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MEMORANDUM

TO: Councilmember Carlucci
FROM: Jason R. Teal, General Counsel 
SUBJECT: 2022-232 Legislation
DATE: June 7, 2022

Pursuant to our telephone conference after the discussion occurring at the Rules Committee meeting on June 7, 2022, you requested a memorandum regarding the appropriateness of your legislation 2022-232 being filed as a resolution versus as an ordinance. The definitions of “resolution” and “ordinance” are specified in City Council Rule 3.101, Manner of Legislation. In that Rule, an “ordinance” is:

an official legislative action of the Council, which action is a regulation of a general and permanent nature and enforceable as a local law. In addition to other actions required to be done by ordinance, appropriations shall be made, penalties shall be imposed, taxes, fees and other charges shall be levied or established, mandatory duties and obligations shall be created, and all contracts and agreements requiring Council approval shall be approved, only by ordinance; provided however that economic development investment incentives and related contracts, agreements and appropriations, incorporated as exhibits thereto, shall be approved by resolution. An ordinance shall be amended, waived or repealed only by ordinance.

Additionally, a "resolution" means:

an expression of the Council concerning matters of City administration, an expression of a temporary, advisory or exhortative character, a provision for the disposition of a particular item of the administrative business of the Council, or an approval of economic development investment incentives and related contracts, agreements and appropriations incorporated as exhibits thereto. Appointments shall be made or confirmed by resolution.

Whether a bill should be filed as a resolution versus an ordinance depends on its purpose.

The purposes of Resolution 2022-232, as stated in the bill itself, are:

- 1) to express a sentiment that the Council is determined to “move Jacksonville forward by considering the adverse impact of [statuary and monuments erected post-Civil War that express glorification of the Confederacy and its causes, or were erected during the Jim Crow era] on our citizens . . .”
- 2) to request that the Mayor, his administration and the Council produce a revised plan and timeline to remove the statuary and monuments from public property and park spaces;
- 3) to express a commitment to appropriate funding to cover the costs of the removal; and
- 4) establish a due date for the Mayor’s, his administration’s and the Council’s plan to fund and remove the statuary and monuments to be on or before July 26, 2022.

These purposes of Resolution 2022-232 concern matters of City administration and are requesting an expression of an advisory character and, therefore, most appropriately align with the definition of a resolution as opposed to an ordinance. As such, this bill was appropriately filed as a resolution.