

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
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Bill Type and Number: Ordinance 2017-001

Sponsor: Council Members Anderson, Becton, Brosche, Crescimbeni, Gulliford, Newby and Wilson
(Special Committee on Hemming Park)

Date of Introduction: January 10, 2017

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

Date of Analysis: January 11, 2017

Type of Action: Amend Part 8, Chapter 28, *Ordinance Code*

Bill Summary: This bill amends Part 8 (Trespass in Public Parks; Violations and Appeal), Chapter 28 (Parks, Recreation and Community Services), Sections 28.801, 28.802 and 28.803, *Ordinance Code*, to clarify trespass powers and appeals.

Background Information: On July 15, 2016, the Council President appointed a Special Committee to review the current status and future direction of Hemming Park. The committee discussed various topics including contract extensions, budget proposals, future operation and management of the Park. At the regular meeting on December 14, 2016, the committee passed a unanimous vote to introduce trespass legislation.

The proposed legislation would:

- clarify that the Jacksonville Sheriff's Office or any law enforcement officer designated by the Sheriff was authorized to enforce park rules along with the Jacksonville Ordinance Code and Florida Statutes, and issue notices of trespass after warnings;
- add language regarding violation of Park Rules, Jacksonville Ordinance Code, and certain State Statutes not previously listed in Sec. 28.801 (a);
- indicate that a notice of trespass received after a warning shall be in writing and include a case number; and
- clarify the appeals process.

Policy Impact: *Ordinance Code*; Parks, Recreation and Community Services Department

Fiscal Impact: Undetermined

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-2

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

Date of Introduction: January 10, 2017

Committee(s) of Reference: F

Date of Analysis: January 12, 2017

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 106 – Budget and Accounting Code – to correct the title of one of the City’s two grant match accounts (Federal Matching Grant Reserve) and to specify a name for the second match account (Continuation Grant Match Reserve). It deletes the prohibition against approving supplemental appropriation ordinances by emergency action. It changes the deadline by which the Chief of Fleet Management must transmit the annual vehicle replacement list to the Budget Office from February 1st to April 1st. It removes a provision requiring the Mayor to recommend funding in the proposed budget for replacement vehicles using the City’s short-term loan fund or funds available in the Budget Stabilization Account as the sources. The bill provides for employee cap and temporary hours authorizations to be set at the subfund rather than the major fund level.

Background Information: Several years ago the single grant match account was split into two accounts for accounting and budgeting purposes, but the second account was not officially named in the Budget and Accounting Code. This bill names that second fund. In addition, in 2016 the Council repealed the Banking Fund (short term loan fund) so reference to use of that fund as a source for purchasing replacement vehicles is removed. The application of the employee cap and temporary hours authorization at the subfund level rather than at the major fund level restricts the Mayor’s ability to transfer employees and hours between functions without Council approval.

Policy Impact Area: Budget development procedures

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2017-3

Introducer/Sponsor(s): Council Member Crescimbeni

Date of Introduction: January 10, 2017

Committee(s) of Reference: F

Date of Analysis: January 12, 2017

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 126 – Procurement Code – in Part 9 – Art in Public Places – to clarify that “construction costs” as defined for the purpose of calculating the 0.75% for public art applies to “vertical” construction, and includes engineering, architectural, “and other design” costs. It excludes: the cost of purchasing an existing building; site remediation and abatement costs; the costs for purchases of furniture, fixtures and equipment; demolition costs; and tree mitigation expenses. The bill adds major repairs to windows to the list of alterations specifically excluded from the public art assessment by virtue of being of a “strictly structural or mechanical nature necessary to keep the facility functional...” Maintenance garages are deleted from the definition of “public facilities” for which public art will be required, and the application to parks is clarified to mean “vertical construction within parks...”

The composition of the Art in Public Places Committee is changed to reduce the number of members appointed from the board of the Cultural Council from 3 to 2 and to increase the “community at large” representatives from 5 to 6. The bill increases the percentage of public art funding dedicated for maintenance of public artworks from 5% to 10% and requires that 80% of the allocation percentage shall be dedicated to public art purchases, in addition to the 10% already allocated for art maintenance. The language regarding budgeting of maintenance costs is amended to delete the requirement that the initial project budget for any art installation shall include a maintenance element calculated over the anticipated life of artwork or 20 years, whichever is less, and requires that all maintenance costs shall be included in the initial budget. The bill adds language providing that all gifts, grants and awards of monies shall be deposited in the Art in Public Places Trust Fund and deletes antiquated language regarding public art projects having Priority One status in the Capital Improvement Plan.

Background Information: The impetus for this bill began with the appearance by the Cultural Council before the Rules Committee in one of its special meetings to review boards and commissions, at which time a potential change in the membership of the Council was proposed and the need for an increase in maintenance funding for public art was discussed. Council Member Crescimbeni subsequently met with Cultural Council representatives and others and the scope of proposed changes to the Art in Public Places program expanded to more topics.

