

1 Council Members Hyde, Alvarez, Brown, Clark, Copeland, Corrigan,
2 Daniels, Davis, Fullwood, Fussell, Graham, Jenkins, Johnson, Jones,
3 Lockett-Felder, Ray, Self, Shad and Yates offer the following floor
4 substitute to File No. 2005-1009:

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7 **ORDINANCE 2005-1009-E**

8 AN ORDINANCE CREATING A NEW SECTION 110.368
9 (DUVAL COUNTY JOB OPPORTUNITY BANK) *ORDINANCE*
10 *CODE*, TO FUND ASSISTANCE IN JOB SKILLS TRAINING;
11 ESTABLISHING A NEW CHAPTER 180 (DUVAL COUNTY JOB
12 OPPORTUNITY BANK), *ORDINANCE CODE*, ESTABLISHING A
13 BOARD, AND PROVIDING FOR UP TO \$50,000 FUNDING
14 PER ECONOMIC ASSISTANCE RECIPIENTS FROM THE
15 JACKSONVILLE ECONOMIC DEVELOPMENT COMMISSION
16 (JEDC), AND PROVIDING GRANTS TO IMPROVE JOB
17 OPPORTUNITIES FOR LOW INCOME AND LOW SKILL
18 RESIDENTS; PROVIDING FOR PROSPECTIVE
19 APPLICATION; PROVIDING AN EFFECTIVE DATE.

20
21 **BE IT ORDAINED** by the Council of the City of Jacksonville:

22 **Section 1.** Section 110.368 (Duval County Job Opportunity
23 Bank), *Ordinance Code*, is hereby created to read as follows:

24 **CHAPTER 110. CITY TREASURY.**

25 * * *

26 **PART 3. SPECIAL ACCOUNTS AND FUNDS.**

27 * * *

28 **Sec. 110.368. Duval County Job Opportunity Bank.**

29 There is created the *Duval County Job Opportunity Bank*, a
30 permanent trust fund of the City, into which shall be paid the

1 funds received pursuant to Section 180.105, *Ordinance Code*, to wit:
2 the contributions or disbursements from Economic Assistance
3 Recipients or, as approved by a majority of the City Council, by
4 appropriations within the budget of the City or available grants.
5 Any such funds received by the Director of Procurement shall be
6 deposited into the fund, for the purpose of providing grants and
7 other forms of financial assistance to increase job opportunities
8 for job skills advancement residents of the City, to upgrade their
9 job skills, and to provide customized skills training for new and
10 incumbent workers employed by the City. All such funds shall be
11 accounted for separately within the fund and shall be administered
12 by the Director of Procurement and the Duval County Job Opportunity
13 Board as provided in Chapter 180. All sums placed into the fund
14 are hereby appropriated for distribution in accordance with the
15 appropriate provisions of Chapter 180, *Ordinance Code*. Any
16 undistributed funds shall not lapse at the close of any fiscal
17 year, but instead shall carry over to the next fiscal year. The
18 Director of Administration and Finance, or his or her designee, is
19 authorized and directed to make disbursements from the fund upon
20 written requisition of the Director of Procurement and approval of
21 the Duval County Job Opportunity Board, subject to the availability
22 of funds in the fund.

23 **Section 2.** Chapter 180, *Ordinance Code*, is hereby created to
24 read as follows:

25 **CHAPTER. 180. DUVAL COUNTY JOB OPPORTUNITY BANK.**

26 * * *

27 **Sec. 180.101 Short title.**

28 This title may be cited as the "Duval County Job Opportunity
29 Bank".

30 **Sec. 180.102 Definitions.**

For purpose of this section:

- 2 (a) *Board* shall mean the Board of Directors of the Duval
3 County Job Opportunity Bank.
- 4 (b) *City* means the Consolidated City of Jacksonville.
- 5 (c) *Director* means the Director, Department of Procurement.
- 6 (d) *Council* shall mean the City Council of the Consolidated
7 City of Jacksonville.
- 8 (e) *Economic Assistance Recipient* means any for profit entity
9 receiving an incentive in the form of a grant, loan, TIF,
10 credit or other form of assistance from or as approved by
11 the Jacksonville Economic Development Commission (the
12 "JEDC").
- 13 (f) *Job skills advancement resident* means an individual
14 resident of the City whose employment opportunities are
15 restricted by deficiencies or inexperience in education,
16 work experience, work training, work skills, or the loss
17 of certain occupations or industries from the economy of
18 the City and whose job skills deficiencies and residence
19 is certified by the Director.

20 **Sec. 180.103. Establishment of the Duval County Job**
21 **Opportunity Bank.**

22 There is established the Duval County Job Opportunity Bank for
23 the purpose of providing grants and other forms of financial
24 assistance to increase job opportunities for job skills advancement
25 residents of the City, to upgrade their job skills, and to provide
26 customized skills training for new and incumbent workers employed
27 by City employers.

