

1 Introduced by Council President Wilson:
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4 **ORDINANCE 2019-898**

5 AN ORDINANCE APPROVING AN ENGAGEMENT AGREEMENT
6 WITH THE LAW FIRM OF SMITH, HULSEY & BUSEY, AS
7 SPECIAL PRIVATE COUNSEL TO THE CITY COUNCIL ON
8 MATTERS RELATED TO THE FUTURE OF JEA;
9 REQUESTING EMERGENCY PASSAGE UPON
10 INTRODUCTION; WAIVING THE CONFLICT OF
11 INTEREST; PROVIDING AN EFFECTIVE DATE.
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13 **WHEREAS**, in Ordinance 2019-694-E, the City Council
14 appropriated funds to hire special private counsel; and

15 **WHEREAS**, after advertising statewide, receiving proposals and
16 interviewing responding qualified law firms, the Council President,
17 in consultation with the General Counsel and the Director of the
18 Ethics Office, has recommended the following firm; now therefore

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

20 **Section 1. Authorizing and Approving the Special Private**
21 **Counsel Engagement Agreement.** The General Counsel is hereby
22 authorized to enter into an engagement agreement with the law firm
23 of Smith, Hulsey & Busey to provide special private counsel for the
24 City Council on the matters related to the Future of JEA. A copy of
25 the engagement letter and scope of services substantially in form
26 is attached hereto as **Exhibit 1**.

27 **Section 2. Requesting Emergency Passage Upon Introduction**
28 **Pursuant to Council Rule 4.901 Emergency.** Emergency passage upon
29 introduction of this legislation is requested. The nature of the
30 emergency is that special private counsel advice is needed on
31 active propositions on the future of JEA.

1 **Section 3. Waiving Conflict of Interest.** Smith, Hulsey &
2 Busey has made full disclosure of a conflict of interest existing
3 because of a pending lawsuit in which Smith, Hulsey & Busey
4 represents Continental Holdings, Inc. against both the City of
5 Jacksonville and JEA, the said lawsuit being styled as City of
6 Jacksonville v. Shoppes of Lakeside, Inc., et al., Case No. 3:12-
7 cv-850-J-25MCR, pending in the U.S. District Court for the Middle
8 District of Florida. In order to retain Smith, Hulsey & Busey as
9 special private counsel for the City Council, the City Council
10 hereby waives the said conflict of interest per the Florida Bar
11 Rules of Professional Responsibility.

12 **Section 4. Effective Date.** This ordinance shall become
13 effective upon signature by the Mayor or upon becoming effective
14 without the Mayor's signature.

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17 Form Approved:

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19 /s/ *Margaret M. Sidman*

20 Office of General Counsel

21 Legislation Prepared By: Margaret M. Sidman

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