Policy Impact Area: Art in Public Places

Fiscal Impact: Undetermined. Some changes in the definition of covered projects will reduce the funding required to be allocated for public art. The change in the maintenance funding requirement may impact initial project budgets.

Analyst: Clements

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Bill Type and Number: Ordinance 2017-4 - amended

Introducer/Sponsor(s): Council Member President at the request of the ~~Clerk of the Courts~~ Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: PHS, F

Date of Analysis: January 12, 2017

Type of Action: Appropriation

Bill Summary: The bill appropriates \$450,000 from the Non-departmental \$65 Court Costs account to ~~the Clerk of the Courts office~~ Court Administration to pay the cost of hiring contract attorneys to support existing court staff in reviewing cases for post-conviction appeals.

Background Information: Rule 3.850 of the *Florida Rules of Criminal Procedure* provides the mechanism for a person convicted in a Florida court to appeal for relief from judgment or release from custody based on a sentence having been imposed in violation of Constitution or laws of the United States or the State of Florida. This bill appropriates \$450,000 from the \$65 Court Costs Account to hire temporary contract attorneys to augment existing Fourth Judicial Circuit staff attorneys in performing these reviews to reduce a backlog of pending cases. The \$65 court costs surcharge levied on persons who are convicted or plead guilty or *nolo contendere* to a felony or misdemeanor was established by the state in 2004 and the proceeds may be used for four purposes: to provide legal aid services and programs; to provide personnel and materials for a public law library; to fund teen court and other juvenile alternative justice programs; and for the Chief Judge of the circuit to use at his/her discretion to supplement state funding for identified court needs.

In April 2016 the Council appropriated \$86,521 (Ordinance 2016-100-E) from the Court Innovations – Cash Carryover Fund to assist the circuit court in handling a backlog of post-conviction review motions when the circuit's budget for contract attorneys was depleted by the number of motions filed. In January 2016 the U.S. Supreme Court ruled that Florida's death penalty sentencing protocol should be amended, which opened the door to Rule 3.850 appeals by persons convicted and sentenced to death in Florida. The courts have since been inundated with appeals for post-conviction review, which will increase the need for additional review capacity through hiring contract attorneys.

Policy Impact Area: Post-conviction reviews

Fiscal Impact: The bill appropriates \$450,000 from the Non-departmental \$65 Court Costs account to ~~the Clerk of the Courts office~~ Court Administration to pay the cost of hiring contract attorneys.

Analyst: Clements

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Bill Type and Number: Ordinance 2017-5

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

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

Date of Analysis: January 13, 2017

Type of Action: Appropriation; Agreement Authorization; Approving Positions

Bill Summary: The ordinance appropriates \$116,800.00 (\$87,000.00 from the State of Florida, Division of Library Information Services, and a City match of \$29,000) to execute Project 16-LISTA-b-02, Opportunity Works @ JPL, an Adult Literacy GED® and ESOL Educational Program, as initiated by B.T. 17.040; it approves and authorizes the Mayor and Corporation Secretary to execute the Library Services and Technology Act Grant Agreement between the State of Florida, Department of State, and the Consolidated City of Jacksonville for an on behalf of the Jacksonville Public Library; it provides for City oversight by the Jacksonville Public Library; it approves positions, as initiated by R. C. 17-062; emergency passage is requested.

Background Information: The purpose of the appropriation is to execute Project 16-LISTA-B-02, Opportunity Works @ JPL. Opportunity Works @ JPL is an adult literacy GED® and ESOL educational program designed to provide support and access to Duval County residents in the areas of Adult Education and Digital Literacy with the goals of obtaining or advancing in employment and/or achieving basic quality of life improvement personal goals; e.g., taking the GED® test, learning English, or establishing an email account. The grant is scheduled to commence upon City approval, with funding expiring on September 30, 2017.

Opportunity Works @JPL and GED® workshops will be piloted in the following libraries: Main Library – 303 Laura Street North 32202, Highlands Regional Library – 1826 Dunn Avenue 32218, Dallas Graham Branch Library – 2304 Myrtle Avenue 32209, Olga L. Bradham and Etta L. Brooks Library- 1755 Edgewood Avenue West 32208 and Charles Webb Wesconnett Library – 6887 103rd Street 21110. JPL serves 680,334 resident and non-resident card holders yearly. Many of these customers are unemployed or underemployed adults who lack a high school diploma and/or have limited literacy skills. The five library service areas targeted for the program have an average population of 20.4% without a high school diploma. Opportunity Works @ JPL addresses this concern to ensure participant access and improvement in educational, digital skills and workforce opportunities.

The nature of the emergency request is that the submission of the grant on August 1, 2016 anticipated an October 1, 2016 approval from the State. JPL did not receive notification until November 3, 2016, and therefore request emergency passage to have a reasonable amount of time to execute the grant requirements.

