

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2012-596

Sponsor: Council President at the request of the Mayor:

Date of Introduction: October 9, 2012

Committee(s) of Reference: TEU; F

Date of Analysis: October 12, 2012

Type of Action: Agreement Authorization

Bill Summary: The ordinance approves and authorizes the Mayor and Corporation Secretary to execute a Construction Agreement between CSX Transportation, Inc. ("CSXT") and the City of Jackson for the installation of a new crossing surface and signal relocation, including a turn lane easement, on CSXT property at Duval Road (Max Leggett Parkway), in Council District 11, the costs of such improvements to be borne by Signature Parkway, LLC and not the City of Jacksonville, and the execution of the Construction Agreement is conditioned on payment of the improvement costs to CSXT by Signature Parkway, LLC.

Background Information: Signature Parkway, LLC is bearing the upgrade costs in this project because Signature Parkway LLC is constructing this particular stretch of the road.

Policy Impact: Public Works/Engineering and Construction Management

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-597

Sponsor: Council President at the request of the Mayor:

Date of Introduction: October 9, 2012

Committee(s) of Reference: PHS; F

Date of Analysis: October 12, 2012

Type of Action: Lease Approval

Bill Summary: The ordinance authorizes and approves the Mayor and Corporation Secretary executing a Sovereignty Submerged Lands Fee Waived Lease (Bot. No. 160348022) between the City of Jacksonville and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the construction and operation of a five (5) slip docking facility to be exclusively for the mooring of emergency and rescue vessels in conjunction with an upland municipal fire station located at 9350 Heckscher Drive for a five-year initial term.

Background Information: Water bodies within the state are owned by the State of Florida. Leases have to be approved by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; the board, in actuality, is comprised of the Florida Cabinet (Governor, Lieutenant Governor, Chief Financial Officer, Attorney-General and Commissioner of Agriculture). The site of the fire station is located in Council District 11.

Policy Impact: Public Works/Real Estate

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-598

Sponsor: Council President at the request of the Mayor:

Date of Introduction: October 9, 2012

Committee(s) of Reference: TEU; F

Date of Analysis: October 12, 2012

Type of Action: Appropriation

Bill Summary: The ordinance appropriates \$103,500 from the Handicapped Parking Fines and Forfeits Trust Fund to the Military Affairs, Veterans and Disabled Services Department to provide funds to purchase food and beverages for the Spirit of ADA Education and Awareness Luncheon, the 10th Annual Fun with the Suns Event, Parking Volunteer Quarterly Training, New Parking Volunteer graduation class, the Mayor's Disability council Annual Retreat and the Annual ADA Symposium, as initiated by B.T. 12-101; provides for a carryover of funds to Fiscal Year 2013-2014; requires a report to the Council Auditor.

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

Policy Impact: Military Affairs, Veterans and Disabled Services Department

Fiscal Impact: The ordinance appropriates \$103,500

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-599

Sponsor: Council President pursuant to Chapter 92, Ordinance Code:

Date of Introduction: October 9, 2012

Committee(s) of Reference: R; LUZ

Date of Analysis: October 12, 2012

Type of Action: Public Hearing Determination; Ordinance Code Waiver

Bill Summary: This ordinance determines whether to conduct a public hearing to consider the petition to amend the boundary of the Tolomato Community Development District; emergency passage is requested; the ordinance waives Section 92.14 (State Petitions), Chapter 92 (Uniform Community Development Districts), *Ordinance Code*.

Background Information: A Community Development District (CDD) is a local, special purpose government authorized by Florida Statutes; it is a mechanism for the financing and management of new communities. In July 2004, the Florida Land and Water Adjudicatory Commission ("FLWAC") established the Split Pine Community Development District in Duval County and the Tolomato Community Development District in St. Johns County. In March 2010, the CDDs merged into one CDD, the Tolomato Community Development District. On October 1, 2012, pursuant to Florida Statutes, the Tolomato CDD submitted to the City of Jacksonville its Petition to Amend the Boundary of the Tolomato CDD to add an additional 11.54 acres located in St. Johns County to the Tolomato CDD. Pursuant to Florida Statutes, the City Council is authorized to conduct a public hearing to consider the contents of the Petition, though the Tolomato CDD has not requested the City of Jacksonville to conduct a hearing. *Emergency passage of this legislation is requested. The nature of the emergency is that if the City Council decides to conduct a public hearing, the City has only 45 days from the date of the filing of the Petition to conduct the public hearing, pursuant to Florida Statutes.*

Policy Impact: Community Development Districts

Fiscal Impact: The Tolomato Development District paid a required fee in the amount of \$1,500 to petition to add the additional acreage located in St. Johns County to the Tolomato CDD.

