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## Preface

On August 27, 2013, Council President Bill Gulliford charged a group of citizens with the responsibility to undertake an in-depth review of the history, formation, and operation of the consolidated government of Jacksonville, including a full examination of all departments, divisions, boards, commissions, and independent authorities. They were also asked to study the relationship between Atlantic Beach, Baldwin, Jacksonville Beach, Neptune Beach, and the Consolidated City of Jacksonville. The committee represented a diverse array of government experience, community and business leaders, and a broad spectrum of community interests. Community-based organizations were invited to participate as an Advisory Board to the Task Force and City Council Representative for District 5, Lori Boyer, was asked to serve as its chair.

After conducting weekly meetings examining the history of consolidation, the demographic shifts of the City, and its evolved government structure since consolidation, and after holding a series of public input meetings, a number of critical issues began to emerge. Those issues were divided and each assigned to one of three committees of the Task Force. The committees continued to meet in order to research and investigate historical and current practices in Jacksonville and best practices from around the nation, and to identify solutions. It must be noted that the committees encountered some challenges with the availability of administrative staff and the provision of information in a timely manner that would allow complete consideration of various issues. The committees in-turn developed recommendations for Charter amendments, ordinance changes, and changes in policy and operation that were taken up by the full Task Force beginning in March 2014. The Task Force on Consolidated Government officially adjourned May 28, 2014, having debated and adopted the recommendations included in this report.

The work of the Task Force would not have been possible without the able assistance of the Executive Administrator for the Task Force, Damian Cook. Mr. Cook coordinated meeting schedules and attendance, prepared handouts, arranged speakers, and coordinated research efforts, and was the primary author of the recommendations presented to committees and this report. We are all most grateful for his commitment, insights, and organization.

Finally, to all of the City staff, employees of the independent authorities, the constitutional officers, the school district, past Mayors and Council Members, and residents, who all took the time to assist the Task Force with this effort, we thank you for all of your help. This undertaking alone is a measure of the amount that those involved in its process care about our City.

# The Task Force on Consolidated Government

## OFFICERS

Hon. Lori N. Boyer ..... Chair  
 Wyman Duggan..... Vice-Chair  
 Hon. Elaine Brown..... Organization & Operations Committee Chair  
 Peter Rummell..... Governance & Mission Committee Chair  
 Rena Coughlin..... Neighborhoods & Planning Committee Chair

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\* members whose resignations were accepted during the term of the Task Force

Among Advisory Committee members, the participation of several stands out. It should be noted that Guy Anderson, representing the Jacksonville Library Board of Trustees, was present at nearly every Task Force and committee meeting and Nancy Garcia, representing the Northeast Florida Association of Realtors; Angela DeMonbreun, representing the League of Women Voters Jacksonville/First Coast; and Arthur Finley, representing the American Federation of State, County, and Municipal Employees Local 1279, were all very frequent attendees.

## Introduction

On October 1, 1968, a new government emerged in northeast Florida called the Consolidated City of Jacksonville. It was the result of merging the former governments of the City of Jacksonville and of Duval County into one streamlined entity. This unique form of government came about as the result of many hours of study and formation, and ultimately a vote of the citizens.

Over the past forty-six years, a number of questions, concerns, comments, and suggestions to make changes in the consolidated government have been advanced. And yet, except for the limited scope of the Charter Review Commission, which meets every 10 years, there has been little formal review of consolidation. No government, company, or team can reach its full potential without regular and meaningful scrutiny and change. As a result, Council President Bill Gulliford announced the formation of the Task Force on Consolidated Government in the summer of 2013. Formally established in Resolution 2013-551, it was hoped that the in-depth study would provide direction for action to improve the government, challenge the status quo, and lead to improved operations, structure, and efficiencies for the people of Jacksonville.

The expressed charge to the Task Force by Council President Gulliford was as follows:

***The Task Force shall undertake an in depth review of the history, formation and operation of the consolidated government, including a full examination of all departments, divisions, boards, commissions, and independent authorities, and shall study the relationship between the Beaches and Baldwin and the Consolidated City of Jacksonville. The Task Force shall bring forth a final report with recommendations for reform and change through legislative action, local referenda and if necessary, suggested state legislative action, by June 30, 2014.***

Following the same format established in the 1966 Blueprint for Improvement, which helped birth the consolidated form of government we have today, the Task Force identified the *Problems* the City currently faces as well as its *Needs*, and came to a conclusion offering *Solutions* in broad terms in the *At-A-Glance* Section that follows.

## At a Glance

### THE PROBLEMS (GENERAL)

1. Divergent missions and strategic goals between Independent Authorities, Constitutional Officers, City Council, and Mayor resulting in a lack of coordination and missed opportunities for the overall success of the City.
2. A significant loss of continuity, momentum, and institutional knowledge every four years as there is significant turnover in unelected as well as elected positions following City elections.
3. A bureaucratic centralized City government that is unresponsive to the unique needs of the widely varied neighborhoods with distinct identities and issues that comprise this large geographic city, often implementing one size fits all standards and programs.
4. The rationale behind Consolidation is no longer in the forefront as a guiding principle for government decisions.
5. Decentralization of common internal services due to internal charging systems and lack of user control over service quality.
6. Inadequate planning for present and future needs, and failure to implement adopted plans.
7. Promises made, as a part of the consolidation campaign, for infrastructure improvements in urban core neighborhoods have yet to be kept.
8. Poor self-image and lack of clear City identity.
9. Lack of public confidence in local government.
10. Opportunities for increased efficiency and effectiveness are many.

### THE PROBLEMS (SPECIFIC)

1. Unsustainable pension obligations and enormous unfunded liability.
2. Slowdown of economic growth.
3. Large number of deteriorated, vacant, and foreclosed properties.
4. High unemployment rate in certain neighborhoods; high incidence of unskilled labor.
5. High violent crime rate.
6. Discontent with the perceived partiality of the Office of General Counsel.
7. Incomplete water and sewer system in urban neighborhoods.
8. School system challenged by poor image and lower than desired graduation rate.
9. Inadequate funding for staff and operation of libraries and parks.
10. Unpaved and unmaintained roads in urban neighborhoods.
11. Water pollution in St. John's River and its tributary rivers and creeks.

12. Inadequate maintenance of existing infrastructure.
13. Inadequate facilities for bicycles, pedestrians, and individuals with disabilities.

14. Arrangement to provide healthcare through lease of City hospital financially unsustainable.
15. Health and wellness role of county Health Department not integrated in City government.

### THE NEEDS

1. A *single unified* mission for all aspects of local government.
2. A system that promotes effective government through retention and transfer of institutional knowledge.
3. A structure that is responsive to the unique needs of the diverse areas of the City and its citizens.
4. A renewed commitment to the infrastructure promises of consolidation.
5. A consensus on community identity and vision for the consolidated City.
6. A structure that ensures a financially sustainable pension system.
7. Adequate funding to maintain public safety, infrastructure, and quality of life and ensure economic viability.
8. A holistic plan for public health and indigent health care.
9. Continuous implementation of opportunities for increased efficiency and effectiveness.
10. A renewed commitment to the principles of consolidation.

### THE SOLUTIONS

1. Create a permanent commission comprised of representative of all aspects of local government tasked with development of a *single unified* mission and strategic plan for the entire consolidated government, and a way of monitoring and ensuring the Independent Authorities, Constitutional Officers, City Council, Mayor, and all aspects of local government are working toward a common goal.
2. Formally recognize the diversity and importance of neighborhoods as an asset of the City.
3. Develop a holistic plan to meet the current and future public health needs of the City and incorporate the Health Department in the day to day decisions of the City.
4. Adopt changes to strengthen the independence of the Office of General and clarify disputed processes.
5. Establish qualifications to ensure that experienced, qualified professionals are hired to run the administrative and financial aspects of the City, and promote the retention of high-quality and effective individuals who fill those, and other, administrative positions.
6. Require that a percentage of the annual Capital Improvement

- Program Budget is set aside for infrastructure projects to remedy unfulfilled promises from consolidation.
7. Implement and strengthen provisions of adopted plans and policies that protect the St. John's River, its tributaries, and the natural environment.
  8. Eliminate internal service charges and move toward a system of shared services.
  9. Follow the recommendation of the Pension Reform Task Force as to governance of the Police and Fire Pension Fund.

## Executive Summary

First and foremost, we must acknowledge that our consolidated government is not only far better than the prior forms of government in Jacksonville and Duval County, but the consolidated structure established 45 years ago performs as well as, or better than, any other structure we reviewed for cities of similar size. The skills, personality and approach that a particular Mayor brings to the office are critical in light of the Strong Mayor model that places not only ceremonial responsibilities but all administrative responsibility on the Mayor, as well as primary responsibility for leadership, direction, and innovation. This is not a structural issue, rather one for voters to understand and evaluate each election. The success of the structure depends on the performance of all of these functions by a Mayor. Of course, the converse is also true. Our structure does not work as well when one or more dimensions of the role of Mayor are given inadequate attention or avoided altogether.

On the whole, our consolidated form of government does make it simpler for those seeking some government approval or action. There is one local government entity to contact, one Mayor and one City Council. However within that entity, there are overlaps, silos, and communication breakdowns that frustrate and challenge our citizens and those doing business with the City. The broadened tax base of the consolidated City has been a positive since population and property values within in the former City boundaries have fallen, while demands for infrastructure repairs and social services have grown in the same areas. The population shift to more recently developed areas, and the racial integration of our City, has changed the demographics of Council districts, and appears to be a continuing trend. Infrastructure improvements have focused on new-growth areas to meet demands of residents and businesses that locate there. Poverty, low graduation rates, and crime continue to create challenges for the City, and the areas plagued by higher crime rates have expanded. Downtown has suffered from the suburban migration of offices and retail and is far less vibrant than it was in 1968. Perhaps consolidation is partly to blame insofar as the focus on downtown diminished and the County would have lacked the financial capability to provide infrastructure for such dramatic growth in the suburbs. Further, our unfunded pension liabilities have skyrocketed, creating serious financial consequences for the City. Yet, overall, we are economically and socially better off than in 1968, many pollution problems have been greatly reduced, racial tensions have diminished (minority candidates have been elected to several citywide offices, including Sheriff and Mayor), and we have become a truly great place to live, work, and raise a family.

Listed below are the greatest challenges we identified with our consolidated government structure and operation, with one notable exception. The Task Force fully recognized that the current unfunded liability of our public pensions, and the issues surrounding the governance and operation of the Police and Fire Pension Fund, were of great significance. However, since the Mayor had convened a Retirement Reform Task Force, with the express purpose of making recommendations in that area, this Task Force did not study those topics and instead simply affirmed the structural and governance recommendations of the Retirement Reform Task Force.

While specific suggestions for Charter amendments, ordinance code changes, and policy and process improvements were identified in order to facilitate subsequent action by Council, the

work of the Task Force should be viewed more broadly. Our emphasis was on identification of issues and opportunities, review and analysis of potential solutions, and then adoption of recommendations. As such, the Council and other implementing bodies may find other alternative solutions preferable, but the issues merit attention. Codification is not always desirable, and the length of the Code is itself an issue. But, formal adoption does record the intention for the future.

- 1. Continuity in Government & Retention of Institutional Knowledge:** The City suffers a significant loss of continuity, momentum, and institutional knowledge every four years as there is significant turnover in unelected as well as elected positions. This reality has the unintended consequence of transferring significant power to those unelected individuals with institutional knowledge, both inside and outside of government. (Continuity in Government “CG”)

**Some of the recommendations designed to address this concern include:**

- i. Increase term limits of Council members from two consecutive four-year terms to three.
- ii. Amend the Charter to specifically create the positions of Chief Administrative Officer and Director of Finance, and to specify professional qualifications and job responsibilities for each.

Extensive consideration was given to the adoption of a County Manager system, whether in lieu of or as a hybrid with our current strong Mayor system. The Task Force concluded that the Strong Mayor structure should be maintained and that a hybrid structure could undermine and create unnecessary internal conflicts. The Task Force concluded that many of the same benefits could be derived from a strong Chief Administrative Officer, who while serving under and at the pleasure of the Mayor, might ideally serve beyond a particular mayoral term due to the administrative nature of the responsibilities assigned. Staggered Council terms were rejected, but the possibility of a third term was considered one positive step for retention of institutional knowledge among those elected and over whom voters have influence.

Other recommendations that help to achieve greater continuity will be identified with the letters CG.

- 2. Integrated Mission & Strategic Plan:** Divergent missions and strategic goals among the Independent Authorities, Constitutional Officers, City Council, and the Mayor often result in a lack of coordination and missed opportunities for leveraged success for the City. (Integrated Mission “IM”)

**Some of the recommendations designed to address this concern include:**

- i. The creation of a permanent Strategic Planning Commission comprised of representatives of the Independent Authorities, Constitutional Officers, City Council, Mayor and other autonomous arms of local government to develop an integrated mission and strategic plan for the consolidated government after seeking advice and input from citizens and community leaders, and to monitor its progress and implementation.

- ii. The addition of a Health Department representative as a liaison/ex officio member of the Public Health and Safety Committee of City Council.
- iii. Require that appointed board members of all Independent Authorities and units of local government receive training on our consolidated form of government, the mission and strategic plan of the City, and the interrelationship between their board and other branches of City government.

The Constitutional Offices, the Independent Authorities, and other independent governing boards such as the Library Board of Trustees were all studied with respect to the pros and cons of their independence and the impacts on consolidation. While the duplication and overlap of core internal services is clearly contrary to the intent of consolidation, the conclusion reached by the Task Force was that each of these entities or offices operated more efficiently and effectively to meet their individual missions than they would if incorporated under the governance of the consolidated government. However, this decision greatly increases the significance of a coordinated and agreed upon strategic plan across jurisdictional boundaries. *It was not the internal operational efficiency of each enterprise or function that was a concern, but rather how they worked together in the best interest of the City.*

Other recommendations that help to create and maintain an integrated mission and strategic plan will be identified with the letters IM.

- 3. Central Services:** Promised elimination of duplicated services and functions, and associated savings, has not been fully realized as “central service” functions have become increasingly de-consolidated. Decentralization is most often the result of disputes over internal charging systems and lack of user control over service quality. (Central Services “CS”)

**Some of the recommendations designed to address this concern include:**

- i. Eliminate the practice of budgeting and billing for indirect costs through internal service charges, with the exception of billing to enterprise funds; manage usage by other administrative means
- ii. Annually evaluate shared service contract opportunities with the Independent Authorities for opportunities to obtain better services.
- iii. Remove unfunded pension liability associated with internal service providers from service charges to enterprise funds and the Independent Authorities; budget for unfunded pension liability as a separate centrally funded line item

Much of the debate over internal service de-centralization derives from disputes over charges that are not within the control of the using department or agency. We believe overall costs could be reduced, and usage of centralized services voluntarily increased, if the internal budgeting/charging system for indirect costs were eliminated. Charges for overhead and indirect costs are allocated in advance such that no action of the using agency can reduce that charge. Further, personnel from the providing entity are often assigned to projects and tasks that bear no relationship to the allocation or beneficiary of the project. An example might be the devotion of IT staff to the development of a particular application that serves one department or the public. Direct costs would still be charged to using departments. The billing/budgeting change would also allow departments to better manage their own budgets, and eliminate the man hours required

by using departments to review internal billing. Transparency is important internally, as well as externally, and overhead costs associated with central services have long been hidden in such charges.

Other recommendations that help to promote greater usage of central services and cost savings that can result from elimination of duplicative services will be identified with the letters CS.

- 4. Neighborhood Engagement, Participation, & Involvement:** A negative consequence of consolidation has been the lack of responsiveness and individual attention given to the widely varied neighborhoods with distinct identities and issues that comprise this huge geographic city. The City has adopted “one size fits all” standards and programs that are not appropriate for our scale and diversity, and government is perceived by citizens as monolithic, too bureaucratic and unresponsive. The resulting citizen and neighborhood discontent impacts our self-image and hinders our ability to achieve our potential. (Neighborhood Engagement “NE”)

**Some of the recommendations designed to address this concern include:**

- i. Amend the Charter to incorporate a Neighborhood Bill of Rights.
- ii. Strengthen and codify Citizen Planning Advisory Councils (CPACs) and expand their membership, roles, responsibilities, and staff support.
- iii. Allow CPACs and neighborhood representatives to have input in development and prioritization of Capital Improvement Projects impacting their area.
- iv. Require City webpage to clearly track and report Capital Improvement Projects.
- v. Charge the Environmental Protection Board and Waterways Commission with collaboratively creating a training program for neighborhood organizations and CPACs about how residents can protect the river.

The Neighborhood Bill of Rights, and little known legislation adopted in 1999, clearly identified this issue years ago. Yet, as neither was codified, their implementation remains unfulfilled and we must address this genuine consequence of consolidation. The Task Force struggled with the effectiveness of the current Citizens Planning Advisory Council structure and the size of the areas they serve—including several Council Districts in each CPAC. Participation in current CPACs varies, and is often weighted toward a portion of the geographic area they serve. One goal of greater neighborhood engagement is to make community decisions on a scale closer to home. To bridge the loss of connection our citizens feel with local government, it is important to encourage strong neighborhood organizations, and to then provide opportunities for such organizations to have meaningful input in City government.

Other recommendations that help to achieve greater neighborhood engagement and participation will be identified with the letters NE.

- 5. Increased Efficiency & Effectiveness of Local Government:** Many opportunities for increased efficiency and/or effectiveness were identified in the course of our review of the current operation and function of consolidated government. (Efficiency and Effectiveness “EE”)

**Some of the recommendations designed to address this concern include:**

- i. Risk Management Division to provide semi-annual appraisal report and list of insured properties to Council (identifies all City-owned buildings).
- ii. All claims for compensatory damages to be paid out of an account under management of Risk Manager.
- iii. Every contract entered into by the City, and legislation authorizing any contract, shall specify which department, agency, or other governmental entity is responsible for management and oversight of the agreement.
- iv. Modify the procurement code to provide for electronic distribution and receipt of bid documents, allow unsolicited bids, revamp committee makeup, modify sole source and proprietary procurement to single source; and make other updates to current best practices.
- v. A minimum of one departmental budget shall be formulated as a zero-based budget each year on a continuous rotating basis.
- vi. The Mayor should be required to certify in each quarterly financial statement, that each department and division is in compliance with its assigned employee caps.
- vii. The City should require that the Police and Fire Pension Fund adopt its annual actuarial rate of return no later than March 1 of each year.
- viii. The continued need for each board and commission shall be reviewed at least once every four years.
- ix. City elections should be moved to November in the “off-off” year or odd numbered year between presidential and state elections.
- x. Inter-local Agreements between the City and the Beaches and Baldwin should be available on the City website and there should be training for all new elected and appointed officials on the terms of, and responsibilities of the parties to, those agreements.
- xi. All ordinances adopted by Council of permanent and binding nature, other than ordinances adopting the annual budgets, ordinances appropriating funds for a specific use, and ordinances regarding site specific land use and zoning approvals, waivers and exceptions, should be published in the Ordinance Code.

In general, our review of the operation and function of our consolidated government revealed many systems that are outdated and cumbersome and make communication between departments and divisions difficult. Many of these issues are technology related, and our City government has not kept up to date. One example is the FAMIS accounting system and our inability to readily access data on capital improvement projects. Another was the discovery that Risk Management maintains an annual appraisal and inventory of City-owned property for insurance purposes yet the Council was recently asked to fund an inventory. The inter-local agreements and other contracts that are obligations of the City are not codified, indexed, or readily accessible so that all employees have access to and knowledge of the terms, nor is there always clear responsibility for oversight. This lack of understanding and responsibility leads to many conflicts that could be resolved by simply having searchable and accessible information options.

A number of timing issues were also identified as impediments to efficient and effective operation. The timing of City elections in the spring, with terms commencing July 1, creates a significant challenge for proper review and understanding of the City budget in the initial year of

the term. Since the budget cycle (preparation in late spring, submission to Council early July, review in August, adoption in September) is based on tax assessment deadlines and state law, a change in election timing would permit greater understanding of the process prior to the first budget cycle of a term. The timing of the adoption of the annual actuarial report and assumptions by the Police and Fire Pension Board is also a major budget challenge at present. Each of these examples, and many more we uncovered, present opportunities for improvement.

Other recommendations that help to achieve greater efficiency and/or effectiveness will be identified with the letters EE.

- 6. Consistency with the Intent & Goals of Consolidation:** In the 45 years since consolidation, laws, ordinances, rules, regulations, and practices have been adopted that are inconsistent with the intent and goals of consolidation. These departures should be examined to determine if they are necessary or appropriate deviations or if changes should be made to return to the structure and intent of voters when consolidation was adopted. Recommendations were made as to those identified, but other examples exist and all arms of local government should consider the impact of future decisions on consolidation. (Consolidation “C”)

**Some of the recommendations designed to address this concern include:**

- i. The creation of special taxing districts, other than geographically limited Tax Increment Districts, are contrary to consolidation and should be approved only after other options have been exhausted.
- ii. The Charter should be amended to separate the Office of General Counsel from the Executive Branch, to clarify roles and responsibilities of Legislative Counsel and the General Counsel, to clarify appointment and confirmation processes, to provide a mechanism for removal, and to clarify other details of the function of the Office.
- iii. Thirteen votes should be required for the City Council to override a Mayoral budgetary line item veto.
- iv. A consistent dedicated percentage (to be determined by Council) of the annual capital improvement budget should be allocated to projects that complete infrastructure in urban areas, as promised at the time of consolidation.

Our study of the history of consolidation, and its underpinnings, goals and intent was enlightening and shaped further review. The content of the Blueprint for Improvement is largely unknown to current elected officials and administrators, yet clearly relevant to current decisions. It appears that the virtues of consolidation, and the details of the originally conceived structure, remained in the forefront of governmental decision-making and largely unchanged for the first 20 or 25 years after adoption. Since that time, there has been a gradual but significant departure from that structure and its goals. This review is an opportunity for renewed commitment and a reminder that the gradual creep toward pre-consolidation silos of authority creates its own set of problems.

One obvious example is the current referendum to create an independent library funding district. The Children’s Commission, UF Health as operator of our public hospital, and a comprehensive park study commission have all similarly advocated for independent funding increments. Other examples concerned the appointment of the General Counsel and operation of the Office of

General Counsel, as well as separation of powers and checks and balance issues that surfaced in our review.

Finally, the promise of urban services and the assurance that no one would be taxed for services they did not receive was a major selling point of consolidation and the concept incorporated in the Charter in the distinction between Urban Service Districts and the General Service District. Yet, many neighborhoods still do not have basic public services, such as City water and sewer services, paved roads, and functioning storm water systems, and a renewed commitment to the promise of fundamental governmental services for all is in order.

As stated in the Blueprint:

*If we are to prosper as an economic area, as a community of the future, as individuals in pursuit of our goals in life we must insure that our core city is viable and able to speak to the world as a living testimony of our accomplishments. To settle for anything less will inevitably lead to a compounding of our community problems and the infliction of further personal hardships on our citizens as individuals.*

Other recommendations that help to achieve greater consistency with the intent and goals of Consolidation will be identified with the letter C.

- 7. Public Trust & Confidence in Government:** In the course of our review of the current structure and operation of consolidated government, we identified a number of Charter provisions, ordinances, rules, and regulations that are vague or should be updated to increase transparency, reflect current practice, and ultimately increase the public's trust in government. The restoration of public confidence in local government was a cornerstone of consolidation, and every effort must be made to achieve and maintain that goal. (Public Trust "PT")

**Some of the recommendations designed to address this concern include:**

- i. The Jacksonville Public Library should be allowed to retain, in their departmental budget, fines collected from their customers.
- ii. The City Council should establish by ordinance the scoring criteria for Capital Improvement Projects; the annual CIP should list the number of years a project has been on the list; CIP prioritization should occur in a public meeting and after an opportunity has been afforded to the public for input.
- iii. Article 19 Collective Bargaining has been superseded by state law and should be removed from the charter to avoid confusion and conflict with Chapter 447 Florida Statutes .

A major goal of consolidation was to reduce voter apathy, increase the ability of the electorate to pinpoint responsibility, and increase understanding of and confidence in local government. Unfortunately, voter turnout in local elections remains lower than hoped. Public confidence in local government is certainly higher than in the state or federal governments, but public trust and confidence remains a challenge.

The Task Force examined the role of the Mayor as the head of the administrative branch of local government, and the roles of district and at-large Council members. The electorate continues to confuse administrative and legislative roles, often turning to district Council members to resolve administrative issues. At the time of consolidation, district Council members were viewed as closer to the electorate and the bridge to consolidated government. The proposed Districts were designed to have a population of 25,000 residents and were closer knit than today. We reviewed other consolidated government structures, and some have more than 40 district representatives in order to keep districts small and personal. Taking into account the complexities of such large numbers, especially in the context of Florida's Government in the Sunshine Law, an expansion of the Council was rejected as impractical. Several recommendations regarding neighborhood engagement and the CIP process are designed to address this concern.

The 1966 Study Commission found that fractionalized policy-making among independent appointed boards hindered the public's ability to pinpoint responsibility and lowered confidence and participation. The number of such entities was significantly reduced at the time of consolidation but has again proliferated. The Task Force looked carefully at the independent authorities and many boards and commissions now in place for opportunities to eliminate or clarify roles and responsibilities. In general, the conclusion was reached that most serve important functions and their varying degrees of independence were warranted. But, the challenge of coordination, cooperation, and responsiveness to the public must not be understated or ignored.

The Task Force found many opportunities where greater transparency could be incorporated into the operation of City government, as well as opportunities to clarify processes to promote confidence in decisions. The fact that 10 votes on the City Council can overturn any hard-fought legislative decision, or even a charter referendum, is disheartening to many citizens and undermines public confidence.

Other recommendations that help to achieve greater public trust and confidence in government will be identified with the letters PT.

8. **Present & Future Planning:** Inadequate planning for present and future needs was identified as a problem of the pre-consolidation city and county governments that our unified government was intended to solve or at least significantly improve. While many plans have been adopted, ordinances regarding capital improvement planning are in effect, and consolidation provided expanded and alternative financing capabilities, the failure to adequately plan for future capital needs and to implement adopted plans remains an issue for Jacksonville. Adopted Neighborhood Action Plans have not been fulfilled; deadlines in the Comprehensive Plan pass without execution and adopted policies are ignored; ordinances requiring true capital projections for future years are considered unimportant as only the first year is "binding"; and ordinances requiring that all capital projects identify the cost and source of funding for future year operations and maintenance is given little consideration. While consolidation was touted as providing additional funding capability that would allow us to properly address future capital needs, the prioritization of those projects in light of future needs has largely been replaced with political decisions. (Planning & Implementation "PI")

**Some of the recommendations designed to address this concern include:**

- i. Review, revise as appropriate, and then utilize Planning Districts for personnel assignments and planning in all departments.
- ii. Establish a task force charged with developing a holistic plan to meet the current and future public health needs of the City.
- iii. Implement the adopted recommendations of the Jacksonville Community Council Inc. “River Dance” study of 2005.
- iv. Create a Citywide overlay for properties within 500 feet of the St. John’s River to provide guidelines for waterfront development.
- v. Require that the Capital Improvement Program budget prioritize projects over a five-year period; in successive years, out-year projects simply move up one year in priority.

The creation of a Strategic Planning Commission to create a unified mission and ensure its implementation in the independent authorities, as well as in City government, is certainly a further attempt to provide a coordinated plan to guide the future direction of the City. Similarly, the concept of a holistic plan to meet the current and future public health needs of the City is a new effort. However, the Task Force acknowledged that many plans designed to guide future policy already exist but are not fully implemented, if at all. Examples include the 2030 Comprehensive Plan, the River Dance study regarding the St. John’s River, and the various pollution reduction initiatives contained in Basin Management Action Plans as well as in various consent orders and agreements, and the capital improvement plan projects that were previously prioritized and have simply disappeared or have continually been pushed into the future. The Task Force urged a renewed commitment to implementation of these and other thoughtfully developed plans to provide cohesive and coherent policy direction for the City.

Other recommendations that help to achieve better planning for future needs and implementation of existing plans and processes will be identified with the letters PI.

