



# Taxation, Revenue and Utilization of Expenditures (TRUE) Commission

**Marc El Hassan, Chair**  
**Greg Radlinski, Vice Chair**  
**Joe Andrews, Secretary**

## RESOLUTION 2012-2

**A RESOLUTION URGING THE CITY COUNCIL TO RETAIN THE EXISTING ORDINANCE CODE REQUIREMENT THAT MID-YEAR CHANGES TO THE CAPITAL IMPROVEMENT PROGRAM REQUIRE A FINDING OF DETRIMENT TO THE BEST INTEREST OF THE COMMUNITY IF A PROPOSED AMENDMENT IS NOT MADE IMMEDIATELY, AND PROPOSING AN AMENDMENT TO THE ORDINANCE CODE TO CLARIFY AND STRENGTHEN THE MID-YEAR AMENDMENT PROVISION.**

**WHEREAS**, the TRUE Commission has the authority and responsibility to gather information on the soundness of the City's current and long-term financial status, operations and practices; and

**WHEREAS**, it is the responsibility of the Commission to provide important information on and to raise public awareness of public finance issues by researching issues and reporting its findings to the Mayor and City Council, encouraging in-depth media coverage of these issues and by meeting with community, neighborhood, and civic organizations; and

**WHEREAS**, Ordinance Code Section 122.605(c) provides that the City Council may make mid-fiscal year amendments to the Capital Improvement Program (CIP) "only upon a finding by the City Council that deferral of such amendment until the immediately following annual budget review will be detrimental to the best interest of the community; and

**WHEREAS**, the TRUE Commission believes that the CIP should be a well-considered planning document that scrutinizes and carefully prioritizes the City's available capital improvement funds at the beginning of each budget year, and furthermore believes that mid-year amendments to the CIP should be fairly rare, should deal only with truly unanticipated and clearly necessary projects, and should carefully weigh alternative uses for the funds being considered for expenditure, including consideration of using available funds to pay off existing bonded indebtedness, Banking Fund borrowing or other existing financial obligations; and

**WHEREAS**, the TRUE Commission believes that the detriment finding is an essential element to the proper management of the CIP process and that it should remain in the Code and be further amplified as to its definition, necessity, timing and independence of any other vote, for which purpose the Commission has appended suggested language hereto; now therefore

**BE IT RESOLVED**, that the TRUE Commission hereby recommends that pending Ordinance 2012-198 be amended to retain, clarify and strengthen the detriment finding requirement for mid-year amendments to the CIP as shown on the attached document.

Adopted by an 11-0 vote of the Commission on the 5<sup>th</sup> day of April, 2012.

  
\_\_\_\_\_  
Marc Majed El Hassan  
Chairman

1 Introduced by Council Member Gulliford:

2 Suggested amendment by the TRUE Commission:

3  
4 **ORDINANCE 2012-198**

5 AN ORDINANCE AMENDING SECTION 122.605 (REVIEW,  
6 AMENDMENT, ADOPTION AND APPROPRIATION BY CITY  
7 COUNCIL) OF PART 6 (CAPITAL IMPROVEMENT  
8 PROGRAM) OF CHAPTER 122 (PUBLIC PROPERTY),  
9 ~~ORDINANCE CODE, TO CONFORM THE ORDINANCE CODE~~  
10 ~~TO LONG STANDING PRACTICES REGARDING~~  
11 ~~AMENDMENTS TO THE CAPITAL IMPROVEMENT PROGRAM~~  
12 ~~(CIP)~~ CLARIFY THE DEFINITION, NECESSITY,  
13 TIMING AND INDEPENDENCE OF THE FINDING OF  
14 DETRIMENT TO THE BEST INTEREST OF THE  
15 COMMUNITY; PROVIDING FOR AN EFFECTIVE DATE.

16  
17 **WHEREAS,** the Council has had a long standing practice of  
18 enacting mid-year adjustments to the Capital Improvement Program  
19 without enacting formal written findings, as might appear to be  
20 appropriate under Section 122.605(c) *Ordinance Code*; and

21 **WHEREAS,** the Council wishes to continue its full consideration  
22 of mid-year adjustments, considering all factors as the Council  
23 deems appropriate; and

24 ~~**WHEREAS,** the Council deems it appropriate to conform the long~~  
25 ~~standing practices of the Council to Section 122.605(e), now~~  
26 therefore

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

28 **Section 1. Section 122.605(c) (Review, amendment, adoption and**  
29 **appropriation by City Council), Ordinance Code Amended.** Section  
30 122.605(c) (Review, amendment, adoption and appropriation by City  
31 Council), of Part 6 (Capital Improvement Program) of Chapter 122

1 (Public Property) Ordinance Code, is hereby amended to read as  
2 follows:

3  
4 **CHAPTER 122. PUBLIC PROPERTY.**

5 \* \* \*

6 **PART 6. CAPITAL IMPROVEMENT PROGRAM.**

7 \* \* \*

8 **Sec. 122.605. - Review, amendment, adoption and appropriation**  
9 **by City Council.**

10 (a) In conjunction with its review of the annual budgets for  
11 the City and independent agencies, the City Council shall

12 (1) Review the proposed Capital Improvement Program Plan  
13 and the proposed Capital Improvement Program Budget;

14 (2) Amend the proposed Capital Improvement Program  
15 Budget and the Proposed Capital Improvement Plan in the best  
16 interest of the community;

17 (3) Adopt the Capital Improvement Program Budget and the  
18 Capital Improvement Program Plan, as may be amended, by no later  
19 than September 30 of each year; and

20 (4) Make an appropriation to fully fund each Capital  
21 Improvement Project included within the first year of the Capital  
22 Improvement Program Plan.

23 (b) Funds shall not be expended on a Capital Improvement  
24 Project (as defined by Sec. 122.602(a) and (e)), which may have  
25 been line-item approved in a Capital Improvement Plan without  
26 specific reference to precise locations of work, narrowly defined  
27 project costs, or narrowly defined work descriptions, unless and  
28 until such expenditures and an amendment to the Capital Improvement  
29 Plan identifying precise locations of work, narrowly defined  
30 project costs, and narrowly defined work descriptions are  
31 separately approved by City Council.

1 (c) The City Council may amend the Capital Improvement  
2 Program Plan and any appropriations made pursuant to Section  
3 122.605(a)(4) during the then current fiscal year, but only upon a  
4 finding by City Council that the expenditures proposed by the  
5 amendment are the highest and best use of city resources, including  
6 consideration of use of available funds for repayment of bonded  
7 indebtedness, Banking Fund borrowing or other outstanding financial  
8 obligations, and that deferral of such amendment until the  
9 immediately following annual budget review will be detrimental to  
10 the best interest of the community. This finding of detriment shall  
11 be a vote separate from and precedent to the vote on the proposed  
12 CIP amendment and associated appropriation(s) and shall require  
13 approval by a two-thirds majority of the Council Members present.

14 **Section 2. Effective Date.** This ordinance shall  
15 become effective upon signature by the Mayor or upon becoming  
16 effective without the Mayor's signature.

17  
18 Form Approved:

19  
20 /s/ Steven E. Rohan

21 Office of General Counsel

22 Legislation prepared by: Steven E. Rohan

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