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-601

Sponsor: Council Member Holt:

Date of Introduction: October 9, 2012

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

Date of Analysis: October 12, 2012

Type of Action: Appropriation

Bill Summary: The ordinance appropriates \$27,000 from the Office of Economic Development – Permanent and Probationary Salaries; it approves and authorizes the Mayor and Corporation Secretary to execute an agreement between the City of Jacksonville and Dietrich Planning, LLC to produce a housing element study and plan update for the JIA/CRA; invokes the exception of 126.107 (G), Ordinance Code, to award the consulting services to Dietrich Planning, LLC to prepare an updated compliant plan for the JIA/CRA; provides for oversight by Planning & Development Department.

Background Information: The JIA/Community Redevelopment Area was established in 1993 to encourage development and investment; its goal is to increase the City's tax base and to serve as a mechanism for economic development. This Agreement's project understanding is that the City proposes an amendment to the JIA/CRA Plan to accomplish several tasks that include adding and integrating into the CRA Plan the additional 755.21 acres which was identified in Resolution 2009-330-A, adding planned projects to the CRA Plan including 2 identified roadway projects – the Duval Road Expansion Improvement Project, and the North Access Road Improvement Project, and updating the residential, neighborhood and housing element, all within the entire JIA/CRA Area. Sec. 126.197, *Ordinance Code*, exempts contractual services that are specifically prescribed in the authorizing legislation from competitive solicitation. The JIA/CRA is located in Council District 11. Dietrich Planning LLC has its principal offices at 1332 Avondale Avenue.

Policy Impact: Economic Development/JIA/CRA Plan

Fiscal Impact: The ordinance appropriates \$27,000

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-611

Introducer/Sponsor(s): LUZ Committee

Date of Introduction: October 9, 2012

Committee(s) of Reference: LUZ

Date of Analysis: October 11, 2012

Type of Action: Final adoption of Comprehensive Plan text amendment

Bill Summary: The bill adopts and amendment to the Future Land Use Element of the 2030 Comprehensive Plan to delete any references to the Industrial Technical Advisory Committee.

Background Information: This amendment was transmitted to the Florida Department of Economic Opportunity in July for review and approval. The amendment deletes reference to the Industrial Technical Advisory Committee of the Planning and Development Department, which was dissolved as part of the administrative reorganization of the City government accomplished by Ordinance 2011-732.

Policy Impact Area: Comprehensive Plan amendment

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2012-612

Introducer/Sponsor(s): LUZ Committee

Date of Introduction: October 9, 2012

Committee(s) of Reference: LUZ

Date of Analysis: October 11, 2012

Type of Action: Comprehensive Plan text amendment

Bill Summary: The bill grants final approval to an amendment to the Future Land Use Element of the 2030 Comprehensive Plan to reduce the minimum gross density housing units in the in the MDR (Medium Density Residential) zones of the Urban Priority, Urban, Suburban and Rural areas from 10 units to greater than 7 units per acre.

Background Information: The proposed amendment was transmitted to the Florida Department of Economic Opportunity in July and has been approved by the state and returned to the City for final approval.