# Full Report of the Task Force on Consolidated Government

## Form of Government

### City Council

**Issue:**

Any comprehensive review of our consolidated government would be remiss if it did not include the composition, terms, compensation, and roles of the City Council and its members. At the time of consolidation, District Council members were viewed as closer to the electorate and the bridge to consolidated government. Proposed Districts had a population of 25,000 residents and were tighter knit than today. District boundaries reflected the segregation of the City in 1968 and assured minority representation. At-large representation from geographic residency areas was added to provide a broader perspective and address concerns over racial imbalance. The role was intentionally defined as part-time to encourage candidate participation. How has the City changed, and is this system still the right one for Jacksonville?

- Are 19 Council Members too many, or too few, or about right?
- Are at-large seats desirable? What about the impact of growing district populations? Do at-large seats have a negative impact on the racial and diversity mix of the Council?
- Would staggered terms add desirable continuity?
- Should term limits be extended to 12 years or three terms? Or four-year terms changed to six-year terms?
- Would off-year fall elections allow new members to gain experience before the budget approval process begins?
- Should the term of Council President be extended? Or should the timing of when the Council President takes office be changed?
- Should Council members receive more compensation to allow them to devote full time to Council duties?

**Background:**

The full Task Force repeatedly made the point with regard to elected positions that a distinction should be made between problems that arise as the result of the personality of the official, or officials, holding an office and issues with the structure of the government. The Governance Committee adhered to that tenet and worked very hard to ensure their recommendations were solutions to structural problems within our government and not personality problems, which are best solved by the electorate. The Task Force found that lack of continuity over time, a loss of

institutional knowledge among Council Members, and inefficiencies in Council process to be the general issues.

Through the full Task Force's initial background investigation stage, the Task Force received very little input critical of the form and structure of the City Council. The lone exception was the perception that the inclusion of at-large council members was disadvantageous to minority groups. The Governance Committee carefully reviewed the issue and effect of at-large seats on minority representation. Through discussion of the Committee, the Committee found that while there may be instances where historical voting numbers seem to indicate minorities are not adequately represented in at-large positions, in recent elections we have elected a minority mayor and council member over white opponents in citywide elections. At-large Council Members are removed from some of the daily district issues and thus are free to concentrate on larger City issues and policy development, and to provide a voice for residents who may be in the minority on a District issue. They are often uniquely able to advocate for minorities in regard to the impact of certain decisions beyond district boundaries. The Committee recognized the complexity of this issue, but, based upon the experience of former Council Members, believed that the system allows for at-large members to speak on behalf of residents who feel they are not represented by their district council member, and provides a less parochial perspective on citywide issues. Further, there were no other structural changes that the Committee felt would lead to better representation of the residents than our current situation, and as such, the Committee affirmatively recommends no change to the current use or configuration of the at-large council seats.

The use of staggered terms for Council Members, with elections every two years, was suggested as a way to increase the knowledge base of the Council so newer Council Members would have the benefit of knowing what had been tried in the past, as well as being able to learn from more experienced Council Members how different processes, such as the budget process, work. Staggered terms had been recommended by at least one Charter Review Commission in the past. However, the detrimental effect of almost continuous campaign cycles was also discussed. Seasoned observers of our local elections and their impact on Council indicated that policy decisions are often delayed or results altered by campaign timing and that more frequent elections could have a detrimental impact on the effectiveness of Council. The Governance Committee concluded that through normal turnover of Council Members, an adequate staggering effect is achieved.

The Committee did find that extending the terms of Council Members to three four-year terms would help increase the knowledge base of the Council. Term limits did not exist at the time of consolidation and loss of significant institutional knowledge every four years was not an issue. Term limits of two four-year terms were the result of a national campaign for term limits, which coined the slogan, "Eight is Enough." The Governance Committee concluded that the limits on the terms of Council Members and the Mayor lead to a change in leadership and loss of knowledge in both the executive and legislative branches. From staff research, the committee learned that the cities of Charlotte and Indianapolis do not have term limits for their Mayor or City Council. It also came up in discussion that the cities of Boston and Charleston have both had long-term Mayors who have been re-elected multiple times. The absence of term limits in some cities in the United States that permitted popular elected officials to remain in office and

fully execute their goals and plans was identified as the critical difference in the growth and success of those cities. The Committee noted that regardless of the number of terms an elected official is allowed, it is ultimately the voters who re-elect that individual and put them back in office. As such, the Committee felt that extending the term limits of the Council Members to three four-year terms would provide the protections the public desires regarding the undue power of incumbency but allow for the longevity necessary in the legislative branch necessary to achieve long-term growth as a City. However, it was also suggested that the power of citizens to turn an elected official out of office without term limits is sometimes more theoretical than actual, because the power of incumbency sometimes leads to unopposed candidates and no real choice for voters. In the end, many Task Force members felt that three four-year terms was a good compromise and the group approved the recommendation for a change to the term limits of Council Members.

The discussion regarding term limits led to a discussion of a lifetime cap on the number of terms an individual may serve on City Council. The argument in favor of such a cap was to encourage elected officials to make decisions using their best judgment for the City rather than based on what was popular for re-election. Some of the Task Force members supported allowing Council Members to serve a longer single term, such as a six-year term, so they were never faced with a re-election. The opposition to the cap on terms was simply that it is always the electorate's choice who they vote into office and if the electorate is unhappy with an elected official they should, and do, vote them out. In the end, those in favor of the cap won, and the Task Force approved a recommendation limiting individuals who serve on Council to the total number of terms allowed in the term limit section of the Charter. For example, under the current Charter, a Council Member would only be able to serve two terms in their lifetime, whether served consecutively or not; under the recommendations in this section that would be extended to three terms in an individual's lifetime.

As a matter of efficiency and effectiveness of government, the Governance Committee examined the issue of new Council Members having to immediately begin the budget approval process as soon as they take office. Through much discussion, the Task Force determined that moving all City elections currently held in the spring to the fall, and swearing in the newly elected officials in January, would give new Council Members, and a new Mayor, several months to acclimate themselves prior to dealing with the budget. These elections are not to be held in conjunction with any presidential or gubernatorial elections so that local officials will not have to compete for attention with state or federal races and local elections will retain their singular importance. As a matter of course, the Committee deferred to the Council how this recommendation should affect currently elected officials. The Task Force agreed and approved the recommendation as submitted. It should also be noted that this would affect all local elections, although much of the focus was placed on the Mayor and Council.

The committee reviewed Council Rules regarding the term of the Council President and concluded that no changes should be made due to the ability of an influential Council President to be re-elected as President. Extending the length of a Council President's term could have as many negative consequences as positive if the Council President proved to be ineffective. With regard to the timing of the Council President's term, the committee felt that the change in the timing of Council elections as a whole would be a positive influence on the timing of the Council

President's term. The committee did include with the recommendation to move local elections to the fall a recommendation that the Council Rules be amended as appropriate, and the Task Force approved this recommendation.

The Governance Committee discussed the number of Council Members from the standpoint of adequate representation given the current and possible future size of Council districts. We reviewed other consolidated government structures, and some have more than 40 district representatives in order to keep districts small and personal. While there are merits to such an approach, there were also those on the Task Force who, having served on Council, worked in City government, or advocated before Council, thought the challenges of working with 19 different members was already cumbersome. Taking into account the complexities of even larger numbers, especially in the context of Florida's Sunshine Law, an expansion of the Council was rejected. The committee concluded that although the intended population per district at consolidation, approximately 25,000, pales in comparison to the current size of Council districts, approximately 65,000, changing the number of council seats would make the Council more cumbersome rather than effectively increase representation. Further, the Committee felt that if this issue were to seriously be considered, it should be studied intensely so the impact on each voting group, minorities especially, and the impact on the legislative process and economic development would be fully understood before a recommendation was made. As a result, the Committee recommended no change to the number of District Council Members, but did recommend a strengthening of CPACs.

Finally, the committee reviewed the compensation received by Council Members and whether it was sufficient. The committee determined that current compensation is at a level that would not deter a candidate from running due to financial constraints that would be assumed if elected to office, but at the same time does not offer a financial incentive to run for office as candidate's full-time job. The committee recognized the time-consuming nature of the job of a Council Member, but concluded that increased compensation would not guarantee any positive effects on the City Council.

### **Recommendations:**

#### *Charter Amendments:*

1. Amend the Charter to increase the term limits of City Council Members to three consecutive four-year terms. (CG)
2. Amend the Charter to require the election of City Council Members, and all other local elections currently held in the spring, be held in the fall of the "off-off" year in-between the presidential and Florida gubernatorial elections. (EE)
3. Amend the Charter, by referendum, to limit an individual elected to the Council to be allowed to serve, in their lifetime, only the maximum number of terms allowed by Charter, whether those terms are served consecutively or otherwise. (CG)

#### *Council Rules Change:*

1. The Council Rules should be changed, if Charter Amendment No. 1 is adopted, as appropriate. (CG)

## The Mayor

**Issue:**

Our consolidated government was established with a City Council as the legislative body and a Strong Mayor form of executive branch. This structure was chosen to streamline authority as well as responsibility and accountability for all administrative and operating functions of City government.

- Is a Strong Mayor form of government still the best model for management of the City? Is it the best for leadership of the City?
- Do the roles and responsibilities of the Mayor require amendment?
- Is Mayoral power broad enough? Too broad?
- Should each Mayor establish a new mission or should there be a mission beyond administrations? How would that be achieved?

**Background:**

The Governance Committee's review of the executive branch was done with the same tone and perspective as the review of the legislative branch. Issues of structure were separated from issues of personality and execution of individual office holders. The Governance Committee looked for structural problems for which they could find solutions. During the background investigation by the Task Force, no major issues with regard to the Strong Mayor form of the executive branch were identified.

It was determined, after considerable study of textbook alternatives, other consolidated government structures, and local examples that a Strong Mayor form of government remained the best form for the City. Our review included the commission form (which the City had prior to consolidation), a city council-city manager form, which is very popular and effective especially among smaller municipalities such as the beach communities in Duval County, and a hybrid form of the city council-city manager form, which can vary greatly but is similar to the council-manager form and shares aspects of the Strong Mayor form.

The loss of continuity between administrations is a big drawback of the current system that the manager system could effectively overcome. However, a council-manager form would place the City Council in charge of the executive functions of government due to the fact that they would have sole authority to hire and fire the City Manager. The committee felt that the benefits of expediency and improved provision of services, both of which are claimed benefits of having a city manager, could be achieved within the Strong Mayor form. The Strong Mayor form provides a check on Council power, vesting administrative decisions in the Mayor's office. The Committee concluded that the political checks and balances that are offered by a Strong Mayor form were most desirable given the size of the City.

The ceremonial role of the Weak Mayor form is incorporated in our structure. But the Strong Mayor structure is much more, assigning full operational and administrative responsibility to the

Mayor, and providing the opportunity for bold leadership and vision to chart the future course of the City. As a result, the Task Force recommends no change to the Strong Mayor form of government.

The Governance Committee reviewed the specific responsibilities of the Mayor, as well as the authority of the Mayor and whether either should be amended. Neither the Governance Committee nor the full Task Force received any recommendations or identified any specific structural issues related to these areas of inquiry. While specific examples were discussed where responsibilities were not carried out or authority abused, those issues were not structural or code deficiencies, but failures in execution. Therefore, no changes were recommended to the specific responsibilities of the Mayor or the scope of the Mayor's power as currently delineated by Charter and the Ordinance Code.

However, as with the Legislative Branch, the Task Force does recommend changes to the timing of Mayoral elections. The Governance Committee's recommendations as to timing of elections and term limits mirrored those for Council for the same reasons.

The Governance Committee recommended increasing the term limits of the Mayor, but the Task Force did not approve that recommendation. In part, it was believed that the Mayor's ability to control projects and public relations for the City gave such undue advantage to the incumbency that a two-term limit was warranted. The Task Force concluded that increasing the number of terms a Council Member may serve, but limiting a Mayor to two terms, would balance the power between the two branches and, ultimately, be in the best interests of residents. It was argued that this change would place more institutional knowledge in the hands of the Council, whose access to staff is much more limited. In contrast, the Mayor has at his or her disposal the entirety of the City departments, who can be hesitant to inform Council Members of problems and pitfalls for fear of losing their jobs, or at the very least, upsetting their boss, the Mayor. Additionally, when seeking to implement policy, the Council will be able to think beyond a Mayoral administration.

The Task Force also did not approve a recommendation made during their discussion to limit the number of terms an individual may serve as Mayor in their lifetime. The Task Force concluded that the role of the Mayor is different from that of a Council Member; most notably it has always been a contested race and it takes a citywide vote to be elected versus a portion of the City in the case of a District Council Member. As such, if the voters of the City decide to re-elect a Mayor after they have been out of office for a term, it must truly be the will of the people rather than the power of pseudo-incumbency.

The final issues relating to the Mayor's mission for the City were addressed in the Strategic Planning portion of the Committee's recommendations.

### **Recommendation:**

#### *Charter Amendment:*

1. Amend the Charter to require the election of the Mayor, and all other local elections currently held in the spring, be held in the fall of the "off-off" year in between presidential and Florida gubernatorial elections. (EE)

## Administrative Functions

### Issue:

There is room for improvement in the continuity of management and effective delivery of City services. Professional managers have become increasingly valuable as local governments become larger and more complex. The Chief Administrative Officer has functioned as a professional manager in some, but not all, administrations, and their duties and responsibilities vary with each Mayoral administration. The CAO position is not in the City's Charter and is not subject to Council approval, making it purely discretionary. A similar situation exists with respect to the position of Chief Financial Officer. Further, there are no qualifications for either position in the City's Charter.

- Would the creation and use of a City Manager be desirable in addition to or in place of some of the current structure?
- Should the Chief Administrative Officer (CAO) function as a City Manager?
- Should there be a written job description in the Charter describing the role of the Chief Administrative Officer? Should it be called a City Manager? If there is a job description, what are the minimum qualifications?

### Background:

In the council-manager form of government, the Mayor is either a ceremonial figurehead, a member of the City Council, or both, and a professional city or county manager runs the administrative functions of the municipality, or county. Due to the popularity, and success, of this form, the Governance Committee was asked to review the desirability of having a city manager in addition to the current Strong Mayor structure, or in place of it.

As discussed in the executive branch section, the Task Force affirmed that a Strong Mayor form of government is best for the City. With that point being established, they moved to considering if adding a city manager to the current structure would be desirable. In the original Charter, the Mayor was required to have a Chief Administrative Officer (CAO) whose duties were determined by the Mayor. However, the language relating to the CAO in the original Charter was removed in 1971. Currently, the Mayor is not required to hire a CAO or other position for the specific purpose of handling the administrative functions of the City. Theoretically, a Mayor could handle this responsibility personally, albeit very likely to his or her own peril. Fortunately, every Mayor has had someone perform some of the functions of the CAO.

Due to the impact on the lives of residents and the magnitude of the administrative functions of the City, the absence of a provision in the Charter requiring the Mayor to hire a trained professional to run the City is very imprudent. Further, this requirement alone is not sufficient to ensure competency in one of the most important unelected positions in the City. Therefore, there must be specific professional requirements that the CAO must meet to hold the position. Finally, to ensure that administrative functions are not divided up, and the position of CAO undermined by future mayoral discretion, the Charter should include a specific description of the duties of the

CAO. This will help ensure effective and efficient handling of the administrative functions of the City.

Similarly, the financial matters of the City are of equal importance to the administrative matters. As such, the Governance Committee concluded that the Charter should have a companion amendment requiring that the Mayor hire a Chief Financial Officer (CFO). This requirement should include professional qualifications that the CFO must possess, and a job description to ensure professional, effective, and efficient financial management of the City.

As the Task Force discussed this recommendation, several members shared their experience in government, and based on that experience suggested that the CAO be superior to the CFO, as is common practice in government. The group agreed, and the recommendation was amended to require the Mayor hire a CAO and a Director of the Finance Department who will report to the CAO. The Task Force then approved this recommendation and those requiring professional requirements and job descriptions as submitted.

Finally, Council approval should not be mandated for either. The purpose behind these recommendations is to ensure competent professionals in two of the most important positions in the City. Placing the requirements in the Charter puts the burden on the Mayor to comply. No further checks or balances were deemed necessary. Ideally, a new Mayor would recognize the abilities of the previous CAO and Director of the Finance Department and appreciate the advantage of continuity by retaining these individuals, either permanently or at least through a transition period. Lex Hester, and other CAOs, were retained by several Mayors because of their knowledge and expertise.

The Governance Committee recommended no requirement that the Mayor fill the CAO, CFO, or department head positions within a certain time period. The Task Force, however, felt that imprudent and believed the importance of these positions to the needs of residents and the operation of the City dictated that there is a requirement to fill these positions within a certain time period. The Task Force believed that since there is no requirement for Council approval, 60 days is sufficient time for a Mayor to fill these positions.

### **Recommendations:**

#### *Charter Amendments:*

1. Amend the Charter to require the Mayor hire a Chief Administrative Officer (CAO) and Director of the Finance Department. (C)
2. Amend the Charter to require the Mayor's appointments to the position of Chief Administrative Officer meet the following professional requirements.
  - a. The Chief Administrative Officer shall have a bachelor's degree from an accredited post-secondary institution in business administration, public administration, or a similar field, and seven (7) years' experience in an administrative capacity in municipal government, three of which are in a management capacity, and a thorough understanding of the principles of

- municipal administration and of applicable provisions of the Laws of the State of Florida; or an equivalent combination of education and experience. (C)
3. Amend the Charter to require the Mayor's appointment to the position of Director of the Finance Department meet the following professional requirements.
    - a. The Director of the Finance Department shall have a bachelor's degree from an accredited post-secondary institution in finance, accounting, business administration, public administration, or a similar field, and seven (7) years' experience in public or governmental finance, three of which are in a management capacity, and a thorough understanding of the principles of municipal finance, budgeting, and accounting, and of applicable provisions of the Laws of the State of Florida; or an equivalent combination of education and experience. (C)
  4. Amend the Charter to require the Mayor's appointment to the position of Chief Administrative Officer have the following job responsibilities.
    - a. The Chief Administrative Officer shall be responsible for overseeing all operating departments; managing the day-to-day affairs of the City of Jacksonville; and overseeing the implementation of the City's annual operating budget and capital improvement plan. (C)
  5. Amend the Charter to require the Mayor's appointments to the position of Director of the Finance Department have the following job responsibilities.
    - a. The Director of the Finance Department shall be responsible for overseeing the Finance Department of the City of Jacksonville, including the Office of Treasurer and the Budget Office; establishing, controlling, and directing the City of Jacksonville's annual operating and capital improvement budgets; and overseeing and managing the authorized financial borrowing of the City of Jacksonville. (C)
  6. Amend the Charter to require that the Mayor fill any vacancies in the position of Chief Administrative Officer, Director of the Finance Department, and all other department head positions, within 60 days of such position becoming vacant.

## Office of General Counsel

**Issue:**

The Office of General Counsel has great importance in the consolidated government. In an effort to eliminate internal conflict and lawsuits, the General Counsel was given binding authority to interpret the Charter and ordinance code and to resolve disputes between branches of City government by binding legal opinions. As a result, the independence of the office is essential and the structure must provide assurances as to professionalism and instill confidence in both the public and government officials. Since consolidation, there have often been conflicts between the legislative branch and the General Counsel, in fact leading to the selection of independent legislative counsel for a number of years. But there have also been conflicts with Mayors over the years. Recently, the selection process has been called into question. Changes should be made to instill greater confidence in the professionalism and independence of the Office.

- Does the current selection process produce viable candidates or is it simply a rubber stamp on the predetermined selection? Can or should it be waived? Does it serve a purpose? Can an appointment be made prior to the commencement of the Mayoral and Council term for which it is sought?
- Are the Charter and Ordinance Code clear as to role, independence, and duty of the Office of General Counsel (OGC)?
- Does the current structure, including pension accrual, create the potential for conflicts and potential bias? Would term limits, pension ineligibility, or other structural changes be desirable?
- What remedies are available to members of any branch of government who disagree with a written opinion of the General Counsel? Does this process need to be clarified in the Charter or Ordinance Code?
- How are prior binding opinions implemented or incorporated into the knowledge base for future actions?
- Does the Office of General Counsel have a responsibility to bring to the attention of the Mayor, City Council, independent authorities, and/or staff the Charter and Ordinance Code provisions governing or relevant to proposed legislation or actions? (Example: When portions of the Ordinance Code regarding the Capital Improvement Program process are being ignored, should the Office of General Counsel advise of actions that would violate the Ordinance Code?)
- How are ordinances not codified in the published Ordinance Code enforced and knowledge of them transmitted? (Example: Neighborhood Bill of Rights)
- Recognizing that currently only the Mayor can initiate a termination proceeding, thereby at least enhancing the perception that the General Counsel is more influenced by the Mayor, should there be alternate means by which the termination of a General Counsel

may be initiated? Are changes in the removal process desirable to maintain confidence?  
Should a super-majority of the City Council have the right to initiate termination?

**Background:**

The Governance Committee heard from many of the current and past General Counsels as well as others intimately involved in the office. The issues are dealt with as follows:

*Selection*

There are many people who dislike the selection process as provided in the Charter. It was generally agreed that the existing “committee” procedure has never been utilized as designed and should be replaced. While some people would like to see the Council, the constitutional officers, and the independent agencies have a much larger role in the selection process, the fact remains that upwards of 70-90% of the General Counsel’s responsibilities address executive branch issues, and leaving the selection to the Mayor is still most appropriate. The “committee process” was determined to be useless and was recommended for elimination.

The constitutional officers and independent agencies are certainly free to exercise their influence with the Mayor and Council in the selection and confirmation process.

In order to give the Council more assurances as to the importance of the confirmation process, however, it was agreed that requiring the approval of at least 13 council members to confirm a General Counsel selection would require the mayor to make a selection that had broad and universal appeal and would force the General Counsel selection process to pay careful attention to the needs and concerns of the legislative branch. Existing practice requires confirmation by a majority of the council members present, which can be accomplished by as few as eight Council Members.

*Termination*

Many believe that the Council should have a greater say in terminations of the General Counsel. But broadening the termination process (currently initiated only by the Mayor) raises many questions as to arbitrariness, recruitment of candidates, and stability of the position.

The appropriate middle ground was to allow the Council to initiate termination proceedings but to require 15 approving votes. It was surmised that a resignation would almost always precede termination proceedings if there were close to 15 Council Members inclined to remove the General Counsel. On the other hand, the new process should not be utilized merely because the Council was unhappy with a General Counsel opinion. The committee recommended that termination should be limited to conduct that constituted misfeasance, malfeasance, or criminal conduct. However, the Task Force felt that the Mayor and the Council should have greater authority to terminate the General Counsel and expanded the recommendation to include termination for cause, including misfeasance, malfeasance, or criminal conduct.

*Binding Legal Opinions*

While the current General Counsel opposes the concept of binding legal opinions, enough former General Counsels and City leaders persuaded the committee that a final decision-maker on legal issues is in fact necessary to avoid intra-governmental conflict and litigation. It has been

demonstrated that the binding legal opinions have been used sparsely and cautiously over the past 30 years.

*The Office of General Counsel Is Not a Department of the Executive Branch*

It was recommended that Part 1 of Article 7 of the Charter be moved to Article 6 and that Article 7 be devoted to the Office of General Counsel (OGC) so as to eliminate the perception that the OGC is merely a department of the Mayor.

*Term Limits and Benefits*

The committee considered the impact of pension benefits on General Counsel selection and subsequent decision-making. While of course it is not an issue for those who enter the role from outside government, with the intent of serving only a short time, there were concerns raised about those who were appointed to the role after serving elsewhere in the government. For example, is one's professional advice about terms of a pension plan shaded by the impact it might have on one's personal retirement? Does the desire to remain in employment to reach a certain vested status impact one's willingness to offer unpopular advice? On the other hand, the Task Force recognized that there is a value to institutional knowledge and government experience and did not want to exclude potential candidates from service. In the end, the Task Force concluded that further restrictions on the current appointment and benefits practices for the general counsel, except as otherwise amended in the proposal, are not necessary.

*Assistant Counsels Working in the Independent Authorities*

The committee believed that the current complexity of the business activities of each of the independent authorities dictates that they should have legal counsel on hand and at their disposal, but not outside of the supervision of the General Counsel. The committee recommended and the Task Force clarified and approved that the independent authorities be allowed to hire, supervise, and remove attorneys whose legal authority is subordinate to the General Counsel. This recommendation does not run contrary to the principle that General Counsel is the supreme legal authority within the consolidated government and should decide conflicting issues between entities within the government through the use of a binding opinion. It does allow the authorities to operate more in accordance with how they would if they were private. Additionally, this is being done in two cases already. Currently, the General Counsel has allowed the Jacksonville Aviation Authority and the school district to each have an in-house attorney.

*Other Changes*

The committee recommended several other technical changes to the Charter. These changes, with specific article and section references, and the specific language of the Charter amendments suggested by the Task Force, can be found in Appendix II.

**Recommendations:**

*Charter Amendments:*

1. Amend the Charter to create a section of the Charter for the Office of General Counsel independent of the Executive Branch. (C)(PT)

2. Amend the Charter to require “10 years of experience as a practicing attorney and/or judge.” This amendment will replace the current requirement of “5 years of experience in the practice of law.” (C)(PT)
3. Amend the Charter to clearly state that a legislative counsel created by the City Council shall have the authority to advise and assist the council and its committees and members in the achievement of a clear, faithful, and coherent expression of legislative policies and to perform such other related duties for the council as the council may by ordinance direct. (C)(PT)
4. Amend the Charter to clarify that decisions of the General Counsel shall be final, binding authority of the City and shall only be overruled or modified by a change in the law, a court order, or opinion of the Attorney General of the State of Florida with matters solely of state law. (C)(PT)
5. Amend the Charter to require that the City’s use of outside counsel shall require the written certification of the General Counsel of its necessity. (C)(PT)
6. Amend the Charter to require that the independent authorities’ use of outside counsel shall require the written certification of the General Counsel of its necessity and be in accordance with their charters. (C)(PT)
7. Amend the Charter to allow the General Counsel to hire, supervise, and remove assistant counsel to assist the independent agencies, who and these assistant general counsels may be housed, budgeted, and paid directly by the independent agency, but shall remain supervised by and subordinate to the General Counsel. (C)(PT)
8. Amend the Charter to require that the General Counsel, and assistant General Counsels, shall not engage in any other outside legal or non-legal activities to supplement income except for private investments. (C)(PT)
9. Amend the Charter to include specific language instructing that the General Counsel shall make legal decisions consistent with what is best for the consolidated government and not give preference to any elected official, department, or agencies. (C)(PT)
10. Amend the Charter to include specific language instructing that the General Counsel shall advise elected officials, departments, and agencies on all new or existing state laws that affect their duties and responsibilities, as well as all local ordinances and resolutions, and to educate them with regard to conflicting legal issues and to assist them in amicably resolving them. (C)(PT)
11. Amend the Charter to require that the Mayor’s appointment for General Counsel must be confirmed by 13 members of the City Council. The Council may seek the advice of constitutional officers, the Jacksonville Bar Association, and former general counsels as to the qualification of the appointee to serve as General Counsel. The Mayor’s appointment shall be acted upon by the Council within 60 days. The term of the General Counsel shall coincide with the term of the appointing mayor. These amendments shall replace the current process of the selection of an appointment committee and the confirmation of the appointee by a majority of the City Council. (C)(PT)

12. Amend the Charter to require that a reappointed General Counsel may be reappointed by resolution approved by 13 members of the City Council elected for the succeeding mayoral term. Any general counsel who is reappointed by the Mayor may continue to serve for a period of 60 days pending reconfirmation. The Council shall confirm or reject the reappointment within 60 days of the commencement of the new term of the General Counsel. These amendments will replace the current requirement that the Council confirm a reappointment by a majority vote, and the current allowance that a General Counsel who fails to receive reappointment may serve for six months and be resubmitted to the Council for reappointment any time during those six months. (C)(PT)
13. Amend the Charter to allow, in instance of vacancy of office, the Mayor to appoint an “acting” General Counsel to serve for 60 days without Council approval. These amendments will replace the current requirements that the Mayor appoints and Council approves an “acting” General Counsel only if there is less than one year left in the Mayor’s term. (C)(PT)
14. Amend the Charter to require that the General Counsel may be removed by the Mayor, but such removal shall be for cause, including misfeasance, malfeasance, or criminal conduct. The removal of a General Counsel by the Mayor must be approved by 13 members of the Council rather than a majority. (C)(PT)
15. Amend the Charter to allow for the General Counsel to be removed by the Council, but such removal by the Council shall be for cause, including misfeasance, malfeasance, or criminal conduct. The removal of a General Counsel by the City Council only must be by resolution of the City Council approved by 15 members of the City Council. (C)(PT)
16. Amend the Charter to increase the limit of the Litigation Imprest Fund to \$2,500. (C)

## Independent Authorities

### Issue:

The existence of the Independent Authorities (JTA, JAA, JPA, and JEA), and their expanding roles, are contrary to the very essence of consolidated government. Yet the complexity of their business operations and the efficient and effective manner in which they appear to be operated are strong evidence for their independence. The consolidated City government does not have the capacity to absorb these operations, nor is there evidence that any would be better run as a result. But this independence does create issues for our overall success. First and foremost is the absence of an integrated mission and strategic plan across all authorities and the City. But other issues such as accountability to the public for use of funds and policy decisions made and the impact of development activities on our tax rolls are also valid concerns to be addressed.