Policy Impact: Jacksonville Public Library

Fiscal Impact: The ordinance appropriates \$116,800.00.

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-006

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: NCIS, F

Date of Analysis: January 11, 2017

Type of Action: Appropriation

Bill Summary: This bill appropriates \$260,324.00 in additional State Housing Initiatives Partnership (SHIP) program to address the needs of eligible applicants directly impacted by Hurricane Matthew in 2016, as initiated by B.T. 17-041.

Background Information: This is a continuation grant, no match requirement, from the Florida Housing Finance Corporation. The funds are awarded to areas within the State to address disaster recovery needs. The City previously dedicated up to \$2 million in unexpected, unencumbered SHIP fund for disaster recovery related to Hurricane Matthew as allowed by the City's Local Housing Assistance Plan (LHAP). The additional funds must be encumbered by June 30, 2017, and expended by June 30, 2018. The funds are limited to the purchase of emergency supplies, interim repairs, tree and debris removal, construction or repair of wells, payment of insurance deductibles, and security deposits or rental assistance for people displaced from their homes. The Housing and Community Development Division has 1,043 eligible applicants being processed for assistance. The majority of the applicants only require assistance with insurance deductibles.

Policy Impact: Neighborhoods Department/Housing and Community Development Division

Fiscal Impact: The appropriation of \$260,324.00, as initiated by B.T. 17-041.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-7

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: TEU; F

Date of Analysis: January 13, 2017

Type of Action: Appropriation; CIP Amendment

Bill Summary: The ordinance appropriates and transfers \$845,429.58 from the Septic Tank Phase Out Project to the Water/Wastewater System Fund, as initiated by B.T. 17-042; it amends the 2017-2021 five-year Capital Improvement Program, approved by Ordinance 2016-505-E, to decrease funding for the project entitled "Septic Tank Phase Out" and increase funding for the project entitled "Water/Wastewater System Fund."

Background Information: The purpose for the appropriation is to transfer funds from the Septic Tank Phase Out Project, which was used as part of the Lateral Only Connections (LOC) Program. The LOC program has been discontinued and this transfer will move the funding to the Water/Wastewater System fund, adopted by the City council in Ordinance 2016-490-E. The Council finds that the deferral of this amendment of the CIP until the next annual budget and CIP review will be detrimental to the best interests of the community because such deferral will further the length of time the City will repair these systems and continue to negatively impact our waterways and tributaries.

Policy Impact: Septic Tank Phase Out/Water/Wastewater System Fund/Environment

Fiscal Impact: The ordinance appropriates/transfers \$848,429.58

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-008

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: NCIS, F

Date of Analysis: January 11, 2017

Type of Action: Appropriation and transfer

Bill Summary: This bill appropriates and transfers \$370,268.05 in recovered funds from a HUD Escrow Deposit for debit service on HUD 108 Loan Subfund 1A1 – Housing/Community Development to the inactive HUD 108 Loan – LaVilla Debt Service Subfund 238, as initiated by B.T. 17-047.

Background Information: The funds originate from a HUD Escrow Deposit made in 2011. The transfer of the funds will be used to pay a debt service obligation and eliminate the negative cash balance in the inactive HUD 108 Loan – LaVilla Debt Service SF 238.

Policy Impact: Finance & Administration

Fiscal Impact: The appropriation of \$370,268.05, as initiated by B.T. 17-047.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-0012

Sponsor: Council Members Anderson, Becton, Brosche, Crescimbeni, Gulliford, Newby, and Wilson
(Special Committee on Hemming Park)

Date of Introduction: January 10, 2017

Committee(s) of Reference: NCIS, TEU

Date of Analysis: January 11, 2017

Type of Action: Closure, abandonment and/or disclaiming a portion of a right-of-way

Bill Summary: This bill closes, abandons and/or disclaims a portion of a right-of-way bounding Hemming Park, in Council District 7, subject to reservation unto JEA of an easement over the closed right-of-way for ingress and egress and for all utilities.

Background Information: On July 15, 2016, the Council President appointed a Special Committee to review the current status and future direction of Hemming Park. The committee discussed various topics including contract extensions, budget proposals, future operation and management of the Park. At the regular meeting on December 14, 2016, the committee passed a unanimous vote to recommend introduction of the Hemming Park right-of-way closure and abandonment to the JTA for the Skyway Station.

The closure will extend the boundaries of Hemming Park to the back of the curb line and include the abandoned right-of-ways for all of Block 39, Harts Map of Jacksonville, Section 13, Township 2 South, Range 26 East including the rights of way for Duval Street to the north, Laura Street to the east, Monroe Street to the south and Hogan Street to the west. JTA maintains a permit for construction placement and maintenance of Automated Skyway within the boundaries pursuant to an Irrevocable permit and hold Harmless Agreement recorded in Book 8173, Page 767, Current Public Records of Duval County.

