust Fund.

Analyst: Clements

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Bill Type and Number: Ordinance 2011-147

Introducer/Sponsor: Council President at the Request of the Mayor

Date of Introduction: March 8, 2011

Committee(s) of Reference: TEU; F

Date of Analysis: March 10, 2011

Type of Action: Appropriation

Bill Summary: This bill appropriates \$3,296 from Mosquito Control State I funds to establish an expenditure line in Index ERMCO12 for employee training and authorize realignment of budgeted funds within said index code to fund travel and training for division employees.

Background Information: Information from the Mosquito Control Division indicates that this will allow division employees to attend refresher training classes, day trips as needed during the year to accomplish business, and other training requirements supporting the division's mission.

Policy Impact Area: Mosquito Control; Employee Training; Travel

Fiscal Impact: \$3,296 is appropriated by this ordinance

Analyst: Campbell

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Bill Type and Number: Ordinance 2011-148

Sponsor: TEU Committee

Date of Introduction: March 8, 2011

Committee(s) of Reference: TEU

Date of Analysis: March 10, 2011

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Waffle House Inc. for a commercial project known as Waffle House Restaurant. The fair share assessment is \$14,110 with a 1-year term. Concurrency Review estimated a total of 6 p.m. peak hour trips being generated on links in fair share fund sector 2.2 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Atlantic Boulevard – Monument Road to SR 9A	6

Background Information: The project consists of an 1,800 square foot restaurant on 0.69 acres on the northeast corner of Atlantic Boulevard and Brookview Drive North in Council District 2.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$14,110 to the Sector 2.2 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2011-149

Introducer/Sponsor: Council Member R. Brown

Date of Introduction: March 8, 2011

Committee(s) of Reference: TEU; F

Date of Analysis: March 10, 2011

Type of Action: Appropriation/CIP Amendment

Bill Summary: This bill appropriates \$200,000 from an Old Kings Road Landfill Class III Mitigation account to provide funding for Jacksonville-Magnolia Gardens Stormwater Rehabilitation Phase IIIB. Additionally, the Capital Improvement Program is amended for the projects entitled Jacksonville-Magnolia Gardens Stormwater Rehab and Drainage System Rehab.

Background Information: Phase IIIB pipes existing open ditches from Raines Vikings Way to Ardisia Road North, and then north on Ardisia Road North and easterly through a drainage easement between two properties to the newly constructed outfall system located west of Japonica Road North.

Policy Impact Area: Drainage; Capital Improvements; Landfill Mitigation

Fiscal Impact: \$200,000 is appropriated by this ordinance

Analyst: Campbell

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Bill Type and Number: Ordinance 2011-153

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

Date of Introduction: March 8, 2011

Committee(s) of Reference: R, F

Date of Analysis: March 10, 2011

Type of Action: Approval of legal settlement

Bill Summary: The bill approves a legal settlement in a lawsuit filed by Monroe County (which the City of Jacksonville later joined) against the Priceline.com and other travel booking web sites for failure to collect and remit to the counties the applicable tourist development-related funds believed due and owing to the City for accommodations booked through the web sites. In exchange for the partial release of claim, the defendants agree to pay the City \$376,023.03. The bill authorizes the Mayor and General Counsel to execute appropriate documents to effectuate the settlement.

Background Information: Monroe County (Key West) originally sued Priceline.com in 2009 for an alleged failure to collect and remit tourist development-related funds believed due and owing to the City for hotel rooms booked through the travel web sites. Other Florida counties joined in the suit, including Jacksonville in 2010 when use of outside counsel was authorized by Ordinance 2006-828-E to pursue the City's interests in the case.

Policy Impact Area: Legal settlement

Fiscal Impact: The settlement will produce \$376,023.03 for the City.

Analyst: Clements

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Bill Type and Number: Ordinance 2011-160

Sponsor: Council President at the request of the Mayor:

Date of Introduction: March 8, 2011

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

Date of Analysis: March 11, 2011

Type of Action: Appropriation; Position Changes Approval; Request for Emergency Action.

Bill Summary: This ordinance regards a continuation grant; it appropriates \$2,085,298 in Department of Health and Human Services Grant funds from the Ryan White Part A Program, with no matching funds from the City of Jacksonville required, to provide HIV-related health and support services to persons living with HIV/AIDS and residing in the Jacksonville Transitional Grant Area (TGA), as initiated by B.T. 11-067, such funds to be expended during a grant year that begins March 1, 2011, and ends February 28, 2012; the bill provides a carryover of funds to the City of Jacksonville Fiscal Year 2011-2012; the bill approves position changes in the Department of Recreation and Community Services, as initiated by R. C. 11-147 and R.C. 11-148; it provides for City oversight by the Department of Recreation and Community Services; the bill requests emergency passage.