- Are the missions of each authority clearly defined, and how are they integrated with the overall mission of the City? Independence was viewed as desirable because they were to perform a business enterprise activity. Quality and efficiency of operation are certainly valid goals, but how do the goals of facilitating economic growth, providing essential services to citizens, etc., become part of the operational mission?
- Are numbers and selection processes for Board members adequate to ensure Board members are accountable to the public and to City government for their decisions? How do we ensure that the Independent Authorities' board members are accountable to both the City and the authority on which they serve?
- How do development activities, or ancillary business enterprise activities, of the Authorities impact City tax rolls and private business opportunities? Should they be restricted in any way? Require some City approval?
- Does the City budget review process provide any real management control with respect to the authorities?
- Include agencies such as the Children's Commission and the Downtown Investment Authority.
- Should JEA be split into two authorities, one for electric utility and the other for sewer and water?

### Background:

The core issue regarding the independent authorities is the absence of an integrated, government-wide mission and strategic plan. This is an issue across all city entities, not just the authorities. The committee determined the best way to deal with the issues specific to the independent authorities was to find a solution to the lack of a unified, integrated strategic plan and mission for the City as a whole. (See the Strategic Planning Recommendation.)

The committee recommended no change to the makeup of the independent authorities or their boards as they currently exist. However, they did discuss a recommendation regarding training for the boards of the authorities that was not formalized due to time constraints in the committee

process, but was brought to the full Task Force. This recommendation focused on several issues. First, the board members are often educated on their roles and responsibilities as a board member by the executive staff of the authority. This leads to the board members feeling, and often thinking, they work for the Chief Executive Officer (CEO) of the authority rather than CEO working for the board. Next, some board members lack an understanding of how the City's consolidated government works and how the authority fits into it. Finally, board members rarely, if ever, know of the plans of the other authorities and therefore cannot collaborate in the best interests of the residents and taxpayers, and of each authority. Based upon these identified problems, and the overarching objective of creating a unified strategic plan and mission, the Task Force approved a recommendation that the Council, as the policy-making body of the City, provide training to the boards of the independent authorities to combat these problems and create a culture of collaboration through training and education. This training is intended to address some of the issues identified above regarding accountability.

While several of the other issues raised above were discussed, they were deemed essentially problems stemming from a lack of a unified mission and best handled by the creation of a government-wide unified mission. The question of ancillary business activities and tax exempt status warrants further study with respect to the unique circumstances of each authority.

### **Recommendation:**

#### *Ordinance Code Change:*

1. Amend the Ordinance Code to require the City Council to provide annual training to the members of the executive boards of the independent authorities to increase coordination between the City and the authorities, and increase the institutional knowledge of the boards. This training shall not conflict with but may be coordinated with training on the ethics and public records laws of the City and the State. (IM)(C)

The training should include instruction on the following topics:

- a. The history of the City of Jacksonville;
- b. How the City's form of government works;
- c. The history of the authority;
- d. The business, structure, and strategic plans of the other independent authorities;
- e. The structure of the board;
- f. The role of the board in the governance of the authority;
- g. The role of the Chief Executive Officer and his or her relationship to the board;
- h. The fiduciary responsibilities of the board;
- i. How to understand the financial statements of the authority.

## Strategic Planning & Integrated Mission

### Issue:

Divergent missions and strategic goals between Independent Authorities, Constitutional Officers, School Board, City Council, and the Mayor often result in a lack of coordination and missed opportunities for leveraged success for the City.

- Is there an absence of an integrated mission and strategic plan across all city entities?
- How can we have a unified mission amongst the City, the Constitutional Officers, School Board, and Independent Authorities as well as other authorities, such as the Downtown Investment Authority, the Children's Commission, etc.?

### Background:

As is the case with many cities, Jacksonville lacks a unified mission and a strategic plan, not only as a government but as business community, as a place to live, go to school, raise children, and come for entertainment. Nearly every city in the United States struggles with how to unify all aspects of their local government; the business community; primary, secondary, and post-secondary academic institutions; the non-profit community, labor unions, and minority communities in a continuous, long-range planning process for the benefit of the whole community. But, those communities that have been successful in this effort have achieved great success.

Local governments have undertaken the effort on their own, but typically without buy-in from other stakeholders. These plans are not unified and often lack private investment in key industries necessary for economic growth. More commonly, especially in cities closer to Jacksonville's population size, the private sector drives the growth and the public sector follows behind, as was the case in Indianapolis with the growth of amateur sports, Nashville with the growth of the country music industry, and Charlotte with the growth of the banking industry. These cities are known for these respective industries. They are their brands. But these "brands" were primarily the creation of private investment, rather than the collaborative efforts of all who have a stake in the future of the City.

In Jacksonville, each of the independent authorities has a strategic plan, as does the school district. However, the City itself does not. Arguably, this is because the mission of the City changes with every Mayoral administration and each new Council. What that leads to, however, is each segment of local government moving in a different direction, within its own silo. Each authority executes their own strategic plan independent of the others and the City. Ultimately, the City lags behind because its plans, at best, extend over four years. Still, the problem remains how to unify each of the plans so all are working together, sharing resources, and overcoming challenges collectively, with common goals and objectives.

The Governance Committee's solution to Jacksonville's lack of a unified mission and strategic plan was the creation of a permanent commission charged with developing, implementing, and tracking progress of a strategic plan, renewed on a 10-year basis. The committee's intent was that the plan created would reflect the collective vision of the stakeholders involved, that these

stakeholders would pledge the continued commitment and involvement of the groups they represent, and that each stakeholder group will hold the others accountable for the portions of the plan for which they are responsible.

The Jacksonville Strategic Planning Commission was not intended by the Governance Committee to include every stakeholder group, for that would be near impossible; rather, the Commission includes a representative from stakeholder groups responsible for leadership in Jacksonville. Additionally, as minority populations grow, they would be added.

This recommendation by the Governance Committee had several significant differences from the recommendation approved by the Task Force. The most notable dealt with the issues of membership on the proposed Commission and funding of the Commission. The background information for how both groups reached their decision is equally important. This concept, as proposed under either recommendation, has not been successfully implemented anywhere in the United States that staff research could uncover. Needless to say, this is uncharted, if not virgin territory. Yet, as we were proud trailblazers of consolidation, this recommendation, if successfully implemented, could propel our growth and success into the future.

The Governance Committee envisioned this Commission being a melting pot of leaders from inside government *and* from outside. When the Task Force began discussion, there was support for the concept of a Strategic Planning Commission, but the details of who should be included was at issue. For such an important task as future planning, many members had strong feelings about who should be included. In the end, the Task Force found consensus by moving all non-governmental members to an advisory committee and reserving the voting Commission for representatives of the entities of local government. Both options have their pros and cons, and the issue may be revisited when legislation is eventually considered.

The committee proposed the Commission be created by ordinance of the City Council, and funded for the first year by the City of Jacksonville, in the amount of \$250,000. During the Commission's first year, it would determine the level of funding it needed in the future and the source of that funding. The committee believed this amount to be sufficient for the Commission to hire an executive director and minimal staff, and cover the costs of the Commission, with increased temporary staffing needs met by utilizing contract or temporary employees. The Task Force was unable to find consensus on an amount of funding, and opted to simply require that it be funded sufficiently on an annual basis by the City.

Beyond the points mentioned above, the committee and the Task Force agreed on the remainder of the recommendation.

The Mayor and the City Council President will call the first meeting of the Commission together, jointly, and as its first order of business, the Commission will select a chairperson from among its membership. The Commission will create its own governing document and rules of procedure and begin the work of creating the strategic plan. The Commission will have nine months to complete the strategic plan and present it to the public.

Once the plan has been created, each member will be responsible for ensuring their represented group's participation. The Commission as a whole shall determine the timing of reports as well as further meetings of the Commission necessary to track progress, recognize success, and amend the plan as needed to achieve the long-range objectives. It will be up to the Commission to ensure implementation and success of its plan as the years pass.

At a minimum, the strategic plan will include a vision statement, mission statement for Jacksonville, citywide overarching goals, and an analysis of the areas of focus and how they are incorporated into the strategic plan. It shall also include accountability measures for each represented entity, a broad financial plan, enumerated goals, and a timeline for achieving the goals. As mentioned, there will be specific areas of focus that must be addressed in the strategic plan. These areas are intended to ensure the broad nature of the plan, while at the same time forcing the commission to address some identifiable needs in Jacksonville. The Commission will also be tasked with producing an annual report that will give an overview of progress on the plan.

Finally, the Commission will be allowed to hire an executive director and staff necessary to support the Commission and meet its reporting requirements. Both the committee and the Task Force felt that an endeavor of this magnitude would certainly need dedicated support and asking City or Council departments to staff this Commission would be too burdensome on their talent and resources. The Task Force added the additional responsibility of specifically attending the board meetings of the independent authorities and other entities within the City to voice concern if the board is considering action that would be contradictory to the strategic plan, and to help communicate the intentions of the Commission to board. This requirement seeks to combat the autonomous decision-making and lack of cooperation currently existing in local government.

### **Recommendations:**

1. Amend the Charter to create the Jacksonville Strategic Planning Commission charged with the purpose of unifying the goals of local government, the business community, and other stakeholders in the City of Jacksonville for the purpose of establishing a unified, long-range, strategic plan for the City of Jacksonville. This plan shall be an evolving document and serve as the governing document to which the government of the City, the business community, residents, and all stakeholders turn when seeking guidance regarding the future growth of the City of Jacksonville. (IM)(PI)
  - a. The strategic plan shall be continuous, but established for a term of 10 years and recreated every 10 years.
  - b. For the establishment and creation of the first and initial strategic plan, the members shall be those individuals who hold positions listed within this section. The members shall not be appointed or confirmed, but shall maintain membership so long as they hold the title listed herein. When a member no longer holds the title listed herein they shall no longer be a member of the Commission, and the individual who assumes the position herein shall replace them.

- c. After the creation of the initial strategic plan, it shall be the responsibility of the Commission to maintain and establish its membership in accordance with the provisions of this section.
- d. The Commission should consist of the following members:
- The President of the City Council of Jacksonville
  - The Mayor of the City of Jacksonville
  - The Superintendent of Duval County Public Schools
  - The Sheriff of the City of Jacksonville
  - The Chair of the Board of JEA
  - The Chair of the Board of the Jacksonville Port Authority
  - The Chair of the Board of the Jacksonville Airport Authority
  - The Chair of the Board of the Jacksonville Transportation Authority
  - The Chair of the Board of the Jacksonville Housing Authority
  - The Chair of the Board of the Children’s Commission
  - One Mayor from either the Town of Baldwin, the City of Jacksonville Beach, the City of Neptune Beach, or the City of Atlantic Beach, as selected by them
  - The Director of the Florida Department of Health in Duval County
  - One CPAC member selected by the Chairs of the City’s Citizen Planning Advisory Committees
- e. All members of the Commission shall be voting members. Members of the Advisory Committee shall not be voting members. No member shall vote by proxy or designee. If the Commission has established a procedure for members to participate electronically, members need not be present to vote.
- f. On or before the third Tuesday of January, 2016, the Mayor and the President of the City Council shall convene all members of this commission, listed herein, for the purpose of creating a strategic plan as described herein.
- g. The Commission shall have an Advisory Committee from whom they shall seek and receive input. The Commission should be inclusive rather than exclusive, and should seek to have a balanced membership consisting of stakeholder groups involved in and affected by the focus areas outlined within this section. The Advisory Committee shall consist of the following members:
- The Chair of the Board of Directors of the Jacksonville Chamber of Commerce
  - The Chair of the Board of the Civic Council
  - The Chair of the Board of the Labor Council
  - The President of the University of North Florida
  - The President of Edward Waters College
  - The President of Jacksonville University

- The President of Florida State College at Jacksonville
  - The Chair of the Board of the Urban League
  - The Executive Director of the Regional Planning Commission
  - The Chief Executive Officer of the Nonprofit Center of Northeast Florida
  - One appointment by the Commander of Navy Region Southeast
  - The Board Chair of the Hispanic Chamber of Commerce
  - A representative of each of the three most critical industries selected by the Chair of the Board of Directors of the Jacksonville Chamber of Commerce
- h. A representative of an organization who can speak on behalf of a racial demographic shall be added to the Advisory Committee of the Strategic Planning Commission when the racial population reaches 5% of the population of Duval County according to the most recent decennial census.
- i. The first meeting shall be called to order by the City Council President and the Mayor of the City of Jacksonville, jointly. The first order of business will be the election of a Chair. The second order of business shall be the creation of a governing document and rules of order. Finally, the Commission shall commence the process of hiring an executive director.
- j. The Commission shall convene a special public meeting for the purpose of presenting their findings, recommendations, and strategic plan nine (9) months following the convening of the commission for the purpose of creating the strategic plan.
- k. The Commission shall conduct research, and receive input from the public through hearings or otherwise, to identify and assess the strengths, weaknesses, opportunities, and threats to the residents, businesses, and stakeholders within Jacksonville related to the following focus areas, at a minimum:
- a) Quality of life;
  - b) Neighborhoods;
  - c) Minorities;
  - d) St. John's River;
  - e) Education;
  - f) Business, industry, and commerce;
  - g) Health care and a healthy community;
  - h) Current and future infrastructure;
  - i) Government;
  - j) Social services
- l. The areas of focus shall be incorporated into the strategic plan to the fullest extent possible. The Commission shall have the authority to eliminate an area of focus, but must do so by a majority vote of the Commission.
- m. At a minimum, the strategic plan will include:

- a) a vision statement;
  - b) mission statement for Jacksonville;
  - c) citywide overarching goals;
  - d) analysis of the areas of focus and how they are incorporated into the strategic plan;
  - e) a broad financial plan;
  - f) enumerated goals and timeline on the achievement of the overarching goals;
  - g) process and procedure for annual performance reviews that account for meaningful and measurable outcomes;
  - h) a separate, detailed statement outlining and explaining how each entity represented on the Commission will address the areas of focus.
- n. Provide an annual written report, to be presented no later than February 1, to the public. The annual report shall contain, but not be limited to, the following information:
- a) Detailed information on the progress of each of the focus areas, and any additional areas created by the Commission, included in the strategic plan.
  - b) Action plans for bringing underperforming areas back in line with the strategic plan.
- o. The Commission is authorized to and shall direct the expenditure of all funds annually budgeted and appropriated to fund the Jacksonville Strategic Planning Commission and services and programs related thereto.
- p. The Commission shall be funded, on an annual basis, in an amount sufficient to carry out its purpose.
- q. The Commission is authorized to file applications for federal, state, and privately funded grants.
- r. The Commission shall employ and fix the compensation of an executive director who shall manage the affairs of the Commission subject to its supervision. The Commission may also employ such other persons as may be necessary to effectively conduct and accomplish the affairs and duties of the Commission. All employees of the Commission shall be employees of the city, shall be subject to Articles 16 and 17 of the Charter of the city, except as otherwise provided by Council, and except that the executive director, any professional employees and the heads of such activities as the Commission may establish shall not be within the civil service system of the city and shall serve at the pleasure of the Commission. Temporary staff for peak loads shall be handled on a temporary or contract basis.
- s. The Chair of the Commission may hire an interim executive director for a period of sixty (60) days for the sole purpose of assisting the Commission in organizing the

membership, creating bylaws and governing documents, and hiring a permanent executive director.

- t. The executive director shall collect, maintain, and publish to members of the Commission, and to the public, information and statistical data necessary to demonstrate the progress of the strategic plan. Additionally, the executive director shall identify areas lacking progress and those responsible for progress in the identified areas. The Commission shall instruct the staff as to the frequency with which these reports shall be compiled for reporting to the membership of the Commission, and the public.
- u. The Strategic Planning Commission shall reconvene as needed to amend and adjust the strategic plan, to review each represented organization's contribution to the goals of the strategic plan, and for the purpose of recognizing new members to the Commission as a result of them accepting a position included in the membership of the commission.
- v. The Executive Director of the Commission, or staff of the commission, as appropriate, shall attend the meetings of the boards, departments, and agencies of the entities represented on the Commission for the purpose of ensuring that decisions made are consistent with the strategic plan. It shall be the responsibility of the Executive Director to inform the Commission and its members of actual and potential conflicts between the member entities and the Strategic Plan. This requirement includes, but is not limited to, attending the meetings of the boards of the independent authorities specifically, and other entities.

## Inter-local Agreements

### Issue:

As the Task Force embarked on its mission, there were concerns that we, or the beach cities, might recommend deconsolidation of those entities. The relationship between Jacksonville and the Beaches and Baldwin has been portrayed as one of conflict and dissatisfaction. Yet as we heard from elected officials and residents, this turned out to be an inaccurate characterization. Certainly there were issues, but the issues stemmed from a lack of awareness more than a fundamental disagreement or unfairness.

- How to codify and increase awareness and knowledge of the terms of the inter-local agreements throughout government, and improve communication between the City of Jacksonville and each of the beach cities and Baldwin.

### Background:

The support for the inter-local agreements from the elected officials in the beach communities and the Town of Baldwin was clear; they do not wish to change the current agreements. There was concern that the agreements were not beneficial to either the City of Jacksonville or the cities of Jacksonville Beach, Neptune Beach, Atlantic Beach, or the Town of Baldwin. That was not the response from these communities. The main concern from them was the continual lack of understanding of the requirements of the agreements by City of Jacksonville employees, elected and appointed officials, and those of other agencies of the City who must provide services to these communities. The fact that such agreements are not published on the City website, or in the ordinance code, makes knowledge of their terms unlikely. The City should publish and make such documents available on the City website so all employees have ready reference to them, and the public is aware of the respective rights and responsibilities of the City of Jacksonville and these communities. The committee recommended no change to the inter-local agreements. The Task Force went further and approved a recommendation requiring training for City staff who are required to provide services under the inter-local agreements.

### Recommendation:

#### *Ordinance Code Change:*

1. Adopt an ordinance requiring training of the appropriate staff of City Departments on the inter-local agreements and what services the City is to provide as a result of these agreements. (EE)

## Budget

**Issues:**

Recent concerns over the adequacy and “balanced” nature of budgets presented to the Council, and the reductions in both employees and departmental budgets have led to intense Council scrutiny of the annual budget and have highlighted a number of issues worthy of Task Force consideration. The “extraordinary lapse,” intended to reflect reasonably anticipated savings from personnel turnover throughout the year, has been used as a fictional accounting device to fill unbalanced budget gaps. Annual budget reviews prepared by the Council Auditor compare departmental budgets and employee caps to the prior year, but as reorganizations occur the comparison is difficult at best. Enforcement of employee caps authorized in the budget is an issue, and the caps have been ignored in some cases. Late delivery of changes in actuarial assumptions adopted by the Police and Fire Pension Fund require major revisions to the proposed budget at the last minute. While the Council is the ultimate budget authority, members of the administration are at best reluctant to provide candid answers regarding their departmental needs once the Mayor has established the priorities in the proposed budget.

- What constitutes a “balanced budget,” and can/should there be a mechanism to return a budget to the Mayor?
- Zero-based budgeting is considered a best practice. Is zero-based budgeting possible—rather than starting incrementally from prior year?
- The City Council establishes employee caps by Department and Division. Should these be enforceable? How? By whom?
- Should there be a requirement that the Police and Fire Pension Fund establish its assumed rate of return no later than March 1? Would this requirement greatly improve accuracy of budget development?
- Should prioritization and departmental request presentations occur at MBRC or in a publicly accessible forum?
- Should Departments, agencies, and constitutional officers be allowed to retain “budget savings” for use in a future year or for special projects? How does that impact the budget as a whole?
- Should there be an enforcement mechanism or consequence to a Department or Division that exceeds its budget? What?
- Should it take more than a majority vote of Council to override a line item veto?

**Background:**

The responsibility for development of the annual budget rests squarely with the Mayor and other than the requirement that the budget be balanced; the Mayor has, and should have, great latitude to propose spending priorities. At the same time, the City Council has sole authority to approve the budget, appropriate funds, and levy taxes. The separation of powers between the two branches is fairly clear.

The definition of a balanced budget appears to be a matter of policy, and as such could be refined by Council. Ultimately, the Office of General Counsel will determine whether the Council can clarify the definition or must accept whatever budget the Mayor proposes. Since the Council has the authority to disagree with the Mayor and to alter the Mayor's budget if they do not believe it is balanced, no change in structure or Code was suggested.

As the committee reviewed the issue of zero-based budgeting, the practical aspects of what it would cost in manpower and actual dollars began to outweigh the benefit. The overriding principle of understanding where each expense in a budget came from remained, however. The need to justify expenses during the budget process is strong, and the committee felt that there were multiple ways in which this need is and can be satisfied. First, the Council Auditor's office does an extensive review of the budget submitted by the Mayor. This process, however, can leave out some level of detail if the Mayor submits a budget based on rolled-up numbers rather than specific line item expenses by each department. It can be burdensome on the Mayor's staff to submit a very detailed budget. The departments do their line item budget prior to the Mayor submitting his budget, but this level of detail often does not make it to the Council for review, nor does it reach a place of public scrutiny without affirmative action by a member of the public or press to request that information as a public record. As such, the budget submitted for the Council Auditor to review may or may not have a high degree of detail.

In the end, the Task Force recognized the need for prudence in this situation and believed that a rotational, zero-based budget review, in which each year at least one department's budget is returned to zero and all expenses justified, would meet the need over time. This process shall continue year after year until all departments have had their budgets reviewed at this level. Once all departments have been reviewed, the process starts over again with the first department. It is intended that this process continue indefinitely.

As the Task Force debated this recommendation, members expressed a variety of opinions about the value and practicality of zero-based budgeting. Ultimately, it was sent back to committee for refinement. The committee requested the Superintendent of Duval County Schools, Dr. Nikolai Vitti, to share his thoughts on the zero-based budgeting process the school district recently went through. After hearing Dr. Vitti's comments, the Task Force debated the recommendation again and approved it with several amendments. The Task Force determined that the process should be implemented as part of the budget process, not outside it as the committee recommended, in order to eliminate duplicate work for a department. They concluded that a minimum of one department per year should go through this process, so over time each department will have done so. Finally, to facilitate communication and efficiency, the Task Force recommended that a report be written, and submitted to the Council, outlining all of the items in the department's budget and justifications for each so the Council can readily ascertain if they agree with the department's justifications.

Questions have arisen during the budget process as to the validity of the employee numbers in different departments and divisions. During the budget process, the Mayor will request, and the Council will approve, unfunded positions within a department with the intent that these positions are necessary, but there are currently no funds available to fund the position. This mechanism will allow the Mayor the latitude to make a budget transfer mid-year from one department that

has incurred a surplus to another that has an unfunded position. There are, however, instances in which employee caps, including both funded and unfunded positions, have been exceeded. Since the Council in establishing the annual budget determines the number of employees necessary to render the services authorized by the budget, the caps serve a meaningful budgetary function. The Task Force suggested that this could be remedied by requiring the Mayor to certify in his quarterly financial report that the number of employees in each department and division do not exceed the caps established by the Council in the budget. The Task Force approved this recommendation as submitted.

State law controls the timing of the City's budget process. However, the adoption of the applicable actuarial assumptions by the Police and Fire Pension Fund (PFPF), which can dramatically impact the budget and the timing of this decision, well into the preparation of the annual City budget, is too late in the process for good financial planning. The City's contribution to this fund is the largest expense in the City's budget, and a change in actuarial assumptions can have a major impact on the budget. The PFPF Board, not the Mayor or Council, has the authority to set the actuarial assumptions that determine the contribution amount. Recently, major changes in the assumption were adopted as late as June, creating havoc with the Mayor's budget process that is well underway in March. The Task Force acknowledged the importance of an earlier deadline and recommended setting March 1<sup>st</sup> of each year as the deadline by which the Police and Fire Pension Fund must adopt its actuarial assumptions so the Mayor may develop the budget in time to submit it to the Council by July 15<sup>th</sup>. The Task Force approved this recommendation as to both the General Employees Pension Fund and the Police and Fire Pension Fund.

In deference to the Strong Mayor form and the concept of pinpointing responsibility, the Task Force did not recommend a requirement that during development of the Mayor's budget, departmental budget presentations be made in view of the public. The Mayor, as Chief Budget Officer, should have the power to determine the process by which he or she wishes to develop the budget, and the power to determine what budget he or she will present. Some administrations have chosen to do that in public at the Mayor's Budget Review Committee. The right of the public to be informed about the priorities set in budget and their consequences is certainly significant. However, a Mayor should be allowed the choice of process and is accountable to the public for the priorities established and the transparency of those choices. The Task Force concluded that the thorough vetting of the budget in public meetings of the Council gave the public both information and opportunity to voice their opinions. The committee did note that the process of vetting departmental budgets, "in the sunshine," through the Mayor's Budget Review Committee is an optimal process and encourages its use.

The next two issues are two sides of the same coin, allowing prudent departments to retain savings and penalizing departments who overspend. The Task Force did not recommend any code or structure changes, although the importance of both issues is not to be understated. The issues are in one respect managerial in nature. Departments that do manage their budgets well and contribute to the overall performance of the general fund do often benefit financially, without carryover.

As to overspending, it is the clear responsibility of the Mayor to manage his departments to ensure compliance with the budget and to establish appropriate consequences for those who do not stay within budget. Broadly, the General Fund is viewed as a large pot, and surpluses and shortages balance out during the year and at year-end. However, there is also a policy aspect to these issues that falls within the realm of Council to change. If there is no codified consequence to overspending by a department or division, and understaffing or under-spending in another area to compensate for the overage is within the Mayor's authority, the priorities established by the Council in the budget can be significantly altered.

In addition, legislation advocated by Constitutional offices and adopted by Council in recent years that allow them to retain year-end savings for use in the following year or for special projects is contrary to the General Fund concept of year-end reconciliation, but does offer a reward for cost savings. The Task Force did not offer a recommendation on either issue.

The Task Force could not ascertain any clear reason behind the current simple majority requirement needed to override a line item veto of the budget vs. the supermajority required to override other vetoes. It would appear this was established to elevate the role of Council on budget matters over other policy decisions. However, since prioritization within a balanced budget is clearly a policy choice, the Task Force thought our Strong Mayor form would be better served by changing this requirement to make a line item override consistent with other override requirements. The Task Force discussed the fact that the Mayor may not increase a line item, but rather may only decrease or eliminate a line item, and regardless of the veto, may simply choose to not spend funds allocated in budget, effectively reducing the line item. Although this proposed change may arguably alter the division of power and responsibility, a supermajority of Council is likely to have greater influence on actual spending and implementation. Further, it was brought to the committee's attention that a mayoral veto of a budget line item has happened very few times, thus indicating to the Task Force that this change to unify the requirements to override a veto will likely not have extensive impact.