Policy Impact: Parks, Recreation and Community Services Department; Public Works Department/Real Estate Division; JEA

Fiscal Impact: Undetermined

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-13

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: TEU

Date of Analysis: January 13, 2017

Type of Action: Right-of-Way Closure

Bill Summary: The ordinance closes, abandons and/or disclaims Bivins Road, a 950.28 foot by 40 foot unopened right-of-way established in Plat Book 12, page 59, Mary Hogans Subdivision, of the Public Records of Duval County, dated July 26, 1926, and located at its intersection with Normandy Boulevard, in Council District 12, at the request of Normandy Boulevard, LLC (the "applicant"), subject to reservation unto the City of Jacksonville and JEA of an easement over the westerly 20 feet of the right-of-way for ingress and egress and all utilities.

Background Information: The closure is requested to allow for future development of the applicant's adjacent property, with lies east of the right-of-way. The right-of-way is unopened but contains JEA, ATT, 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 \$1,688.00 closure application processing fee.

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-14

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: TEU

Date of Analysis: January 13, 2017

Type of Action: Easements' Closures

Bill Summary: The ordinance closes, abandons, and/or disclaims three (3) all utilities easements within RE # 080840-0010, reserved in Ordinance 90-1210-541, recorded in Official Records Book 7055, page 1256 (closing a portion of La Rue Avenue) and in Ordinance 93-944-384, recorded in Official Records Book 7634, page 468 (closing a portion of Belmont Avenue and Lisbon Street) and established by Grant of Easement recorded in Official Records Book 7681, page 2056, in Council District 5, at the request of Southern Baptist Hospital of Florida, Inc. (the "applicant"), subject to reservation unto JEA of an easement over the closed easements for ingress and egress and for all utilities.

Background Information: The closures are requested to facilitate the construction of a parking structure on the site. There are AT&T and JEA facilities in the subject easements. AT&T will relocate its facilities and then abandon the JEA easements. The closures request was sent to various municipal 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 \$1,749.00 application fee.

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-15

Introducer/Sponsor(s): Council Members Bowman, Hazouri and Love

Date of Introduction: January 10, 2017

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

Date of Analysis: January 12, 2017

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 400 – Equal Opportunity/Equal Access, Chapter 402 – Equal Employment Opportunity, Chapter 406 – Public Accommodations, and Chapter 408 – Fair Housing to add “sexual orientation and gender identity” to the list of protected categories of persons. The bill establishes definitions for “sexual orientation” and “gender identity”. It provides exemptions from the applicability of the sexual orientation and gender identity provisions for religious institutions, small employers (fewer than 15 employees), single-sex facilities of public accommodation, and employee dress codes. The bill provides that any ordinance or City Charter provision in conflict with the provisions of this ordinance is repealed to the extent of the conflict, and authorizes the General Counsel to arrange for the codification of the this legislation to effectuate the purposes intended by the Council in adopting the ordinance.

Background Information: This bill represents the third attempt in recent years to amend the Ordinance Code to insert sexual orientation and gender identity into the classes of persons specifically protected from discrimination in the areas of employment, housing, and public accommodations. The bill defines “sexual orientation” as “an individual’s actual or perceived orientation as a heterosexual, homosexual or bisexual.” It defines “gender identity” as “the gender-related identity, appearance, or expression of a person. Gender identity may be demonstrated by a person’s consistent and uniform assertion of a particular gender identity, appearance or expression, or by any other evidence that a person’s gender identity is sincerely held, provided, however, that gender identity shall not be asserted for any improper, illegal or criminal purpose.”

The bill exempts religious organizations (such as churches, synagogues, mosques and schools of religious instruction and non-profit institutions or organizations affiliated therewith) from these new provisions, and exempts small employers with fewer than 15 employees with respect to employment discrimination complaints. The bill provides that businesses or places of accommodation are not prohibited from providing single-sex restrooms, locker rooms, shower facilities, bath houses, health spas, dormitory lodging facilities and similar facilities that are by their nature distinctly private. It also does not prohibit an employer from establishing and enforcing a dress code for employees, provided the dress code is not based on sex stereotypes.

Policy Impact Area: Expansion of non-discrimination classifications of protected persons.

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Ordinance 2017-0016

Sponsor: Council Member Dennis

Date of Introduction: January 10, 2017

Committee(s) of Reference: R, F

Date of Analysis: January 11, 2017

Type of Action: Amending the *Ordinance Code*

Bill Summary: This bill amends the Section 400.217 (Records and Reports), Part 2 (Equal Opportunity/Equal Access Program), Chapter 400 (Equal Opportunity/Equal Access), *Ordinance Code*, to include reporting requirement to City Council; requests the Mayor include in the 2017-2018 Annual Budget for the Consolidation of the City of Jacksonville funding to fill the position of the Assistant Director for the Equal Opportunity/Equal Access Program; and requests independent agencies diversified workforce reporting.