Background: The Ryan White Comprehensive AIDS Resources Emergency (CARE) Act (Ryan White Care Act) was an Act of the U.S. Congress named in honor of Ryan White, an Indiana teenager who contracted AIDS through a tainted hemophilia treatment in 1984, and was expelled from school because of the disease. White became a well-known advocate for AIDS research and awareness, until his death on April 8, 1980. The City of Jacksonville first received notice that it was eligible to receive Ryan White CARE Act funds in August 1994 when the cumulative number of AIDS cases reached 2,000 in the 4 county area including Duval, Clay, Nassau and St. Johns Counties. In the past 16 years, the TGA has received in excess of \$60 million to provide such services as outpatient medical care, medications, dental care, mental health counseling, substance abuse treatment and case management. Currently, there are an estimated 5,845 Persons Living With HIV/AIDS living in the Jacksonville TGA. The request for emergency action is due to an administrative oversight. The grant funds several city positions and payroll for more than 12 service providers.

Policy Impact: Recreation and Community Services/Behavioral and Human Services/Ryan White Part A Grant Program.

Fiscal Impact: The ordinance appropriates \$2,085,298 in federal grant funding that requires no local match.

Analyst: Jackson

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Bill Type and Number: Ordinance 2011-161

Introducer/Sponsor: Council President at the Request of the Mayor

Date of Introduction: March 8, 2011

Committee(s) of Reference: TEU; F

Date of Analysis: March 10, 2011

Type of Action: Settlement Approval

Bill Summary: This bill approves a proposed Settlement and Limited Release Agreement by and among John Carlo, Inc., City of Jacksonville, JEA, and BellSouth Telecommunications, Inc., relative to Wesconnett Boulevard improvements. Authorization is given for the Mayor, or designee, to execute said agreement, and the General Counsel, or designee, is authorized to execute other necessary documents to effect the approved settlement. Further approval is given for all terms of the agreement, including the expenditure of \$200,000 to Liberty Mutual Insurance Company (surety for John Carlo, Inc.) from funds previously appropriated and now located in the account for the improvement project. Contemporaneously with execution of the agreement by the parties, said \$200,000 is to be paid on the condition that John Carlo, Inc., and BellSouth comply with the terms of the agreement, including BellSouth's payment of its portion of the global settlement of the litigation (\$325,000).

Background Information: The City and JEA entered into agreements with a contractor which came to be known as John Carlo, Inc., for Wesconnett Boulevard improvements. Later, the parties entered into change orders and amendments extending the timeline and scope of services. A dispute arose regarding contract performance requirements, which led to litigation being filed by John Carlo, Inc., against the City and JEA. During the course of litigation, the City and JEA contended that a substantial part of the project delay was due to actions and inactions by BellSouth. Accordingly, the City and JEA filed a third party complaint against BellSouth as part of the case.

Policy Impact Area: Settlements; Office of General Counsel

Fiscal Impact: Undetermined; the City's portion of the settlement is \$200,000 (from previously appropriated funds)

Analyst: Campbell

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Bill Type and Number: Ordinance 2011-162

Sponsor: Council President at the request of the Mayor:

Date of Introduction: March 8, 2011

Committee(s) of Reference: TEU

Date of Analysis: March 11, 2011

Type of Action: Roadway Transfer Acceptance

Bill Summary: The ordinance approves and authorizes the Mayor to accept, for and on behalf of the City, a transfer of roadway to the City of Jacksonville from the Florida Department of Transportation by means of a FDOT Right of Way Map which transfers to the City responsibility for the road right of way and operation and maintenance for a portion of Duval Road East of I-95, also described as from Station 138+00 to Station 159+00 and Section 72290-2502; the bill provides for recording of existing rights of way maps in the Public Land Records by the City.

Background: Per this agreement, the City accepts responsibility of the road right of way and for operation and maintenance of the roadway, including bridges, if applicable and all curbs, culverts, drainage structures, sidewalks, bike paths and other ways within the right of way at the time of the transfer for a portion of Duval Road east of I-95. The typical roadway transfer agreement between the City and FDOT is not necessary as FDOT acquired the property along the east side of I-95 for Duval Road but never added Duval Road to the State Highway System. Accordingly, the usual transfer documentation is not required. In compliance with Florida law and FDOT procedure, the District Secretary declared this portion of Duval Road surplus to allow transfer to the City. The property site is located in Council District 11.