Policy Impact Area: Comprehensive Plan amendment

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2012-613

Introducer/Sponsor(s): LUZ Committee

Date of Introduction: October 9, 2012

Committee(s) of Reference: LUZ

Date of Analysis: October 11, 2012

Type of Action: Comprehensive Plan text amendment

Bill Summary: The bill amends the Transportation Element of the 2030 Comprehensive Plan to incorporate the list of 2035 Cost Feasible Plan Projects as follows:

Multi-modal projects

- Bus Rapid Transit: East, Northwest, South, Southeast, Southwest
- Commuter Rail: North, Southeast, Southwest
- Streetcar: East, North, West, West Phase 2
- Transportation Center

Roadway projects

- Branan Field/Chaffee (SR23) widening to 4/6 lanes
- I-10 widening (various locations)
- I-10/US 301 interchange modification
- I-295 widening (various locations)
- I-295/Pritchard Road interchange modifications
- SR 9A widening
- SR 9B new construction
- US 301 Baldwin bypass construction

Background Information: The amendment is intended to update the Comprehensive Plan to reflect the projects listed in the City's 2030 Mobility Plan project listing. The amendment was transmitted to the Florida Department of Economic Opportunity in July and has been approved and returned for final City approval.

Policy Impact Area: Comprehensive Plan amendment

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2012-614

Introducer/Sponsor(s): LUZ Committee

Date of Introduction: October 9, 2012

Committee(s) of Reference: LUZ

Date of Analysis: October 11, 2012

Type of Action: Comprehensive Plan amendment

Bill Summary: The bill approves a text amendment to the 2030 Comprehensive Plan Future Land Use Element (FLUE) regarding maximum residential density limitations for small-scale amendments to non-residential land use categories.

Background Information: The amendment amends the FLUE by deleting existing language setting the maximum density under a small-scale land use amendment at 10 units per acre from the “density” sections of the NC, CGC, RPI and BP future land use categories and inserting language limiting residential development on sites less than 10 acres in size located within predominantly non-residential future land use categories and that are processed by means of a small-scale map amendment to a maximum of 10 dwelling units per acre, unless processed as a PUD. The maximum density within a PUD shall be determined by analysis of compatibility with abutting properties using a set of fixed criteria. The amendment establishes the criteria, which include potential for the development to cause blighting or other negative impacts on abutting properties, traffic impacts, site access, transition of densities to abutting developed properties, configuration and orientation of the property, natural or manmade buffers or boundaries, height of development, bulk and scale of development, building orientation, site layout and parking layout. The amendment was transmitted to the Florida Department of Economic Opportunity in July and has been approved and returned for final City approval.

Policy Impact Area: Comprehensive Plan amendment

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2012-620

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

Date of Introduction: October 9, 2012

Committee(s) of Reference: F

Date of Analysis: October 11, 2012

Type of Action: Amendment of bond covenant conditions

Bill Summary: This bill amends the Special Revenue (covenant) pledge master ordinance for the Banking Fund to standardize the Anti-Dilution Test (ADT) and certain definitions in accordance with industry market standards, which would take effect upon the further approval of 51% of registered bondholders.

Background Information: The definition of Certified Interest Rate is streamlined to replace subjective interest rate assumptions with standard market indexes to allow for a more transparent computation of future interest expense on variable rate debt. A definition of Supplemental Revenues is being added to capture bond specific revenues not currently being considered in the computation for the ADT, where the debt service tied to such revenue is being counted. The ADT is being modernized to conform to a version used by most other Florida issuers, which eliminates the multi-tiered "percentage of a percentage" approach in favor of a standard 2x coverage ratio.

Policy Impact Area: Banking Fund operations

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2012-621

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

Date of Introduction: October 9, 2012

Committee(s) of Reference: R, F

Date of Analysis: October 11, 2012

Type of Action: Authorizing bond refundings

Bill Summary: This bill authorizes the issuance of Special Revenue bonds to refund a portion of the City's outstanding Capital Projects bonds, Excise Taxes bonds, Guaranteed Entitlement bonds, and Local Government Sales Tax bonds for the purpose of present value savings. The bill waives provisions of the Ordinance Code to permit a negotiated sale of the bonds rather than a competitive sale should market conditions favoring a negotiated sale persist. The final maturity of debt being refunded will not be extended by the refunding bonds. This bill does not authorize additional debt and only proposes to change the pledge revenue that is to refund the outstanding debt of the existing pledges.