Background Information: In 2004, the Equal Opportunity/Equal Access Program policy was codified in Chapter 400, Part 1, *Ordinance Code*, and reiterated in the Executive Order 03-03, to further the City's commitment to a diverse workforce that was reasonably representative of the community. A provision of the Chapter 400 included a report be conducted by applicable entities regarding the development and monitoring of the programs, and establishment of personnel to oversee and implement goals and objectives. Although applicable entities (consolidated government and independent agencies) were filing the reports, the City Council was not being provided the reports or any details regarding progression or regression experienced by any of the independent agencies.

The amended language clarifies that the report shall be provided in the form specifically indicated by Council Rule 2.214 and must be referred to the committees of reference that handle Finance, Employment, and Equal Opportunity. The report(s) and a presentation must be delivered to City Council annually in March.

Policy Impact: *Ordinance Code*, Equal Opportunity/Equal Access Program

Fiscal Impact: Undetermined

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-17

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: NCIS; F

Date of Analysis: January 13, 2017

Type of Action: Appropriation

Bill Summary: This ordinance concerns a continuation grant. The ordinance appropriates revenue carried forward from prior years' appropriations, as required by the U.S. Department of Agriculture (grantor), to enhance the afterschool food program in Fiscal Year 2016-2017, as initiated by B.T. 17-024.

Background Information: The purpose of this legislation is to use previously appropriated USDA funds as pass-through from the State Department of Health to provide suppers and snacks to students in 76 after school programs. The programs are administered by the Jacksonville Children's Commission through a vendor. Any excess funds shall be carried over into future years until all funds have been spent on food served in the programs.

Food insecurity and hunger adversely affect children and pose long-term challenges. To help insure Jacksonville's children have healthy food that fosters health, social and educational development, JCC supports afterschool and summer nutrition programs. The afterschool food program grant accumulated excess revenue over several years of the grant. These funds are required to be returned to the grantor or used in the program. The grantor advised over this past year that they wanted to see these funds used to provide a heartier snack to all children in the program. The amount of funds in the grant carried forward from the USDA afterschool nutrition funding program being appropriated is \$512,510.93. These funds will be used to pay the vendor for food provided to students in the afterschool programs.

Policy Impact: Jacksonville Children's Commission

Fiscal Impact: Ordinance appropriates revenue carried forward from prior years' appropriation in the amount of \$512,510.93

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-18

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

Date of Introduction: January 10, 2017

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

Date of Analysis: January 12, 2017

Type of Action: Appropriation; fiscal year carry-over provision; approval of economic development agreement; guideline waiver; designation of oversight agency

Bill Summary: The bill appropriates \$34,000 from the Northwest Jacksonville Economic Development Fund – Miscellaneous Sales account to the Northwest Jacksonville Economic Development Fund (NWJEDF) – Subsidies and Contributions to Private Organizations account to provide a grant to 2385 Corbett Street, LLC for renovations to a vacant building located at 2385 Corbett Street for development of a multi-use public event hall, office space and artists' studio space and authorizes carry-over of the appropriation to future fiscal years. The bill approves execution of an economic development agreement with the company for the grant and designates the Office of Economic Development as the City's oversight agency for the project. It also waives several of the standard criteria of the NWJEDF's project evaluation matrix for being non-relevant or justifiably altered.

Background Information: 2385 Corbett Street, LLC (doing business as Mixon Studios) was created to develop a multi-purpose public facility to serve the community's need for a venue for parties, receptions, meetings, workshops, performances, and the like, which is anticipated to create 6 new full-time jobs. The company has spent approximately \$439,000 purchasing 3 privately owned parcels and 1 City-owned parcel in the block bounded by Corbett Street, Patterson Drive, Marie Street and McCoy's Creek in the Mixon Town area (a Level 2 Economically Distressed Area according to the City's rating system) and cleaning up the site. Build-out cost for the facility is expected to be another \$118,000. The company applied for and the NWJEDF board approved a grant of \$34,000 to provide heating and air conditioning improvements to the venue. The grant will be amortized over 5 years, with the company being required to repay a pro rata share of the grant if the project is sold by the developer during the first 5 years after grant distribution.

The bill waives the following NWJEDF Project Evaluation Criteria requirements: demonstration of need for the project through a market study or related documentation (the need was self-determined by the developer); financial requirements regarding corporate financial statements and credit reports (the entity is newly formed and has no corporate financial documents or credit report); third party underwriting requirements (done by the OED staff); and a requirement that NWJEDF grant administration be done by a third party under contract (will be done by the OED staff, as there is no third party administrator currently under contract with the City).

Policy Impact Area: Economic redevelopment

Fiscal Impact: The bill appropriates \$34,000 from the Northwest Jacksonville Economic Development Fund as a 5-year amortizable grant.