## **Recommendations:**

### *Charter Amendment:*

1. Adopt an ordinance amending the Charter of the City to require the same number of votes, thirteen (13), to override the budgetary line item veto of the Mayor, as is required to override any other veto of the Mayor. (PT)

### *Ordinance Code Changes:*

1. Amend the Ordinance Code to require that annually, at least one departmental budget be subjected to a zero-based budgeting process, justifying every line item and expense from a zero base without any carry-over assumptions of service levels, personnel, programs, or resources from the prior year. A report should be written outlining the items in the department's budget and the justification for the expenditures. This report should be

- given to the City Council. This process should continue for at least one department each year until all departments have completed the process. Once all departments have completed the process, it should begin again and continue into perpetuity. (EE)
2. Amend the Ordinance Code to require that the Mayor certify, in each quarterly financial statement, that the employee caps are accurate and comply with the budgetary allowance for each department of the City. (EE)
  3. The Police and Fire Pension Fund Board and the General Employees Pension Fund Board should each establish and report their expected investment rate of return and other actuarial assumptions by March 1<sup>st</sup> of each year. This should be accomplished through changes to State law, the Charter, and the Ordinance Code, or through rules adopted by each of the respective boards, each as necessary to meet the intent of ensuring effective and efficient creation of the City budget. (EE)

## Central Services

### Issue:

Centralization of services such as information technology, fleet maintenance, building maintenance, copy center, and legal services was intended to produce cost savings and operating efficiencies and was clearly a directive of consolidation. Use of such services is even mandated unless expressly exempt. However, over time, the internal service charges assessed and billed to using departments and agencies for such services has often been a source of great discontent. The lack of control over amounts included in one's budget and debate over actual costs for services have caused various departments and agencies to opt out of one service after another. In addition, the timeliness and quality of services provided has been inadequate to meet user demands, with little ability to pressure change as the service was mandated. Some contend that the practice has led to costs for products and services higher than the private sector and at a lower level of quality than in the private sector. The committee was tasked with the responsibility of investigating these assertions and making recommendations regarding the continued appropriateness of mandated use of various services, and solutions that will make those services more effective, the costs transparent, easily comparable to outside providers, and within some degree of user control.

### Background:

Prior to consolidation, the administrative functions of local government were considered to be outdated, inefficient, and subject to corruption. A new system was recommended that would bring local government in line with the best practices of the day, make it efficient, and save tax dollars, while eliminating corruption at the same time. In the new system the buck stopped with the Mayor, giving the office full administrative responsibility, and the Central Services Department was assigned responsibility for handling all of the personnel, purchasing, legal, motor pool, data processing, and advertising and promotion needs of the City, the port authority (which managed the airports), and the electric authority. The intention of the framers is evidenced in the quote from the 1966 *Blueprint for Improvement*:

“the utilization of these governmental services will not endanger the semi-autonomy of the Authority's business operations. By utilizing these auxiliary services, the Port Authority will be able to benefit from the economies of scale achieved by the larger government entity and will be able to draw upon the skills of a larger and more experienced staff in the named areas than the Port Authority itself could provide.”

Since consolidation, the authorities have grown in size and complexity of operations. Additionally, the City itself has grown in complexity. Unfortunately, the central service model created at the time of consolidation was not one that was able to keep pace with the needs of the City, the constitutional officers, and the authorities. As time has passed, several City Councils have allowed the different authorities to provide their own central services. These decisions were likely justified at the time, but certainly contrary to the intent of the framers of consolidation.

Today, the City has the same goal it did at the time of consolidation, “stimulate administrative professionalism, provide...full accountability to the public, and foster economy and efficiency.” The challenges the City faces are characterized by an inability to provide the best service at the best price. Many of the various entities of consolidated government argue that they are charged in their budgets for services that they could procure from the private sector for a cheaper price and at better quality. When they are able to do so, they do procure services directly from the private sector.

There are a number of practices that have been identified that contribute to this challenge. First, the City currently engages in the practice of internal service billings, through which central service departments bill other departments, or constitutional officers, for services provided. These billings and subsequent “payments” have been termed “funny money.” The practice is solely an accounting and managerial function, and as such, no money is actually exchanged between entities. Rather, departments are charged in their budgets with an allocated portion of the service provider’s operating cost. The basis of the allocation, the total lack of control over the provider’s budget, the inability to reduce consumption and accrue savings, and the fact that the service provider’s personnel and energy may be diverted to other projects that are totally outside the process but paid for through this allocation have all been raised as objections to the current system. Using departments and officers also spend a considerable number of man-hours reviewing the billings and verifying charges. Second, the ability of the authorities to procure and provide central services on their own has reduced the ability of the City to achieve desired economies of scale. Third, many entities are “super users” of specific central services, thus making it difficult for the City to provide these services and the support necessary to maintain these services at a high service level. Finally, the shrinking budget of the City has led to a reduction in the staff of the City. This reduction in staff has reduced the ability of the City to meet the needs of users of central services and to provide these services at a high level.

With this history in mind, and an understanding of the current challenges facing the consolidated government, the Task Force determined that the intent of the framers of consolidation that the system stimulate administrative professionalism, provide full accountability to the public, and foster economy and efficiency should still be the primary objective. They then sought to discover the best method of performing the governmental services needed by all aspects of the consolidated government, including the departments of the City, the constitutional officers, and the independent authorities. The Task Force received input from each of the authorities, the constitutional officers, the library, and the departments of the City regarding the use and provision of central services.

Additionally, the Task Force also sought additional research on how other jurisdictions, including the City of Denver, Colorado, the City of Tampa, Florida, and the State of Ohio provide central services. It was determined that the City of Tampa and the City of Denver provide central services in essentially the same fashion as the City of Jacksonville. The State of Ohio uses a shared services model through which the Shared Services Division partners with other agencies to consolidate business activities into a standardized platform through which cost-savings may be achieved through efficiency. The Shared Services Division continually seeks out opportunities where business functions of multiple agencies can be consolidated to incur efficiencies and cost savings. Although the State of Ohio is a state government rather than a

local municipal government, the committee believed the practice of shared services is adaptable to our form and, in a few specific circumstances, the practice is already beginning to take place.

Based upon the testimony received, the research conducted, and the knowledge of the committee members, the committee made several recommendations to improve the provision of central services across all of the consolidated government. Before entering into the discussion of the recommendations, it should be reiterated that the committee believes, just as the original consolidation study commission believed, that the administrative structure of the consolidated government should be unified whenever possible, not for the benefit of the using or providing agency or department but rather for the overall good of the taxpayers and residents of Jacksonville.

The practice of internal billing for services is detrimental to the effort to maintain and encourage greater use of central services, and this budget practice should end. Further, any benefit derived through the use of internal billing as a management tool is far outweighed by the detriment it causes in internal disputes, wasted man-hours, and decentralization. The Mayor and his staff have a variety of other personnel and administrative tools to manage consumption and demand and to prevent waste, aside from internal billing.

Within this recommendation, the committee further believed that the Office of General Counsel should be separately and sufficiently funded to further the independence of the office and alleviate time spent by staff tracking and billing hours. It will be up to the General Counsel and the office's attorneys to instruct using departments, agencies, and offices when their requests are not legal in nature and therefore not an appropriate use of the attorney's time and resources.

Enterprise funds, the independent authorities, and the Police and Fire Pension Fund should continue to be billed for services, due to their receipt of external funds and the need in such funds and agencies to accurately account for the cost of services provided.

A fundamental problem with the practice of internal billing was the inability of the departments providing services to precisely identify their direct and indirect costs. As part of the recommendation to eliminate the practice of internal billing, the committee recommends that each department provide to the City Council a statement reflecting all of their direct and indirect costs so the Council will have an accurate understanding of expenses during the budget process and may make appropriate decisions based upon this information. Direct costs would be charged to using departments. The ability of a department to communicate its costs is further considered an indicator of good leadership and management, or poor leadership and management, whichever the case may be.

The committee also found that the policy of seeking out and creating opportunities to voluntarily share services is a model very adaptable to the consolidated government of Jacksonville. The City should modify and expand its current practices to seek out opportunities for partnership with other entities, both governmental and non-governmental, such as the communities of Jacksonville Beach, Neptune Beach, Atlantic Beach, and the Town of Baldwin, the United States Navy, the private sector, and others. The State of Ohio's practice of sharing services to increase

the quality of the service and decrease the cost should be modeled and adapted to meet local needs.

One major reason that central service provider departments are unable to provide competitive prices for their services is due to the inclusion of a portion of the unfunded pension liability in their budgets. This is exacerbated by the failure of some departments to divide out their direct and indirect costs so using departments and agencies have an understanding of the nature of the charges assigned. As such, the Task Force first recommends removing and eliminating unfunded pension liability from service charges to enterprise funds and the independent authorities so that charges to these funds are more accurate and competitive with the private sector. This will allow the City to compete for new business and in some cases win it, increasing the capabilities of the City to achieve greater economies of scale. Furthermore, in situations where the authorities or agencies are required to use City services, they will no longer be frustrated by paying for services at costs in excess of what they could procure on their own. Second, the annual budget should explicitly report both departmental direct and indirect costs, and a separate account for unfunded pension liability in excess of the normal cost. These changes will make the costs each department is incurring in order to provide the services it is required to provide more apparent, not to mention reflect private sector budgetary practices, and will eliminate the effects of the unfunded pension liability. The former is essential to determine how efficiently and effectively each department is providing their services. The latter is important so that each department no longer has to overcome the unfunded pension liability hurdle in their budget; instead, they can look for opportunities to increase the number of clients served and to share services with non-City entities.

Finally, during discussion of the committee's recommendations, the Task Force agreed that the City should initiate a pilot program privatizing limited central services for the purpose of evaluating potential cost savings, and increased quality of services. The Task Force received no evidence that there is currently a process in place to ensure the City is only providing those central services that are most economically and effectively provided by government rather than private providers. The Task Force offers this recommendation as an experiment to see where each centralized service stands in comparison to the private sector. If the goal of any Mayor, or Council, is careful and responsible use of tax dollars, this experiment should be self-explanatory.

### **Recommendations:**

#### *Ordinance Code Changes:*

1. Amend the Ordinance Code to eliminate the practice of internal budgeting and charging of central services to all City departments. Additionally, it should be the policy of the City of Jacksonville not to use the process of internal service billings and to remove such billings from the budget, and from practice, for all internal services, as defined in Chapter 108 and otherwise, with the exception of charges assessed to enterprise funds, the independent authorities, and the Police and Fire Pension Fund, which shall continue to be billed for services. (CS)
2. Amend the Ordinance Code to require the specific elimination of the practice of internal budgeting and charging of legal services to all departments, agencies, and offices of the

city with exception of enterprise funds, the independent agencies and the Police and Fire Pension Fund. The annual budget shall not allocate legal services to these departments, agencies, and offices of the city, with exception of enterprise funds. Annually, the office of General Counsel shall be separately but sufficiently funded to meet the legal needs of the city. (CS)

3. Amend the Ordinance Code to require as part of the annual budget process that each department of the City that bills another department, agency, or aspect of the city shall determine and report to the City Council the direct and indirect costs incurred by that department. Indirect costs shall include but not be limited to overhead costs such as management salaries and benefits. Direct cost information shall identify which agencies or departments are incurring the costs. (CS)
4. Amend the Ordinance Code to require, annually, prior to the start of the City's budget process, that the City enter into contracts with the independent authorities that outline the central services the City will provide, the level of service at which the city will provide these services, and the cost the independent authority shall pay for that fiscal year. If the City is unable to meet the service needs of the independent authority or constitutional officer at a mutually agreeable cost, the independent authority shall have the option to procure these products and/or services from outside vendors. Legal Services provided by the Office of General Counsel shall not be included in this provision of this paragraph. (CS)
5. Amend the Ordinance Code to remove and eliminate unfunded pension liability from service charges to enterprise funds and the independent authorities. (CS)
6. Amend the Ordinance Code to require the annual City budget include departmental budgets for each department that provides a central service to using agencies, reflecting the budgeted costs for each using agency. Normal employee pension and other employee benefit costs shall be included in the indirect cost line items; however, unfunded pension liability costs, in excess of normal cost, shall not be included. Unfunded pension liability costs shall be identified and budgeted in a separate non-departmental line item in the General Fund. (CS)

*Recommendation:*

1. The Mayor should implement in limited trials and in selected departments the privatization of central service type activities for the purpose of evaluating potential cost savings, quality of services, and reliability of such private services; during such trials, the central service departments and staff that are currently responsible for these activities shall be maintained so that the capacity of the City to provide such services is not undermined in the event the trial reveals that the City provision of such services is the preferred alternative. (CS)(EE)

## Special Taxing Districts

**Issue:**

Is the creation of a special taxing district that grants to the taxing authority the power to levy taxes for a specified purpose an appropriate mechanism for meeting the funding needs for specific priorities in the City of Jacksonville?

**Background:**

The creation of a special taxing district would grant to the taxing authority the specific power to levy taxes on the residents of Jacksonville within the State limit of 20 mills, thus using a portion of the ad valorem taxing ability of the City Council. This type of special taxing district is in contrast to a Tax Increment Financing (TIF) district that does not levy its own millage but is allowed to use the growth in revenue after a specified date from the millage assessed by Council in a designated geographic area. Special taxing districts are established over broad geographic areas, most likely the entire consolidated City, to fund a specific need such as children's services, libraries, or healthcare.

The form of governance varies, but the concept takes responsibility and authority away from City Council to establish priorities among competing City needs. If the governing authority of a district is unelected, the power of citizens over taxing decisions is diminished. If elected, the concept runs directly afoul of the goals of consolidation. Therefore, the Task Force concluded that the creation of a special taxing district would specifically usurp the authority of the City Council as the paramount taxing authority and would be contrary to the intent and purposes of consolidation.

While there still may be valid reasons to establish a special taxing district, the creation of one should be done with caution and other means of securing adequate funding while maintaining the authority of the City Council and the Mayor should be attempted first. Special taxing districts create a slippery slope effect. The creation of one would lead to the push for the creation of others, all likely legitimate but at the cost of our consolidated form of government, and would diminish the authority of the City Council to establish the City's budget and financial priorities.

**Recommendation:***Policy Recommendation:*

1. The committee has reviewed the issue of special taxing districts and concluded that their use is a specific act of deconsolidation and runs contrary to the intent of City Charter. Therefore, the creation of a special taxing district should be done with caution, and other means of maintaining the authority of the City Council and the Mayor should be attempted first, so as to avoid diluting the authority and responsibility of the City Council to establish the City budget and financial priorities. This recommendation does not include geographically defined tax increment financing districts. (C)

## Jacksonville Public Library

### Issue:

The Library has suffered as a result of budget cuts in recent years as have all City departments. As a result, the Library has been forced to reduce staff, close branches, and reduce the hours that other branches are open. The Library's autonomy and governance by an independent board has perhaps contributed to its vulnerability to cuts in the Mayor's proposed budgets, forcing the Library to annually ask Council to reallocate funds to their needs. These challenges have led the Library to seek a more stable funding source.

- Is a dedicated revenue source for funding the Library an appropriate direction?
- Is an independent taxing district the best option for ensuring a sustained, quality library system for the future?
- Should the Library and similar city departments have a budget and greater say in identifying their IT priorities and in managing the direction of their IT services?
- Should a mechanism be established that recognizes and provides for the capital needs of the Library and other individual departments?

### Background:

Currently, an initiative is underway to create a special taxing district for the Library. The need for such a district was identified in a recent Jacksonville Community Council study on library funding, and a petition drive ensued to get the issue on the ballot. This initiative will be on the August 26, 2014 ballot. If the initiative is affirmed, it will go on the March 2015 ballot as a binding referendum to create the taxing district. The committee reviewed the initiative to create a special taxing district for the Library and concluded, consistent with their recommendation regarding the creation of a special taxing district for any purpose, that its creation would be an act of deconsolidation, even if successful in providing a stable funding source for the Library.

Two specific issues of concern to the Library were the inability to plan for capital improvements and the inability to influence the provision of central services, such as information technology needs and building maintenance needs. Specifically, the Library noted that they receive nearly \$1 million in fines and fees but are unable to collect them online, a service that they believe is necessary to operate efficiently. The Task Force took these concerns into consideration when discussing and making recommendations regarding central services. Additionally, the Neighborhoods Committee considered the Library's concerns when evaluating and recommending changes to the Capital Improvement Process. The Organization Committee did discuss and, ultimately, recommend that the Library be allowed to retain the fines and fees that they collect. Opponents to the recommendation felt that it was unnecessary because the Library's budget would simply be reduced by the amount they collect in fines and fees, rather than allowing them to put the additional funds toward capital improvements, building upgrades, technology upgrades, or otherwise. The Task Force voted separately on the retention of fines and on the retention of fees because it was felt that they were different. Fines are derived mostly from library patrons who do not return or are late in returning borrowed library materials, and the Library uses fines as a means of controlling this behavior and replacing materials that are not

returned. Fees are mainly derived from the rental of Library space and facilities that are ultimately City property. The group also discussed whether other City departments that collect fines or fees should be allowed to retain these monies. Ultimately, it was decided they should not. The Task Force concluded that fines should be retained by the Library for transparency and perception reasons because the public believes these fines are retained by the Library, even if the budgetary impact may be nullified by other reductions. Fees were treated differently, similar to fees for services charged by many other departments, because the revenue is derived from the use of City property and facilities.

### **Recommendation:**

#### *Ordinance Code Change:*

1. Amend the Ordinance Code to allow revenue generated by the Jacksonville Public Library from the collection of fines to be retained by the Library. (PT)

## Boards & Commissions

### Issue:

The proliferation of Boards and Commissions was identified in the Blueprint for Improvement as an impediment to pinpointing responsibility and blamed for creating confusion among the electorate. The number of such entities was dramatically reduced at the time of consolidation but has over the years grown significantly. Vacancies remain unfilled longer than desired, and some entities rarely meet.

- Are all boards and commission necessary, effective, and a justifiable expense?
- Do some boards and commissions have such high numbers of vacancies that they are no longer effective?
- Do the criteria for appointments create an obstacle to filling positions on boards or commissions?

### Background:

Since consolidation, the number of boards and commissions in the City has continually grown with rarely a reduction in the total number. Currently, there are a total of 72 boards and commissions, created by both ordinance and executive order. Of those, 18 have been delegated some authority by the City Council, six serve mainly an administrative function, eleven are primarily advisory, twelve are required by State law, two are governed by State law but not required by it, 17 are created by executive order, and the final six are the Citizen Planning Advisory Committees (CPACs).

The Task Force focused on the eleven advisory boards or commissions, since, other than the Mayor's Advisory Boards, each of the others was required by law or by necessity. The committee did not review the Mayor's boards and commission created by executive order. They believed each served at the Mayor's pleasure and the Mayor should have the ability to create any board or commission he or she deems necessary, subject to the budgetary control of Council over staff and expenditures. The committee determined that each of the advisory boards and commissions appears to be meeting regularly and serving their intended purpose so there was no recommendation to make a change.

Due to the administrative costs, in both financial and human resources, spent on supporting these boards and commissions, the committee did recognize the need for periodic review of the structure and necessity of each of the current boards and commissions. As such, they recommend that the City Council and the Mayor each review their boards and commissions every four years. The Task Force discussed requiring that boards and commissions sunset after a certain number of years but ultimately decided that the recommendations, as submitted, dealt with the potential problem of unnecessary boards and commissions draining essential human and financial resources. The Task Force approved these recommendations as submitted.

### Recommendations:

*Ordinance Code Change:*

1. Amend the Ordinance Code to require, and the Mayor should create by executive order, a procedure for review every four years of the continued need for and usefulness of each of the boards and commissions created by executive order and ordinance. (EE)

*Council Rules Change:*

1. The Council Rules should be changed to require legislation regarding appointments to boards be coded in the bill title or body to provide basic information about the board, including whether such board or commission is advisory versus having substantive power, who has the power to appoint members to the board or commission, number and category of board vacancies, and any other information the council deems necessary. (EE)

## Public Health

**Issue:**

The Department of Health in Duval County has, over time, been removed from day to day operations and decisions of local government.

- How can it be better integrated?
- What should the City's relationship with UF Health Jacksonville be?
- Is UF Health Jacksonville properly funded as the county's hospital?

**Background:**

At the time of consolidation, and for many years following, the Department of Health was a City department and involved in the day-to-day decision-making of the City. The State of Florida changed the law regarding health departments, and they became quasi-state agencies. Even after the law changed, the Director of the Health Department was included in the Mayor's staff meetings and in other roles that allowed the Health Department to advise the Mayor on public health issues and plan with the City for provision of public health services.

Currently, the Director of the Health Department is appointed by the State Surgeon General but approved by the Jacksonville City Council. The employees are employees of the State of Florida. The Department is funded primarily through State funds, and recent City appropriations have been limited to matching grants for specific projects and some building operating expenses.

The committee reviewed the status of the Health Department's integration and collaboration with the City and determined that it is virtually nonexistent. The Health Department has voiced its willingness and desire to participate, but there currently are no structural opportunities for collaboration and integration of public health in policy-making or administration.

Further, the committee investigated the City's relationship with UF Health Jacksonville. As part of the testimony given by representatives from UF Health, the committee learned that the financial struggles UF Health encounters are centered around a poor payer mix, meaning the hospital treats a high percentage of patients whose insurance allows very little or no room for profit by the hospital and those patients whose insurance does allow room for profit are barely enough to cover the hospital's expenses. Currently, the City owns the land the hospital is located on as well as many of the buildings, and they lease these to UF Health. Additionally, the City appropriates \$23-25 million annually to UF Health for the purpose of providing indigent primary care services to City residents.

The committee ultimately determined that the issue of public health goes beyond a simple investigation into the City's relationship with the Health Department and UF Health. While the committee did agree on one recommendation they believe would be a simple step toward integration of the Health Department into the discussion of the City Council's Public Health and Safety Committee, they ultimately believed that extensive study and development of a comprehensive plan for the administration of public health initiatives is needed. This study would need to determine the current legal responsibilities of the City for provision of public

health programs, including indigent health care, the moral responsibilities of the City, and how to meet the current and future needs, at a minimum. The Task Force did adopt several recommendations.

As the Task Force discussed these recommendations, the suggestion was made that the recommendation to create a task force need not be an Ordinance Code change but was sufficient as a policy recommendation to allow for more flexibility. Additionally, it was suggested that the newly created Task Force evaluate mental health issues as well as look at the Urban Land Institute's *10 Principles for Building Healthy Places*. With these changes included, the Task Force approved both recommendations.

### **Recommendations:**

#### *Council Rules Change:*

1. The Council Rules should be changed to allow the Director of the Department of Health in Duval County to serve as an "ex officio," non-voting member of the Council's Public Health and Safety Committee. (CG)

#### *Policy Recommendation:*

1. Create a task force for the purpose of developing a comprehensive plan for public health initiatives. The Task Force should begin by reviewing the legal and moral requirements of the City to provide public health services to its citizens, including but not limited to environmental health services, communicable disease control services, primary indigent health care, and mental health. (IM)(PI)

This Task Force should specifically address the following topics from the Task Force on Consolidated Government:

- a. How can the Department of Health in Duval County be incorporated into City planning and the regular activities of the City so as to create a more coordinated effort between the City and the Health Department?
  - i. Should there be a requirement that the Director of the Health Department be consulted by the City on health-related issues?
- b. Should public health goals be added to the Inter-Governmental Relations Element of the 2030 Comprehensive Plan, or a Health Element adopted?
- c. Should there be created a funding formula that is insulated from political influence and will meet the current and future public health needs, including indigent health care, of the City?
- d. Could medical clinics, if established for City employees, be used to meet the primary indigent health care responsibilities of the city?
  - i. Should the City's primary indigent health care services include dental care?

- e. Should the City Council support legislation to amend State law to allow consolidated counties to levy a tax for indigent care if they so choose? As the only consolidated city/county government in the state, Jacksonville is the only jurisdiction prohibited from levying such an indigent care tax.
- f. Should the City incorporate aspects of the Urban Land Institute's *10 Principles for Building Healthy Places* into its design standards and planning?

## Employee Health

### Issue:

Growing health care expenses for City employees have had a major impact on the City budget for at least a decade. Other commissions have examined self-insurance, revisions to insurance plans, and wellness initiatives as ways to control burgeoning costs. To date, these initiatives have not been implemented and the challenges of both cost and absences due to illness and injury remain an issue for the City.

- How can City employee health care premiums be reduced and the overall health of employees be improved?

### Background:

As the Task Force committee reviewed the status of public health in the City, the concept of opening worksite clinics was introduced. It was explained to the committee that the City itself has vetted this concept several times, during a prior Mayoral administration and recently by the 2010 Charter Revision Commission. The committee heard the concept explained fully and felt that the recommendation was strong enough to support as a specific recommendation. An attempt was made to find the proposal given to the previous Risk Manager of the City.

Worksite clinic/medical homes are a primary care delivery model that is widely used in the private sector, and increasingly is being utilized by public sector entities such as local government and public employee unions. Under this model, the employer contracts with a third party vendor to staff and operate a network of primary care clinics open to its employees and their families. The employer funds the start-up costs of the clinics. The vendor is reimbursed for the validated annual operational costs of the clinics, plus a “per employee per month” management fee. Clinic visits, standard drugs, and lab tests are free to employees and their families. The benefit to the Consolidated Government is achieved by i) enhancing shared services in the provision of primary care, occupational health, and workers’ compensation services to employees of the Consolidated Government and their families, and ii) achieving cost savings and containing healthcare cost inflation through reduced health care insurance premiums. The cost savings could be reprogrammed into indigent care and/or pension costs.

Employee health records/information maintained by the vendor would be fully confidential and not available to the Consolidated Government.

Locally, this model is already utilized by Baptist Health and Florida Blue for their employees. In addition, the concept has been vetted by the 2009-2010 Charter Revision Commission, and subsequently by the City of Jacksonville’s Health & Life Insurance Procurement Committee.

The Task Force discussed this issue fully and determined that strategic implementation of this plan was essential to its success. If not done properly, this plan will not be a true benefit to the employee and their family, and will be under-utilized, thus dooming it to failure. However, if done with the health of the employee and their family as the paramount purpose, the clinics will

be extremely beneficial and overwhelmingly successful. The Task Force approved this recommendation with the inclusion of the importance of strategic implementation.

**Recommendation:**

*Ordinance Code Change:*

1. Adopt an ordinance instructing and authorizing the Mayor to contract with a third party vendor, by a Request for Proposal or otherwise, to strategically implement a network of primary care clinics for use by employees of the City of Jacksonville, the School Board, and the Independent Authorities.

## Police & Fire Pension Board

**Issue:**

The issue of pension reform, particularly with respect to the Police and Fire Fund and its governance, is clearly the single most important issue facing Jacksonville in 2014. The unfunded liability is staggering and drives all conversations about our City budget and future opportunities. Concurrent with the creation of this Task Force, Mayor Brown established the Mayor's Retirement Reform Task Force to address that issue. As a result, this Task Force deferred to that entity whose focus was specific and in-depth on a complex issue. However, as the composition and operation of the Fund governing board was squarely within our purview, we did officially recommend that the Pension Reform Task Force recommendations on governance be adopted as published.

**Background:**

The Mayor's Retirement Reform Task Force was given the monumental task of review of the Police and Fire Pension Fund. Their final report was not released in time for the committee to offer support or recommendations related to it. The committee made no recommendations related to the Police and Fire Pension Fund, or its board. The report of the Mayor's Retirement Reform Task Force was released before the Task Force concluded, and the Task Force voted to support the recommendation of the Retirement Task Force specifically related to the governance of the pension board.

**Recommendations:***Recommendation of Support:*

1. The Task Force wholeheartedly supports the governance portion of the recommendations of the Retirement Reform Task Force and encourages their complete implementation.  
(PT)

## City Charter

### Issue:

Many ordinances are not codified and published as part of the Code, and some that are codified are often ignored. This leads to a lack of transparency, inconsistent enforcement, and an attitude among government officials that adopted ordinances are of little importance.

- How can the enforcement of existing ordinances be improved? Currently, there are many ordinances, some codified and others not, which have been adopted but are not followed. (Examples: Neighborhood Bill of Rights, portions of the Capital Improvement Process).
- Should the number of votes it takes to waive an ordinance, or waive a provision of the Charter, be changed?

### Background:

Enforcement of all City ordinances is a challenge. The current Ordinance Code is lengthy, and turnover among elected officials, the Council Auditor's office, the Office of General Counsel, and in City departments decreases the continuity of knowledge of ordinances. Further, easy access to the Ordinance Code by the public is essential, regardless of how difficult it may be to read and understand. Currently, not all ordinances are published in the City's online code. Unpublished ordinances are still valid local laws; however, they become difficult to find. As such, the committee recommended and the Task Force approved the following recommendation that the Charter include language specifically requiring that all ordinances, with specific limited exceptions, be included in the City's published Ordinance Code.

