

OFFICE OF GENERAL COUNSEL  
CITY OF JACKSONVILLE  
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JACKSONVILLE, FL 32202



**MEMORANDUM**

**TO:** Honorable Council Member Garret Dennis

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

**RE:** Legislation to be introduced at the February 11<sup>th</sup> City Council Meeting

**DATE:** February 10, 2020

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Please find attached the legislation to be introduced at the February 11<sup>th</sup> Council meeting. The bill number(s), short title(s) and committees of reference are as follows:

**2020-100** ORD- MC Relating to Powers of City Council & Mayor; Setting Public Referendum; Creating New Sec 4.03 & Amend Sec 21.03 of Charter of City of Jax to Grant City Council Exec Power to Appt 4 Members of JEA Board; Prov Referendum Apvl, Prov Financial Impact Statement to be Developed & Place on Ballot; Directing Supervisor of Elections to Place Referendum Question on 2020 Gen Election Ballot on 11/3/20; Prov Timing of Empaneling JEA Board Upon Apvl of Referendum. (Johnston) (Introduced by CM Dennis)  
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 2/25/20  
**Finance, Rules**

The Council public hearing for this bill will be on **Tuesday, February 25, 2020.**

Provided there are no delays:

1. The Finance and Rules Committees will address this bill on **Tuesday, March 3, 2020;**
2. Full Council will address this bill on **Tuesday, March 10, 2020.**

1 Introduced by Council Member Dennis:  
2  
3

4 **ORDINANCE 2020-100**

5 AN ORDINANCE RELATING TO THE POWERS OF THE  
6 CITY COUNCIL AND THE MAYOR; SETTING A PUBLIC  
7 REFERENDUM; CREATING A NEW SECTION 4.03 AND  
8 AMENDING SECTION 21.03 OF THE CHARTER OF THE  
9 CITY OF JACKSONVILLE, IN ORDER TO GRANT TO THE  
10 CITY COUNCIL THE EXECUTIVE POWER TO APPOINT  
11 FOUR MEMBERS OF THE JEA BOARD; PROVIDING FOR  
12 REFERENDUM APPROVAL, PROVIDING FOR A FINANCIAL  
13 IMPACT STATEMENT TO BE DEVELOPED AND PLACED ON  
14 THE BALLOT; DIRECTING THE SUPERVISOR OF  
15 ELECTIONS TO PLACE THE REFERENDUM QUESTION ON  
16 THE 2020 GENERAL ELECTION BALLOT ON NOVEMBER  
17 3, 2020; PROVIDING FOR TIMING OF EMPANELING  
18 THE JEA BOARD UPON APPROVAL OF THE REFERENDUM;  
19 PROVIDING AN EFFECTIVE DATE.  
20

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

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

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

29 **CHARTER AND RELATED LAWS**

30 **PART A - CHARTER LAWS CHARTER OF THE CITY OF JACKSONVILLE, FLORIDA**

31 \* \* \*

1 **ARTICLE 4. - DIVISION OF POWERS**

2 \* \* \*

3 **Sec. 4.03. - Specific Grants of Executive Power to Council.**

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

7 \* \* \*

8 **ARTICLE 21. JEA**

9 \* \* \*

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

11 (a) The governing body of JEA shall consist of 7 members,  
12 ~~appointed by the mayor, subject to confirmation by the council each~~  
13 of whom shall serve for a term of 4 years or until such member's  
14 successor has been appointed and has qualified. Four members shall  
15 be nominated by the council president and confirmed by the council  
16 and three members shall be appointed by the mayor, and shall be  
17 confirmed by the council. Of the four members appointed by the  
18 council, one member shall be appointed through an open application  
19 process, with preference given to applicants who may be a former  
20 employee of JEA (including retired) or may be a person recommended  
21 by an employee, union or group of current or former JEA employees.  
22 Each member of JEA shall have been a resident and elector of the  
23 city for at least ~~6 consecutive months~~ five consecutive years prior  
24 to such member's appointment. No member of JEA shall hold any other  
25 public office or position. If at any time during a member's tenure  
26 on JEA, such member shall cease to possess the qualifications  
27 required for membership on JEA, such member shall cease to be a  
28 member and a vacancy shall exist on JEA. Any vacancy on JEA,  
29 however created, shall be filled for the unexpired term in the same  
30 manner as the position was originally filled, and the person  
31 filling the vacancy shall have and retain all the qualifications