Analyst: Clements

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Bill Type and Number: Ordinance 2017-19

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

Date of Introduction: January 10, 2017

Committee(s) of Reference: R, F

Date of Analysis: January 12, 2017

Type of Action: Amendment to redevelopment agreement; approval of mortgage modification agreement; designation of oversight agency; waiver of project evaluation criteria

Bill Summary: The bill approves an amendment to the redevelopment agreement between the City and Jess and Rosa Wilcox (the "developer") originally entered into in May, 2003 to extend the term of a loan from the Northwest Jacksonville Economic Development Fund for an additional 7 years. The bill modifies the mortgage agreement between the City and developer and the promissory note on the loan. The bill also waives two of the (NWJEDF) project evaluation criteria. The Office of Economic Development is designated as the City's oversight agency for the project.

Background Information: By Ordinance 2003-300-E the City Council approved a total of \$240,000 in the form of a loan from the NWJEDF to Jessie and Rosa Wilcox to purchase an existing day care facility on Avenue B and expand their existing nearby day care business. The loan was to be amortized over 5 years with an interest rate of 3% annually and an option to extend the amortization period for another 5 years. The extension option was exercised and a balloon payment of \$141,658.85 was therefore due in May 2013 for the remaining balance of the loan. Due to unforeseen family medical expenses, the Wilcoxes were unable to make the balloon payment in 2013 and requested re-amortization of the loan and extension of the payment deadline. The Housing and Neighborhoods Department, which administered the NWJEDF at the time, did not extend the loan but the Wilcoxes have continued to make the normal monthly payments of \$1,331.04. The remaining balance on the loan is currently \$98,938.40. The OED staff and NWJEDF board both recommend that the loan maturity date be extended for 7 additional years to 2024 with level payments over the 84 month term.

The NWJEDF project evaluation criteria being waived are the annual audit requirement (to be replaced with an annual independently reviewed financial statement and copy of the corporation's tax return) and the third party underwriting requirement (performed by the NWJEDF board).

Policy Impact Area: Economic development

Fiscal Impact: The bill extends the term of the loan repayment for an additional 7 years in lieu of a balloon payment. The City will receive total payments of \$105,374.17 (\$94,938.40 of principal and \$10,435.77 of interest).

Analyst: Clements

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2017-20 - amended

Introducer/Sponsor(s): Council President at the request of the Mayor and by Council Members Schellenberg and Gulliford

Date of Introduction: January 10, 2017

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

Date of Analysis: January 12, 2017

Type of Action: Authorization of health insurance coverage option; authorizing execution of a health care plan administration agreement; invocation of Procurement Code provision regarding direct contracting; Procurement Code waiver; designation of oversight agency; request for emergency one-cycle approval

Bill Summary: The bill authorizes the Compensation and Benefits Division of Employee Services to offer an option to employees and retirees to enroll in a ~~group health plan offered by UF Health~~ network option under the City's self-insurance plan that consists primarily of UF Health providers. It authorizes execution of a contract with Integra Administrative Group, Inc. to act as the third-party administrator for employees and retirees participating in the ~~UF Health plan~~ network from April 1, 2017 through December 31, 2017, with 4 additional 1-year renewal options. The bill invokes the exemption provided in Sec. 126.107(g) of the Procurement Code to authorize procurement of a good or service without a competitive solicitation process if the procurement is directly authorized by Council ordinance. It waives the provisions of Sec. 116.1406(a) to permit the direct award of the administrative contract to Integra without a competitive solicitation process. The bill designates the Compensation and Benefits Division as the City's oversight agency for the ~~UF Health~~ network pilot program and requests one-cycle emergency approval on second reading in order to allow the pilot program to become effective on April 1, 2017.

NOTE: the Employee Services Department has advised that an amendment may be offered in committee to revise the attached agreement regarding the proposed cap on enrollment in the plan and the differential cost of services depending on the number of employees enrolled.

Background Information: UF Health Jacksonville hospital is the only Level 1 trauma center in Northeast Florida and Southeast Georgia and is therefore a vital asset to the region's quality of emergency health care. The facility is also the urban teaching hospital of the University of Florida's College of Medicine with approximately 1,300 faculty and community physicians providing care in more than 100 specialty and subspecialty areas, making it one of the cornerstones of Jacksonville's outstanding medical community. The hospital is also the primary provider of indigent care services to the county's uninsured population. Hospital officials have testified to various Council committees that the facility suffers from an unfavorable ratio of full-pay (private insurance and cash customers) to government paid (Medicare/Medicaid) or non-paying patients and needs to increase its ratio of higher paying patients to maintain financial viability. This agreement provides a means for City-insured employees and retirees to sign up with ~~the UF Health~~ a network consisting primarily of UF Health primary care doctors, and specialists, and the UF Health hospitals for their health care, to be administered by the Integra Administrative Group.

Policy Impact Area: Employee health care options

Fiscal Impact: Potential cost savings to City through negotiation of favorable reimbursement rates for services provided to City employees and retirees and increased employee health; provides additional full-pay patients to the UF Health system to improve its financial viability.