Currently, the Council Rules state that all action by the Council shall be by majority action of Council Members present, and the Charter requires 14 Council Members present to establish a quorum. Therefore, portions of the Ordinance Code can be waived by a vote of the majority of Council Members present at a meeting, which could be as few as eight. The committee believed this was an oversight by the framers of consolidation. Further, the Ordinance Code is of great enough importance that the Council should be able to garner 13 votes to waive a provision contained within it if it is truly worth waiving. The fact that eight votes can overturn any prior ordinance provision has led to the almost flippant disregard of adopted ordinances. The Office of General Counsel has commented that it is unnecessary to point out conflicting earlier provisions of the code when considering a new ordinance since the old language is superseded by the new with 10 votes. This undermines the enforceability and significance of ordinances adopted by Council. Furthermore, members are not even aware that issues have been addressed by prior Councils and don't have the benefit of learning from earlier debate. The Task Force approved this recommendation as submitted by the Governance Committee.

The next recommendation is simply an affirmative expression of current law. The Florida Legislature, acting under its own authority, may alter our Charter as they see fit. This recommendation is to simply express that option in the Charter so residents and voters know that the Legislature is always an option to process an amendment to the Charter. The Task Force approved this recommendation as submitted.

Finally, Article 19 of the Charter currently conflicts with State law and has caused confusion in recent court cases. An opinion from the Office of General Counsel explains that Section 19.207, specifically, is a preempted section. Since Article 19 is no longer controlling law, any section conflicting with State law should be removed from the Charter.

### **Recommendations:**

#### *Charter Amendments:*

1. Amend the Charter to require all ordinances of the City Council concerning the consolidated government, or providing rules and regulations of general applicability shall be published in the City's published Ordinance Code; except that such codification shall not be required for the ordinances adopting the annual budgets, the annual capital improvement plan, ordinances appropriating funds, and ordinances regarding parcel specific land use and zoning approvals, exceptions and variances. (PT)
2. Amend the Charter and the Council Rules as appropriate to require a vote of thirteen (13) Council members to waive the Ordinance Code. (PT)
3. Amend the Charter to include the Florida legislature as an option for amending sections of the Charter that cannot be amended through ordinance. This recommendation expresses how the law is currently. (PT)
4. Amend the Charter to remove the portions of Article 19 of the City Charter that conflict with Chapter 447 of the Florida Statutes, specifically Section 19.207 of the City Charter. (PT)

## Neighborhood Engagement & Participation

### Issue:

There was widespread concern among neighborhoods that they were not well served by the consolidated government. Specifically, the Task Force heard that:

- CPACs are marginally effective.
- Neighborhoods have no participation in planning or CIP development.
- There is a one size fits all approach to neighborhood issues.
- The CARE system closes issues before resolution, does not provide neighborhood feedback, and is not available on nights and weekends.
- It is difficult for neighborhoods to stay informed and be involved in zoning issues and decisions.
- Technology should be used for community outreach.

### Background:

During the course of its background investigation, the Task Force heard from representatives of various neighborhoods in Jacksonville. The concerns raised by these representatives focused on two main themes: the needs of each neighborhood are different, and residents do not feel that their voice is heard. The Task Force also heard from those who believe that as to land use and zoning matters, neighborhood organizations are not always representative of the broader community and their participation inordinately delays the application process, impacting business opportunity.

The current system for broad-based neighborhood engagement is through six Citizen Planning Advisory Committees (CPACs). CPACs were created through Executive Order No. 93-170 by Mayor Ed Austin on October 5, 1993. The intent behind CPACs was to use their input in “developing the Five-Year Capital Improvement Programs for the City, in the amendment and update of various elements of the 2010 Comprehensive Plan, and in the development of other social and economic programs.” CPACs have been amended by subsequent executive orders but have never been codified in the Ordinance Code. The area each CPAC serves is aligned with a Planning District of the City. In good economic times, the Neighborhoods Department and the Planning Department each had employees dedicated to a CPAC or a planning district depending on which was appropriate. As budgets have shrunk, the support for CPACs has shrunk.

The Task Force held public meetings at various locations around Jacksonville to allow the public to address their concerns directly to Task Force members about any issue. Although not well attended, the meetings did provide some valuable feedback related to neighborhood engagement and CPACs. One speaker stated that “CPACs are too big and too diverse to be able to adequately represent each neighborhood within their boundaries.” Another stated that “resources have been dramatically reduced to the Neighborhoods Department and CPAC staffing in recent years, and the Mayor and department heads don’t attend CPAC meetings on a regular basis as they once did. This seems to indicate a waning of support for the CPACs, which in turn leads to dwindling membership activity as participants see less interest on the part of the City.” Finally,

another speaker stated that City Council members rarely attend CPAC meetings, and when they do they don't respond with "concrete action." That speaker also felt that CPAC participation is not as high because neighborhood representatives only want to get involved for a single issue, not the entire work of the CPACs.

It was also noted at a public meeting that "CARE complaints to 630-CITY are often marked as "closed" when in fact nothing has been done to remedy the complaint. There needs to be a system, both at the City and at the JEA, of a supervisor making a site visit and confirming that work reported as "completed" has actually been completed and that the work done has adequately solved the problem that was reported." The speaker suggested "the City designating community spokespersons for various parts of the city to meet on a regular basis with City Council members and departmental officials to organize and coordinate complaints and complaint responses to problems in that area of town."

As the Committee on Neighborhoods began to address the issues raised, they initially found fault with the arbitrary and imposed boundaries of CPACs. Such boundaries do not correlate to the political boundaries of Council Districts or the natural boundaries of communities of interest and self-defined neighborhoods. The committee heard from various groups whose mission and purpose is neighborhood organization. Additionally, through research, the Task Force found that the City of Los Angeles, California, has a system of Neighborhood Councils and a Board of Neighborhood Commissioners established by their City Charter. The Board is a policy-setting and oversight commission for their Neighborhood Councils and their Department of Neighborhood Empowerment. As a result, the Task Force first considered a recommendation for the creation of a plan for a series of self-defined Neighborhood Councils.

During the course of the refinement of the recommendations, the Presidents of the six CPACs issued a letter stating that they were not in favor of the recommended plan for the proposed Neighborhood Councils. The CPACs felt that there were changes to the CPAC system that would be beneficial, but overall they were working well. Despite this, the fact still remained that many residents do not feel that CPACs represent them best, or at all, and, perhaps as a result, CPACs are not consistently well attended. Six CPACs simply cannot meet all of the needs of the various neighborhoods, both those that are well organized and those not organized, and individual citizens who are not a part of any neighborhood.

Through neighborhoods, many residents find cultural and familial affinity, social and economic opportunities, historical connections, and their primary interest in, and reason for, civic engagement. Additionally, as Mayor Austin stated in his 1993 Executive Order, "citizens of an area are the best resource for identifying issues, suggesting solutions and developing programs needed to solve existing and future problems in the community." The Committee agrees and believes the Charter should expressly recognize a place for neighborhood organizations.

Further, neighborhoods are often self-defined by the residents, only sometimes conforming to specific geographic or legal definitions. Regardless of whether a neighborhood is self-defined, formally recognized, or legally defined, its residents require a clear path to initiate connection to consolidated government for purposes of affecting policy, capital investment, and planning issues. It is important that this role not be limited solely to one of reacting to zoning and land

use applications, but that it include active participation in identifying issues, developing solutions, and in development of the CIP.

Currently, the ways in which local government entities communicate with citizens, neighborhoods, and neighborhood groups is based upon the needs of the local government entity. The Jacksonville Sheriff's Office (JSO) has the Sheriff's Advisory Councils (ShAdCos), which are organized based upon Sheriff's Office Zones and the crime rates in differing areas of the City. The Jacksonville Transportation Authority took area clusters of zip codes and created six geographically connected Community Advisory Groups (CAGs). Finally, CPACs were created to align with the six planning districts.

The Task Force is not suggesting that these groups were not created in the best manner possible to meet the needs of the organization creating them. It is likely that they were, and with great study and greater intentions. However, they were organized based upon the needs of the organization rather than the needs of the neighborhood or its residents. The first step must be elevating the importance of neighborhoods by creating a place for neighborhoods in the City Charter that is truly focused on the needs of neighborhoods and their residents, rather than the needs or abilities of the consolidated City.

In addition to recognizing neighborhoods in the Charter, the Neighborhood Bill of Rights, created by Ordinance 95-247-106, should be included in the Charter. Neighborhoods deserve the rights outlined in the Bill of Rights, most notably inclusion in the Capital Improvement Process and the creation of the budget. Additionally, the Neighborhood Bill of Rights needs teeth. It was thought that rights of neighborhoods would be sufficiently respected so that it would not need an enforcement mechanism. As it currently stands, the Bill of Rights is not included in the published Ordinance Code. Created in the Charter, as part of the Bill of Rights, should be a mechanism of recourse where neighborhoods who believe their rights have been violated can have their issues mediated and resolved—not to determine right or wrong, but for progress and continual improvement.

In addition to the above Charter amendments, several changes to the Ordinance Code must be made to support residents through their neighborhoods, including a procedure for them to register with the City for communication and notices, inclusion in the design of public projects, opportunity for input in and provision of documents related to land use and zoning issues, and input on the budget.

The next step in the evolution of neighborhood engagement must be the codification of CPACs. CPACs suffer from a lack of meaningful financial support, which is demonstrated by the continued decrease in administrative support, mostly due to their existence as a creature of executive order. CPACs must be supported financially and administratively so they can, in turn, meet the needs of residents, individually and as members of their neighborhoods. The expectation for support must be placed on local government by residents through support for CPACs and then through the processes of the CPACs. CPACs must be a forum for neighborhoods and residents. They must allow neighborhoods and residents to be recognized as an asset of the City and local government's best resource for on-the-ground input. They must clearly pinpoint responsibility in administrative matters by engaging the Mayor's administration

in a conversation. At consolidation, it was intended that residents would be able to go straight to the Mayor's administration for resolution of their problems. Almost immediately, this process was diverted and residents began going to their district Council Member. This is not likely to change, unless it becomes faster, easier, and more productive to get resolution for issues at a regular CPAC meeting. Next, CPACs must continue to educate themselves on land use and zoning issues, and improve their capacity to provide well-reasoned and relevant responses and feedback to the Planning Commission and City Council. Finally, CPACs must serve as the mediator for violations of the Neighborhood Bill of Rights—again, not for right or wrong but for process improvement

Additionally, there should be Ordinance Code changes to coordinate and assist with the codification of CPACs. These Ordinance Code changes ensure certain requirements for membership and to establish the powers and duties of the CPACs.

The Task Force considered but did not approve committee recommendations that registered Neighborhood Associations and CPACs have an extended opportunity to speak and present opposition during a quasi-judicial hearing on a land use application, and that the City Council consider delegation to CPACs of the authority to hold public meetings prior to Council vote. The former was suggested in addition to the current opportunity the public has to speak in these instances. Currently, a member of the public has three minutes to speak on an issue. The applicant also has three minutes, but is often asked questions that extend his or her time beyond three minutes. An applicant is also afforded three minutes of rebuttal time. Since a Neighborhood Association also has the opportunity to be asked questions that result in an extension of time, the current system works effectively and no change is necessary. The latter recommendation was suggested as a means of having the discussion that currently takes place at Council meetings and subcommittee meetings take place at CPAC meetings, at the Council's discretion. Ideally, this would lead to greater involvement. On a quasi-judicial matter, such a delegation is not feasible, but that does not mean that CPACs cannot provide whatever forum they wish on such issues.

The combination of Charter amendments and the codification of the system of CPACs, with the purposes outlined above, elevates the importance of neighborhoods and provides a system created for the needs of the citizens.

## **Recommendations:**

### **Neighborhood Organizations**

#### *Charter Amendments:*

1. Amend the Charter to recognize that citizens are government's best resource for identifying issues, suggesting solutions, and developing programs needed to solve existing and future problems in the community; to recognize the importance of neighborhoods as assets of the City that provide the basic units for civic participation and the inspiration for civic engagement; and, further, to amend the Charter to require the City Council, the Mayor, the constitutional officers, and the agencies of the City to

establish procedures for receiving input from citizens and neighborhoods as a regular course of conducting their business. (NE)

2. Amend the Charter to incorporate the current Neighborhood Bill of Rights and to allow for violations of the Neighborhood Bill of Rights to be mediated by a Citizens Planning Advisory Committees (CPACs). (NE)

The Neighborhood Bill of Rights states that every organized, officially recognized neighborhood in the City of Jacksonville has the right to expect and receive the following from the officials, employees, and agencies of the City of Jacksonville:

- a. Prompt, courteous, informed responses to all questions regarding City business.
- b. An opportunity to participate in the design of publicly funded projects within or adjacent to the neighborhood, including the opportunity early in the planning process to express neighborhood preferences regarding all aspects of the project. Projects include but are not limited to any City-related public works or utility projects.
- c. An opportunity to provide informal and formal input into any proposed land use or zoning change and new development. The input from a neighborhood organization shall be considered, and when possible, incorporated by the Planning Department and the City Council.
- d. Advance notification of any City-related public works or utility projects taking place within or adjacent to a neighborhood (e.g., road paving; water, sewer or drainage work; tree trimming; traffic signal installation or removal; park renovation or substantial maintenance; land purchases, etc.), including the day(s) and probable length of any street closures, utility interruptions, or other adverse impacts on the neighborhood, and the name and phone number of the City representative most knowledgeable and able to immediately answer questions during the course of the work.
- e. Notification of the submission of any application for rezoning, zoning or land use change, variance or exception, Development of Regional Impact (DRI) or Planned Unit Development (PUD) application, Comprehensive Plan change, or other significant land use action; a clear explanation of the date, time, and place of all applicable public hearings (including notification of deferrals and new hearing dates) and other opportunities for public input on the application; and a clear explanation of the type of testimony that is allowable and relevant from neighborhood organizations and residents.
- f. Opportunity for formal input into the annual budget process, including the opportunity to express preferred city government priorities, suggested capital improvement projects, and other statements that fairly represent the opinion of a majority of the neighborhood's residents.

- g. A timely personal response from its district councilperson or that councilperson's aide to questions directed to the City Council office.

*Ordinance Code Changes:*

1. Amend the Ordinance Code in accordance with the new Charter amendment(s) to include the following:
  - a. Definition of "Neighborhood Associations" to include a geographic boundary submitted by the neighborhood association and a procedure for registering the neighborhood association with the City. (NE)
  - b. Registered Neighborhood Associations, CPACs, and applicants for any land use or zoning change shall have the opportunity to meet with the Planning Department to ask questions or to voice support, objections, concerns, or suggestions regarding the application prior to the issuance of the Planning Department's staff report. (NE)
  - c. Registered Neighborhood Associations and CPACs shall be given the final version of all documents related to a land use or zoning-related application at least seven days prior to the final public hearing on the matter. Failure to do so shall constitute a violation of the Neighborhood Association's rights. (NE)
  - d. Procedures for formal input into the annual budget process, including an annual list of priorities and suggested capital improvement projects. (NE)
  - e. Procedures for providing input into the design of publicly funded projects within or adjacent to the neighborhood, including the opportunity early in the planning process to express neighborhood preferences. (NE)
  - f. Process by which the ordinance will be enforced, including designated actions to correct violations. (NE)
  - g. Establishment of procedures for receiving input from Neighborhood Associations prior to decisions by the City Council, City Council Committees, boards and commissions, and the Independent Authorities. (NE)

**Citizens Planning Advisory Committees (CPACs)**

*Ordinance Code Change:*

**CPACs' Purpose**

1. Amend the Ordinance Code to create Citizens Planning Advisory Committees with the purpose of:
  - a. Providing a forum for neighborhoods and residents to
    - i. Be recognized as local government's best resource for identifying issues, suggesting solutions, and developing programs needed to solve existing and future problems in the community; recognized as assets of the City that provide the basic units for civic participation and the inspiration for civic engagement. (NE)(PT)

- ii. Clearly pinpoint responsibility in administrative matters by engaging the Mayor's administration in a conversation, as was contemplated during consolidation. (NE)(PT)
- iii. Educate themselves on land use and zoning issues, and provide responses and feedback to the Planning Commission and City Council. (NE)(PT)
- iv. Have violations of the Neighborhood Bill of Right's mediated. (NE)(PT)

### **CPACs Generally**

2. Codify by ordinance the creation and duties of Citizen Planning Advisory Committees (CPACs) as outlined below:
  - a. Membership shall be open to all residents, individually and as members of associations, business owners, property owners, and organizations within the CPACs boundaries. (NE)
  - b. Procedures for fair and open conduct of their business that allows every stakeholder to participate in the conduct of business, deliberation, and decision-making. (NE)
  - c. Procedures for compliance with state and local Sunshine and public records laws. (NE)
  - d. Procedures for financial accountability. (NE)
  - e. Submission and publication of an organizational plan and bylaws demonstrating compliance with requirements a, b, c, d of this section. (NE)
3. Amend the Ordinance Code to direct that the City Council appropriate sufficient funds annually for the operation of each CPAC. These funds shall be appropriated to a special fund created for this purpose. (NE)

### **CPAC Duties & Responsibilities**

4. Amend the Ordinance Code to outline the following duties and responsibilities of CPACs:
  - a. Require CPACs to monitor the delivery of City services in their respective areas and have periodic meetings with responsible officials of City departments, subject to their reasonable availability. (NE)
  - b. Gather input from neighborhood associations within its boundaries and put together a list of unmet needs to be addressed within the CIP. (NE)
  - c. Determine its agenda based on the needs and requests of the neighborhood associations within its boundaries. Generally, CPACs should work on issues that neighborhood organizations may not have the capacity to do, such as city policies or practices that are broad in nature like development standards, or issues that traverse numerous neighborhoods within its boundaries, such as a roadway improvement. (NE)

CPACs shall develop a procedure for mediating complaints of violations of the Neighborhood Bill of Rights by providing both the neighborhood association and the department, agency, or party responsible for the possible violation an opportunity to explain their situation and then assist in finding an amicable solution. (NE)

- d. CPACs shall report violations of the Neighborhood Bill of Rights, including the number of violations and the departments, agencies, and/or parties responsible for the violations, to the City Council on a quarterly basis. (NE)

## Housing & Neighborhoods Department

### Issue:

During the term of this Task Force, Mayor Brown proposed and City Council adopted the second reorganization of City departments and division in the last three years. In this reorganization, the “Neighborhoods” Department ceased to exist. Municipal Code Compliance and Environmental Quality remained in a new department named Regulatory Compliance. Housing and Community Development was moved under the Planning Department, and the limited neighborhood functions that are currently funded and staffed are now in this Division. The primary, and almost exclusive, focus of this division is administration of the numerous state and federally funded grant programs targeting specific demographic segments and social needs of the community. Some may argue that this reorganization was the result of personality and execution issues rather than structural ones, but it is reality. As such, the specific questions posed to this committee of the Task Force changed during the course of their meetings. Nevertheless, the issue of support for a broad-based neighborhood organization initiative remains an unmet need.

- What is the Neighborhoods Department’s (or Housing and Community Development Division’s) current role as liaison with all neighborhoods?
- How does Municipal Code Compliance fit in?
- How is the Neighborhoods Department (or HCD and MCC) involved in Historic Districts and demolitions of historic buildings?

### Background:

Consistent with the findings related to neighborhood engagement, and to support the codification of Citizen Advisory Planning Committees (CPACs), the Ordinance Code should create or designate a City department or division responsible for supporting the CPACs, and assisting in the development of new neighborhood organizations. Over time, CPACs have received dwindling administrative and other support, which is greatly needed to accomplish their goals. Neighborhoods are one of the most definable aspects of Jacksonville and one of its greatest resources. As such, the Ordinance Code should commit local government to support the efforts of residents to take care of their neighborhoods. The Task Force struck a committee recommendation to identify neighborhoods at the “tipping point” due to the difficulty in establishing a definition of “tipping point” neighborhood. A Council committee has this year focused attention on neighborhoods challenged by blight and has achieved much success in the short term. However, the tipping point recommendation goes beyond those neighborhoods already experiencing blight, high crime, and/or high property vacancy to look for those neighborhoods experiencing economic and social decline. The focus is to provide conscious support to reverse the trend line before the neighborhood becomes blighted.

### Recommendations:

#### *Ordinance Code Changes:*

1. Amend the Ordinance Code to create or designate a City division or department to nurture and support neighborhoods, neighborhood associations, and CPACs.

2. Amend the Ordinance Code to create or designate a City division or department to:
  - a. Assist neighborhoods in organizing themselves and identifying boundaries that do not divide communities.
  - b. Assist neighborhoods and CPACs with public and civic education, outreach, and training with an emphasis given to areas that have traditionally low rates of participation in government.
  - c. Assisting neighborhoods and CPACs with their annual submission of priority projects for consideration in the Capital Improvement Program (CIP).

## Infrastructure

**Issue:**

The promise of urban services and the assurance that no one would be taxed for services they did not receive was a major selling point of consolidation. The concept was incorporated in the Charter in the distinction between Urban Service Districts and the General Service District. Yet, many services remain incomplete today, especially in older, less affluent urban neighborhoods, and a renewed commitment is in order.

- Infrastructure in urban core neighborhoods is not being adequately maintained.
- In many older urban areas, water and sewer lines have not been installed, storm water management is inadequate to prevent flooding, and some roads remain unpaved contrary to promises of consolidation that these services would be provided.
- Who is responsible for installation of new or improved infrastructure? Who is responsible for maintenance and capital replacement projects? The City? JEA? The property owner? What were the terms under which water and sewer were transferred to JEA? As to roads, should we maintain gravel roads? Should the City maintain alleys?
- How should priorities be established going forward? How should these improvements be funded?
- What is the status of unfinished Better Jacksonville Plan projects? Are they included in the Capital Improvement Program plan? Should they be?

**Background:**

As the Task Force investigated the needs of neighborhoods, it became clear that in many older neighborhoods that were part of the former city, promises were made to gain the residents' support for the consolidation of county and city governments. Included in these promises were paved roads, streetlights, water and sewer lines, and flood prevention. Today, there are miles of unpaved roads, hundreds if not thousands of homes and many businesses that do not have water lines available, and a similar number using septic tanks due to a lack of sewer service. Maintenance of infrastructure in older neighborhoods was also a concern. There are reports of sinking and deteriorating storm sewers and sanitary sewers in a number of urban areas. It is noteworthy that many of these neighborhoods have high minority populations and high rates of poverty. As we heard from representatives of JEA and the City, it was clear that neither took responsibility for fulfillment of these promises.

It should be mentioned that not all neighborhoods or individuals on wells and septic systems want to connect to JEA service lines. Whether for reasons of cost or preference, experience has shown that even when lines are available many property owners will not connect. And in some more rural areas, it makes no sense to extend service lines. In short, each neighborhood has a different set of priorities. In order to avoid a one-size-fits-all approach, but at the same time seeking to ensure promises to urban neighborhoods are finally kept, a standardized percentage of the Capital Improvement Program funds should be allocated on an annual basis for the purpose of completing projects that were promised as part of consolidation, but have yet to be delivered.

Due to time constraints, the committee was unable to complete research on specific issues such as gravel road maintenance, alley maintenance, Better Jacksonville Plan projects, and infrastructure capital maintenance responsibilities. They obtained, but did not analyze, the terms of the transfer of water and sewer to JEA. These questions are worthy of further investigation and study by City Council.

### **Recommendations:**

#### *Ordinance Code Change:*

1. Amend the Ordinance Code to require that a specified percentage of appropriated spending and authorized borrowing for the annual Capital Improvement Program budget be specifically used for projects in pre-consolidation urban areas that were promised but not delivered, such as roads, water lines, sewer lines, storm water drainage, and streetlights. (NE)(PI)
2. Amend the Ordinance Code to require appropriate independent authorities with responsibility for carrying out capital improvements projects in the pre-consolidated urban areas of the City to assess the unmet CIP needs in those areas and set aside an annual amount of their CIP budgets to address those unmet needs. (NE)(PI)

## Capital Improvement Program

**Issue:**

- Is the current process and procedure for the establishment of capital improvement priorities the best way of creating the CIP plan?
- Is it worthwhile to project the CIP out five years?
- How are, and should, neighborhoods be involved in development of the CIP? What are the requirements for neighborhood involvement under the Neighborhood Bill of Rights?
- What are the maintenance projections required by code?
- Should all sources of funding (grants, trust funds, etc.) be included in the CIP document for disclosure to the Council and the public?

**Background:**

An effective Capital Improvement Program (CIP) has far-reaching benefits within government and outside it. An effective CIP allows department heads to plan improvements, it allows citizens to make business and personal decisions, it can increase property values, and it allows the City Council to anticipate needed tax revenues and the Finance Department to best structure necessary borrowing. As the Ordinance Code states, “public capital improvements have a vital relationship to the degree and direction of community development within the City and...their cost is a sizable part of all public expenditures within the City’s jurisdiction.”

As with the operating budget, the development of the CIP plan is a right and responsibility of the Mayor. The Mayor must submit the CIP plan and budget, concurrent with submission of the City’s operating budget, for approval by the City Council. Currently, the CIP plan is developed and prioritized in two committees created and controlled by the Mayor, the CIP Steering Committee, and the CIP Scoring Committee. The Steering Committee establishes the criteria for scoring, receives the Mayor’s priorities, and receives suggested projects from City departments. Then, the Scoring Committee scores all of the projects based upon the criteria established by the Steering Committee. Once all of the projects have been scored, they are turned over to the Mayor for prioritization and submission to the City Council for approval of the plan.

As the Task Force investigated the CIP process they recognized several drawbacks of the current process. First, there is no opportunity for public input or for the process to take place “in the sunshine,” and information relating to proposed projects is not readily available to the public. It is simply up to the Mayor to decide what is important to residents. This leaves too much of an opportunity for influence outside of the view of the public. Second, in the past the CIP was developed for a five-year period, but has recently devolved into a current year only plan. Finally, it is not always clear what a total project budget is when funding is coming from multiple sources, or prior years, but only current-year borrowed funds are included in the CIP. This lack of transparency impacts both Council decision-making and public understanding.

There must be a more transparent process with more input, especially from the public. At the same time, the right and responsibility of the Mayor to prioritize the CIP plan and budget submitted to the Council as he or she chooses should be maintained, and it is the right of the

Council to approve or modify the plan as they deem appropriate, regardless of the prioritization of the City departments, the CIP Committee, or input of the public. Ultimately, if the public disagrees with the CIP plan as submitted to the Council, or the action of Council, they should take their opinion to the ballot box.

The first recommendation is for the inclusion of two representatives of Citizens Planning Advisory Committees (CPACs) on the Mayor's CIP committee. Next, as the policy setting body of the City, the Council should establish the criteria for projects. These two recommendations will ensure neighborhood input and compliance with the Neighborhood Bill of Rights, and provide another check and balance to the CIP process by allowing the Council to give the Mayor the framework by which he or she should create their CIP plan. Allowing the Council to establish the criteria for scoring projects does not limit the Mayor in any way. It does, however, put the onus on the Mayor to explain major rearrangements of the priority list. Certainly there will be minor changes to the priorities. These are not the problem. The problems arise when high priority projects are not completed and other projects not identified as priorities by Council are moved up in priority.

Next, the CIP Committee should meet publicly to receive lists of projects from City departments, agencies, commissions, and CPACs. They should give these entities the opportunity to speak and explain their list. The CIP Committee should meet again 14 days or more after the first meeting to hear public comment. After the public comment meeting, the CIP Committee will meet again to discuss and score the projects. Once scoring is complete, the list of all projects and their scores shall be submitted to the Mayor for prioritization based upon the Mayor's priorities. The Mayor has the right and responsibility to rank the projects as he or she sees fit, regardless of their score. The Mayor is not bound by the score but will surely have to explain significant rearrangement.

Additionally, the CIP plan developed by the Mayor shall prioritize projects over a five-year period, but may include projects over a longer period of time. After completion of the first year of the revised CIP plan, projects listed in years two, three, four, five, and beyond shall automatically move up one year in priority. Year two projects shall automatically become year one projects, year three projects shall become year two projects, and so on. A project may only be held or returned to a later priority year upon a specific vote of the City Council on that individual project, not as a part of a vote to accept the CIP as a whole. Each CIP project should include, in its listing on the CIP, the number of years it has been on the CIP.

