

LEGISLATIVE FACT SHEET

DATE: 10/14/16

BT or RC No: _____
(Administration & City Council Bills)

SPONSOR: OGC/JFRD
(Department/Division/Agency/Council Member)

Contact for all inquiries and presentations: Chris Garrett

Provide Name: Chris Garrett

Contact Number: 630-7092

Email Address: garrettc@coj.net

PURPOSE: White Paper (Explain Why this legislation is necessary? Provide; Who, What, When, Where, How and the Impact.) Council Research will complete this form for Council introduced legislation and the Administration is responsible for all other legislation.

(Minimum of 350 words - Maximum of 1 page.)

In 2012, a class action lawsuit was filed against the City relating to JFRD's practices and fees for conducting routine fire safety inspections. The lawsuit was ultimately removed to federal court and styled *The Blackstone Building, Inc. v. The City of Jacksonville*, Case No. 3:14-cv-158-J-25PDB, in the Middle District of Florida. The case was settled between the parties following mediation and resulted in a Final Order and Judgment by the Court on September 21, 2016 confirming the parties' agreement. One of the requirements of the settlement agreement is the submission of an agreed upon proposed ordinance to City Council addressing the conduction and billing of fire inspections in Jacksonville. The proposed ordinance expressly addresses the City's election to collect fees for routine fire inspections under State statute and identifies that the methodology for calculating such fees will be based on the square footage of each building inspected, up to any maximum amount identified in Chapter 123. The ordinance also specifies that the fee will be paid by the owner of the property. These procedures vary from current JFRD practices in which occupants of individual suites or portions of buildings have been charged fees based on the square footage of those areas and a tiered fee scale. The currently proposed ordinance includes both the agreed proposed ordinance language modifying Chapter 420, as well as a modification to Chapter 123 to account for the new methodology for calculating fees for such inspections.

PLAIN LANGUAGE OF APPROPRIATION / FINANCIAL IMPACT / OTHER:

Explain: Where are the funds coming from, going to, how will the funds be used? Does the funding require a match? Is the funding for a specific time frame? Will there be an ongoing maintenance? ... and staffing obligation? Per Chapters 122 & 106 regarding funding of anticipated post-construction operation costs.

(Minimum of 350 words - Maximum of 1 page.)

Since the new ordinance will require a different methodology for the calculation of square footage and billing, the exact financial impact cannot be determined. However, the per square foot fee and \$5,000 cap have been calculated at a rate intended to implement the new methodology required by these ordinance changes without impacting the current budget for routine fire inspections. Calculating the expected the billing amounts based on the square footage inspection data for calendar year 2015 or the data for fiscal year 15/16, the amounts are within .4% of the current budgeted amounts.

ACTION ITEMS: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:

	Yes	No
Emergency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Justification of Emergency: If yes, explanation must include detailed nature of emergency.

Federal or State Mandate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.

The introduction of this proposed ordinance is required by the Final Order and Judgment dated September 21, 2016 in the case styled *The Blackstone Building, Inc. v. The City of Jacksonville*, Case No. 3:14-cv-158-J-25PDB, in the Middle District of Florida

Fiscal Year Carryover?

Note: If yes, note must include explanation of all-year subfund carryover language.

CIP Amendment?

Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.

Contract / Agreement Approval?

Attachment & Explanation: If yes, attach the Contract / Agreement and name of Department (and contact name) that will provide oversight. Indicate if negotiations are on-going and with whom. Has OGC reviewed / drafted?

Related RC/BT?

Attachment: If yes, attach appropriate RC/BT form(s).

Waiver of Code?

Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper.

Code Exception?

Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper.

Related Enacted Ordinances?

Code Reference: If yes, identify related code section(s) and ordinance reference number in the box below and provide detailed explanation and any changes necessary within white paper.

ACTION ITEMS CONTINUED: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Continuation of Grant?

Explanation: How will the funds be used? Does the funding require a match? Is the funding for a specific time frame and/or multi-year? If multi-year, note year of grant? Are there long-term implications for the General Fund?

Surplus Property Certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Attachment: If yes, attach appropriate form(s).

Explanation: List agencies (including City Council / Auditor) to receive reports and frequency of reports, including when reports are due. Provide Department (include contact name and telephone number) responsible for generating

Division Chief: _____
(signature)

Date: _____

Prepared By: _____
(signature)

Date: _____

ADMINISTRATIVE TRANSMITTAL

To: MBRC, c/o Roselyn Chall, Budget Office, St. James Suite 325

Thru: Chris Garrett, Assistant General Counsel, OGC

(Name, Job Title, Department)

Phone: 630-7092

E-mail: garrettc@coj.net

From: Chris Garrett, Assistant General Counsel, OGC

Initiating Department Representative (Name, Job Title, Department)

Phone: 630-7092

E-mail: garrettc@coj.net

Primary Contact: Chris Garrett, Assistant General Counsel, OGC

(Name, Job Title, Department)

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E-mail: garrettc@coj.net

CC: Allison Korman Shelton, Director of Intergovernmental Affairs, Office of the Mayor

904-630-1825 E-mail: akshelton@coj.net

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

To: Peggy Sidman, Office of General Counsel, St. James Suite 480

Phone: 904-630-4647

E-mail: psidman@coj.net

From: _____

Initiating Council Member / Independent Agency / Constitutional Officer

Phone: _____

E-mail: _____

Primary Contact: _____

(Name, Job Title, Department)

Phone: _____

E-mail: _____

CC: Allison Korman Shelton, Director of Intergovernmental Affairs, Office of the Mayor

904-630-1825 E-mail: akshelton@coj.net

Legislation from Independent Agencies requires a resolution from the Independent Agency Board approving the legislation.

Independent Agency Action Item: **Yes** **No**

Boards Action / Resolution?

Attachment: If yes, attach appropriate documentation. If no, when is board action scheduled?

FACT SHEET IS REQUIRED BEFORE LEGISLATION IS INTRODUCED