Analyst: Clements

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LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2017-0021

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

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

Date of Analysis: January 11, 2017

Type of Action: Approval and authorization

Bill Summary: This bill incorporates recitals; authorizes the appropriate officials of the City to transfer the property purchased by the Florida Department of Health in Duval-County (DOH-Duval) to Agape Community Health Center, Inc. at no cost.; waives conflicting provisions of Chapter 122 (Public Property), Sections 122.811 (Sales of Tangible Personal Property; Prohibition of Sales of Certain Persons), 122.812 (Surplus, Obsolete and Waste Supplies and other Tangible Personal Property), and 122.821 (Disposal of Surplus Vehicles and Fleet Equipment) *Ordinance Code*, so as to effect the transfer without public bidding and at no cost.

Background Information: The Accounting Division will provide the City's oversight. Additionally, the City provides Fire and Casualty Insurance coverage for County-owned Health Department offices/building and for all furnishings and equipment with costs exceeding \$1000.00. The Agape Community Health Center, Inc. is the new Federal Qualified Health Center (FQHC) which is funded by the U.S. Department of Health Resources and Services Administration (HRSA). The Agape Center will allow for the continuation of intended health services within our community.

Policy Impact: *Ordinance Code*, Equal Opportunity/Equal Access Program

Fiscal Impact: Undetermined

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-0022

Sponsor: Council President at the request of the Jacksonville Aviation Authority (JAA)

Date of Introduction: January 10, 2017

Committee(s) of Reference: F

Date of Analysis: January 11, 2017

Type of Action: Approval and authorization

Bill Summary: This bill amends Ordinance 2015-504-E (the City of Jacksonville Budget Ordinance FY 2015-2016) to revise the total number of temporary hours and the Jacksonville Aviation Authority (JAA) Budget Schedule G; attaches and incorporates a second revised Schedule G.

Background Information: The JAA exceeded their budgeted temporary hours by 730 hours during FY 2015-2016. 224 hours were worked by two permanent part time employees, while the intern program accounted for the remaining 506 hours. The temporary hours increased from 4640 to 5370. Legislation is required to amend Schedule G of Ordinance 2015-504-E. Therefore, on November 28, 2016, the JAA Board approved submitting the legislation to amend 2015-504-E.

Policy Impact: *Ordinance Code*, Finance & Administration, Jacksonville Aviation Authority

Fiscal Impact: There was no fiscal impact since JAA had sufficient funds to cover additional hours.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2017-23

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: TEU

Date of Analysis: January 13, 2017

Type of Action: Surplus Declaration; Conveyance Authorization

Bill Summary: The ordinance declares Jarboe Lane, a private road running from Strickland Road to Kings Road in the City of Neptune Beach, Florida, R.E. Number 177419-0000, in Council District 13 (the "subject parcel") to be surplus to the needs of the City; it authorizes its conveyance to the City of Neptune Beach at no cost and authorizes the Mayor and the Corporation Secretary to execute any and all documents necessary for such conveyance in accordance with the provisions of Subpart B (Real Property Dispositions), Part 4 (Real Property), Chapter 122 (Public Property), *Ordinance Code*.

Background Information: The subject parcel was acquired by the City through tax revision in 2002, and the parcel serves as a private road which provides access to several residences. The City of Neptune Beach has agreed to assume ownership of the subject parcel and will maintain said parcel in perpetuity at its sole cost and expense. The Real Estate Division has conducted an investigation of "need", as required by Section 122.422, and it was determined that the City has no need, present or future, for the parcel.

Policy Impact: Public Works/Real Estate

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-24

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: PHS; F

Date of Analysis: January 13, 2017

Type of Action: Authorization for Agreement

Bill Summary: The ordinance approves and authorizes the Mayor and Corporation Secretary to execute and deliver the Hurricane Matthew Disaster Declaration Federally Funded Public Assistance State Agreement between the State of Florida and the City of Jacksonville allowing the City to be reimbursed for eligible costs and damages from Hurricane Matthew; it provides for oversight by the Emergency Preparedness Division of the Jacksonville Fire and Rescue Department.

Background Information: The federal government will reimburse up to 75% of the eligible costs unless a higher percentage is approved; the State of Florida is required to share the costs eligible for federal financial assistance, and the State has undertaken to share these costs, as appropriated with its subrecipients. The City is required to pay a 12.5% share of the costs of damages (this is not a match, but rather the amount that is not reimbursed by the State). The agreement is valid for 18 months after the date of disaster declaration (10/08/2016), which is April 8, 2018. COJ staff will coordinate the management of the Public Assistance process.

Policy Impact: JFRD/Emergency Preparedness Division

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2017-25

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

Date of Introduction: January 10, 2017

Committee(s) of Reference: TEU

Date of Analysis: January 12, 2017

Type of Action: Moratorium on processing personal wireless communication tower/facility applications for use in the City's rights-of-way.

Bill Summary: The bill imposes a temporary moratorium for a period of 180 days on the acceptance or processing of applications for installation of personal wireless communication systems in the City's rights-of-way.