Background Information: The existing bonds were initially issued under various revenue specific pledges, which credit ratings currently range from S&P AA- to A (Moody's Aa2 to A1 and Fitch AA+ to AA-). The existing debt will be consolidated under the highly rated (Aa2, AA- and AA, respectively) Special Revenue pledge offering additional debt service savings. The combined, efficient size of the refunding is also expected to benefit the City with greater debt service savings. Additionally, the refunding of the existing pledges with the Special Revenue pledge will contribute towards achieving 51% bondholder consent on the accompanying legislation (Ordinance 2012-620), which provides for a more transparent and standardized Anti-Dilution Test process under the Special Revenue master ordinance.

Policy Impact Area: Bond refunding

Fiscal Impact: The approximate present value savings anticipated with the Special Revenue refunding is \$30 - \$33 million, or at least 12%. This figure is tentative and varies daily with financial market conditions, so does not reflect definitive numbers.

Analyst: Clements

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Bill Type and Number: Ordinance 2012-622

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

Date of Introduction: October 9, 2012

Committee(s) of Reference: R, F

Date of Analysis: October 11, 2012

Type of Action: Authorizing bond refunding

Bill Summary: This bill authorizes the issuance of Capital Improvement Revenue ("Stadium") bonds to refund a portion of its outstanding Series 1997, Series 1998, Series 2002A, Series 2002B and Series 2002C bonds for the purpose of present value savings. The bill waives provisions of the Ordinance Code to permit a negotiated sale of the bonds rather than a competitive sale should market conditions favoring a negotiated sale persist. The final maturity of debt being refunded will not be extended by the refunding bonds. This bill does not authorize additional debt and only proposes to refund existing debt for debt service savings.

Background Information: The City previously issued bonds for the renovation and improvements to EverBank Field (the "Stadium" bonds). The existing bonds were issued as fixed rate debt in a higher rate environment and the City wishes to capitalize on today's low interest rate environment by refunding the bonds for debt service savings.

Policy Impact Area: Bond refunding

Fiscal Impact: The anticipated present value savings of the stadium bond refunding is approx. \$15 – \$17 million, or at least 12%. This figure is tentative and varies daily with financial market conditions, so does not reflect definitive numbers.

Analyst: Clements

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Bill Type and Number: Ordinance 2012-623

Sponsor: Council Member Gaffney:

Date of Introduction: October 9, 2012

Committee(s) of Reference: R; PHS

Date of Analysis: October 12, 2012

Type of Action: Ordinance Code Amendment

Bill Summary: The ordinance regards Chapter 614 (Public Order and Safety); it amends Section 614.138, (Certain Activities Prohibited; Definitions), *Ordinance Code*, to enlarge the area known as the "Urban Core Enhancement Area."

Background Information: The ordinance enlarges areas in proximity to downtown that prohibit certain uses of public and private property such as camping, sleeping and lodging without the consent of the property owner. Specifically, the areas that would, by this ordinance amendment, be included in the "Urban Core Enhancement Area" would be portions of the San Marco, portions of Riverside, Springfield and some surrounding areas. The Urban Core Enhancement Area would be enlarged from approximately 2,165 acres (approximately 3.38 square miles) to 4,939 acres (approximately 7.72 square miles).

Policy Impact: Ordinance Code/Public Safety

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Resolution 2012-624

Introducer/Sponsor(s): Council Member Crescimbeni

Date of Introduction: October 9, 2012

Committee(s) of Reference: R, F

Date of Analysis: October 11, 2012

Type of Action: Authorization to initiate legal action

Bill Summary: The bill authorizes and directs the General Counsel to initiate litigation to determine the validity of the Police and Fire Pension Fund's Senior Staff Voluntary Retirement Plan.

Background Information: The Senior Staff Voluntary Retirement Plan was created by the trustees of the Police and Fire Pension Fund to provide pension benefits to the management personnel of the fund. The Office of General Counsel has issued a legal opinion stating that the board has no authority under City Charter Article 16 (Retirement and Pension Benefits) or Article 22 (Jacksonville Police and Fire Pension Board of Trustees) to create a separate retirement plan for its employees or to create a sub-fund within the Police and Fire Pension Fund for that purpose. The PFPF's private attorney claims that the board does have that power under its authority to set the compensation for its employees. The bill's sponsor wishes the General Counsel's Office to petition the courts to determine whether the board does or does not have the authority to create such a retirement plan. The plan had three participating members: the executive director of the fund, who is still a contributing members; the deputy director of the fund, now deceased, whose widow is receiving a surviving spouse benefit; and one retiree drawing a pension from the plan.

