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CITY COUNCIL CONTRACT APPROVAL PROVISIONS – CHARTER AND ORDINANCE CODE

City Charter

Article 7 – Office of General Counsel; Section 7 – Support Enforcement Activity

7.15 – Authority to execute contracts: The mayor and corporation secretary shall have the authority to enter into contracts between the city and the State of Florida and its agencies and also with other counties to provide for financial and other support that may be made available by the state or the counties for the operation of the support enforcement activity. A contract which would obligate the city financially may not be executed without prior approval from the council.

Article 8 – Sheriff

Section 8.01 – Duties: The sheriff shall be responsible for the performance of duties imposed upon the sheriff of Duval County by the Constitution or by the general or special laws of Florida and shall be responsible for the management, operation, and control of law enforcement and traffic safety in the consolidated government. When deemed necessary, the sheriff may contract for traffic engineering services to be provided by an independent engineer or engineering firm, with the approval of the council. He shall administer the prison farm and jails, and shall be responsible for service of civil process.

Article 19 – Employee Relations; Chapter 2 – Public Employees Collective Bargaining

Section 19.207. - Collective bargaining; approval or rejection: ... The public employer, or its representatives, and the bargaining agent, or its representatives, shall meet at reasonable times and places and confer in good faith, but such obligation does not compel either party to agree to a proposal or require the making of a concession. Any agreement reached by the negotiators shall be reduced to writing and such written collective bargaining agreement shall be signed by the negotiators for the public employer and the bargaining agent, and shall become final and binding upon the employer when the same shall have been approved by the mayor and the council and in the event such employees in the bargaining unit are employed by or under the control and under the supervision of an independent agency, approved by such independent agency.

Article 21 – JEA

Section 21.04 – Powers: (b)(4) ... For any real property that exceeds either an assessed value or just market value of \$50,000 as determined by the property appraiser of the county where the real property is located, JEA shall not sell such real property for less than the appraised value as certified by an MAI certified appraiser, unless approved by the council.

Section 21.11 - Privatization, sale, reorganization, service territory transfers prohibited

(d)Prohibited service territory transfers. Any sale, lease, assignment or other transfer of the service territory of a JEA included system to any entity that will result in a total net loss of .01 or 1% or more of the service territory or any sale, lease, assignment, or transfer to any entity that will result in a total net loss of .01 or 1% or more of JEA's electric, water, or wastewater, customer accounts based on the latest available JEA monthly financial statements shall require council approval in advance. JEA shall not enter into any agreement, contract, memorandum of understanding, letter of intent or

other arrangement that would exceed the .01 or 1% or more threshold without obtaining council approval in advance.

Charter Related Laws

Article 3 – Bulk Power Bill for JEA

Section 8 - Council consent and approval required for bond issue; agreements and contracts: Bonds shall be issued under the provisions of this act only upon approval by two-thirds of the membership of the Council of the City of Jacksonville (hereinafter referred to as "Council") except that no such approval shall be required for the issuance of bonds to complete the payment of the cost of a project for which bonds have previously been issued with such approval of the council, to pay the cost of capital improvements to such a project or to refund bonds issued for such a project; and any agreements or contracts entered into by JEA under Section 2(a) of this act shall be subject to the prior consent and approval by two-thirds of the membership of the Council except that no such approval shall be required for the amendment of any such agreement or contract.

Ordinance Code

Chapter 13 – Council Auditor’s Office

Section 13.102. Peer Reviews: ... The Council President, in consultation with the Council Auditor's Office, shall approve the agreement terms executed pursuant to this Section. Any agreements more than \$15,000 shall be procured in accordance with Chapter 126 of the Code or approved by the Council.

~~Chapter 19 -~~

Chapter 25 – Office of General Counsel; Part 2 – Enforcement Activity

Section 25.205. Authorization to execute contracts: The Mayor and Corporation Secretary shall have the authority to enter into contracts between the City and the State of Florida and its agencies and also with other counties to provide for financial and other support that may be made available by the state or the counties for the operation of the Support Enforcement Activity. A contract which would obligate the City financially may not be executed without prior approval from the Council.

Chapter 40 – Tax Collector; Part 2 – Combine Governmental Utility Services Billing

* Sec. 40.202. City—JEA agreement: The Mayor is authorized to negotiate on behalf of the City and present to the Council for approval a contract with the JEA to establish a combined utility services billing system for governmental utility services...

Chapter 55 – Downtown Investment Authority

Sec. 55.108. Powers and Duties: (2)(i) Borrow money as authorized by F.S. § 163.370(2)(g), in a principal amount that exceeds, at the time of borrowing, an amount equal to the unallocated balance available in the applicable Trust Fund as determined by the CRA allocation and transfer process set forth in Chapter 106, Part 3, Ordinance Code, otherwise such borrowing shall require Council approval...