1 prescribed for membership on JEA. Any member appointed to JEA for 2  
2 consecutive full terms shall not be eligible for the succeeding  
3 term. The members appointed by the mayor may be removed by the  
4 mayor at any time with or without cause, but a removal must be  
5 approved by a two-thirds vote of the council. The members appointed  
6 by the council may be removed by the council at any time with or  
7 without cause, but a removal must be approved by a two-thirds vote  
8 of the council.

9 (b) The members of JEA shall not be entitled to compensation,  
10 pension, or other retirement benefits on account of service on JEA,  
11 but members and employees shall be entitled to payment of  
12 reasonable expenses as provided by the council. Members of JEA  
13 shall be subject to the provisions of s. 286.012, Florida Statutes,  
14 relating to voting at meetings of JEA, and to the provisions of ss.  
15 112.311 through 112.3175, inclusive, Florida Statutes, as from time  
16 to time amended, relating to financial disclosure and conflicts of  
17 interest.

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

29 **Section 3. Referendum.**

30 (a) A referendum of the qualified electors residing in Duval  
31 County, Florida is hereby called to be held on November 3, 2020,

1 the 2020 General Election, to determine whether the Charter  
2 amendment to grant the Council the executive power to appoint JEA  
3 Board members, as set forth in Section 2 of this ordinance, shall  
4 become effective.

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

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

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

1 completion of the financial impact estimate in time to be included  
2 on the referendum ballot and advertised as required for the charter  
3 amendment.

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

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

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

23 "AMENDING JACKSONVILLE CHARTER, GRANTING THE  
24 CITY COUNCIL THE AUTHORITY TO APPOINT FOUR JEA  
25 BOARD MEMBERS"

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

30 "Shall the Jacksonville Charter be amended to  
31 create a new Section 4.03 and amend Section

1 21.03 which together will grant to the City  
2 Council the executive power to appoint four  
3 members of the JEA Board?"

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

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

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

14 **Section 9. Timing for empaneling the JEA Board.** To the  
15 extent possible, within two weeks of approval of the referendum  
16 called by Ordinance 2020-\_\_-E, the Council encourages the mayor to  
17 identify three members to complete their respective four-year terms  
18 as mayoral appointees. The terms of other incumbent members shall  
19 expire upon appointment of his or her successor by council. Any  
20 vacancies on the board as of the date of approval of the referendum  
21 called by Ordinance 2020-\_\_-E shall be filled by the council.  
22 Should more than four vacancies exist as of such effective date,  
23 then the mayor shall appoint any of that number greater than four.

24 **Section 10. Exercise of County Powers.** This ordinance is  
25 enacted by the Council exercising its power as the governing body  
26 of Jacksonville, under Section 3.01, of the Charter of the City of  
27 Jacksonville. All duly qualified electors of the City, including  
28 Urban Services Districts 1, 2, 3, 4, and 5, shall be entitled to  
29 vote thereon.

30 **Section 11. Effective Date.** This ordinance shall become  
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature. If this ordinance is approved by a  
2 majority of the duly qualified electors voting in the referendum  
3 scheduled herein, then the terms of section 2 of this ordinance  
4 shall become effective immediately upon verification of the results  
5 of the referendum's election vote.

6  
7 Form Approved:

8  
9  /s/ *Margaret M. Sidman*

10 Office of General Counsel

11 Legislation Prepared By: Paige H. Johnston

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