Background Information: As wireless communication technologies rapidly evolve, provider companies are seeking to install new types of equipment to serve their customers in the rights-of-way of cities and counties on streetlight poles, utility poles, and the like. Section 704(a) (Preservation of Local Zoning Authority) of the federal Telecommunications Act of 1996 preserves local zoning authority over the placement and construction of "personal wireless service facilities" but requires local governments to act on requests to place such facilities on public property in a timely manner and prohibits imposition of regulations that unreasonably discriminate among provider of equivalent services or that would have the effect of prohibiting the provision of such services. As wireless technologies evolve and require different transmission facilities, cities and counties are being approached by service providers with requests to allow new types of equipment, including smaller but more numerous antennas and WiFi "hot spots" that were not contemplated when the current right-of-way regulatory systems were adopted. Jacksonville's general regulations for communications systems installed in public rights-of-way (Ordinance Code Chapter 711, Part 4) were last amended in 2001. Ordinance 2016-113-E enacted new regulations for "Site Leases for Small Cell Antennas on City Improvements."

The Florida Association of County Attorneys has appointed a Cell Tower Right-of-Way Task Force to develop a model ordinance on the subject, and the association recommends that local governments institute a temporary moratorium on considering and approving right-of-way use applications until proposals can be developed to address the latest changes in technology and service provision.

Policy Impact Area: Right-of-way use by third parties

Fiscal Impact: Anticipated to be minimal; telecommunications service providers are currently regulated by the state and don't pay right-of-way fees directly to local governments. It has yet to be determined if private individuals could request placement of certain small wireless communication equipment on city ROWs, and it is not yet known if such individuals would be subject to the City's right-of-way fees.

Analyst: Clements

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Bill Type and Number: Resolution 2017-30

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: R

Date of Analysis: January 9, 2017

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Renee K. Hunter as Chief of the Real Estate Division (Real Estate Officer) within the Public Works Department.

Background Information: Per 32.402 of the *Ordinance Code*, the requirements for this position are a college degree and at least five years' real estate experience in industry, government, brokerage or appraisal.

Ms. Hunter holds a law degree from the Florida Coastal School of Law. She has previously been employed as an Assistant State Attorney at the *State Attorney's Office for the Fourth Judicial Circuit of Florida* before working as an Associate Attorney at *Lindell & Farson, P.A.*

Policy Impact Area: Public Works Department / Real Estate Division operations

Fiscal Impact: The salary range for this position is \$71,766-\$117,168.

Analyst: Shoup

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Bill Type and Number: Resolution 2017-31

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 10, 2017

Committee(s) of Reference: R

Date of Analysis: January 9, 2017

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Leah R. Hayes as the Chief of the Talent Management Division within the Employee Services Department.

Background Information: Section 33.202, *Ordinance Code*, provides that the Chief shall have a bachelor's degree from an accredited institution, proven administrative ability, and at least five years of experience in the field of employee recruiting, training, and employee services management.

Ms. Hayes received a bachelor's degree in community health education from the Appalachian State University. She has been employed with the City of Jacksonville since 2001, working her way up from Public Relations Specialist to Manager of Personnel Services, a position she has held since 2014.

Policy Impact Area: Employee Services Department / Talent Management Division operations

Fiscal Impact: According to Employee Services, the salary range for this position is \$83,707 - \$136,665 annually.

Analyst: Shoup

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Bill Type and Number: Resolution 2017-32

Sponsor: Council President Boyer

Date of Introduction: January 10, 2017

Committee(s) of Reference: R

Date of Analysis: January 9, 2017

Type of Action: Appointment

Bill Summary: This bill appoints Stephen Baker to the Public Service Grant Council, replacing Lois Salaun, for a first term ending December 31, 2018.

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.

Dr. Baker received a doctorate degree in political science from the Northern Illinois University. He was a Professor of Political Science at Jacksonville University from 1985-2014 and is currently employed as Professor Emeritus in Political Science at the JU Public Policy Institute. Dr. Baker resides in the Riverside area within Council District #14.

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 2017-33

Sponsor: Council President Boyer

Date of Introduction: January 10, 2017

Committee(s) of Reference: R

Date of Analysis: January 9, 2017

Type of Action: Appointment

Bill Summary: This bill appoints Jed V. Davis to the Jacksonville Waterways Commission, replacing Penelope "Penny" Steeple Thompson as a member of the General Public, for a first full 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. Davis received a bachelor's degree in sports management from the University of North Florida and is the Vice President of *DDI Inc./Davis Family Office*. He serves on a number of civic organizations including the Jacksonville Zoo and Gardens and is a member of the Northeast Florida Builders Association, Urban Land Institute-North Florida Chapter and JAXUSA Business Development Committee. Mr. Davis resides in the San Marco area within Council District #5.

Policy Impact Area: Jacksonville Waterways Commission operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Shoup