

OFFICE OF GENERAL COUNSEL
CITY OF JACKSONVILLE
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JACKSONVILLE, FL 32202



MEMORANDUM

TO: Honorable Council Member Rory Diamond

FROM: Paige H. Johnston, Chief of Legislative Affairs, OGC *PHJ*

RE: Legislation introduced at the January 14th City Council Meeting

DATE: January 29, 2020

Please find attached the legislation introduced at the January 14th Council meeting. The bill number(s), short title(s) and committees of reference are as follows:

2020-40 ORD re Responses to Council Auditor; Amend Sec 21.07 (Fiscal & Budgetary Functions), Article 21 (JEA), City Charter, to Prov Process to Respond to Requests Made by Council Auditor within 48 Hrs from Receipt of Council Auditor's Requested Information to Council Auditor. (Johnston) (Introduced by CM Diamond)
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 1/28/20
Public Hearing Pursuant to Sec 21.11, City Charter & CR 3.601 - 2/25/20
Finance, Rules, TEU

The Council Public Hearings for this bill will as follows: **January 28, 2020**, pursuant to Chapter 166, F.S., and **February 25, 2020**, pursuant to Section 21.11, City Charter;

Pursuant to Section 21.11, City Charter, a public hearing on the adoption of the ordinance shall be advertised in substantially the same manner as the council is required to be advertise its intention pursuant to s. 200.065, Florida Statutes, and held not earlier than 30 days after the introduction of the ordinance into the council. The council shall take final action on the ordinance only after the expiration of 60 days after the advertised public hearing, and no ordinance shall be enacted except by a two-thirds vote of the entire council.

Provided there are no delays:

1. The TEU Committee will address this bill on **Monday, April 20, 2020**;
2. The Finance and Rules Committees will address this bill on **Tuesday, April 21, 2020**;
3. Full Council will address this bill on **Tuesday, April 28, 2020**.

1 Introduced by Council Member Diamond:
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3

4 **ORDINANCE 2020-40**

5 AN ORDINANCE REGARDING RESPONSES TO THE
6 COUNCIL AUDITOR; AMENDING SECTION 21.07
7 (FISCAL AND BUDGETARY FUNCTIONS), ARTICLE 21
8 (JEA), *CITY CHARTER*, TO PROVIDE FOR A PROCESS
9 TO RESPOND TO REQUESTS MADE BY THE COUNCIL
10 AUDITOR WITHIN 48 HOURS FROM RECEIPT OF THE
11 COUNCIL AUDITOR'S REQUEST AND PROVIDE A
12 TIMEFRAME FOR SUBMITTING REQUESTED INFORMATION
13 TO THE COUNCIL AUDITOR; PROVIDING AN EFFECTIVE
14 DATE.
15

16 **WHEREAS**, Section 5.10 of the Charter of the City of
17 Jacksonville empowers the Council Auditor to request certain
18 financial information from various offices and departments of City
19 government including independent authorities and other agencies and
20 entities of City government as described therein; and

21 **WHEREAS**, the Charter does not prescribe a process in which
22 those parties acknowledge receipt of a request by the Council
23 Auditor or a timeframe for providing an estimate of the time
24 required to fulfill such request; and

25 **WHEREAS**, the Council would like to create a process in Article
26 21 (JEA), *City Charter*, for JEA, so that a uniform procedure is in
27 place for JEA to communicate and timely comply with the Council
28 Auditor's requests for information; and

29 **WHEREAS**, an amendment to Article 21, *City Charter*, is required
30 to implement such changes; now therefore

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

1 **Section 1. Amending Section 21.07 (Fiscal and budgetary**
2 **functions), Article 21 (JEA), City Charter.** Section 21.07, Article
3 21, *City Charter*, is hereby amended to read as follows:

4 **PART A. CHARTER LAWS CHARTER OF THE CITY OF JACKSONVILLE**

5 * * *

6 **ARTICLE 21. JEA.**

7 * * *

8 **Sec. 21.07. Fiscal and budgetary functions.**

9 JEA shall have fiscal and budgetary functions, subject to the
10 limitations herein expressed:

11 * * *

12 (m) When JEA is in receipt of a request for information from
13 the Council Auditor pursuant to the authority of the
14 Council Auditor under Section 5.10, Charter of the City
15 of Jacksonville, it shall, within 48 business hours of
16 receipt of the request, 1) acknowledge receipt of the
17 request by electronic mail to the Council Auditor, and 2)
18 submit to the Council Auditor an estimated timeframe for
19 which the information requested will be available to the
20 Council Auditor for review. If the information requested
21 by the Council Auditor is not within the purview of JEA
22 or JEA is unsure of the request or unfamiliar with the
23 information that is requested, it should provide such
24 explanation in its response to the Council Auditor.

25 **Section 2. Effective Date.** This ordinance shall become
26 effective upon signature by the Mayor or upon becoming effective
27 without the Mayor's signature.

1 Form Approved:

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3 /s/ Paige H. Johnston

4 Office of General Counsel

5 Legislation Prepared By: Paige H. Johnston

6 GC-#1332492-v1-Diamond_-_JEA_Response_to_Auditor_(Article_21).docx

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