

1 Introduced by the Council President at the request of the Office of
2 General Counsel:

3
4 **ORDINANCE 2023-90**

5 AN ORDINANCE REGARDING REDISTRICTING OF THE
6 JACKSONVILLE CITY COUNCIL DISTRICTS AND GROUP
7 AT-LARGE RESIDENCE AREAS; AMENDING ORDINANCE
8 2022-800-E TO STRIKE SECTION 7 AND SUCH OTHER
9 LANGUAGE THEREIN NECESSARY TO CONFIRM THE
10 COUNCIL'S INTENT TO PERMANENTLY ADOPT THE MAROON
11 III E FIX MAP FOR USE IN DUVAL COUNTY UNTIL THE
12 NEXT DECENNIAL CENSUS IN 2030; REQUESTING ONE
13 CYCLE EMERGENCY PASSAGE; PROVIDING AN EFFECTIVE
14 DATE.

15
16 **WHEREAS**, the Council adopted 2022-800-E to approve, adopt, and
17 enact the City Council District and City Council Group At-Large
18 Residence boundaries as set forth in the "Council District and Group
19 At-Large Residence Area Plan" attached thereto as Exhibit 3, a.k.a
20 the "Maroon III E Fix map".

21 **WHEREAS**, the federal 11th Circuit Court of Appeals, in the case
22 of *Jacksonville Branch of the NAACP, et al. v. City of Jacksonville*,
23 case no. 22-14260, has raised the issue of whether it was the
24 Council's intent to permanently and immediately adopt the Maroon III
25 E Fix map as the official City Council re-districted map in response
26 to the Council's decennial census redistricting obligations; and

27 **WHEREAS**, the intent of this legislation is to amend 2022-800-E
28 to remove any references to the Maroon III E Fix map as not being
29 effective until the map is deemed constitutional by the federal court
30 in case number 3:22-cv-493-MMH-LLL, and to confirm the Council's
31 intent that Maroon III E Fix is the Council district map, to confirm

1 that it became effective on the effective date of 2022-800-E, and to
2 confirm that it will remain effective until the next decennial census
3 in 2030; now therefore

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

5 **Section 1. Amending 2022-800-E.** Ordinance 2022-800-E is
6 hereby amended to remove all references to "pending final approval
7 of the appropriate Court of law" as follows:

8 * * *

9 **"Section 2. Charter of the City of Jacksonville amended to**
10 **approve and enact the City of Jacksonville Redistricting Plan**
11 **establishing City Council Districts and City Council Group At-Large**
12 **Residence Areas, ~~Pending Final Approval by the Appropriate Court of~~**
13 **~~Law.~~**

14 In accordance with the *Charter of the City of Jacksonville*
15 ("*Charter*") and Chapter 18, (Redistricting of Council and School
16 Board Districts), *Ordinance Code*, and in conjunction with the 2020
17 United States Census data, ~~pending final approval by the appropriate~~
18 ~~court of law,~~ the City Council approves, adopts, and enacts the City
19 Council District and City Council Group At-Large Residence boundaries
20 as set forth in the final (Amended) Plan (the "Council District and
21 Group At-Large Residence Area Plan") attached hereto as Exhibit 3.

22 * * *

23 **~~Section 7. Effective Date of the Interim Remedial Plan.~~**
24 ~~The interim remedial redistricting plan set forth in this ordinance~~
25 ~~shall become effective upon being deemed constitutional by Court~~
26 ~~order in case number 3:22-cv-493-MMH-LLL.~~

27 **Section 87. Directing the Office of General Counsel to**
28 **notify the Chief of Legislative Services of the Effective Date of the**
29 **Interim Remedial Plan so that this Legislation is timely forwarded**
30 **to Municode.** The Office of General Counsel is directed to notify the
31 Chief of Legislative Services in writing as to the Effective Date of

1 the Interim Remedial Plan so that this ordinance may be forwarded by
2 the Legislative Services Division to the Municipal Code Corporation
3 when the Interim Remedial Plan is deemed effective pursuant to Section
4 7 above.

5 **Section 98. Effective Date.** This ordinance shall
6 become effective upon signature by the Mayor or upon becoming
7 effective without the Mayor's signature."

8 **Section 2. No other changes to Ordinance 2022-800-E.**
9 Except for as provided in Section 1 above, there are no other changes
10 to the provisions of Ordinance 2022-800-E.

11 **Section 3. Rule 4.901 Requesting one cycle emergency**
12 **passage.** Rule 4.901 one cycle emergency passage is requested. The
13 nature of the emergency is that the City is required to file its
14 initial brief in the appeal in this matter by March 8, 2023. The
15 dissenting opinion in the above-referenced 11th Circuit's order on
16 the City's motion to stay recognized that the Council could confirm
17 its original intent by deleting the aforementioned references.
18 Therefore, to eliminate the concern that the Council did not intend
19 the Maroon III E Fix map to be its intended redistricted map for the
20 2020 decennial census and allow for this fact to be argued and
21 presented to the appellate court in a timely manner in the City's
22 initial brief, this legislation must be finalized by March 8, 2023.

23 **Section 4. Effective Date.** This ordinance shall become
24 effective upon signature by the Mayor or upon becoming effective
25 without the Mayor's signature.

26 Form Approved:

27
28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation prepared by: Helen Roberson

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