Currently, the City Council approves projects on the CIP and authorizes the Mayor to borrow money to complete the project. The Finance Department will borrow the funds either within 90 days prior to the start of a project or within 90 after the start of a project due to required lending practices. In an effort to reduce the fees and expenses associated with borrowing, the Finance Department seeks to only borrow money twice a year but borrows money as needed for authorized projects. This timing does not affect the ability of a department to start a project; they *may* do so as soon as the Council approves the project. However, in reality, the administration often delays commencement of projects to reduce debt service requirements or to further the Mayor's personal priorities. Some projects for which City Council has appropriated funding sit for years without actual funds being drawn and projects commenced. Unfortunately, this leads to

a disparity between Council-established priorities and authorized spending, and actual implementation, which in turn creates confusion in the public regarding both the status of projects and the debt burden of the City. Often citizens are aware when a project is approved by the City Council, but then do not see the work actually start on this project. They are then reliant on their Council members to find out from the administration when work will begin and be completed. The public has a right to know the status of approved projects on the CIP. The model used by the Florida Department of Transportation to report on the status of their roadway projects would very effectively increase transparency and assist the public with an understanding of where a project stands in the process. The City should create a similar webpage dedicated to the CIP plan. This website shall be searchable by different criteria so the public can view projects on the CIP, understand how close to completion they are, and make decisions based upon this information.

Finally, the Task Force considered but did not approve a recommendation to require that projects listed on the CIP cannot be removed without a two-thirds vote of the Council. This encroached on the flexibility of the Mayor and Council to respond to changing circumstances in the CIP, and the Task Force concluded that a simple majority vote was sufficient.

**Recommendations:***Ordinance Code Changes:***Organization**

1. Amend the Ordinance Code to add two members of the Citizens Planning Advisory Committees (CPACs) to the current CIP Scoring Committee. (NE)(PT)

**Process & Procedure**

2. Amend the Ordinance Code to require that the CIP Planning Committee hold a public meeting at which they receive projects, hear explanations of projects, and allow members of the public to propose projects and advocate for or against submitted projects. (PT)
3. Amend the Ordinance Code to require that there shall be a separate public meeting to received public comment on the projects proposed by the departments, agencies, commissions, and CPACs of the City. There shall be no less than 14 days between each meeting to allow the public time to review the submitted projects prior to the public comment meeting. (PT)
4. Amend the Ordinance Code to require that the CIP Planning Committee give 14 days' notice of both meetings. The meeting shall be held in City Council chambers if possible. The meeting shall take place at a time most accessible to the public. (PT)
5. Amend the Ordinance Code to require that the CIP Planning Committee meet "in the sunshine" to discuss and score projects after the public comment meeting. (PT)

**CIP Generally**

6. Amend the Ordinance Code to require the scoring criteria for CIP projects to be established by the City Council and passed as an ordinance. (PT)

7. Require that the CIP Committee's review shall include prioritized projects over at least a five-year period, but preferably longer. (PT)
8. Amend the Ordinance Code to require that the CIP submitted by the Mayor prioritize projects over a five-year period, but may include projects over a longer period of time. After completion of the first year of the revised CIP plan, projects listed in years two, three, four, five, and beyond shall automatically move up one year in priority. Year two projects shall automatically become year one projects, year three projects shall become year two projects, and so on. A project may only be held or returned to a later priority year upon a specific vote of the City Council on that individual project, not as a part of a vote to accept the CIP as a whole. (PT)
9. Amend the Ordinance Code to require each CIP project to include, in its listing on the CIP, the number of years it has been on the CIP. (PT)

#### **Public Communication & Access to Information**

10. Amend the Ordinance Code to require that the City create a webpage within the City's website for purposes of tracking the progress of projects included in the CIP similar to the Florida Department of Transportation's website. The website should allow the projects to be searchable, or shall be published, by type of project, council district, CPAC, status (including "authorized by City Council but not yet funded"), by each individual source of funding, department, or agency overseeing the project, projects submitted to the committee for inclusion in the CIP but not submitted by the Mayor for City Council approval, and any other categories deemed beneficial to the public. (PT)(EE)

## Planning

**Issue:**

Many planning issues are discussed elsewhere in this document including planning for capital improvements, planning for unmet infrastructure needs, and integrated strategic planning. One additional issue arose in the neighborhood context and that is the appropriateness and usefulness of the planning districts currently in place. The districts were established by the Planning Department many years ago, and at one time various City functions were aligned with Planning Districts. Few functions still rely on Planning District lines, and many changes in political, planning, and community boundaries have occurred since the creation of these districts.

- Are the planning districts as currently drawn the most appropriate division of the City for planning purposes?

**Background:**

As the Task Force investigated the issues related to neighborhood engagement, the question was raised as to whether or not the planning districts, as currently drawn, are appropriate with relation to the needs of neighborhoods. Trying to plan appropriately for an 840-square-mile area is a challenge no matter how it is divided. Mobility Zones for transportation planning, Sheriff's Office zones, and Council district boundaries all cross the boundaries of the current Planning Districts, rendering them increasingly irrelevant to planning and financial decisions. The Planning Districts should be reviewed for their appropriateness with relation to current Council District boundaries, neighborhoods, and Citizens Planning Advisory Committees (CPACs), as well as other planning and zone boundaries used in City government.

**Recommendation:***Recommendation:*

1. The Planning Department should reconsider and review, on a regular and periodic basis and with expert input, the size and boundaries of the existing Planning Districts for usefulness in the City's planning process, and relevance to registered neighborhood organizations and CPACs. (NE)(PI)

## Contract Management

**Issue:**

Does the City have adequate procedures in place to ensure that all contracts and agreements entered into by the City are properly managed?

**Background:**

Through the committee's investigation into the procurement process, the committee discovered that some contracts and agreements entered into by the City do not identify who is responsible for management of the contracts during their lifetime, thus creating the potential for agreements to be unmanaged. Generally, the management of contracts is a responsibility of the departments and agencies of the City who seek the agreement, service, or product. However, there do not seem to be adequate and consistent procedures to assign management responsibility, and within departments to manage expiration dates, etc.

It came to our attention that there are situations where the Office of General Counsel will draft and assist in the negotiation of a contract, lease, easement, grant agreement, or other similar document to ensure its legal validity, and will also maintain a copy of the contract, but the management of the agreement is not assigned, although assumed to be done by a City department or agency. This may occur more often with Council-initiated or approved agreements. Leaving contract management unassigned or up to assumptions is neither prudent nor adequate, especially given the large number of contracts the City enters into during the regular course of its business.

Requiring in the Ordinance Code and the Council Rules that each contract, and each piece of legislation enabling the contract, specify the department responsible for managing the contract is a prudent change. The problem was not mismanagement by those who were aware it was their responsibility, but rather clarity regarding assignment of that responsibility to ensure that there is oversight on ALL agreements, including those initiated and/or adopted by Council. It is also important that as a matter of practice such contracts are transmitted back to the managers following execution with clear instructions, and that some method of electronic tracking of critical dates be adopted.

**Recommendations:***Ordinance Code Change:*

1. Amend the Ordinance Code to require that each contract and binding agreement the City enters into shall specify which department, agency, commission, or other governmental entity of the City will manage and have oversight responsibility for such contract or agreement. (EE)

*Council Rules Change:*

1. Amend the Council Rules to require that any legislation approving a contract or agreement that the City shall enter into shall specify which department, agency, commission, or other governmental entity of the City will manage and have oversight responsibility for such contract or agreement. (EE)

## Procurement

### Issue:

The procurement process of the City was reviewed both as to opportunities for increased efficiency, effectiveness, and transparency and also in terms of the Council's delegation of authority to the administration to handle contracting matters. Several concerns ranged beyond the technical "procurement process" to the broader framework of the contract process from the time of identification of a need for a product or service through the time of payment.

- Are there process improvements that should be implemented to improve the procurement process for both the City and respondents/bidders?
- How do using agencies define the service or product needed? What is the using agencies' role in the procurement process?
- How can the City truly implement a "prompt pay in 30 days" practice that is currently not being followed?
- Has the City Council delegated too much authority over the procurement process to the Mayor through the Procurement Code? Should there be changes to the Procurement Code?
- Should the City Council have power of review of large multi-year contracts prior to the contracts being entered into by the City?

### Background:

The City has a hybrid type of procurement system that is created by the City Council's adoption of the Procurement Code within the City's Ordinance Code. The process begins with a request from a city agency or department that a particular item or service be procured. The agency or department works with the Procurement Division to write the specifications for the needed item or service. The Procurement Division then manages the receipt of bids and the selection of a winning bidder based upon the requirements in the procurement code. Once a contract has been entered into for the procured item or service, the management responsibility of the contract returns to the requesting agency or department, or Public Works in the case of construction management, and Procurement is no longer engaged in the process. In a traditional procurement model, the procurement division would have subject matter experts on staff to write the specifications and would also manage the contract once entered into, as is the case in the City of Nashville, Tennessee.

The committee did not delve deeply into the challenges of this hybrid system, but it appears that many of the delays encountered in the current system are a result of the hybrid nature of our process. For example, Parks must rely on Public Works to prepare initial designs and specifications for a project before an RFP for construction can be prepared. This process, technically outside the official "procurement" process, may take many months. The presentation to the committee by Chief of procurement, Greg Pease, was limited to that portion of the process within his purview, but much takes place both prior to and after the Procurement Office is engaged. Further study is warranted and there is an opportunity to streamline and increase both efficiency and effectiveness.

The Task Force heard from respondents and bidders who used the system, as well as the Chief of Procurement. We learned that other jurisdictions allowed submission of bids, distribution of materials, and other stages of the process to be conducted online, whereas we still required that materials be picked up at City offices. We learned that the various committees established to score bids, etc., had differing compositions, and since those serving on a committee are governed by the Sunshine Law, it made review and communication difficult when staff who served on the committee were unable to advise members as subject matter experts due to the Sunshine Law requirements. Additionally, processes for extensions of contracts, professional service provider selection, and other details of the current process were studied and proposed changes reviewed. Finally, recent changes in state law specifically authorize unsolicited bids, and it was discussed that this addition to the code would be a very positive step.

Ordinance Code Change #1 and each of the Policy Recommendations were brought to the committee by the Chief of Procurement and are currently being addressed, through legislation and otherwise, by the Chief of Procurement. The Task Force approves and supports the effort to enact these changes.

The first recommended change, Ordinance Code Change #1, is essential to bring the City up to date with best practices, and was brought to our attention by a contractor who spoke before the full Task Force at the beginning of its process. Currently, specifications are distributed on paper and bids must be submitted in paper, both requiring the bidder make a trip downtown. This recommendation, which is currently being implemented, will allow for receipt of specifications online and submission of bids electronically, as other cities currently allow.

Several additional policy changes to enhance the process were also identified. The Chief of Procurement has been working on a Code update for some time, and legislation incorporating many of the suggested changes is now pending before Council.

The issue of transparency and oversight of large multi-year contracts was highlighted by the recent renewal of the sports facilities management contract. The financial commitment is significant and the contract multi-year. Council members felt strongly that contracts of this magnitude should come before Council at some stage prior to execution, and perhaps prior to issuance of the RFP establishing the terms of such a contract. Once the RFP is issued and the contract awarded, any attempt to change terms is problematic. The Task Force agreed that there is a need for City Council approval of certain types of contracts that may bind the City for an extended period of time or require the City to pay a substantial amount of money, or both. Annual budgetary appropriation is insufficient if a contract has already been awarded and its terms are binding. Examples of these types of contracts include waste management contracts, facilities management contracts, and others. As this recommendation was discussed in committee and in the Task Force, each had difficulty determining the dollar value or duration that would trigger Council review. As such, the committee recommended and the Task Force confirmed Ordinance Code Change #2 in concept and felt that creation of a line of distinction would be determined as this recommendation is implemented.

Chapter 287 of the Florida Statutes allows for the submission of unsolicited bids for projects. Currently, the Procurement Code lacks procedures for the receipt of unsolicited proposals.

Unsolicited bidding creates an opportunity for private industry to take the lead on projects that they believe need to be completed but have not been set for completion. Under this process, once the bid is received, if the City wishes to have the project completed, notice of receipt of the bid is given, others are allowed to bid, and the winning bid is competitively chosen. No advantage is given to the original submitter of the unsolicited bid. This recommendation is that the Procurement Code be brought into line with current state law. Both the committee and the Task Force supported and approved this recommendation.

With regard to the Policy Recommendations, removing the Procurement Division and the Office of General Counsel from the procurement committees will allow them to perform advisory functions outside of noticed meetings. Currently, both are bound by Florida's Sunshine Law and cannot advise other members of the procurement committees outside of a noticed meeting.

Under Policy Recommendation #2, Professional Services such as medical, technology, staffing services, etc., which use the Consultants' Competitive Negotiation Act's (CCNA) 10 standard evaluation criteria, will be moved to Competitive Sealed Proposal Process and the mandatory use of CCNA's 10 standard evaluation criteria will be eliminated. Instead, the using agency will be allowed to use evaluation criteria relative to its needs, making a best value selection. CCNA is intended for architects and engineers.

Policy Recommendations #3 and #4 will streamline and simplify the procurement process. Recommendation #3 will collapse three awards committees into one committee that will review all actions, leading to fewer meetings and less confusion from using agencies and the bidding community regarding awarding authority and process. Ultimately, this recommendation will create an easier to understand method that will mitigate delays in procurement process.

Recommendation #4 eliminates the need to categorize a non-competitive award as proprietary or sole source, which creates confusion. Additionally, this recommendation complies with procurement audit findings and the Council Auditor's recommendation to use "Single Source" procurement as one justifiable source.

Finally, Policy Recommendation #5 encourages a review of the criteria and the process used to determine winners. For certain types of procurements, it is possible that a different method of determining the winning bid is appropriate, given that different procurements have different needs. This recommendation for review of the current process is based in prudence rather than identified problems.

The Task Force discussed a suggestion from the Chief of Procurement to implement a best and final offer procedure. This suggestion was intended to get the Task Force's impressions of the concept, and it received a mixed reception. The Task Force made no recommendation to support or to reject a best and final offer procedure. It was our understanding that the forthcoming legislation proposed by the Chief of Procurement would not include any change to current practice with respect to this issue.

## **Recommendations:**

### *Ordinance Code Changes:*

1. Amend the Ordinance Code to require the distribution of bid materials, and permit the receipt of bids, electronically. (EE)
2. Amend the Ordinance Code to require that the Council approve, and a public hearing be held on the date of approval, of contracts of certain magnitude and/or certain duration. (EE)
3. Amend the Procurement Code to allow for the receipt of unsolicited bids as allowed under Chapter 287 F.S. (EE)

### *Policy Recommendations:*

1. The makeup of the procurement committees should be reviewed and changes considered, such as removing the Office of General Counsel and the Procurement Division from voting roles and making them staff only, allowing them to advise the committee members without the possibility of violating the Sunshine Law. (EE)
2. Consider whether the Procurement Code should include language allowing the Chief of Procurement to make a determination that some professional services should be processed on criteria other than Consultants' Competitive Negotiation Act (CCNA) criteria. (EE)
3. Consider modification of sole source and proprietary procurements to just a "single source" award. (EE)
4. Procurement committees should be consolidated into one awarding committee, the Procurement Awards Committee (PAC). (EE)
5. Review the CCNA scoring for 10 standard criteria and determine if a point system is the most efficient means of determining a bid winner, and whether it yields the best result. (EE)

## Minority Businesses & Contracting

**Issue:**

No issues concerning the structure or operation of City government in relation to minority contracting were raised in the initial phase of the Task Force’s inquiry. However, several members of the Task Force, and members of the public, subsequently expressed concerns over the City’s implementation of existing policies and procedures. It is important that efforts to eliminate discrimination are genuine and established programs are implemented.

**Background:**

The City regularly waives the application of Part 8 of the Procurement Code (Federal Affirmative Action) and focuses its efforts on Part 6, the Jacksonville Small and Emerging Business program that is not race-conscious. The City’s procurement disparity studies over the years have revealed that minority contractors do not receive a proportional share of the City’s business pursuant to the City’s procurement process. While the Task Force adopted the following recommendations, they did so based on representations that they were not recommending any change in ordinances or regulations, but rather that these were existing requirements of federal or state law or local ordinance that were not being followed. The Task Force did not conduct independent research into the accuracy of this representation or the content of such laws, ordinances, or executive orders. Nevertheless, members strongly agreed that if the City government is not adhering to the requirements of its own Ordinance Code or to state and federal laws, it should do so.

**Recommendations:**

*Recommendations:*

**Procedurally**

1. Adhere to the entire Procurement Code as it is written to include the rules relating to Chapter 126, Part 8 outlining the relationships with minority business owners. (PT)
2. Waive the Procurement Code only after a request is deemed by the City Council as an emergency, or for convenience only once it has been publically announced and presented at least once at a public hearing for public comment. (PT)
3. Adhere to all the mandates of the federal regulations and guidelines, to include the Affirmative Action Plan requirement included in the City Ordinance Chapter 126.801 and Chapter 126.802. (PT)
4. Enforce and train specifically to the JSEB needs in the training component established in the Code and Executive Order 11246. (PT)
5. Enforce, practice, and apply all federal guidelines according to CFR 41. Part 60-1.4 that includes the language of Equal Opportunity Clause for Prime Contractors and Subcontractors accepting government contracts with federal funds and grants. (PT)

6. Adhere to the agreement outlined in a City Resolution 95-441-135 in partnership with the SWIFT Program established and approved in 1995 requiring the utilization and training of under-utilized small, minority, women and Black businesses on COJ contracts. It is our belief that this agreement has not been amended, terminated, or modified. (PT)
7. Establish a diverse Business Advisory Council that includes a balanced mix of small, minority, and women business owners, City Council members, JCCI, the regional planning council, representatives from the Mayor's administration team, the economic development departments, community representatives and agencies such as civic advocacy organizations, Legal Aid Representatives, the general public, social agencies like the Entrepreneurial program of the Urban League, NAACP-Economic Development Committee, and the Hispanic, Asian, and Indian Chambers of Commerce. (PT)
8. Empower under-utilized businesses by increasing access to various market categories, increase joint-venture partnerships with middle to larger companies and small contractors, and locate capital funds and bonding. (PT)
9. Enhance the race neutral programs like the JSEB Program; consider a member of the regional planning council as part of any oversight committee. (PT)
10. Ensure that African-Americans and other minorities, including women, are a part of the discussions for improving the City and all agencies as it relates to procurement. (PT)

### **Jacksonville Small and Emerging Businesses (JSEBs)**

11. Build capacity of JSEBs now and for the future with projects and programs that enhance skills. (PT)
  - a. Revamp the training program for JSEBs that focus on intense administrative and office procedures; operations and staffing; coordinating processes with the expectations and processes of government work. This should be a constant initiative.
  - b. Assist JSEBs with expected documentation for payroll, insurance, accounting and invoicing, pay applications, support documentation, and business financial literacy (i.e., via training).
  - c. Develop a coaching and counseling component of the program for JSEBs with an Executive Roundtable.
  - d. Train JSEBs to focus on the transition from residential to government and from commercial to government work.
12. Improve the enforcement of the program guidelines and lines of communication through the City of Jacksonville, its independent authorities, and the Duval County School Board. (PT)
  - a. Have the Public Works and purchasing departments work closer with the JSEB program coordinator for JSEB projects.

- b. Have the JSEB coordinators work cooperatively with the City and its independent authorities; work closer with the JSEBs who fall through the cracks or clog up the system.
- c. Encourage more teaming and partnering relationships among the JSEBs to work together and with the larger prime contractors. Use national teaming techniques used in other areas.
- d. Monitor and enforce penalties to prime contractors and major subcontractors on city projects with letters of intent with JSEBs who were never utilized by the halfway point of the contract but won the contract with this intent.
- e. Monitor and require a monthly justification for non-utilization with approval from an independent advisory task force before further payments are paid to the prime contractors.
- f. Penalize prime contractors who have outstanding obligations to JSEBs by retaining the stated percentage of utilization amount and splitting it with the JSEBs and returning the remainder to the City coffers.
- g. Use less restrictive and limited language while establishing minimum qualifying standards on JSEB set-aside solicitations and requests for proposals.

## Risk Management

### Issues:

City Risk Management has become increasingly conservative, with insurance requirements becoming the driving factor in many negotiations, leading to lost economic opportunities for the City as well as the loss of private and non-profit assistance and participation in City programs and activities. Nevertheless, risk is deemed an administrative as opposed to policy decision. What is the extent of local government immunity and why are the insurance requirements imposed on users so high?

### Background:

Currently, the Risk Manager of the City handles the City's risk in one of three ways—transferring the risk away from the city, insuring for the risk, or creating policies for the City to avoid the risk altogether. Twice a year, the Risk Manager receives a risk assessment of the City from a consultant to determine if the City's insurance amounts are appropriate. The City is mostly self-insured, but it does purchase insurance to cover certain risks.

Through its investigation, the committee learned that with respect to special events the Risk Manager is enforcing the current ordinances as they are written, some of which have not been enforced in recent years. Additionally, the City Council recently passed legislation at the request of the Administration relaxing the requirements for special events but not changing the amount of liability insurance required. The Risk Manager is also in the process of creating a Tenant User Liability Insurance Program (TULIP) through which City vendors can purchase the required liability insurance when they pay their application fee to use City properties or participate in activities requiring insurance. It is envisioned that this program will lessen the burden on prospective users.

After receiving testimony and discussing the issues, the committee determined that the current structure is appropriate for managing the risk of the City; however, it may be appropriate to reevaluate insurance requirements imposed in the Ordinance Code and by policy. Several recommendations made below were seen as opportunities for greater transparency and communication between the executive and legislative branches of local government. The fact that the risk manager maintains a list of all City-owned property, which includes annual updates on the condition of those properties, for insurance purposes was noteworthy as the City Council had been asked by the Administration to appropriate funding for an asset inventory just a year ago.

The first two recommendations were identified during the committee's process as easy changes that could provide valuable information to the Council Members as decision-makers. Both reports are already created; the only step added is the requirement that they be provided to the City Council at the intervals indicated in the recommendations. The risk assessment report is a report generated by outside auditors and is a review of the City's risk profile. This information will give the Council a greater understanding of the potential liabilities of the City. As to the insurance inventory of City-owned properties, Council members and other administrative departments had been looking for a comprehensive property inventory and making this document

readily available to all is certainly a first step. Not only the Council, but other city departments and members of the public will benefit from knowing what buildings the City owns, and their insurable value.

The recommendation as to management of compensatory damage claims merits explanation. Current practice is for those claims to be paid from the departmental budget of the department from which the claim arose. The Office of General Counsel works with the department charged regarding decisions as to settlement and defense. Decisions made by the department charged may be distorted by emotion, or by a desire to defend personnel actions or department practices and impact to departmental budget without due regard to the overall financial impact to the City. The Risk Manager is better suited to make such calls in looking at the financial impact to the City, and claims should be paid from an account set aside for such purpose under Risk Management. Personnel behavior should be managed through other means rather than using the threat of financial loss to the department as leverage.

The recommendations below were seen as opportunities for greater transparency, efficiency, and communication between the executive and legislative branches of local government. The Ordinance Code changes were approved as recommended by the committee. The recommendation that the City review its established standards to determine the need to require insurance in certain circumstances was amended by the Task Force to also include the review of standards for the protection of participants to be more inclusive of the intent of the recommendation.

### **Recommendations:**

#### *Ordinance Code Change:*

1. Amend the Ordinance Code to require the semi-annual risk assessment report provided to the Risk Manager be given to the City Council as soon as the report is received by the Risk Manager. (EE)
2. Amend the Ordinance Code to require that the Risk Manager annually provide to the Council the inventory of City-owned properties maintained by the Risk Manager for purposes of ensuring the city has adequately insured all of its real property assets. (EE)
3. Amend the Ordinance Code to require that all claims for compensatory type damages should be paid out of an account under the management of the Risk Manager, rather than the claims being paid out of the budgets of the individual departments. (EE)

#### *Policy Recommendation:*

1. Insurance requirements for organizations to whom the City leases or licenses property (i.e., baseball and soccer leagues in city parks, and licenses for operators of community centers) should be reviewed and standards established that could be used to determine situations where the City does not need to require insurance, such as circumstances where the risk is modest enough that the City will allow an indemnification and hold harmless

agreement, or activities where the permitted party does not invite additional parties to enter the property. Additionally, the City should establish standards for the protection of participants where appropriate. (EE)

## St. John's River & Its Tributaries

### Issue:

While no issues concerning the structure or operation of City government in relation to the St. John's River were raised in the initial phase of the Task Force's inquiry, the Task Force, recognizing the importance of the river to our City, directed the Neighborhoods Committee to review the river for possible recommendations.

### Background:

The Task Force reviewed several of the recommendations made in the Jacksonville Community Council study from 2005 entitled *River Dance: Putting the River in the River City*. While a few of the recommendations made nearly 10 years ago have been implemented, several are still outstanding. Several representatives from the original River Dance committee spoke on their recommendations, and whether they have since become outdated or are still viable and important to implement today.

The Task Force heard from representatives from different sectors of the community working on the St. John's River to more fully examine the ability to change some of the ways our consolidated city works with and helps to protect our St. John's River. The invitees included Dr. Quinton White, Director of the Marine Science Research Institute and an original River Dance committee member. The committee also invited Gary Anderson, member of the Waterways Commission and chair of its St. John's River subcommittee. The group heard from James Richardson with the City's Environmental Protection Board and from Lisa Rinaman, the St. John's Riverkeeper.

The bulk of the group's discussion centered on recommendations related to development and its effects on the river, and the education of residents about the effects of their actions on the river. Recommendations 1 and 4 come directly from the River Dance study, and were regarded by our committee as being even more important to implement today than 10 years ago. The delay in not having oversight over development within 500 feet of waterways, or in not implementing the goals and vision of the "Celebrating the River" downtown master plan, has set protection of the St. John's River back by a decade.

Recommendations 2 and 3 come from parts of the River Dance study focusing on the need for an entity like the Waterways Commission to serve as an advisory board to our City Council. While the specific action within the recommendation is current practice this year, it is not an ordinance and therefore could be changed with any incoming administration, Waterways Chair, or council president. The experts also recommended adding the provision that the Waterways Commission shall review waterfront developments and provide an opinion before the City Council takes final action, not after, in order to actually provide the valuable input needed to make an informed decision.

Recommendations 6, 7, and 8 are aimed specifically at providing more education and available data to residents and neighborhood organizations so that citizens can make informed choices

about how their actions can impact our river. All of the information requested in these recommendations already exists and is compiled either annually, or every few years, if not more often. Having information on chemical spills, pollution incidents, health threats due to water quality, and drinking water will help neighborhood organizations to get the word out to residents affected by the incidents. Further, the massive size of most annual reports that focus on the Lower Basin of the St. John’s River is not as helpful as it could be if the information was divided into usable portions that focus on rivers and creeks within the boundaries of neighborhood organizations or City Council districts. Breaking down this information will make it more comprehensible, relevant, and useful so that neighborhood organizations can work more closely with the governmental agencies responsible for making improvements. The educational portion of the recommendation goes to addressing the public’s lack of knowledge about how their actions affect the river.

The final recommendation was approved in concept. The City has recently purchased credits from the JEA to meet its state-mandated nutrient reduction requirements for the river, instead of earning them through implementation of projects that actually reduce pollution. The public dollars spent for credits could be just as easily spent for meaningful action. The City must be more committed to improving the health of the river instead of seeking to get by meeting the minimums. If the City would implement projects that improve the health of the river, thereby earning credits itself, the overall impact on the river would be greater. The purchase of credits for past accomplishments of JEA or others, using current tax dollars that could be used to generate additional improvements, should only be allowed if assurances are in place that the funds will be used by the recipient to generate further nutrient reductions with those funds. Even with this assurance, the location and type of projects implemented by JEA (primarily impacting water quality in the main stem of the river) and those intended to be implemented by the City (primarily designed to improve water quality in tributary creeks) yield improvements to different portions of the waterway system. At the end of the day, our City commitments for nutrient reduction and water quality improvement should not be ignored for “easier” alternatives.

Finally, the Task Force sought to develop a recommendation to provide for more stringent regulations concerning the continued use of existing septic tanks, and for the installation of new septic tanks based upon recommendations made in the River Accord. The recommendation failed as proposed. Due to timing constraints, the Task Force was not able to vet this recommendation fully and members were not comfortable with the unknown ramifications of approving the recommendation. Failed septic systems are a hazard to the river; however, the cost to homeowners and property owners to replace a system can be expensive. Due to the potential cost to homeowners and property owners, the recommendation failed, but the issues merit further investigation and action by City Council.