Policy Impact Area: Police and Fire Pension Fund operations

Fiscal Impact: Undetermined.

Analyst: Clements

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Bill Type and Number: Resolution 2012-625

Sponsor: Council Member Schellenberg:

Date of Introduction: October 9, 2012

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

Date of Analysis: October 12, 2012

Type of Action: Request for Proposal Proposition

Bill Summary: This resolution encourages the Mayor to direct the Procurement Division to issue a Request for Proposal for the sale of the JEA.

Background Information: JEA is a publically owned utility owned by the City of Jacksonville; the utility makes an annual contribution to the City currently in the amount of \$94 million dollars. The sponsor of the resolution feels that an RFP for the utility's sale could result in funds that could potentially be applied toward pension issues, paying down the City's debt and augmenting reserves. The sponsor contends that ownership of a utility is not one of the core functions of government.

Policy Impact: JEA\Procurement Division

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-627

Introducer/Sponsor(s): Council President Bishop

Date of Introduction: October 9, 2012

Committee(s) of Reference: F

Date of Analysis: October 11, 2012

Type of Action: Appropriation

Bill Summary: The bill appropriates \$160,000 (\$100,000 from Special Council Operating Contingency and \$60,000 from card room pari-mutuel revenues) to enhance the City's ability to lobby the state government as recommended by the Council's Select Committee on Government Relations and Legislative Affairs.

Background Information: The Select Committee, following a meeting in August, recommended to the Council President that the Council allocate resources to resume hiring a professional lobbyist to represent the City's interests in Tallahassee with the Florida Legislature and state government agencies. In the last couple of years the City has discontinued the hiring of a state government lobbyist and has utilized City personnel going to Tallahassee on an as-needed basis. The City recently received its first payment of \$60,000 in revenues from the operation of the Best Bet Poker Room in the Regency Square area.

Policy Impact Area: City lobbying effort

Fiscal Impact: The bill appropriates \$100,000 from Special Council Operating Contingency and \$60,000 from card room pari-mutuel revenues

Analyst: Clements

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Bill Type and Number: Ordinance 2012-628

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

Date of Introduction: October 9, 2012

Committee(s) of Reference: F, RCD

Date of Analysis: October 11, 2012

Type of Action: Approval of legal settlement agreement; authorization of fund expenditure; authorization of General Counsel legal activities

Bill Summary: The bill approves a legal settlement in the case of Daniel and Jacquelyn Blanchard, Lynn Wright and Leonard and Lisa Zimmer v. Honorable Jim Overton, Property Appraiser regarding the annotation of property records by the Property Appraiser's Office of various properties in Springfield and other neighborhoods where the City formerly had incinerators relating to the possible presence of contaminated incinerator ash. The bill appropriates \$90,000 from the General Counsel's FY11-12 judgments, claims and losses account as a settlement payment to the plaintiffs and authorizes carry-over of the funds to FY12-13. The bill also authorizes the Mayor to execute the settlement agreement and authorizes the General Counsel's Office to undertake such other actions as are necessary to successfully conclude and carry out the settlement agreement.

Background Information: A 2008 ash site consent decree by the courts in the case of US EPA v. City of Jacksonville required the Property Appraiser to place a notice in the public property records warning of the potential presence of hazardous substances on properties where incinerator ash was dumped decades ago. The plaintiffs in this case sued the Property Appraiser over the placement of such notices in the records of their properties, alleging that the Property Appraiser placed the notices before City Council had passed an ordinance directing him to do so and alleging that their properties were outside of the boundaries of identified ash contamination areas and therefore should not have been so marked. This bill settles the litigation by paying a \$90,000 settlement to the plaintiffs in return for dismissal of the lawsuit.

Policy Impact Area: Legal settlement

Fiscal Impact: The bill authorizes payment of \$90,000 from the General Counsel's FY11-12 judgments, claims and losses account, with carry-over authorized to FY12-13.

Analyst: Clements