Policy Impact: Public Works/Engineering

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2011-163

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

Date of Introduction: March 8, 2011

Committee(s) of Reference: RCD, F

Date of Analysis: March 10, 2011

Type of Action: Approval of loan restructuring

Bill Summary: The bill approves a restructuring of the mortgage and promissory note between the City and Liberty Center for the Homeless in order to extend the maturity date by 10 years on the current terms.

Background Information: The Liberty Center for the Homeless is a single-room-occupancy facility located on Union Street east of Liberty Street. In 1995 the DCHFA made a \$500,000 loan with a 30 year amortization period and a 15 year balloon payment. The balloon payment was due in December 2010 at which time the Liberty Center requested a loan extension of the now-JHFA to continue making monthly payments at the same rate for an additional 10 years until the loan is fully amortized in December 2020. The JHFA recommended approval of the extension at its January 19, 2011 meeting. The outstanding balance on the loan is \$289,726.03

Policy Impact Area: Housing for the homeless; loan restructuring

Fiscal Impact: The Liberty Center would continue making monthly payments of \$2,845.08 for an additional 10 years.

Analyst: Clements

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Bill Type and Number: Ordinance 2011-164

Introducer/Sponsor: Council President at the Request of the Mayor

Date of Introduction: March 8, 2011

Committee(s) of Reference: TEU

Date of Analysis: March 10, 2011

Type of Action: Street Closure

Bill Summary: This bill closes and abandons the right-of-way along West Monroe Street between Broad and Pearl streets. Ownership of the closed right-of-way shall vest in the City, as the abutting land owner on both sides of the right-of-way, and the property will no longer be used as a public road.

Background Information: Ordinance 2003-657-E provided for the closing of West Monroe Street between Broad and Julia streets in connection with the courthouse construction project; however, Ordinance 2004-1339-E later prohibited the closure. The current bill states that the City now desires to close and abandon West Monroe Street between Broad and Pearl streets.

Policy Impact Area: Street Closures; Downtown Development; Traffic Engineering; Courthouse Project

Fiscal Impact: Undetermined

Analyst: Campbell

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Bill Type and Number: Ordinance 2011-165

Introducer/Sponsor(s): Council Member Bishop

Date of Introduction: March 8, 2011

Committee(s) of Reference: R, F

Date of Analysis: March 10, 2011

Type of Action: Ordinance Code amendment; Ordinance Code waiver

Bill Summary: The bill amends several provisions of Ordinance Code Chapter 120 – General Employees and Corrections Officers’ Retirement Plans. The bill would remove the provisions in Sec. 120.202(b) and 120.302(b) that permit an elected official already collecting a City pension to continue to collect that pension while simultaneously taking a salary as an elected official of the city. The bill also increases the minimum ages for normal and early retirement for most employees, but subject to applicable state and federal law, and subject to collective bargaining laws.

The retirement conditions for all employees *eligible to retire* on or before June 1, 2011 do not change.

With regard to *normal retirement*, the terms and conditions for those employees retiring on or after June 1, 2011 (all as subject to applicable state and federal law and collective bargaining agreements) would be changed so that for persons employed on or after June 1, 2011 (but not eligible to retire on or before June 1, 2011 the minimum age for normal retirement becomes 65, regardless of years of service.

With regard to *early retirement*, the terms and conditions for those employees retiring on or after June 1, 2011 (all as subject to applicable state and federal law and collective bargaining agreements) would be as follows:

- 25 years of service (regardless of age) at 2% per year up to a maximum of 80% pension; or
- Minimum age 60 and 20 years of service at 2.5% per year with 0.5% reduction for each month prior to age 65.

The bill adds a prohibition against the City hiring, either directly or indirectly as an advisor or consultant, a retiree of the General Employees Pension Plan to work in any position not covered by the plan (i.e. a part-time or temporary employee), except as a poll worker.

Background Information: The language regarding provisional applicability of the new retirement criteria to persons covered by collective bargaining agreements means that the only employees who would be affected, subject to applicable state and federal laws, are the approximately 850 elected, appointed and managerial and confidential employees in the City workforce.

Policy Impact Area: Pension plan revisions

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Ordinance 2011-166

Introducer/Sponsor(s): Council Member Holt

Date of Introduction: March 8, 2011

Committee(s) of Reference: TEU, RCD

Date of Analysis: March 10, 2011

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 518 – Public Safety and Maintenance Code – add a new definition of *commercial fishing operation*, defined as any type of activity conducted on land requiring the location or storage of commercial fishing equipment such as fishing vessels, gear, docks, piers, landing and loading areas and cold storage facilities, and including any activity necessary to prepare finfish or shellfish for refrigeration. The definition specifically does not include operations with the sole or primary function of processing seafood.

