

Jackson, Brenda

From: Jackson, Brenda
Sent: Tuesday, September 24, 2019 2:14 PM
To: Rondinelli, Mellissa; Gabriel, Jason
Cc: CM; SS; CAUDIT; Brown, Cheryl; Gabriel, Jason; Sidman Martin, Margaret; Johnston, Paige; Durden, Stephen; Hodges, Lawsikia; Mervin, Kendra; Jackson, Brenda
Subject: Re: Memo re Ex Parte (a/k/a Cone of Silence) Guidelines; JEA Invitation to Negotiate

Fellow City Council Members, please do not reply to this E-mail.

Dear Mr. Gabriel...I read this memo that you forwarded after our conversation earlier today and I am uncertain what the definition of the "merits of the ITN" references. Specifically, I asked you if the Jacksonville City Council could by resolution require the JEA board to amend the ITN to include language that requires the assumption of the JEA pension liability by "the successful participant in this process" (see ITN #127-19 p. 51, Frequently Asked Questions bullet 26)? I further asked you to explain the role and/or interplay between the Jacksonville City Council and the JEA Board.

I shared that since the JEA is an independent authority and not a separate body politic, who is appointed by the mayor and confirmed by the Jacksonville City Council, what precludes the Jacksonville City Council from acting on a resolution to amend the ITN.

I further shared that if the Jacksonville City Council could require or request the Duval County School Board to amend the proposed 1/2 cent sales tax to include additional considerations for nonprofit public charter schools, what prohibited a resolution requesting an amendment to the ITN.

I specifically asked this because of the current legislation pending before the Jacksonville City Council that requires the unfunded and potential pension liabilities to be assumed and funded by the City of Jacksonville. This legislation, Ordinance 2019-566, amends the Jacksonville Charter.

I shared with you my concerns regarding the quality of life and fiscal impact now and in the future for our Jacksonville residents. Specifically, I shared that we would price folks out of Jacksonville, similar to San Francisco, or diminish the quality of life, similarly to Detroit, with hundreds of millions of dollars in future pension liabilities.

We discussed my confusion with this legislation not being referred to the Rules Committee and how to get it so referred.

Most of our conversation addressed my concerns with the potential recapitalization event and the exclusion of language in the ITN that adequately addressed my concerns. To that end, to receive this memo prohibiting city council members from discussing "merits of the ITN" is troubling to say the least. It may appear that there's an attempt to marginalize and silence elected city council members further.

Please cite case law or other legal precedent that prohibits city council members from discussing the merits of the ITN. I must share that the opinion in the memo is novel to me.

Peace,
Brenda A. Priestly Jackson
District 10 Member
Jacksonville City Council
Sent from my iPhone

On Sep 24, 2019, at 12:55 PM, Rondinelli, Mellissa <MRondinelli@coj.net> wrote:

Dear Honorable Council Members:

Attached is a memo from the General Counsel regarding Ex Parte (a/k/a Cone of Silence) Guidelines related to the JEA ITN process as requested at the Special Meeting held on September 16, 2019. Please do not hesitate to contact Jason individually with any questions you may have.

Thank you,

Mellissa A. Rondinelli

Office Administrator

Executive Assistant to Jason R. Gabriel, General Counsel

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1 Introduced by Council Member Gulliford & Co-Sponsored by Council
2 Members Bishop & Yarborough:

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5 **ORDINANCE 2014-664-E**

6 AN ORDINANCE REGARDING THE OFFICE OF
7 LEGISLATIVE COUNSEL FOR THE CITY COUNCIL;
8 CREATING A NEW CHAPTER 14 (OFFICE OF
9 LEGISLATIVE COUNSEL), *ORDINANCE CODE*, PURSUANT
10 TO SECTION 7.201 OF THE CHARTER; PROVIDING FOR
11 THE PURPOSE, SCOPE, AND ADMINISTRATION OF THE
12 OFFICE OF LEGISLATIVE COUNSEL, AS WELL AS THE
13 HIRING AND SUPERVISION OF THE ATTORNEYS
14 THEREIN, AND THE RELATIONSHIP BETWEEN THE
15 OFFICE OF LEGISLATIVE COUNSEL AND THE OFFICE OF
16 GENERAL COUNSEL; PROVIDING AN EFFECTIVE DATE.

