

1 Introduced by Council Member Priestly Jackson and Co-Sponsored by
2 Council Members Diamond, Morgan, DeFoor, Newby, Carlucci, Salem,
3 Hazouri, Pittman, DeFoor, Bowman, Freeman, Ferraro, R. Gaffney,
4 Dennis, Becton, Wilson and White:

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6 **ORDINANCE 2020-185**

7 AN ORDINANCE CONCERNING CONTRACTS WITH THE
8 CITY, INCLUDING CONTRACTS AND COMPENSATION OF
9 CITY EMPLOYEES AND OFFICERS; AMENDING CHAPTER
10 129 (SALARIES OF PUBLIC OFFICIALS AND
11 EMPLOYEES), *ORDINANCE CODE*, TO RENAME THE
12 CHAPTER; CREATING A NEW SECTION 129.113
13 (UNLAWFUL COMPENSATION), *ORDINANCE CODE*, TO
14 PROHIBIT VARIOUS COMPENSATION PROVISIONS;
15 CREATING A NEW SECTION 601.409 (UNLAWFUL
16 CONTRACTS), CHAPTER 601 (OFFENSES AGAINST
17 OPERATION OF GOVERNMENT), *ORDINANCE CODE*, TO
18 PROHIBIT VARIOUS CONTRACTS AND CONTRACT
19 PROVISIONS; PROVIDING AN EFFECTIVE DATE.

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

22 **Section 1. Amending Chapter 129 (Salaries of Public**
23 **Officials and Employees), *Ordinance Code*.** The title of Chapter 129
24 (Salaries of Public Officials and Employees), *Ordinance Code*, is
25 hereby amended to read as follows:

26 **CHAPTER 129 - ~~SALARIES~~ COMPENSATION OF PUBLIC CITY OFFICIALS AND**
27 **EMPLOYEES.**

28 * * *

29 **Section 2. Creating a new Section 129.113 (Unlawful**
30 **Compensation), *Ordinance Code*.** A new Section 129.113 (Unlawful
31 Compensation), Chapter 129 (Salaries of Public Officials and

1 Employees), *Ordinance Code*, is hereby created to read as follows:

2 **CHAPTER 129. SALARIES OF PUBLIC OFFICIALS AND EMPLOYEES.**

3 * * *

4 **Sec. 129.113. Unlawful Compensation.** The contracts and
5 contractual provisions described herein below shall be prohibited.

6 (a) A contract that includes any compensation other than:

7 (1) Salary;

8 (2) City or State authorized pension or retirement
9 plans; or

10 (3) A bonus program that meets all the requirements of
11 state law.

12 This paragraph shall not prohibit non-taxable benefits
13 such as insurance, mileage, club membership, or other
14 allowances.

15 (b) A contract that includes a pension, retirement, or
16 deferred compensation plan that is not approved by the
17 State of Florida as part of the Florida Retirement System
18 or as part of the City retirement system or approved by
19 City ordinance.

20 (c) A retirement or deferred compensation plan that is not
21 fully exempt pursuant to federal Internal Revenue Service
22 laws, rules, and regulations.

23 (d) A contract that in any manner bases compensation on any
24 version of cost savings to the City or any department or
25 agency of the City. This includes, but is not limited to,
26 circumstances wherein actual costs are lower than
27 budgeted costs either due to revenues above projected
28 revenues or costs below projected costs.

29 (e) A contract that in any manner purports to grant to any
30 officer or employee any property or ownership interest of
31 any sort in the City or any department or agency of the

1 City or any property of the City.

2 (f) A contract that bases compensation to any employee or
3 officer upon the value or growth or loss in value of the
4 City or any of its agencies or departments; or any
5 property of any sort owned by the City or any of its
6 agencies or departments.

7 (g) A contract that purports to grant to any officer or
8 employee any equity or other property interest in a
9 former city department or agency that is recapitalized or
10 sold.

11 **Section 3. Creating a new Section 601.409 (Unlawful**
12 **Contracts), Ordinance Code.** A new Section 601.409 (Unlawful
13 Contracts), Chapter 601 (Offenses against the Operation of
14 Government), *Ordinance Code*, is hereby created to read as follows:

15 **CHAPTER 601. OFFENSES AGAINST THE OPERATION OF GOVERNMENT.**

16 * * *

17 **Sec. 601.409. Unlawful Contacts.**

18 The contracts and contract provisions described herein below
19 are prohibited.

20 (a) A contract that in any manner bases compensation on any
21 version of cost savings to the City or any department or
22 agency of the City. This includes, but is not limited to,
23 circumstances wherein actual costs are lower than
24 budgeted costs either due to revenues above projected
25 revenues or costs below projected costs.

26 (b) A contract that in any manner purports to grant to any
27 person any property or ownership interest of any sort in
28 the City or any department or agency of the City or any
29 property of the City.

30 (c) A contract that bases compensation to any person upon the
31 value or growth or loss in value of the City or any of

1 its agencies or departments; or any property of any sort
2 owned by the City or any of its agencies or departments.

3 (d) A contract that purports to exist in perpetuity.

4 (e) A contract with an officer or employee exempt from civil
5 service that:

6 (1) Creates a relationship other than at-will
7 status; or

8 (2) Contains a clause that prohibits firing except
9 for cause.

10 **Section 4. Effective Date.** This Ordinance shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without his signature.

13
14 Form Approved:

15
16 /s/ Stephen M. Durden

17 Office of General Counsel

18 Legislation Prepared By: Stephen Durden

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