The bill amends the section on public nuisances to provide that no *commercial fishing operation* shall be declared a nuisance because of a change of ownership or a change in the character of the property in or around the operation. It also provides that no *commercial fishing operation* shall be determined to constitute a public nuisance as long as its operation and equipment are maintained in manner so as not to constitute a blighting condition on the surrounding neighborhood. Finally, the bill amends the section on property standards to provide that outside storage of commercial fishing equipment is allowed so long as it is maintained and not to constitute a blighting condition on the surrounding neighborhood.

Background Information: The purpose of the bill is to mirror existing state law that protects commercial fishing operations from land use and nuisance enforcement regulations that would have the effect of forcing the closure of the fishing operation. The intent is that the operation of such facilities should not be unduly impeded or threatened by local nuisance complaints arising from the encroachment of residential development on existing fishing facilities.

Policy Impact Area: Nuisance enforcement; protection of commercial fishing businesses

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Ordinance 2011-167

Introducer/Sponsor(s): Council Member Shad

Date of Introduction: March 8, 2011

Committee(s) of Reference: R

Date of Analysis: March 10, 2011

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 602 – Ethics Code – by repealing existing Part 9 – Ethics Commission – and adopting a new Part 9 to implement in the Code the changes originating from the amendment of the City Charter by Ordinance 2010-616-E which created a new Ethics Code in the Charter.

The bill changes the terms of office for Ethics Commission members from 2 to 3 years, still with a 2-term limit. Specific employment/experience qualifications are created for the 9 members, including: an attorney with litigation experience; a certified public accountant with forensic audit experience; a former elected official; a former judge; a higher education faculty member or former faculty member with experience in ethics; a former law enforcement official with experience in investigating public corruption; a corporate official with a background in human resources or ethics; a former board member of a City of Jacksonville independent authority; a former government executive with ethics experience. The existing prohibition against service by elected or appointed officials or employees of the City is maintained, and prohibitions are added against service by assistant public defenders, officers of a political party, filed candidates for public office, or any elected or appointed official or employee of an agency subject to the Ethics Commission's jurisdiction. A new selection committee for Ethics Commission members (each with 1 appointment) is established as follows: the Dean of Florida Coastal Law School, the Director of the University of North Florida Ethics Center, the President of the Jacksonville League of Women Voters; the President of the Perkins Bar Association; the Director of JCCI; and the President of Florida State College of Jacksonville. The 6 appointees to the commission shall choose 3 additional members.

The Ethics Commission is authorized to investigate and issue findings with regard to any alleged violation of Chapter 602 and to operate a "hotline" to take tips and complaints about potentially unethical conduct. The commission shall provide training and education to public employees and elected officials on the state and local ethics laws. It may levy civil fines and penalties as authorized in the Ordinance Code and shall act as a hiring committee for the administrative staff of the ethics oversight and compliance office.

The commission shall establish and post rules and procedures for the conduct of its investigations and provide for due process in the charging and prosecution violations of Chapter 602. It is authorized to exercise and utilize all procedures and processes available to City agencies as authorized by ordinance, City Charter or Florida Statute to secure the production of documents and testimony relevant to charges being investigated. Other departments,

boards, commissions and agencies of the City are directed to cooperate with the work of the Ethics Commission, upon request, to the extent of their ability and capacity.

The Ethics Commission may dismiss any complaint at any stage of its disposition when it determines that the public interest would not be served by further proceedings or when it determines that an alleged violation was inadvertent, unintentional or insubstantial. The commission is prohibited from interfering with any ongoing criminal investigation of the state or U.S. attorney. If the commission determines that a complaint is frivolous or groundless or is falsely filed with malicious intent or reckless disregard for the truth, the complaining party may be compelled to pay costs and attorney's fees incurred by the commission and the alleged violator.

The commission is empowered to consider alleged violations within its jurisdiction committed on or after the effective date of this ordinance. If an employee or official is alleged to have committed a violation within the investigative jurisdiction of the Ethics Commission and that employee or official is also subject to ongoing disciplinary, regulatory, administrative or criminal action for the same act(s) by that employee's or officer's agency, then the commission shall stay its consideration of the complaint until the other agency concludes its proceedings. Nothing in the chapter shall abridge the constitutional rights of employees to collectively bargain. A statute of limitations is established by which the Ethics Commission may not take action on complaints filed more than 2 years after the alleged violation occurred, unless the alleged violation was concealed by fraud or other device.

The Ethics Commission is authorized to issue advisory opinions upon request to establish the standard of public duty for a specific set of facts. Advisory opinions shall be numbered, dated and published. Appeals of any order of the commission imposing civil penalties, censure or costs or attorney's fees may be filed with the circuit court.