Chapter 77 – Kids Hope Alliance

Sec. 77.108. Essential Services Plan for Kids (b) ... **KHA may not fund any programs, services and activities that are not included in the Essential Services Categories without first obtaining the Council's approval.**

Sec. 77.109. KHA Powers; Annual Report: (a)(8) File applications for federal, State and privately funded grants in order to obtain funding for programs and services that are consistent with the Plan and execute documents, including final grant agreements, necessary to fulfill grant application requirements. **Subject to prior approval and appropriations by the Council** and consistent with this Chapter, the Board may take such action as may be necessary to expend and disburse grant funds to implement grant programs; however, the Board shall adhere to the grant application provisions required by Section 117.109, Ordinance Code, for federal and State grants...

Chapter 102 – Auditing Regulations

Sec. 102.116. Selection of auditor for annual independent audit: (e) All contracts shall be for a period of three years with two one-year renewal options and the fee shall be reconsidered at the end of the initial three-year term. Each year of the respective contract engagement shall require satisfactory performance by the independent auditor. **The contract shall be approved by Council.**

Chapter 108²PART 2²- Data Processing Systems and Equipment

Sec. 108.207. Development and use of data processing systems and equipment: (b) **No agency shall utilize data processing services from any source other than the Intra-Governmental Department, except upon the recommendation of the Intra-Governmental Director and with the prior approval of the Council.** Upon approval by the Mayor, the Intra-Governmental Director may contract for software development for the use of the City's data processing center.

PART 3 – Communications Systems and Services

Sec. 108.309. - Development and use of communications systems and services: (b) **No agency shall utilize communications services from a source other than the Communications Division, except upon the recommendation of the Director of Central Services and with the prior approval of the Council.**

PART 5 – Legal Services

Sec. 108.503. Litigation between agencies prohibited: No agency of the Consolidated Government, including an independent agency required by law or contract to use the services of the Office of General Counsel, shall institute or maintain an action in any of the courts of this State or in any court of the United States against any other agency of the Consolidated Government, including an independent agency, for any cause whatsoever, **unless expressly authorized to do so by the Council.** No agency of the Consolidated Government, including an independent agency required by law or contract to use the services of the Office of General Counsel, shall expend public funds, from whatever source derived, for the purpose of instituting or maintaining an action against another agency of the Consolidated Government, including an independent agency, **unless expressly authorized to do so by the Council.**

Chapter 110 – City Treasury; Part 2 – Custody and Investment of Funds

Sec. 110.203. Investment policies and debt management policies; authorized transactions; cooperation with independent agencies; classes and types of investments; investment pool: (2) Notwithstanding the above, the Director of Finance and Administration is authorized to contract with External Investment Management firms to professionally invest and manage portions of the City's investable assets. In those instances where investment guidelines, by the nature of the investment product provided by External Managers, will differ from those contained herein or in the City's Investment Policy, the investment guidelines governing the management of those assets by the External Investment Manager must first be approved by the City Council's Finance Committee.

(3) Specific authority to invest in Specialty Risk/Externally Managed Funds, as defined in the Investment Policy, and the related specific investment guidelines must be approved by the City Council's Finance Committee and operate within the specific risk exposure guideline established in the City Council approved Investment Policy.

Chapter 111 – Special Revenue and Trust Accounts; Part 3 – Public Safety and Courts

Sec. 111.365. Teen Driver Special Revenue Fund: ... The Director of Finance and Administration, or his designee, is authorized and directed to make disbursements from the Fund upon the written requisition of the Sheriff, or his designee, subject to the availability of funds in the Fund upon appropriation and approval of Council ...

Sec. 111.620. -Community Development Special Revenue Funds: ... Loans and grants in excess of \$100,000 shall require the approval of Council and the execution by the Mayor and Corporation Secretary.

Chapter 112 – Claims By and Against City

Sec. 112.307. Claims and suits brought against the City for monetary relief: (a)(2)(iii) When the total amount of such settlement, including attorneys' fees and costs, exceeds \$50,000, such claim and court or administrative action brought against the City can be settled only by approval of the City Council.

Chapter 113 – Gifts to City

Sec. 113.502. Acceptance: Unless otherwise provided in the Code, all in-kind services donations may be accepted by the Mayor except that the following in-kind services donations shall require City Council approval prior to acceptance: (a) In-kind services for any capital improvement; (b) In-kind services that include the demolition, alteration, relocation, or removal of any portion of a statue, obelisk, or monument; or (c) In-kind services with a monetary value exceeding \$100,000.