### **Recommendations:**

#### *Ordinance Code Changes:*

1. Adopt an ordinance creating an “all county” riverfront zoning overlay to provide guidelines for waterfront development that incorporate both criteria for public access and riverfront design. The zoning overlay should be administered by the city’s Planning Department with input from the Jacksonville Waterways Commission. (PI)

The zoning overlay should:

- a. Extend at least 500 feet from the river’s edge and be made a part of the City’s Comprehensive Land Use Plan;
  - b. Increase the amount of permanently set-aside general public access spaces;
  - c. Identify the transportation needs (pedestrian, bicycle, and vehicular) for those public access areas;
  - d. Determine appropriate setbacks for distance from the river;
  - e. Provide criteria to protect, preserve, and encourage recreational water dependent activities;
  - f. Outline design elements that respect the natural environment in harmony with their riverfront surroundings (via landscape architecture and amenities);
  - g. Incorporate restrictions provided in the Manatee Protection Plan as a basis for identifying critical riverfront issues;
  - h. Coordinate with existing zoning overlays; and
  - i. Coordinate with existing land use development plans and orders.
2. Adopt an ordinance changing the composition of the Waterways Commission by adding a member of the Planning Commission and a member of the Environmental Protection Board. (PI)
  3. Amend the ordinance creating the Waterways Commission to add review of water-related land uses as a power and duty of the Waterways Commission. (PI)
  4. Adopt an ordinance directing the Downtown Investment Authority to implement the “Celebrating the River” downtown master plan, particularly the elements that affect the St. John’s River and its tributaries, so as to revitalize McCoy’s and Hogan’s Creeks, provide critical links to downtown’s “Emerald Necklace,” and expand the amount and type of public access and recreational opportunities available along the river system. (PI)
  5. Adopt an ordinance amending the powers and duties of the Environmental Protection Board to include the compilation and distribution of an annual report on water quality within Duval County, including drinking water, surface water, and groundwater quality. This information should be provided in a usable and relevant format, on an annual basis, and be organized by CPACs and registered neighborhood organizations. (NE)(EE)
  6. Adopt an ordinance amending the powers and duties of the Environmental Protection Board to include providing data on incidents of chemical spills, water pollution, groundwater contamination, and other relevant health hazards received by the Environmental Quality Division, and Florida Department of Environmental Quality, to residents in a manner timely and efficient enough for residents to protect themselves. (NE)(EE)
  7. Adopt an ordinance specifically directing the Waterways Commission and Environmental Protection Board to collaboratively work with local non-profits and other agencies for the purpose of creating a training program for neighborhood organizations, CPACs, and the public on ways in which residents can protect and enhance the vitality of the St. John’s River. This ordinance should be in accordance with Sec. 95.106(d) of the Ordinance Code, which requires the Jacksonville Waterways Commission “to act as a coordinating

agency for programs and activities affecting the improvement, development and protection of the St. John's River and all tidal waters in Duval County.” (NE)

8. Amend the Ordinance code to provide that all public and private parties who discharge anything into the St. John's River shall comply with all Federal and State pollution laws, and by the year 2025 they shall not discharge any pollutant into the river. (PI)
9. Amend the Ordinance Code to provide that all public appropriations made to meet nutrient pollution reduction requirements and water quality goals for Duval County waterways must be utilized for future nutrient reduction programs, practices, and initiatives and not for retroactive payments and/or credits for past reduction programs, practices, and initiatives. (PI)

## Appendix I

### Final Approved Recommendations

#### City Council

##### *Charter Amendments:*

1. Amend the Charter to increase the term limits of City Council Members to three consecutive four-year terms. (CG)
2. Amend the Charter to require the election of City Council Members, and all other local elections currently held in the spring, be held in the fall of the “off-off” year in between the presidential and Florida gubernatorial elections. (EE)
3. Amend the Charter, by referendum, to limit an individual elected to the Council to be allowed to serve, in their lifetime, only the maximum number of terms allowed by Charter, whether those terms are served consecutively or otherwise. (CG)

##### *Council Rules Change:*

1. The Council Rules should be changed, if Charter Amendment No. 1 is adopted, as appropriate. (CG)

#### Mayor

##### *Charter Amendment:*

1. Amend the Charter to require the election of the Mayor, and all other local elections currently held in the spring, be held in the fall of the “off-off” year in between presidential and Florida gubernatorial elections. (EE)

#### Administrative Functions

##### *Charter Amendments:*

1. Amend the Charter to require the Mayor hire a Chief Administrative Officer (CAO) and Director of the Finance Department. (C)
2. Amend the Charter to require the Mayor’s appointments to the position of Chief Administrative Officer meet the following professional requirements.
  - a. The Chief Administrative Officer shall have a bachelor’s degree from an accredited post-secondary institution in business administration, public administration, or a similar field, and seven (7) years’ experience in an administrative capacity in municipal government, three of which are in a management capacity, and a thorough understanding of the principles of municipal administration and of applicable provisions of the Laws of the State of Florida; or an equivalent combination of education and experience. (C)
3. Amend the Charter to require the Mayor’s appointment to the position of Director of the Finance Department meet the following professional requirements.
  - a. The Director of the Finance Department shall have a bachelor’s degree from an accredited post-secondary institution in finance, accounting, business administration, public administration, or a similar field, and seven (7) years’ experience in public or governmental finance, three of which are in a management capacity, and a thorough understanding of the principles of municipal finance, budgeting, and accounting, and of applicable provisions of the Laws of the State of Florida; or an equivalent combination of education and experience. (C)
4. Amend the Charter to require the Mayor’s appointment to the position of Chief Administrative Officer have the following job responsibilities.

- a. The Chief Administrative Officer shall be responsible for overseeing all operating departments; managing the day-to-day affairs of the City of Jacksonville; and overseeing the implementation of the City's annual operating budget and capital improvement plan. (C)
5. Amend the Charter to require the Mayor's appointments to the position of Director of the Finance Department have the following job responsibilities.
  - a. The Director of the Finance Department shall be responsible for overseeing the Finance Department of the City of Jacksonville, including the Office of Treasurer and the Budget Office; establishing, controlling, and directing the City of Jacksonville's annual operating and capital improvement budgets; and overseeing and managing the authorized financial borrowing of the City of Jacksonville. (C)
6. Amend the Charter to require that the Mayor fill any vacancies in the position of Chief Administrative Officer, Director of the Finance Department, and all other department head positions, within 60 days of such position becoming vacant.

### Office of General Counsel

#### *Charter Amendments:*

1. Amend the Charter to create a section of the Charter for the Office of General Counsel independent of the Executive Branch. (C)(PT)
2. Amend the Charter to require "10 years of experience as a practicing attorney and/or judge." This amendment will replace the current requirement of "5 years of experience in the practice of law." (C)(PT)
3. Amend the Charter to clearly state that a legislative counsel created by the City Council shall have the authority to advise and assist the council and its committees and members in the achievement of a clear, faithful, and coherent expression of legislative policies and to perform such other related duties for the council as the council may by ordinance direct. (C)(PT)
4. Amend the Charter to clarify that decisions of the General Counsel shall be final, binding authority of the City and shall only be overruled or modified by a change in the law, a court order, or opinion of the Attorney General of the State of Florida with matters solely of state law. (C)(PT)
5. Amend the Charter to require that the City's use of outside counsel shall require the written certification of the General Counsel of its necessity. (C)(PT)
6. Amend the Charter to require that the independent authorities' use of outside counsel shall require the written certification of the General Counsel of its necessity and be in accordance with their charters. (C)(PT)
7. Amend the Charter to allow the General Counsel to hire, supervise, and remove assistant counsel to assist the independent agencies, who and these assistant general counsels may be housed, budgeted, and paid directly by the independent agency, but shall remain supervised by and subordinate to the General Counsel. (C)(PT)
8. Amend the Charter to require that the General Counsel, and assistant General Counsels, shall not engage in any other outside legal or non-legal activities to supplement income except for private investments. (C)(PT)
9. Amend the Charter to include specific language instructing that the General Counsel shall make legal decisions consistent with what is best for the consolidated government and not give preference to any elected official, department, or agencies. (C)(PT)
10. Amend the Charter to include specific language instructing that the General Counsel shall advise elected officials, departments, and agencies on all new or existing state laws that affect their duties and responsibilities, as well as all local ordinances and resolutions, and to educate them with regard to conflicting legal issues and to assist them in amicably resolving them. (C)(PT)

11. Amend the Charter to require that the Mayor's appointment for General Counsel must be confirmed by 13 members of the City Council. The Council may seek the advice of constitutional officers, the Jacksonville Bar Association, and former general counsels as to the qualification of the appointee to serve as General Counsel. The Mayor's appointment shall be acted upon by the Council within 60 days. The term of the General Counsel shall coincide with the term of the appointing mayor. These amendments shall replace the current process of the selection of an appointment committee and the confirmation of the appointee by a majority of the City Council. (C)(PT)
12. Amend the Charter to require that a reappointed General Counsel may be reappointed by resolution approved by 13 members of the City Council elected for the succeeding mayoral term. Any general counsel who is reappointed by the Mayor may continue to serve for a period of 60 days pending reconfirmation. The Council shall confirm or reject the reappointment within 60 days of the commencement of the new term of the General Counsel. These amendments will replace the current requirement that the Council confirm a reappointment by a majority vote, and the current allowance that a General Counsel who fails to receive reappointment may serve for six months and be resubmitted to the Council for reappointment any time during those six months. (C)(PT)
13. Amend the Charter to allow, in instance of vacancy of office, the Mayor to appoint an "acting" General Counsel to serve for 60 days without Council approval. These amendments will replace the current requirements that the Mayor appoints and Council approves an "acting" General Counsel only if there is less than one year left in the Mayor's term. (C)(PT)
14. Amend the Charter to require that the General Counsel may be removed by the mayor, but such removal shall be for cause, including misfeasance, malfeasance, or criminal conduct. The removal of a General Counsel by the Mayor must be approved by 13 members of the Council rather than a majority. (C)(PT)
15. Amend the Charter to allow for the General Counsel to be removed by the Council, but such removal by the Council shall be for cause, including misfeasance, malfeasance, or criminal conduct. The removal of a General Counsel by the City Council only must be by resolution of the City Council approved by 15 members of the City Council. (C)(PT)
16. Amend the Charter to increase the limit of the Litigation Imprest Fund to \$2500. (C)

### Independent Authorities

#### *Ordinance Code Change*

1. Amend the Ordinance Code to require the City Council to provide annual training to the members of the executive boards of the independent authorities to increase coordination between the City and the authorities, and increase the institutional knowledge of the boards. This training shall not conflict with, but may be coordinated with, training on the ethics and public records laws of the City and the State. (IM)(C)

The training should include instruction on the following topics:

- a. The history of the City of Jacksonville;
- b. How the City's form of government works;
- c. The history of the authority;
- d. The business, structure, and strategic plans of the other independent authorities;
- e. The structure of the board;
- f. The role of the board in the governance of the authority;
- g. The role of the Chief Executive Officer and his or her relationship to the board;
- h. The fiduciary responsibilities of the board;
- i. How to understand the financial statements of the authority.

### Strategic Planning and Integrated Mission

*Recommendations:*

1. Amend the Charter to create the Jacksonville Strategic Planning Commission, charged with the purpose of unifying the goals of local government, the business community, and other stakeholders in the City of Jacksonville for the purpose of establishing a unified, long-range, strategic plan for the City of Jacksonville. This plan shall be an evolving document and serve as the governing document to which the government of the City, the business community, residents, and all stakeholders turn when seeking guidance regarding the future growth of the City of Jacksonville. (IM)(PI)
  - a. The strategic plan shall be continuous, but established for a term of 10 years and recreated every 10 years.
  - b. For the establishment and creation of the first and initial strategic plan, the members shall be those individuals who hold positions listed within this section. The members shall not be appointed or confirmed, but shall maintain membership so long as they hold the title listed herein. When a member no longer holds the title listed herein, they shall no longer be a member of the Commission, and the individual who assumes the position herein shall replace them.
  - c. After the creation of the initial strategic plan, it shall be the responsibility of the Commission to maintain and establish its membership in accordance with the provisions of this section.
  - d. The Commission should consist of the following members:
    - The President of the City Council of Jacksonville
    - The Mayor of the City of Jacksonville
    - The Superintendent of Duval County Public Schools
    - The Sheriff of the City of Jacksonville
    - The Chair of the Board of JEA
    - The Chair of the Board of the Jacksonville Port Authority
    - The Chair of the Board of the Jacksonville Airport Authority
    - The Chair of the Board of the Jacksonville Transportation Authority
    - The Chair of the Board of the Jacksonville Housing Authority
    - The Chair of the Board of the Children’s Commission
    - One Mayor from either the Town of Baldwin, the City of Jacksonville Beach, the City of Neptune Beach, or the City of Atlantic Beach, as selected by them
    - The Director of the Florida Department of Health in Duval County
    - One CPAC member selected by the Chairs of the City’s Citizen Planning Advisory Committees
  - e. All members of the Commission shall be voting members. Members of the Advisory Committee shall not be voting members. No member shall vote by proxy or designee. If the Commission has established a procedure for members to participate electronically, members need not be present to vote.
  - f. On or before the third Tuesday of January, 2016, the Mayor and the President of the City Council shall convene all members of this Commission, listed herein, for the purpose of creating a strategic plan as described herein.
  - g. The Commission shall have an Advisory Committee from whom they shall seek and receive input. The Commission should be inclusive rather than exclusive, and should seek to have a balanced membership consisting of stakeholder groups involved in and affected by the focus areas outlined within this section. The Advisory Committee shall consist of the following members:
    - The Chair of the Board of Directors of the Jacksonville Chamber of Commerce
    - The Chair of the Board of the Civic Council
    - The Chair of the Board of the Labor Council

- The President of the University of North Florida
  - The President of Edward Waters College
  - The President of Jacksonville University
  - The President of Florida State College at Jacksonville
  - The Chair of the Board of the Urban League
  - The Executive Director of the Regional Planning Commission
  - The Chief Executive Officer of the Nonprofit Center of Northeast Florida
  - One appointment by the Commander of Navy Region Southeast
  - The Board Chair of the Hispanic Chamber of Commerce
  - A representative of each of the three most critical industries selected by the Chair of the Board of Directors of the Jacksonville Chamber of Commerce
- h. A representative of an organization who can speak on behalf of a racial demographic shall be added to the Advisory Committee of the Strategic Planning Commission when the racial population reaches 5% of the population of Duval County according to the most recent decennial census.
- i. The first meeting shall be called to order by the City Council President and the Mayor of the City of Jacksonville, jointly. The first order of business will be the election of a Chair. The second order of business shall be the creation of a governing document and rules of order. Finally, the Commission shall commence the process of hiring an executive director.
- j. The Commission shall convene a special public meeting for the purpose of presenting their findings, recommendations, and strategic plan nine (9) months following the convening of the Commission for the purpose of creating the strategic plan.
- k. The Commission shall conduct research, and receive input from the public through hearings or otherwise, to identify and assess the strengths, weaknesses, opportunities, and threats to the residents, businesses, and stakeholders within Jacksonville related to the following focus areas, at a minimum:
- a) Quality of life;
  - b) Neighborhoods;
  - c) Minorities;
  - d) St. John's River;
  - e) Education;
  - f) Business, industry, and commerce;
  - g) Health care and a healthy community;
  - h) Current and future infrastructure;
  - i) Government;
  - j) Social services
- l. The areas of focus shall be incorporated into the strategic plan to the fullest extent possible. The Commission shall have the authority to eliminate an area of focus, but must do so by a majority vote of the Commission.
- m. At a minimum, the strategic plan will include:
- a) a vision statement;
  - b) mission statement for Jacksonville;
  - c) citywide overarching goals;
  - d) analysis of the areas of focus and how they are incorporated into the strategic plan;
  - e) a broad financial plan;
  - f) enumerated goals and timeline on the achievement of the overarching goals;
  - g) process and procedure for annual performance reviews that account for meaningful and measurable outcomes;

- h) a separate, detailed statement outlining and explaining how each entity represented on the Commission will address the areas of focus.
- n. Provide an annual written report, to be presented no later than February 1, to the public. The annual report shall contain, but not be limited to, the following information:
  - a) Detailed information on the progress of each of the focus areas, and any additional areas created by the Commission, included in the strategic plan.
  - b) Action plans for bringing underperforming areas back in line with the strategic plan.
- o. The Commission is authorized to and shall direct the expenditure of all funds annually budgeted and appropriated to fund the Jacksonville Strategic Planning Commission and services and programs related thereto.
- p. The Commission shall be funded, on an annual basis, in an amount sufficient to carry out its purpose.
- q. The Commission is authorized to file applications for federal, state, and privately funded grants.
- r. The Commission shall employ and fix the compensation of an executive director who shall manage the affairs of the Commission subject to its supervision. The Commission may also employ such other persons as may be necessary to effectively conduct and accomplish the affairs and duties of the Commission. All employees of the Commission shall be employees of the City, shall be subject to Articles 16 and 17 of the Charter of the City, except as otherwise provided by Council, and except that the executive director, any professional employees, and the heads of such activities as the Commission may establish shall not be within the civil service system of the City and shall serve at the pleasure of the Commission. Temporary staff for peak loads shall be handled on a temporary or contract basis.
- s. The Chair of the Commission may hire an interim executive director for a period sixty (60) days for the sole purpose of assisting the Commission in organizing the membership, creating bylaws and governing documents, and hiring a permanent executive director.
- t. The executive director shall collect, maintain, and publish to members of the Commission, and to the public, information and statistical data necessary to demonstrate the progress of the strategic plan. Additionally, the executive director shall identify areas lacking progress and those responsible for progress in the identified areas. The Commission shall instruct the staff as to the frequency with which these reports shall be compiled for reporting to the membership of the Commission, and the public.
- u. The Strategic Planning Commission shall reconvene as needed to amend and adjust the strategic plan, to review each represented organization's contribution to the goals of the strategic plan, and for the purpose of recognizing new members to the Commission as a result of them accepting a position included in the membership of the Commission.
- v. The Executive Director of the Commission, or staff of the Commission, as appropriate, shall attend the meetings of the boards, departments, and agencies of the entities represented on the Commission for the purpose of ensuring decisions made are consistent with the strategic plan. It shall be the responsibility of the Executive Director to inform the Commission and its members of actual and potential conflicts between the member entities and the Strategic Plan. This requirement includes, but is not limited to, attending the meetings of the boards of the independent authorities specifically, and other entities.

#### **Inter-local Agreements with the Beaches & Baldwin**

##### *Ordinance Code Change:*

1. Adopt an ordinance requiring training of the appropriate staff of City Departments on the inter-local agreements and what services the City is to provide as a result of these agreements. (EE)

#### **Budget**

### *Charter Amendment:*

1. Adopt an ordinance amending the Charter of the City to require the same number of votes, thirteen (13), to override the budgetary line item veto of the Mayor, as is required to override any other veto of the Mayor. (PT)

### *Ordinance Code Changes:*

1. Amend the Ordinance Code to require that annually, at least one departmental budget be subjected to a zero-based budgeting process, justifying every line item and expense from a zero base without any carry-over assumptions of service levels, personnel, programs, or resources from the prior year. A report should be written outlining the items in the department's budget and the justification for the expenditures. This report should be given to the City Council. This process should continue for at least one department each year until all departments have completed the process. Once all departments have completed the process, it should begin again and continue into perpetuity. (EE)
2. Amend the Ordinance Code to require that the Mayor certify, in each quarterly financial statement, that the employee caps are accurate and comply with the budgetary allowance for each department of the City. (EE)
3. The Police and Fire Pension Fund Board and the General Employees Pension Fund Board should each establish and report their expected investment rate of return and other actuarial assumptions by March 1 of each year. This should be accomplished through changes to State law, the Charter, and the Ordinance Code, or through rules adopted by each of the respective boards, each as necessary to meet the intent of ensuring effective and efficient creation of the City budget. (EE)

## **Central Services**

### *Ordinance Code Changes:*

1. Amend the Ordinance Code to eliminate the practice of internal budgeting and charging of central services to all City departments. Additionally, it should be the policy of the City of Jacksonville not to use the process of internal service billings and to remove such billings from the budget, and from practice, for all internal services, as defined in Chapter 108 and otherwise, with the exception of charges assessed to enterprise funds, the independent authorities, and the Police and Fire Pension Fund, which shall continue to be billed for services. (CS)
2. Amend the Ordinance Code to require the specific elimination of the practice of internal budgeting and charging of legal services to all departments, agencies, and offices of the City with exception of enterprise funds, the independent agencies, and the Police and Fire Pension Fund. The annual budget shall not allocate legal services to these departments, agencies, and offices of the City, with exception of enterprise funds. Annually, the office of General Counsel shall be separately but sufficiently funded to meet the legal needs of the City. (CS)
3. Amend the Ordinance Code to require as part of the annual budget process that each department of the City that bills another department, agency, or aspect of the City shall determine and report to the City Council the direct and indirect costs incurred by that department. Indirect costs shall include but not be limited to overhead costs such as management salaries and benefits. Direct cost information shall identify which agencies or departments are incurring the costs. (CS)
4. Amend the Ordinance Code to require, annually, prior to the start of the City's budget process, that the City enter into contracts with the independent authorities that outline the central services the City will provide, the level of service at which the City will provide these services, and the cost the independent authority shall pay for that fiscal year. If the City is unable to meet the service needs of the independent authority or constitutional officer at a mutually agreeable cost, the independent authority shall have the option to

procure these products and/or services from outside vendors. Legal Services provided by the Office of General Counsel shall not be included in this provision of this paragraph. (CS)

5. Amend the Ordinance Code to remove and eliminate unfunded pension liability from service charges to enterprise funds and the independent authorities. (CS)
6. Amend the Ordinance Code to require the annual City budget include departmental budgets for each department that provides a central service to using agencies, reflecting the budgeted costs for each using agency. Normal employee pension and other employee benefit costs shall be included in the indirect cost line items; however, unfunded pension liability costs, in excess of normal cost, shall not be included. Unfunded pension liability costs shall be identified and budgeted in a separate non-departmental line item in the General Fund. (CS)

*Recommendation:*

1. The Mayor should implement in limited trials and in selected departments the privatization of central service type activities for the purpose of evaluating potential cost savings, quality of services, and reliability of such private services; during such trials, the central service departments and staff that are currently responsible for these activities shall be maintained so that the capacity of the City to provide such services is not undermined in the event the trial reveals that the City provision of such services is the preferred alternative. (CS)(EE)

### **Special Taxing Districts**

*Policy Recommendation:*

1. The committee has reviewed the issue of special taxing districts and concluded that their use is a specific act of deconsolidation and runs contrary to the intent of City Charter. Therefore, the creation of a special taxing district should be done with caution and other means of maintaining the authority of the City Council and the Mayor should be attempted first, so as to avoid diluting the authority and responsibility of the City Council to establish the City budget and financial priorities. This recommendation does not include geographically defined tax increment financing districts. (C)

### **Jacksonville Public Library**

*Ordinance Code Change:*

1. Amend the Ordinance Code to allow revenue generated by the Jacksonville Public Library from the collection of fines to be retained by the Library. (PT)

### **Boards & Commissions**

*Ordinance Code Change:*

1. Amend the Ordinance Code to require, and the Mayor should create by executive order, a procedure for review every four years of the continued need for and usefulness of each of the boards and commissions created by executive order and ordinance. (EE)

*Council Rules Change:*

1. The Council Rules should be changed to require legislation regarding appointments to boards be coded in the bill title or body to provide basic information about the board, including whether such board or commission is advisory versus having substantive power, who has the power to appoint members to the board or commission, number and category of board vacancies, and any other information the council deems necessary. (EE)

**Public Health***Council Rules Change:*

1. The Council Rules should be changed to allow the Director of the Department of Health in Duval County to serve as an “ex officio,” non-voting member of the Council’s Public Health and Safety Committee. (CG)

*Policy Recommendation:*

1. Create a task force for the purpose of developing a comprehensive plan for public health initiatives. The Task Force should begin by reviewing the legal and moral requirements of the City to provide public health services to its citizens, including but not limited to environmental health services, communicable disease control services, primary indigent health care, and mental health. (IM)(PI)

This task force should specifically address the following topics from the Task Force on Consolidated Government:

- a. How can the Department of Health in Duval County be incorporated into City planning and the regular activities of the City so as to create a more coordinated effort between the City and the Health Department?
  - i. Should there be a requirement that the Director of the Health Department be consulted by the City on health-related issues?
- b. Should public health goals be added to the Inter-Governmental Relations Element of the 2030 Comprehensive Plan, or a Health Element adopted?
- c. Should there be created a funding formula that is insulated from political influence and will meet the current and future public health needs, including indigent health care, of the City?
- d. Could medical clinics, if established for City employees, be used to meet the primary indigent health care responsibilities of the City?
  - i. Should the City’s primary indigent health care services include dental care?
- e. Should the City Council support legislation to amend State law to allow consolidated counties to levy a tax for indigent care if they so choose? As the only consolidated city/county government in the state, Jacksonville is the only jurisdiction prohibited from levying such an indigent care tax.
- f. Should the City incorporate aspects of the Urban Land Institute’s *10 Principles for Building Healthy Places* into its design standards and planning?

**Employee Health***Ordinance Code Change:*

1. Adopt an ordinance instructing and authorizing the Mayor to contract with a third party vendor, by a Request for Proposal or otherwise, to strategically implement a network of primary care clinics for use by employees of the City of Jacksonville, the School Board, and the Independent Authorities.

**Police & Fire Pension Board***Recommendation of Support:*

1. The Task Force wholeheartedly supports the governance portion of the recommendations of the Retirement Reform Task Force and encourages their complete implementation. (PT)

### **City Charter**

#### *Charter Amendments:*

1. Amend the Charter to require all ordinances of the City Council concerning the consolidated government, or providing rules and regulations of general applicability, be published in the City's published Ordinance Code; except that such codification shall not be required for the annual budget, the annual capital improvement plan, appropriations, or land use and zoning approvals, exceptions, and variances. (PT)
2. Amend the Charter and the Council Rules as appropriate to require a vote of thirteen (13) Council members to waive the Ordinance Code. (PT)
3. Amend the Charter to include the Florida legislature as an option for amending sections of the Charter that cannot be amended through ordinance. This recommendation expresses how the law is currently. (PT)
4. Amend the Charter to remove the portions of Article 19 of the City Charter that conflict with Chapter 447 of the Florida Statutes, specifically Section 19.207 of the City Charter. (PT)

### **Neighborhood Engagement & Participation**

#### **Neighborhood Organizations**

#### *Charter Amendments:*

1. Amend the Charter to recognize that citizens are government's best resource for identifying issues, suggesting solutions, and developing programs needed to solve existing and future problems in the community; to recognize the importance of neighborhoods as assets of the City that provide the basic units for civic participation and the inspiration for civic engagement; and, further, to amend the Charter to require the City Council, the Mayor, the constitutional officers, and the agencies of the City establish procedures for receiving input from citizens and neighborhoods as a regular course of conducting their business. (NE)
2. Amend the Charter to incorporate the current Neighborhood Bill of Rights and to allow for violations of the Neighborhood Bill of Rights to be mediated by Citizens Planning Advisory Committees (CPACs). (NE)

The Neighborhood Bill of Rights states that every organized, officially recognized neighborhood in the City of Jacksonville has the right to expect and receive the following from the officials, employees, and agencies of the City of Jacksonville:

- a. Prompt, courteous, informed responses to all questions regarding City business.
- b. An opportunity to participate in the design of publicly funded projects within or adjacent to the neighborhood, including the opportunity early in the planning process to express neighborhood preferences regarding all aspects of the project. Projects include but are not limited to any City-related public works or utility projects.
- c. An opportunity to provide informal and formal input into any proposed land use or zoning change and new development. The input from a neighborhood organization shall be considered, and when possible, incorporated by the Planning Department and the City Council.
- d. Advance notification of any City-related public works or utility projects taking place within or adjacent to a neighborhood (e.g., road paving; water, sewer or drainage work; tree trimming; traffic signal installation or removal; park renovation or substantial maintenance; land purchases, etc.), including the day(s) and probable length of any street closures, utility interruptions, or other adverse impacts on the neighborhood, and the name and phone number of the City representative most knowledgeable and able to immediately answer questions during the course of the work.
- e. Notification of the submission of any application for rezoning, zoning or land use change, variance or exception, Development of Regional Impact (DRI) or Planned Unit Development (PUD) application, Comprehensive Plan change, or other significant land use action; a clear

explanation of the date, time, and place of all applicable public hearings (including notification of deferrals and new hearing dates) and other opportunities for public input on the application; and a clear explanation of the type of testimony that is allowable and relevant from neighborhood organizations and resident.