The bill provides a transition period from the existing members, composition and terms of the Ethics Commission to new members, composition and terms. Current members of the commission shall continue to serve until the completion of their terms, at which time the new appointing authorities shall begin making appointments and the new members shall serve initial one, two or three year terms to establish the rotation and staggering of terms.

Background Information: After considerable discussion and recommendations by the Ethics Commission and the Charter Revision Commission, Council adopted Ordinance 2010-616-E which restored an Ethics chapter to the City Charter from which it had been repealed in the early 1970s. The chapter provides for the adoption of an Ethics Code and for the establishment of an independent ethics commission. This ordinance implements the intent of the Charter amendment.

Policy Impact Area: Ethics Code implementation

Fiscal Impact: Undetermined

Analyst: Clements

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Jacksonville, FL 32202
FAX (904) 630-3403

Bill Type and Number: Resolution 2011-168

Introducer/Sponsor: Council Member Reggie Brown

Date of Introduction: March 8, 2011

Committee(s) of Reference: R; TEU

Date of Analysis: March 10, 2011

Type of Action: Endorsement of State Legislative Efforts

Bill Summary: This bill endorses the efforts of State Senator Stephen Wise to enact Senate Bill 492 which designates the Interstate 295/State Road 9A overpass (Bridge Nos. 720256 and 720347) over Interstate 10/State Road 8 as the "Duval County Law Enforcement Memorial Overpass." The Council's Chief of Legislative Services is directed to provide a copy of the City's resolution to the Duval County Legislative Delegation, Senate President, and Speaker of the House.

Background Information: The State legislation further directs the Department of Transportation to erect suitable markers, and it has an effective date of July 1, 2011.

Policy Impact Area: Duval Legislative Delegation; Memorials

Fiscal Impact: Undetermined

Analyst: Campbell

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY



JEFFREY R. CLEMENTS
Chief of Research
(904) 630-1377

117 West Duval Street
City Hall, Suite 425
Jacksonville, FL 32202
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Bill Type and Number: Resolution 2011-169

Sponsor: Council President at the request of the Mayor

Date of Introduction: March 8, 2011

Committee(s) of Reference: R

Date of Analysis: March 4, 2011

Type of Action: Reappointment Confirmation

Bill Summary: This bill confirms the Mayor's reappointment of David V. Rice, M.D. as a member of the Environmental Protection Board, as a medical profession representative, for a first full term ending September 30, 2014.

Background Information: The Environmental Protection Board is established pursuant to Chapter 73, *Ordinance Code*, and charged to study, promulgate and enforce appropriate rules for environmental protection; work in cooperation with the State and other agencies and groups interested in environmental quality control; investigate pollution control programs; conduct investigations and hearings on complaints; issue appropriate orders for enforcement of pollution standards; grant variances requested by pollution sources; general authority over the Groundwater and Surface Water Resource Management Program and the Hazardous Regulated Substance Program; and review and approve requests for Sustainable Building Certification Refund Grants pursuant to sec. 327.107. Section 73.101, *Ordinance Code*, provides that five of the members of the board shall be appointed by the Mayor, and confirmed by the Council, in various categories including the medical profession.

Dr. Rice received a medical degree from the University of Florida and is a Hospitalist with Baptist Primary Care. He resides in the San Jose Forrest area within Council District #5.

Policy Impact Area: Environmental Protection Board operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Welsh

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Bill Type and Number: Ordinance 2011-171

Sponsor: Council Member Corrigan:

Date of Introduction: March 8, 2011

Committee(s) of Reference: R; RCD

Date of Analysis: March 11, 2011

Type of Action: Public Facility Naming

Bill Summary: The ordinance names McGirts Creek Park located at 8435 118th Street, Jacksonville, Florida 32244 in Council District 12 for Lew Brantley to be known as "Lew Brantley Park."

Background: A native of McRae, Georgia, Senator Lewis B. (Lew) Brantley was a resident of Jacksonville for over a half century. An active citizen in the community, Lew Brantley was active in or honored by the West Duval Jaycees, Rotary Club, Boy Scouts of America, Masonic, Scottish Rite and Shriners. Lew Brantley was elected to the Florida House of Representatives, at age 26, in 1966 and subsequently elected to the State Senate in 1970. He served as Senate President from 1976 to 1978. Senator Brantley passed away in 2004. This legislation names a park in Lew Brantley's memory in an area of Jacksonville that he represented while serving his constituents and Jacksonville in Tallahassee.

Policy Impact: Recreation and Community Services Department

Fiscal Impact: Undetermined

Analyst: Jackson