Introduced by Council Member Dennis:

**ORDINANCE 2020-**

AN ORDINANCE RELATING TO THE POWERS OF THE CITY COUNCIL AND THE MAYOR; SETTING A PUBLIC REFERENDUM; CREATING A NEW SECTION 4.03 and Amending Section 21.03 OF THE CHARTER OF THE CITY OF JACKSONVILLE, IN ORDER TO GRANT TO THE CITY COUNCIL THE EXECUTIVE POWER TO APPOINT THREE MEMBERS OF THE JEA board; PROVIDING FOR REFERENDUM APPROVAL, PROVIDING FOR A FINANCIAL IMPACT STATEMENT TO BE DEVELOPED AND PLACED ON THE BALLOT; DIRECTING THE SUPERVISOR OF ELECTIONS TO PLACE THE REFERENDUM QUESTION ON THE 2020 general ELECTION BALLOT ON november 3, 2020; PROVIDING AN EFFECTIVE DATE.

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

 **Section 1. Applicability; Subject to Referendum.** The amendment to the City of Jacksonville’s Charter as described in the provisions of Section 2 below, shall be subject to and become effective upon the certification of a majority vote in favor of the amendment at the voter referendum as hereinafter set forth.

 **Section 2. Charter Amended.** The Charter of the City of Jacksonville is hereby amended to read as follows:

**CHARTER AND RELATED LAWS**

**PART A – CHARTER LAWS CHARTER OF THE CITY OF JACKSONVILLE, FLORIDA**

**\* \* \***

**ARTICLE 4. – DIVISION OF POWERS**

**\* \* \***

 **Sec. 4.03. – Specific Grants of Executive Power to Council.**

 The Council shall have the executive power to appoint members of the JEA Board provided that Article 21 is amended to provide for Council appointments of some or all members of the JEA Board.

**\* \* \***

**ARTICLE 21. JEA**

**\* \* \***

 **Sec. 21.03. - Composition; compensation; officers; meetings.**

(a)  The governing body of JEA shall consist of 7 members, ~~appointed by the mayor, subject to confirmation by the council~~ each of whom shall serve for a term of 4 years or until such member's successor has been appointed and has qualified. Four members shall be appointed by the mayor and three members shall be appointed by the council, and all shall be confirmed by the council. Each member of JEA shall have been a resident and elector of the city for at least ~~6 consecutive months~~five consecutive years prior to such member's appointment. No member of JEA shall hold any other public office or position. If at any time during a member's tenure on JEA, such member shall cease to possess the qualifications required for membership on JEA, such member shall cease to be a member and a vacancy shall exist on JEA. Any vacancy on JEA, however created, shall be filled for the unexpired term in the same manner as the position was originally filled, and the person filling the vacancy shall have and retain all the qualifications prescribed for membership on JEA. Any member appointed to JEA for 2 consecutive full terms shall not be eligible for the succeeding term. The members appointed by the mayor may be removed by the mayor at any time with or without cause, but a removal must be approved by a two-thirds vote of the council. The members appointed by the council may be removed by the council at any time with or without cause, but a removal must be approved by a two-thirds vote of the council. Within two weeks of approval of the referendum called by Ordinance 2020-\_\_-E, the mayor shall identify four members to complete their respective four-year terms. The terms of other incumbent members shall expire upon appointment of his or her successor by council. Any vacancies on the board as of the date of approval of the referendum called by Ordinance 2020-\_\_-E shall be filled by the council. Should more than three vacancies exist as of such effective date, then the mayor shall appoint any of that number greater than three.

(b)  The members of JEA shall not be entitled to compensation, pension, or other retirement benefits on account of service on JEA, but members and employees shall be entitled to payment of reasonable expenses as provided by the council. Members of JEA shall be subject to the provisions of s. 286.012, Florida Statutes, relating to voting at meetings of JEA, and to the provisions of ss. 112.311 through 112.3175, inclusive, Florida Statutes, as from time to time amended, relating to financial disclosure and conflicts of interest.

(c)  JEA shall elect a chairperson, vice-chairperson and secretary and may elect one or more assistant secretaries, each of whom shall serve for one year or until such officer's successor is chosen. JEA may meet at such times and places designated by it but shall hold regular meetings as necessary, and generally once a month. Special meetings may be held upon the call of the chairperson or any 3 members of JEA. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of JEA shall have one vote. JEA may adopt bylaws and make rules and regulations not inconsistent with this article or general law.