17
18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1. Office of Legislative Counsel Created.** A new
20 Chapter 14 (Office of Legislative Counsel), *Ordinance Code*, is
21 created to read as follows:

22 **CHAPTER 14. ~~RESERVED~~. OFFICE OF LEGISLATIVE COUNSEL.**

23 **Sec. 14.101. Office of Legislative Counsel created.**

24 There is hereby created, an Office of Legislative Counsel,
25 which may be staffed by a chief legislative counsel, assistant
26 legislative counsels, paralegals, or specially retained outside
27 counsels, all to serve the special legal needs of the City Council.

28 **Sec. 14.102. Authority.**

29 The Office of Legislative Counsel is created pursuant to
30 Section 7.201, Charter, which states: "the council may create an
31 office of legislative counsel within the legislative branch whose

1 may be necessary for the proper functioning of the Office of
2 Legislative Counsel.

3 **Sec. 14.106. Initiation and Supervision of legal services.**

4 Legal services provided by the Office of Legislative Counsel
5 shall be initiated and supervised by the Council President; except
6 that the City Council, by resolution, may initiate the use of the
7 Office of Legislative Counsel.

8 **Sec. 14.107. Coordination with Office of General Counsel.**

9 It is contemplated that the relationship between the Office of
10 Legislative Counsel and the Office of General Counsel shall be
11 guided by the following principles:

12 (a) Traditional legal services and staffing offered to the
13 City Council by the Office of General Counsel shall
14 continue.

15 (b) As both the Office of General Counsel and the Office of
16 Legislative Counsel share the singular purpose of
17 supporting and representing the City of Jacksonville, the
18 two offices shall, to the maximum extent practicable,
19 cooperate and share legal resources, opinions, research,
20 experts and expertise, and shall maintain strong and
21 active lines of communication to vet legal issues, all
22 for the ultimate purpose of providing the best legal
23 outcomes to the City of Jacksonville.

24 (c) The Office of Legislative Counsel and the Council
25 Secretary/Director shall coordinate with the Office of
26 General Counsel in order to make available hard copy and
27 electronic research to the Office of Legislative Counsel
28 in the most cost effective manner to the City.

29 (d) Nothing contained herein is intended to limit the General
30 Counsel's authority to issue legal opinions as provided
31 for in Section 7.202, Charter.

1 purpose shall be to advise and assist the council and its
2 committees and members in the achievement of a clear, faithful and
3 coherent expression of legislative policies and to perform such
4 other related duties for the council as the council may by
5 ordinance direct."

6 **Sec. 14.103. Purpose and Scope of Services.**

7 The purpose of this Chapter is to make available to the City
8 Council, as needed, independent legal advice, counsel and services.
9 The City Council hereby recognizes that on occasion, conflicting
10 issues may arise between the legislative branch, the executive
11 branch and the independent agencies, such that independent legal
12 advocacy and counsel, separate from the Office of General Counsel,
13 may be necessary. The only limitation on the scope of services
14 provided by the Office of Legislative Counsel is that the services
15 be directly related to matters that can reasonably be expected to
16 be acted upon by the City Council.

17 **Sec. 14.104. Administration.**

18 The Office of Legislative Counsel shall be administratively
19 housed, funded, budgeted and administered under and by the Council
20 Secretary/Director.

21 **Sec. 14.105. Staffing.**

22 Attorney staffing and compensation for the Office of
23 Legislative Counsel shall be effected and determined by the City
24 Council Personnel Committee, subject to available funding, and
25 subject to appeal by resolution of the City Council. Attorneys
26 working for the Office of Legislative Counsel may be full or part-
27 time city employees, or private attorneys or firms under engagement
28 agreements approved by the Personnel Committee. No attorney in the
29 office shall have civil service status or be entitled to the civil
30 service protections of the Charter. The Council Secretary/Director
31 shall coordinate and provide such administrative assistance that

1 **Section 2. Effective Date.** This ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.
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5 Form Approved:

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7 /s/ *Margaret M. Sidman*

8 Office of General Counsel

9 Legislation Prepared By:

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