Chapter 116 – Employees and Employee Benefits

Sec. 116.802. - Creation of deferred compensation program: ... A committee composed of the Director of Finance and Administration, the Treasurer and the Chief of Procurement shall, from time to time, recommend to the Council one or more plans, to be underwritten or offered (or both) by duly authorized companies, which will meet the object and purpose of the deferred compensation program; and the Council shall, by resolution, approve such of the plans so proposed as it deems

appropriate and in the best interests of the employees. An approved plan shall become a part of the deferred compensation program until such time as the Council by resolution may disapprove the plan and provide for some other duly authorized company or companies to assume the obligations of the disapproved plan.

Chapter 122 – Public Property

Sec. 122.401. - General Provisions Applicable to Subparts A and B: (f) ... All transactions with a present assessed value of \$100,000 or more, or an appraised value of \$100,000 or more if an appraisal was obtained, or transactions of heightened public concern as determined by the administration, require prior approval of the City Council.

Sec. 122.411. Fee Purchases: (a)(1)(i) ... For the purposes of this Section, the term "option contract" means a proposed agreement by the City to purchase a piece of property, subject to the approval of the local governing body at a public meeting after 30 days' public notice. The City is not under any obligation to exercise the option unless the option contract is approved by the City Council at the public hearing specified in this Section.

Sec. 122.428. Leasing of City-owned Real Property: (b) Unless otherwise specifically provided for in this Ordinance Code, including but not limited to those provisions specifically provided for the Downtown Investment Authority in Chapter 55, and with the exception of subsurface interests, which may only be conveyed on approval of the City Council, the Real Estate Division is authorized...

Sec. 122.434. Procedure for disposition of Community Development Property: (d) ... Thereafter, the DIA, acting as the community redevelopment agency, and the Mayor, may execute such contracts, and the Mayor may execute and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contracts; provided however, that where the sales price of the property to be disposed equals or exceeds the appraised value of the property and is greater than \$750,000, then Council approval of the sales contract must be obtained by ordinance prior to execution of the documents by the Mayor and DIA.

Sec. 122.608. In-Kind Services Donations for Capital Improvement Projects; Council Approval Required. In-kind services donations for a Capital Improvement Project shall require a donation agreement between the City and the donor approved by City Council prior to the Mayor's acceptance and donor's commencement of the in-kind services.

Sec. 122.812. - Surplus, obsolete and waste supplies and other tangible personal property: (c) the disposition of tangible personal property for other than fair market value, or not in accordance with the procedures of the Director of Procurement shall require a public purpose, Council approval and the certification by the Director of Procurement that the property is obsolete, wornout or scrapped...

Sec. 122.813. - Disposal of surplus fire and rescue vehicles and equipment; mutual aid and assistance agreement: (b) ... the City shall not agree to include in the agreement any of the following provisions authorized by F.S. § 163.01(5): (2) the contribution to the purchaser of any capital outlay funds or capital equipment, other than the fire or rescue vehicle or equipment which is the subject of the agreement, unless the contribution is approved by the Council ... (4) the fixing

of any rates, fees or other charges for the rendering of any mutual firefighting or emergency medical services aid and assistance, to be paid by the City to the purchaser, unless approved by the Council...

Chapter 126 – Procurement Code

Sec. 126.308. Selection procedures for sports and entertainment facilities promoter and/or manager: (a) City Council approval required. Notwithstanding anything to the contrary in this Chapter, no contract with the City of Jacksonville, to manage or promote a sports or entertainment facility, which contract is awarded after May 22, 2012, shall be valid or binding against the City, unless and until approved by the City Council; and no City officer or employee shall execute same without City Council approval. This Section shall apply to all applicable proposed contracts, whether negotiated and preliminarily approved through the professional services processes of this Part, or by any other process. (b) City Council's right to accept, reject or modify contract. In considering any proposed contract referred to in subsection (a) above, the City Council may accept, reject, or propose modifications to any such proposed contract, and may, subject to the approval of the other contracting parties, modify the terms thereof, including but not limited to the scope, financial, duration, renewal, and termination terms of the proposed contract; it being the intent of the City Council that no third party shall have any interest, anticipation or expectation in or to any proposed terms of a contract until such is approved by City Council and executed by all signatories thereto.

Sec. 126.310. Selection Procedures for Federal or State Lobbying or Grant Writing Professional Services Contracts: (a) Notwithstanding anything to the contrary in this Chapter, no single-source, or other non-competitively awarded, contract with the City of Jacksonville to provide federal or state lobbying or grant writing professional services shall be valid or binding against the City, unless and until approved by the City Council; and no City officer or employee shall execute the same without City Council approval... (b) In considering any proposed contract referred to in subsection (a) above, the City Council may accept, reject, or propose modifications to any such proposed contract, and may, subject to the approval of the other contracting parties, modify the terms thereof, including but not limited to the scope, financial, duration, renewal, and termination terms of the proposed contract; it being the intent of the City Council that no third party shall have any interest, anticipation or expectation in or to any proposed terms of a contract until such is approved by City Council and executed by all signatories thereto.