**Section 3. Referendum.**

(a) A referendum of the qualified electors residing in Duval County, Florida is hereby called to be held on November 3, 2020, the 2020 General Election, to determine whether the Charter amendment to grant the Council the executive power to appoint JEA Board members, as set forth in Section 2 of this ordinance, shall become effective.

(b) The referendum shall be held and conducted in the manner prescribed by law for holding elections under a referendum provision.

(c) All qualified electors in the Consolidated City of Jacksonville, including Urban Service Districts 1, 2, 3, 4 and 5, shall be entitled and permitted to vote in the referendum. The places and times of voting shall be those polling places and times established for voting by law. The inspectors and clerks for the referendum shall be designated by the Supervisor of Elections in accordance with applicable State law.

(d) Upon approval of this ordinance, the Supervisor of Elections shall notify the Mayor, City Council President, General Counsel and Council Auditor, by hand and certified mail, of a duty to prepare, within thirty (30) days of such notice, an up to seventy-five (75) word financial impact estimate of the increase or decrease of any revenues or costs to the City of Jacksonville resulting from the implementation of the proposed charter amendment. The financial impact estimate shall be constructed, within the thirty (30) day period, by a committee composed of one representative appointed by the Mayor, one appointed by the City Council President, the General Counsel or his or her designee chosen from the General Counsel's office, the Council Auditor and one member having appropriate fiscal expertise in the subject matter of the proposed charter amendment and selected by the other members stated above. The Office of the Council Auditor and the Department of Finance shall be made available as resources. The Council Auditor shall chair the committee and ensure the timely completion of the financial impact estimate in time to be included on the referendum ballot and advertised as required for the charter amendment.

 (e) The Supervisor of Elections is authorized and directed, when printing the absentee ballots and ballot strips for use in the voting machines for the special referendum election called in Subsection 3(a) hereinabove, to print the ballot title and referendum question set forth in Sections 5 and 6 hereof on said absentee ballots and ballot strips at the appropriate place therefor. Immediately after said question shall be provided a space for the voter to indicate whether the vote is "yes" or "no" on the question.

**Section 4. Notice of Referendum.** The Supervisor of Elections is directed to ensure at least thirty (30) days notice of the referendum by publishing at least twice in a daily newspaper of general circulation in Duval County, once in the fifth week and once in the third week prior to the week in which the referendum is to be held, in the manner provided in Section 18.05 of the City Charter and Section 100.342, Florida Statutes.

 **Section 5. Ballot Title.** The Council hereby directs that the ballot title for the referendum question be in substantially the following form:

“AMENDING JACKSONVILLE CHARTER, GRANTING THE CITY COUNCIL THE AUTHORITY TO APPOINT THREE JEA BOARD MEMBERS”

 **Section 6. Official Ballot.** The Council hereby directs that the following referendum question, in substantially the form set forth below, be placed on the ballot at the election to be held on November 3, 2020, the 2020 General Election:

"Shall the Jacksonville Charter be amended to create a new Section 4.03 and amend Section 21.03 which together will grant to the City Council the executive power to appoint three members of the JEA Board?"

(\_\_\_\_\_) YES.

(\_\_\_\_\_) NO.

**Section 8. Referendum Results.** The Supervisor of Elections for Duval County, Florida shall certify the results of the referendum to the Florida Department of State in accordance with law. If a majority of the votes cast in the referendum shall be for the amendment, the amendment shall be approved, and shall take effect as provided in this Ordinance. If less than a majority of the votes cast in the referendum shall be for the amendment, the amendment shall be defeated, and shall not take effect.

 **Section 9. Exercise of County Powers.** This ordinance is enacted by the Council exercising its power as the governing body of Jacksonville, under Section 3.01, of the Charter of the City of Jacksonville. All duly qualified electors of the City, including Urban Services Districts 1, 2, 3, 4, and 5, shall be entitled to vote thereon.

 **Section 10. Effective Date.** This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor’s signature. If this ordinance is approved by a majority of the duly qualified electors voting in the referendum scheduled herein, then the terms of section 2 of this ordinance shall become effective immediately upon verification of the results of the referendum’s election vote.

Form Approved:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Office of General Counsel

Legislation Prepared By: Paige H. Johnston

GC-#1329841-v1-Dennis\_JEA\_Appt.doc