3 **Sec. 180.104. Duval County Job Opportunity Board.**

29 The Duval County Job Opportunity Bank shall be subject to the
30 general direction of the Board, consisting of four (4) members

1 appointed by the Mayor, and three (3) members appointed by the
2 President of the City Council, who cumulatively shall be
3 representative of the various gender, cultural, ethnic, and racial
4 groups which comprise the population of the City, and who each
5 shall be subject to approval by resolution of the City Council.
6 Members shall not be officers or employees of the City of
7 Jacksonville. Each member shall serve a term of three years.
8 Members may be reappointed and serve for two three year terms. The
9 President of the City Council shall designate one of the appointees
10 to serve as the Board Chairperson for a term of two years. The
11 members shall be generally experienced in one or more areas
12 relating to job skills development, including but not limited to
13 human resources administration, vocational training, workforce
14 development, employment, higher education, manufacturing, the
15 service sector and/or apprenticeship programs. The Board shall
16 establish the policy of the Duval County Job Opportunity Bank and
17 advise the Director in matters concerning the operation and
18 administration of the Duval County Job Opportunity Bank. The Board
19 shall meet at least quarterly or more frequently at the discretion
20 of the Board Chairperson.

21 The Board shall be subject to the provisions of Chapter 50,
22 *Ordinance Code*, except as may be provided to the contrary in this
23 Chapter.

24 **Sec. 180.105. Funding of the Duval County Job Opportunity**
25 **Bank.**

26 (a) The Duval County Job Opportunity Bank as established in
27 Section 110.368, *Ordinance Code*, shall be funded by contributions
28 or disbursements from Economic Assistance Recipients or, as
29 approved by a majority of the City Council, by appropriations
30 within the budget of the City or available grants.

(b) Each Economic Assistance Recipient shall remit to the Director, for deposit into the Duval County Job Opportunity Bank as established in Section 110.368, *Ordinance Code*, an amount negotiated by the JEDC with the Economic Assistance Recipient as part of the incentives agreement, provided however that the sum remitted shall be an amount no less than 1% of the maximum amount anticipated to be received as locally provided economic assistance. If the Economic Assistance Recipient is to receive any real property, then the 1% amount shall be based upon 1% of the fair market value of the property as approved by the City. Notwithstanding this formula, no Economic Assistance Recipient shall be required to remit more than \$50,000.00 for any single project approved by the JEDC. The incentives agreement shall provide for the remittance within thirty (30) days of contract execution. As part of the project approval process by the City Council, the JEDC shall report in a separate line item the amount each economic assistance recipient is to remit. The Council shall consider as a factor in its approval deliberations for those agreements it approves, whether, in its opinion and judgment, the amount to be remitted to the Job Opportunity Bank is adequate and proportionate to the economic assistance received. The JEDC shall treat the funding of the Job Opportunity Bank as a significant factor in negotiating economic assistance projects and giving approval to the same.

Sec. 180.106. Administration of the Duval County Job Opportunity Bank.

(a) No funds shall be released from the Duval County Job Opportunity Bank, unless approved by the Board, nor until the balance in the Duval County Job Opportunity Bank reaches the amount of \$100,000. In the first year that the balance of funds in the

Duval County Job Opportunity Bank reaches \$100,000, any funds exceeding \$100,000 may be released as provided in this Chapter.

(b) Funds may be released from the Duval County Job Opportunity Bank in any succeeding calendar year or portion thereof following the initial distribution of funds from the Duval County Job Opportunity Bank when the balance of the Duval County Job Opportunity Bank exceeds \$250,000; provided a reserve of \$250,000 remains in the Duval County Job Opportunity Bank at all times. In the event that the reserve in the fund is less than \$250,000 at any time following the initial distribution of funds, no further funds may be disbursed until the reserve reaches \$250,000.

(c) Duval County Job Opportunity Bank funds shall be maintained in the *Duval County Job Opportunity Bank* trust account identified in Section 110.368, *Ordinance Code*.

Sec. 180.107. Eligibility for Grants.

The following individuals or entities shall be eligible to receive grants or other assistance from the Duval County Job Opportunity Bank.

(a) Job skills advancement residents;

(b) Businesses resident in and/or regularly conducting business in the City, human resource and employment training organizations, trade associations, labor organizations, business coalitions in the City, workforce development providers or non-profit organizations partnered with City businesses or business coalitions seeking to hire job skills advancement residents, provide job skills training for the same, and develop a workforce from those individuals; or

(c) City businesses resident in and/or regularly conducting business in the City, trade associations, labor organizations, business coalitions, workforce development providers or non-profit

1 organizations partnered with City businesses or business coalitions
2 seeking to upgrade the skills of their current workforce, composed
3 of at least 51% City residents, in order to maintain the employment
4 of the current workforce.