- f. Opportunity for formal input into the annual budget process, including the opportunity to express preferred city government priorities, suggested capital improvement projects, and other statements that fairly represent the opinion of a majority of the neighborhood's residents.
- g. A timely personal response from its district councilperson or that councilperson's aide to questions directed to the City Council office.

### *Ordinance Code Changes:*

1. Amend the Ordinance Code in accordance with the new Charter amendment(s) to include the following:
  - a. Definition of "Neighborhood Associations" to include a geographic boundary submitted by the neighborhood association and a procedure for registering the neighborhood association with the City. (NE)
  - b. Registered Neighborhood Associations, CPACs, and applicants for any land use or zoning change, shall have the opportunity to meet with the Planning Department to ask questions or to voice support, objections, concerns, or suggestions regarding the application prior to the issuance of the Planning Department's staff report. (NE)
  - c. Registered Neighborhood Associations and CPACs shall be given the final version of all documents related to a land use or zoning-related application at least seven days prior to the final public hearing on the matter. Failure to do so shall constitute a violation of the Neighborhood Association's rights. (NE)
  - d. Procedures for formal input into the annual budget process, including an annual list of priorities and suggested capital improvement projects. (NE)
  - e. Procedures for providing input into the design of publicly funded projects within or adjacent to the neighborhood, including the opportunity early in the planning process to express neighborhood preferences. (NE)
  - f. Process by which the ordinance will be enforced, including designated actions to correct violations. (NE)
  - g. Establishment of procedures for receiving input from Neighborhood Associations prior to decisions by the City Council, City Council Committees, boards and commissions, and the Independent Authorities. (NE)

### **Citizens Planning Advisory Committees (CPACs)**

### *Ordinance Code Change:*

#### **CPACs Purpose**

1. Amend the Ordinance Code to create Citizens Planning Advisory Committees with the purpose of:
  - a. Providing a forum for neighborhoods and residents to
    - i. Be recognized as local government's best resource for identifying issues, suggesting solutions, and developing programs needed to solve existing and future problems in the community; recognized as assets of the City that provide the basic units for civic participation and the inspiration for civic engagement. (NE)(PT)
    - ii. Clearly pinpoint responsibility in administrative matters by engaging the Mayor's administration in a conversation, as was contemplated during consolidation. (NE)(PT)
    - iii. Educate themselves on land use and zoning issues, and provide responses and feedback to the Planning Commission and City Council. (NE)(PT)

- iv. Have violations of the Neighborhood Bill of Right's mediated. (NE)(PT)

### **CPACs Generally**

- 2. Codify by ordinance the creation and duties of Citizen Planning Advisory Committees (CPACs) as outlined below:
  - a. Membership shall be open to all residents, individually and as members of associations, business owners, property owners, and organizations within the CPAC's boundaries. (NE)
  - b. Procedures for fair and open conduct of their business that allows every stakeholder to participate in the conduct of business, deliberation, and decision-making. (NE)
  - c. Procedures for compliance with state and local Sunshine Law and public records laws. (NE)
  - d. Procedures for financial accountability. (NE)
  - e. Submission and publication of an organizational plan and bylaws demonstrating compliance with requirements a, b, c, d of this section. (NE)
- 3. Amend the Ordinance Code to direct that the City Council appropriate sufficient funds annually for the operation of each CPAC. These funds shall be appropriated to a special fund created for this purpose. (NE)

### **CPAC Duties & Responsibilities**

- 4. Amend the Ordinance Code to outline the following duties and responsibilities of CPACs:
  - a. Require CPACs to monitor the delivery of City services in their respective areas and have periodic meetings with responsible officials of City departments, subject to their reasonable availability. (NE)
  - b. Gather input from neighborhood associations within its boundaries and put together a list of unmet needs to be addressed within the CIP. (NE)
  - c. Determine its agenda based on the needs and requests of the neighborhood associations within its boundaries. Generally, CPACs should work on issues that neighborhood organizations may not have the capacity to do, such as City policies or practices that are broad in nature like development standards, or issues that traverse numerous neighborhoods within its boundaries, such as a roadway improvement. (NE)
  - d. CPACs shall develop a procedure for mediating complaints of violations of the Neighborhood Bill of Rights by providing both the neighborhood association and the department, agency, or party responsible for the possible violation an opportunity to explain their situation and then assist in finding an amicable solution. (NE)
  - e. CPACs shall report violations of the Neighborhood Bill of Rights, including the number of violations and the departments, agencies, and/or parties responsible for the violations, to the City Council on a quarterly basis. (NE)

### **Housing and Neighborhoods Department**

#### *Ordinance Code Changes:*

- 1. Amend the Ordinance Code to create or designate a City division or department to nurture and support neighborhoods, neighborhood associations, and CPACs.
- 2. Amend the Ordinance Code to create or designate a City division or department to:
  - a. Assist neighborhoods in organizing themselves and identifying boundaries that do not divide communities.
  - b. Assist neighborhoods and CPACs with public and civic education, outreach, and training with an emphasis given to areas that have traditionally low rates of participation in government.

- c. Assisting neighborhoods and CPACs with their annual submission of priority projects for consideration in the Capital Improvement Program (CIP).

### **Infrastructure**

#### *Ordinance Code Change:*

1. Amend the Ordinance Code to require that a specified percentage of appropriated spending and authorized borrowing for the annual Capital Improvement Program budget be specifically used for projects in pre-consolidation urban areas that were promised but not delivered, such as roads, water lines, sewer lines, storm water drainage, and streetlights.
2. Amend the Ordinance Code to require appropriate independent authorities with responsibility for carrying out capital improvements projects in the pre-consolidated urban areas of the City to assess the unmet CIP needs in those areas and set aside an annual amount of their CIP budgets to address those unmet needs.

### **Capital Improvement Program**

#### *Ordinance Code Changes:*

#### **Organization**

1. Amend the Ordinance Code to add two members of the Citizens Planning Advisory Committees (CPACs) to the current CIP Scoring Committee. (NE)(PT)

#### **Process & Procedure**

2. Amend the Ordinance Code to require that the CIP Planning Committee hold a public meeting at which they receive projects, hear explanations of projects, and allow members of the public to propose projects and advocate for or against submitted projects. (PT)
3. Amend the Ordinance Code to require that there shall be a separate public meeting to received public comment on the projects proposed by the departments, agencies, commissions, and CPACs of the City. There shall be no less than 14 days between each meeting, to allow the public time to review the submitted projects prior to the public comment meeting. (PT)
4. Amend the Ordinance Code to require that the CIP Planning Committee give 14 days' notice of both meetings. The meeting shall be held in City Council chambers if possible. The meeting shall take place at a time most accessible to the public. (PT)
5. Amend the Ordinance Code to require that the CIP Planning Committee meet "in the sunshine" to discuss and score projects after the public comment meeting. (PT)

#### **CIP Generally**

6. Amend the Ordinance Code to require the scoring criteria for CIP projects to be established by the City Council and passed as an ordinance. (PT)
7. Require that the CIP Committee's review shall include prioritized projects over at least a five-year period, but preferably longer. (PT)
8. Amend the Ordinance Code to require that the CIP submitted by the Mayor prioritize projects over a five-year period, but may include projects over a longer period of time. After completion of the first year of the revised CIP plan, projects listed in years two, three, four, five, and beyond shall automatically move up one year in priority. Year two projects shall automatically become year one projects, year three projects shall become year two projects, and so on. A project may only be held or returned to a later priority year upon a specific vote of the City Council on that individual project, not as a part of a vote to accept the CIP as a whole. (PT)

9. Amend the Ordinance Code to require each CIP project to include, in its listing on the CIP, the number of years it has been on the CIP. (PT)

### **Public Communication & Access to Information**

10. Amend the Ordinance Code to require that the City create a webpage within the City's website for purposes of tracking the progress of projects included in the CIP, similar to the Florida Department of Transportation's website. The website should allow the projects to be searchable, or shall be published, by type of project, council district, CPAC, status (including "authorized by City Council but not yet funded"), by each individual source of funding, department or agency overseeing the project, projects submitted to the committee for inclusion in the CIP but not submitted by the Mayor for City Council approval, and any other categories deemed beneficial to the public. (PT)(EE)

### **Planning**

#### *Recommendation:*

1. The Planning Department should reconsider and review, on a regular and periodic basis and with expert input, the size and boundaries of the existing Planning Districts for usefulness in the City's planning process, and relevance to registered neighborhood organizations and CPACs. (NE)(PI)

### **Contract Management**

#### *Ordinance Code Change:*

1. Amend the Ordinance Code to require that each contract and binding agreement the City enters into shall specify which department, agency, commission, or other governmental entity of the City will manage and have oversight responsibility for such contract or agreement. (EE)

#### *Council Rules Change:*

1. Amend the Council Rules to require that any legislation approving a contract or agreement that the City shall enter into shall specify which department, agency, commission, or other governmental entity of the City will manage and have oversight responsibility for such contract or agreement. (EE)

### **Procurement**

#### *Ordinance Code Changes:*

1. Amend the Ordinance Code to require the distribution of bid materials, and permit the receipt of bids, electronically. (EE)
2. Amend the Ordinance Code to require that the Council approve, and a public hearing be held on the date of approval, of contracts of certain magnitude and/or certain duration. (EE)
3. Amend the Procurement Code to allow for the receipt of unsolicited bids as allowed under Chapter 287 F.S. (EE)

#### *Policy Recommendations:*

1. The makeup of the procurement committees should be reviewed and changes considered, such as removing the Office of General Counsel and the Procurement Division from voting roles and making them staff only, allowing them to advise the committee members without the possibility of violating the Sunshine Law. (EE)

2. Consider whether the Procurement Code should include language allowing the Chief of Procurement to make a determination that some professional services should be processed on criteria other than Consultants' Competitive Negotiation Act (CCNA) criteria. (EE)
3. Consider modification of sole source and proprietary procurements to just a "single source" award. (EE)
4. Procurement committees should be consolidated into to one awarding committee, the Procurement Awards Committee (PAC). (EE)
5. Review the CCNA scoring for 10 standard criteria and determine if a point system is the most efficient means of determining a bid winner, and whether it yields the best result. (EE)

### **Minority Businesses & Contracting**

#### *Recommendations:*

#### **Procedurally**

1. Adhere to the entire Procurement Code as it is written to include the rules relating to Chapter 126, Part 8 outlining the relationships with minority business owners. (PT)
2. Waive the Procurement Code only after a request is deemed by the City Council as an emergency, or for convenience only once it has been publically announced and presented at least once at a public hearing for public comment. (PT)
3. Adhere to all the mandates of the federal regulations and guidelines, to include the Affirmative Action Plan requirement included in the City Ordinance Chapter 126.801 and Chapter 126.802. (PT)
4. Enforce and train specifically to the JSEB needs in the training component established in the Code and Executive Order 11246. (PT)
5. Enforce, practice, and apply all federal guidelines according to CFR 41. Part 60-1.4 that includes the language of Equal Opportunity Clause for Prime Contractors and Subcontractors accepting government contract with federal funds and grants. (PT)
6. Adhere to the agreement outlined in a City Resolution 95-441-135 in partnership with the SWIFT Program established and approved in 1995 requiring the utilization and training of under-utilized small, minorities, women, and Black businesses on COJ contracts. It is our belief that this agreement has not been amended, terminated, or modified. (PT)
7. Establish a diverse Business Advisory Council that includes a balanced mix of small, minority, and women business owners, City Council members, JCCI, the regional planning council, representatives from the Mayor's administration team, the economic development departments, community representatives and agencies such as civic advocacy organizations, Legal Aid Representatives, the general public, social agencies like the Entrepreneurial program of the Urban League, NAACP-Economic Development Committee, and the Hispanic, Asian, and Indian Chambers of Commerce. (PT)
8. Empower under-utilized businesses by increasing access to various market categories, increase joint-venture partnerships with middle to larger companies and small contractors, and locate capital funds and bonding. (PT)
9. Enhance the race neutral programs like the JSEB Program; consider a member of the regional planning council as part of any oversight committee. (PT)
10. Ensure that African-Americans and other minorities, including women, are a part of the discussions for improving the City and all agencies as it relates to procurement. (PT)

#### **Jacksonville Small and Emerging Businesses (JSEBs)**

11. Build capacity of JSEBs now and for the future with projects and programs that enhance skills. (PT)

- a. Revamp the training program for JSEBs that focus on intense administrative and office procedures; operations and staffing; coordinating processes with the expectations and processes of government work. This should be a constant initiative.
  - b. Assist JSEBs with expected documentation for payroll, insurance, accounting and invoicing, pay applications, support documentation, and business financial literacy (i.e., via training).
  - c. Develop a coaching and counseling component of the program for JSEBs with an Executive Roundtable.
  - d. Train JSEBs to focus on the transition from residential to government and from commercial to government work.
12. Improve the enforcement of the program guidelines and lines of communication through the City of Jacksonville, its independent authorities, and the Duval County School Board. (PT)
- a. Have the Public Works and purchasing departments work closer with the JSEB program coordinator for JSEB projects.
  - b. Have the JSEB coordinators work cooperatively with the City and its independent authorities; work closer with the JSEBs who fall through the cracks or clog up the system.
  - c. Encourage more teaming and partnering relationships among the JSEBs to work together and with the larger prime contractors. Use national teaming techniques used in other areas.
  - d. Monitor and enforce penalties to prime contractors and major subcontractors on City projects with letters of intent with JSEBs who were never utilized by the halfway point of the contract but won the contract with this intent.
  - e. Monitor and require a monthly justification for non-utilization with approval from an independent advisory task force before further payments are paid to the prime contractors.
  - f. Penalize prime contractors who have outstanding obligations to JSEBs by retaining the stated percentage of utilization amount and splitting it with the JSEBs and returning the remainder to the City coffers;
  - g. Use less restrictive and limited language while establishing minimum qualifying standards on JSEB set-aside solicitations and requests for proposals.

### **Risk Management**

#### *Ordinance Code Change:*

1. Amend the Ordinance Code to require the semi-annual risk assessment report provided to the Risk Manager be given to the City Council as soon as the report is received by the Risk Manager. (EE)
2. Amend the Ordinance Code to require that the Risk Manager annually provide to the Council the inventory of City-owned properties maintained by the Risk Manager for purposes of ensuring the City has adequately insured all of its real property assets. (EE)
3. Amend the Ordinance Code to require that all claims for compensatory type damages should be paid out of an account under the management of the Risk Manager, rather than the claims being paid out of the budgets of the individual departments. (EE)

#### *Policy Recommendation:*

1. Insurance requirements for organizations to whom the City leases or licenses property (i.e., baseball and soccer leagues in City parks, and licenses for operators of community centers) should be reviewed and standards established that could be used to determine situations where the City does not need to require insurance, such as circumstances where the risk is modest enough that the City will allow an indemnification and hold harmless agreement, or activities where the permitted party does not invite additional parties to enter the property. Additionally, the City should establish standards for the protection of participants where appropriate. (EE)

### St. John's River & Its Tributaries

#### *Ordinance Code Changes:*

1. Adopt an ordinance creating an “all county” riverfront zoning overlay to provide guidelines for waterfront development that incorporate both criteria for public access and riverfront design. The zoning overlay should be administered by the City’s Planning Department with input from the Jacksonville Waterways Commission. (PI)

The zoning overlay should:

- a. Extend at least 500 feet from the river’s edge and be made a part of the City’s Comprehensive Land Use Plan;
  - b. Increase the amount of permanently set-aside general public access spaces;
  - c. Identify the transportation needs (pedestrian, bicycle, and vehicular) for those public access areas;
  - d. Determine appropriate setbacks for distance from the river;
  - e. Provide criteria to protect, preserve, and encourage recreational water dependent activities;
  - f. Outline design elements that respect the natural environment in harmony with their riverfront surroundings (via landscape architecture and amenities);
  - g. Incorporate restrictions provided in the Manatee Protection Plan as a basis for identifying critical riverfront issues;
  - h. Coordinate with existing zoning overlays; and
  - i. Coordinate with existing land use development plans and orders.
2. Adopt an ordinance changing the composition of the Waterways Commission by adding a member of the Planning Commission and a member of the Environmental Protection Board. (PI)
  3. Amend the ordinance creating the Waterways Commission to add review of water-related land uses as a power and duty of the Waterways Commission. (PI)
  4. Adopt an ordinance directing the Downtown Investment Authority to implement the “Celebrating the River” downtown master plan, particularly the elements that affect the St. John’s River and its tributaries, so as to revitalize McCoy’s and Hogan’s Creeks, provide critical links to downtown’s “Emerald Necklace,” and expand the amount and type of public access and recreational opportunities available along the river system. (PI)
  5. Adopt an ordinance amending the powers and duties of the Environmental Protection Board to include the compilation and distribution of an annual report on water quality within Duval County, including drinking water, surface water, and groundwater quality. This information should be provided in a usable and relevant format, on an annual basis, and be organized by CPACs and registered neighborhood organizations. (NE)(EE)
  6. Adopt an ordinance amending the powers and duties of the Environmental Protection Board to include providing data on incidents of chemical spills, water pollution, groundwater contamination, and other relevant health hazards received by the Environmental Quality Division, and Florida Department of Environmental Quality, to residents in a manner timely and efficient enough for residents to protect themselves. (NE)(EE)
  7. Adopt an ordinance specifically directing the Waterways Commission and Environmental Protection Board to collaboratively work with local non-profits and other agencies for the purpose of creating a training program for neighborhood organizations, CPACs, and the public, on ways in which residents can protect and enhance the vitality of the St. John’s River. This ordinance should be in accordance with Sec. 95.106(d) of the Ordinance Code, which requires the Jacksonville Waterways Commission “to act as a coordinating agency for programs and activities affecting the improvement, development and protection of the St. John’s River and all tidal waters in Duval County.” (NE)
  8. Amend the Ordinance code to provide that all public and private parties who discharge anything into the St. John’s River shall comply with all Federal and State pollution laws, and by the year 2025 they shall not discharge any pollutant into the river. (PI)

9. Amend the Ordinance Code to provide that all public appropriations made to meet nutrient pollution reduction requirements and water quality goals for Duval County waterways must be utilized for future nutrient reduction programs, practices, and initiatives and not for retroactive payments and/or credits for past reduction programs, practices, and initiatives. (PI)

## Appendix II:

### Office of General Counsel Charter Language

Part 1 of Article 7 shall be moved to Article 6 and Part 2 be renamed as its own General Counsel article.

#### **Section 7.201. Office established; general responsibility.**

There is established an office of the City of Jacksonville to be known as the Office of General Counsel, which shall have the responsibility for furnishing legal services to the City and its independent agencies, except that the council may create an office of legislative counsel within the legislative branch whose purpose shall be to advise and assist the council and its committees and members in the achievement of a clear, faithful, and coherent expression of legislative policies and to perform such other related duties for the council as the council may by ordinance direct. For purposes of utilization of central services by the City and its independent agencies, the services of the Office of General Counsel shall be deemed to be central services or services of the central service department, as the case may be. The general counsel shall provide to any member of the Duval County legislative delegation who resides in Duval County upon request an opinion on any matter relative to the government of the City of Jacksonville or any of its independent agencies.

The engagement of private counsel for the City shall require written certification by the general counsel of its necessity, and shall be in accordance with procedures set forth by the council.

The engagement of private counsel for the independent agencies shall require written certification by the general counsel of its necessity, and shall be in accordance with their respective charters.

The general counsel may hire, and shall supervise, assistant counsels to assist with the core mission issues of the independent agencies. Those assistant counsel may, in a manner coordinated between the general counsel and the independent agency, be housed, budgeted, and paid directly by the independent agency, but shall remain supervised by and subordinate to the general counsel.

#### **Section 7.202. General counsel.**

The head of the office of general counsel shall be the general counsel who shall be the chief legal officer for the entire consolidated government, including its independent agencies. The general counsel shall devote his/her entire time and attention to the business of the office, shall not engage in the private practice of law, and shall not engage in any other legal or non-legal activities to supplement income except for private investments. Any legal opinion rendered by the general counsel shall constitute the final authority for the resolution or interpretation of any legal issue relative to the entire consolidated government and shall be considered valid and binding in its application unless and until it is overruled or modified by a court of competent jurisdiction or an opinion of the Attorney General of the State of Florida dealing with a matter of solely state law.

The general counsel shall devote necessary resources and attention to all of the consolidated government's constituent elected officials, departments, and agencies and shall make legal decisions on the merits for the consolidated government without preference to any official or agency. The general counsel shall work with its constituent elected officials, departments, and agencies to advise them on new or existing state laws interfacing their duties and responsibilities, as well as related standing ordinances and resolutions, and to educate them with regard to conflicting legal issues and to assist them in amicably resolving them.

**Section 7.203. Selection and term of general counsel.**

The general counsel shall be an attorney licensed to practice law in the State of Florida and shall have at least 10 years' experience as a practicing attorney and/or judge. The general counsel shall be selected according to the following procedure. Upon the commencement of each mayoral term of office, the mayor shall, giving due consideration for the needs of all City branches, agencies, and offices, appoint a general counsel for the consolidated government for that mayoral term. The person selected to serve as general counsel by the mayor shall be confirmed by resolution approved by no less than 13 members of the City Council elected for that mayoral term. Prior to confirmation, the council may seek the advice of constitutional officers, the Jacksonville Bar Association, and former general counsels as to the qualification of the appointee to serve as general counsel. The mayor's appointment shall be acted upon by the Council within 60 days. The term of the general counsel shall coincide with the term of the appointing mayor.

**Section 7.204. Reappointment.**

A general counsel may be reappointed by a newly elected mayor or by a mayor elected to serve a succeeding term of office. The reappointment of a general counsel shall be confirmed by resolution approved by no less than 13 members of the City Council elected for the succeeding mayoral term. Any general counsel who is reappointed by the mayor may, at the option of the mayor, continue to serve for a period of 60 days pending reconfirmation. Council shall confirm or reject said reappointment within 60 days of the commencement of the new term. In the event the general counsel is not confirmed by the council, then the position of general counsel shall become vacant and shall be filled according to the provisions of section 7.203 and 7.205.

**Section 7.205. Vacancy.**

Vacancies in the position of general counsel shall be filled as follows:

(a) An "acting" general counsel shall immediately be appointed, in writing, by the mayor, without the necessity of council confirmation, so as to ensure the continued faithful operation of the office of general counsel. The person serving as "acting" general counsel shall perform all duties of the section 7.202 general counsel, but shall not serve in the "acting" position for a period exceeding 60 days.

(b) A new section 7.202 general counsel shall be appointed and confirmed as provided for in Section 7.203.

No resigning or retiring general counsel shall remain on the payroll of the City beyond the time he or she discontinues performing the official duties of the general counsel.

**Section 7.206. Removal.**

(a) The general counsel may be removed by the mayor, but such removal shall be only for cause, such as misfeasance, malfeasance, or criminal conduct. The removal of a general counsel by the mayor shall be concurred in by resolution of the council, approved by 13 members of the council.

(b) The general counsel may also be removed by the council, but such removal by the council shall be only for cause, such as misfeasance, malfeasance, or criminal conduct. The removal of a general counsel by the council shall be by resolution of the council, approved by 15 members of the council.

**Section 7.207. Assistant counsels.**

The general counsel shall appoint assistant counsels and fix their compensation, subject to the approval of the mayor. The assistant counsels shall devote their entire time and attention to the business of the office and shall not engage in

the private practice of law or any other legal or non-legal activities to supplement income except for private investments.

### **Section 7.208. Corporation secretary.**

Subject to applicable civil service laws and rules, the general counsel shall designate an office of general counsel employee to serve as corporation secretary.

### **Section 7.209. Duties of corporation secretary.**

The corporation secretary shall be responsible for the custody and safekeeping of such records of the executive office of the mayor as the mayor shall designate and for the performance of such additional duties as may be delegated by the mayor. The corporation secretary is authorized and entitled to keep possession of a duplicate official seal of the City and to affix the seal on all papers and documents necessary to be executed by the mayor and on all certified copies of public records of which he or she has custody.

### **Section 7.210. Litigation imprest fund.**

There is authorized to be established in the office of general counsel, in the custody of the general counsel, a litigation imprest fund of not exceeding \$2,500, which shall be available, without regard to fiscal years, for the expenses of litigation conducted or defended by the office of general counsel, including filing fees for actions commenced by the City or an independent agency in a state or federal court and for appeals taken by the City or an independent agency, witness fees required to be tendered to persons subpoenaed on behalf of the City or an independent agency, fees for service of process for designated agents within the City and for the several sheriffs of designated agents in other counties of the state or elsewhere, the reproduction or acquisition of necessary documentary evidence not in the official possession of the City or an independent agency to be used at a deposition, hearing, or trial, and similar expenses directly related to cases in litigation, but not including fees for special counsels or the payment of a monetary judgment against the City or an independent agency. The litigation imprest fund shall be maintained as a checking account in a bank located in the City, and the general counsel shall prescribe rules for the withdrawal of funds from this checking account, including a requirement that checks be signed by at least two individuals in the office of general counsel. Periodically, as determined by the general counsel, a statement of the disbursements from the litigation imprest fund shall be presented to the City accountant, with such supporting documents as the City accountant requires, for reimbursements of the fund. Bank service charges shall be a proper expense item of the litigation imprest fund.

Outline explanation of specific changes:

- **Section 7.201. Office established; general responsibility.**
  - Refers to the OGC as an “office,” not a department.
  - Requires written certification by the general counsel for the need of outside counsel.
  - Allows independent agencies to hire their own attorneys when approved and supervised by the general counsel.
- **Section 7.202. General Counsel.**
  - Clarifies the requirement that the general counsel devote their entire time to the duties of the office.
  - Limits overruling power of the state attorney general to matters solely of state interest.
  - Expands upon the charter-required duties of the general counsel and the duties to constituent offices and agencies.
- **Section 7.203. Selection and term of general counsel.**
  - Requires 10 years of experience as practicing attorney and/or judge
  - Eliminates the use of selection committees.

- Clarifies that the new mayor and new council appoint and confirm the general counsel for the new term.
- Provides for input and 13 council member confirmation; and action within 60 days.
- **Section 7.204. Reappointment.**
  - 13 council member vote for confirmation of reappointment.
  - 60 days to reconfirm; 60-day holdover.
- **Section 7.205. Vacancy.**
  - Provides for immediate appointment of “acting” general counsel for no more than 60 days.
  - Normal 7.203 procedures are utilized to permanently fill position.
  - Resigning or retiring general counsel is immediately removed from payroll.
- **Section 7.206. Removal.**
  - Removal of the general counsel may only be for misfeasance, malfeasance, or criminal conduct.
  - Mayor’s removal must be confirmed by 13 council members.
  - Council may remove the general counsel with 15 votes.
- **Section 7.207. Assistant counsels.**
  - Clarifies requirement that assistant counsels are devoting full time to job.
- **Section 7.209. Duties of corporation secretary.**
  - Cleans up gender neutrality terms.
- **Section 7.210. Litigation Imprest fund.**
  - Increases the amount of money that may be on hand to pay for emergency filing fees, witness fees, subpoenas, and the like.

## **Appendix III: Publication of Ordinances Charter Language**

### **Section 5.08. Procedures.**

The council shall meet regularly at least once in every month at such times and places as the council may prescribe. Special meetings may be held on call of the mayor or the president of the council, or seven or more members of the council, upon no less than 24 hours' notice to each member of the council. Fourteen members of the council shall constitute a quorum. The council may take official action only by the adoption of ordinances or resolutions, and no ordinance or resolution shall be passed until it has been read on three separate days, unless it is adopted as an emergency measure, or the council authorizes by two-thirds vote of the members to have two readings for certain subjects of legislation, or for certain subjects of legislation relating to economic development, one or two readings, as provided in the City Council Rules, so long as the ordinances and resolutions so passed shall be enacted or adopted in the manner provided by general law. The council shall determine its own rules and order of business, keep a journal of its proceedings, and annually select a president and a president pro tempore from its members. All ordinances of the council governing the consolidated government, or providing rules and regulations of general applicability, shall be in the form of a codification in the City's published ordinance code; except that such codification shall not be required for the annual budget, the annual capital improvement plan, appropriations, or zoning or land use exceptions and variances.