Chapter 382 – Waste Collection and Disposal Service by Contractors and City

Sec. 382.307. Award of new contract: (a) Within 60 days after the closing date for filing applications, the Council shall adopt a resolution granting or denying a contract in the best interests of the City, and the Mayor may immediately execute a contract pursuant thereto between the City and the successful applicant, subject to the condition that funds therefor are appropriated. A written contract in the form approved by the Council and the Mayor shall be delivered to the successful applicant for execution promptly after the passage of the resolution granting it and shall constitute the City's offer to enter into the contract, which offer shall expire five days after delivery to each successful applicant.

Sec. 382.308. - Contract provisions; exemption from Purchasing Code; extension of contracts: (b) Transferability (1) No contract may be sold, assigned or transferred to another by the contractor named therein, nor shall any person cause or permit the transfer of stock control of a corporate contractor **unless approved by the Council**. The transferor and transferee shall jointly file an application for a transfer, in the same form as required for an application for the original contract, together with the details of the proposed transaction, including consideration, method of payment, effective date of the transfer and other pertinent facts required by the Council. **The Council shall approve or disapprove the transfer in the same manner and based upon the same criteria as apply to the original award of a contract under Sections 382.306 and 382.307.**

Chapter 500 – Community Redevelopment – Policies and Procedures

Sec. 500.108 - Agency Powers – (a) ... the Agencies shall not have the power to: (i) Borrow money as authorized by F.S. § 163.370(2)(g), in a principal amount that exceeds, at the time of borrowing, an amount equal to the unallocated balance available in the applicable Trust Fund as determined by the CRA allocation and transfer process set forth in Chapter 106, Part 3, Ordinance Code, **otherwise such borrowing shall require Council approval...**

(b) **With the approval of the council, the City may:** (1) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire and sell, at below fair market value, real property in a community redevelopment area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, removal or sale, including any administrative or relocation expense...

Sec. 500.110 - Sale and disposal of property in community redevelopment area: (b) ... In the event the value of such real property being disposed of is for less than the fair market value, such disposition **shall require the approval of the Council...**

Chapter 655 – Concurrency and Mobility Management System

Sec. 655.507 – Mobility Fee Credit: (f) Approval of Proposed Mobility Projects – (1)(B) **PMPs with an estimated cost over \$500,000 must be approved by the City Council ...** (2)(B) For PMPs with an estimated cost over \$500,000, the DIA Board must make the CRA Plan consistency determination for the project, **and the PMP must be approved by the City Council.**

Sec 655.508 - Memorialization of Mobility fee, credit, and Trip Reduction: (b)(ii) A "Mobility Fee Contract" is required only in circumstances where the landowner or developer is required to perform certain duties as part of the Mobility fee credit. **All Mobility Fee Contracts for credit require approval by the City Council.**

Chapter 666 – Duval County Tourist Development Plan

Sec. 666.108 – Tourist Development Plan: (b)(4) ... Such facilities owned and operated by a not for profit corporation must be open to the public. **Activities and projects funded from this account shall be approved by the City Council ...** (c)(1) ... The Development Account shall be created pursuant to Section 111.600, Ordinance Code, and **any activities and projects funded from the account shall be approved by City Council.**

Chapter 710 – Cable Television

Sec. 710.121 - Application criteria, qualifications, procedure and costs: (d) ... The Council shall, by resolution, endorse an applicant and authorize the City's entrance into a contract for the cable television franchise if the applicant satisfies the criteria established herein and the City determines that grant of application will serve the public convenience, safety and general welfare.

Chapter 740 – Sidewalks, Curbs and Gutters

Sec. 740.108 - Property owner's petition that lien is incorrect; hearing and Council approval: ... The Tax Collector shall notify the Public Works Department of corrections made in the Street Improvement Lien Book. In cases where no petition is filed within the time allowed herein, the amount of the lien, together with interest thereon, shall, upon approval and confirmation by resolution of the Council, stand fixed as the amount of the City's lien. In all cases where a petition is filed within the required time, the amount of the lien as approved by the Council, together with interest thereon, shall, upon approval and confirmation by resolution of the Council, stand fixed as the amount of the City's lien. Upon approval of the liens by resolution of the Council, the Tax Collector, after having made all corrections as determined by the Council to be necessary to equalize the assessments in proportion to the benefits, shall indicate Council approval thereof in the Street Improvement Lien Book. After Council approval, liens shall stand as true and correct.

Chapter 748 – Streets and Highways System

Sec. 748.304 - Contract payments; expense credit reimbursements: ... No funds shall be disbursed, either directly or by expense credit or other transfer for any work, if an appropriation for a road program project is involved, without the prior approval of the Council.

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February 2025