5 **Sec. 180.108. Grant applications and priorities.**

6 (a) Grant applications shall be made at the time and in the
7 manner designated by the Director.

8 (b) Grant applications shall include a detailed budget, cost
9 benefit analysis, identifiable performance benchmarks, and a
10 general description of the employment benefits to be derived by the
11 recipient.

12 (c) Grant applications made by City businesses resident in
13 and regularly conducting business in the City, trade associations,
14 labor organizations, business coalitions and partnered non-profit
15 organizations shall also include a proposed workforce development
16 program model demonstrating an effective approach to increasing the
17 employability of program participants or the retention of their
18 current workforce and which is directly linked to existing or
19 anticipated employment opportunities.

20 (d) In evaluating grant applications for decisions as to
21 funding, the Director shall give priority, but in no particular
22 order, to those applications which the Director determines best
23 serve job skills advancement residents in the following categories:

- 24 (1) Youths between 18 and 21 years of age;
- 25 (2) Chronically un-employed or under-employed
26 individuals;
- 27 (3) Dislocated workers;
- 28 (4) Ex-offenders; and
- 29 (5) Veterans.

30 (e) In determining whether to fund grant applications, the

Director shall consider, in addition to the criteria set forth in subsections (c) and (d) of this section, the amount of funds available in the Duval County Job Opportunity Bank; available and reliable information concerning the current and future labor market; the non-duplication of funding available through the federal Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2822) and other federal, state, or local job development and job training programs; and any prior experience of the applicant with job training or workforce development programs.

Sec. 180.109. Grant Agreements.

Any individual, entity or entities awarded grants shall, as a condition for the receipt of funds from the Duval County Job Opportunity Bank, enter into a grant agreement with the Director, the form and contents of which shall be specified by the Director, but which shall minimally contain the following:

(a) Information concerning the name, address and telephone number of any individual grant recipient.

(b) The name, address, telephone number and identity of corporate officers or principal owners, the registered agent of any incorporated recipient; and names of the entity's or individual's banks and account numbers.

(c) Provisions holding harmless and releasing the City, its officers, employees and assigns from any and all liabilities, including those associated with or derived from the acceptance of Job Opportunity Bank funds, subsequent training and any subsequent efforts at obtaining employment.

(d) Provisions guaranteeing the right of the Director to access any and all records of expenditures made with Job Opportunity Bank funds and the right of access to bank or other

1 financial records of all recipients of grants in the amount of
2 \$5,000 or more.

3 (e) Acknowledgment by the recipient of the right of the
4 Director to:

5 (1) Monitor expenditure of funds;

6 (2) Require reports from recipients regarding
7 expenditures, progress, or performance in meeting
8 identified benchmarks, and any other financial or
9 operational information deemed necessary to the
10 Director; and

11 (3) Inspect the recipient's records to obtain the
12 identified information;

13 (f) Acknowledgment by the recipient that the Director may
14 curtail or cancel payment of funds from the Job Opportunity Bank if
15 the recipient does not comply with the requirements of this
16 section; and

17 (g) Acknowledgement by the recipient that all the information
18 provided in the application and grant process is true to the best
19 of the recipient's knowledge, information, and belief, and that the
20 recipient acknowledges the existence of criminal and civil
21 penalties for the provision of false information.

22 **Sec. 180.110. Rulemaking Authority.**

23 The Director shall promulgate and the Board shall approve
24 regulations to implement this chapter. The rules shall be approved
25 by March 31, 2006.

26 **Sec. 180.111. Monitoring.**

27 The JEDC will forward a copy of any agreement for economic
28 assistance to the Director within 30 after execution of the
29 agreement. The Director shall monitor compliance with the payment
30 obligations of Economic Assistance Recipients, and shall monitor

and evaluate the performance of grantees pursuant to regulations
2 established as required by Section 180.110. The Director may
3 terminate or modify grant agreements if the Director determines
4 that the grantee's performance is not in accordance with the grant.
5 Grantees who have their grants cancelled or modified may appeal the
6 Director's action to the Duval County Job Opportunity Board. The
7 decision of the Duval County Job Opportunity Board shall be final
8 and shall not be subject to judicial review.

9 **Section 3. Effective Date.** This ordinance shall become
10 effective upon signature by the Mayor or upon becoming effective
11 without the Mayor's signature. The funds required to be submitted
12 to the Director of Procurement as required by Section 2 above,
13 shall apply to contracts approved after the effective date of this
14 ordinance.

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16 Form Approved:

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18 /s/ Steven E. Rohan

19 Office of General Counsel

20 Legislation Prepared By: Steven E. Rohan

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