

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Finance Committee:

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5 **ORDINANCE 2023-505-E**

6 AN ORDINANCE ADOPTING THE FISCAL YEARS 2024-2028
7 INCLUSIVE CAPITAL IMPROVEMENT PLAN (THE "CIP"),
8 AS REQUIRED BY CHAPTER 122 (PUBLIC PROPERTY),
9 PART 6 (CAPITAL IMPROVEMENT PLAN), *ORDINANCE*
10 *CODE*; PROVIDING FOR 2024 CIP SPECIFICITY
11 REQUIREMENTS; DIRECTING REVISIONS AND UPDATING
12 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE 2045
13 *COMPREHENSIVE PLAN*, AS REQUIRED BY SECTION
14 163.3177, *FLORIDA STATUTES*; WAIVING SECTION
15 122.602 (A) (DEFINITIONS), *ORDINANCE CODE*;
16 PROVIDING FOR DECLARATION OF INTENT TO
17 REIMBURSE; WAIVING COMPLIANCE WITH SECTION
18 106.309 (CAPITAL IMPROVEMENT APPROPRIATIONS
19 CARRIED OVER) AND SECTION 106.312 (LAPSE OF
20 APPROPRIATIONS), *ORDINANCE CODE*; AMENDING
21 RAILROAD QUIET ZONE PROJECT; PROVIDING FOR
22 RECONCILIATION OF SCHEDULES, TEXT,
23 CODIFICATION, JOURNAL ENTRIES; PROVIDING AN
24 EFFECTIVE DATE.

25
26 **WHEREAS**, pursuant to Chapter 122 (Public Property), Part 6
27 (Capital Improvement Plan), *Ordinance Code*, the Department of Finance
28 and Administration, the Department of Planning and Development, and
29 the Department of Public Works have met with all departments, agencies
30 and commissions of the City to develop, and have developed, a Capital
31 Improvement Plan ("CIP") for fiscal years 2024-2028 inclusive; and

1 **WHEREAS**, pursuant to Chapter 163, Part II, *Florida Statutes*,
2 the Council adopted the *2045 Comprehensive Plan*, which contains
3 numerous elements required by Section 163.3177, *Florida Statutes*,
4 including a Capital Improvements Element designed to consider the
5 need for and location of public facilities in order to encourage
6 efficient utilization of such facilities and setting forth estimated
7 public facility costs, including a delineation of when public
8 facilities will be needed, the general location of the facilities and
9 projected revenue sources to fund the facilities; and

10 **WHEREAS**, Section 163.3177, *Florida Statutes*, requires local
11 governments to establish a Capital Improvements Element and that a
12 CIP be prepared in conjunction with the annual review and update of
13 the Capital Improvements Element, and further requires that the CIP
14 contain all of the projects listed in the Schedule of Capital
15 Improvements, which is a part of the Capital Improvements Element;
16 and

17 **WHEREAS**, the Council has reviewed the CIP and the Capital
18 Improvements Element; now, therefore

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

20 **Section 1. Fiscal Years 2024-2028 Capital Improvement Plan**
21 **Adopted.** The fiscal years 2024-2028 Capital Improvement Plan,
22 including a Schedule of Capital Improvements, attached hereto as
23 **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev 5-year CIP,
24 September 19, 2023 - Finance" and incorporated herein by this
25 reference, are hereby adopted for the City and its independent
26 agencies for the 2023-2024 Fiscal Year. There shall be included in
27 the annual budgets of the City and its independent agencies sufficient
28 appropriations to implement the first year of the plan. By October
29 27, 2023, or one month after the enacted date of this legislation,
30 whichever is later, the Department of Finance and Administration
31 shall provide the Fiscal Years 2024-2028 revised adopted Capital

1 Improvement Plan inclusive of the detailed description of the scope
2 of each project included therein to all Council Members with a copy
3 to Legislative Services to be placed in the file.

4 **Section 2. 2024 Capital Improvement Plan Specificity**
5 **Requirements.** Notwithstanding anything herein, no funds shall be
6 expended on a Capital Improvement Project (as defined by Section
7 122.602(a), *Ordinance Code*), which may have been line-item approved
8 in a Capital Improvement Plan, without specific reference to precise
9 locations of work, narrowly defined project costs, or narrowly defined
10 work descriptions, unless and until such expenditures and an amendment
11 to the Capital Improvement Plan identifying precise locations of
12 work, narrowly defined project costs, and narrowly defined work
13 descriptions are separately approved by the City Council.

14 **Section 3. Capital Improvements Element of the 2045**
15 **Comprehensive Plan Revised and Updated.** The Capital Improvements
16 Element of the *2045 Comprehensive Plan* shall be revised to reflect
17 the Schedule of Capital Improvements adopted hereinabove as part of
18 the CIP in the next available update of the *2045 Comprehensive Plan*,
19 in accordance with Section 163.3177, *Florida Statutes*.

20 **Section 4. Waiver of Section 122.602(a) (Definitions),**
21 **Ordinance Code.** The conflicting provisions of Section 122.602(a)
22 (Definitions), *Ordinance Code*, which excludes routine roadway
23 resurfacing from the definition of Capital Improvement Projects are
24 hereby waived to allow roadway resurfacing to be included in the list
25 of Capital Improvement Projects for the 2023-2024 Fiscal Year.

26 **Section 5. Declaration of Intent to Reimburse.** The City of
27 Jacksonville expects to incur expenses for which the City will advance
28 internal funds in order to fund the construction, acquisition,
29 improvement, and equipping of certain capital improvements more
30 specifically described on **Revised Exhibit 1** (the "FY 23-24 Projects").
31 The City intends to reimburse itself for all or a portion of such

1 expenses from the proceeds of debt to be incurred by the City. The
2 City of Jacksonville hereby declares its official intent to reimburse
3 itself from the proceeds of debt to be incurred by the City for
4 expenses incurred with respect to the FY 23-24 Projects subsequent
5 to the date of this Ordinance.

6 This Ordinance is intended as a declaration of official intent
7 under Treasury Regulation Section 1.150-2. The debt to be issued to
8 finance the FY 23-24 Projects is expected not to exceed an aggregate
9 principal amount of \$332,208,864 net project funds. The Mayor, the
10 Corporation Secretary, the Chief Financial Officer, the General
11 Counsel and such other officers and employees of the City as may be
12 designated by the Mayor are authorized and empowered, collectively
13 and individually, to take all action and steps and to execute all
14 instruments, documents and contracts on behalf of the City that are
15 necessary to carry out the purposes of this Ordinance.

16 **Section 6. Waiver of Compliance with Section 106.309**
17 **(Capital improvement appropriations carried over) and Section 106.312**
18 **(Lapse of appropriations), Ordinance Code.** In accordance with
19 Sections 106.309 and 106.312, *Ordinance Code*, the Budget Office is
20 required to provide a list of Capital Improvement Projects Not Lapsed
21 which itemizes the budget, encumbrances and remaining balances from
22 prior years' appropriations. Due to changes in the software the City
23 uses to provide this information, the required list is not able to
24 be produced at this time as it would require the Budget Office to
25 manually compile the various sources of information to create such a
26 list. The proposed City budget, Ordinance 2023-504, has been prepared
27 as though anticipated capital improvement appropriations are carried
28 over from last fiscal year and not lapsing. The provisions of Sections
29 106.309 and 106.312, *Ordinance Code*, are hereby waived to authorize
30 submittal of the Capital Improvement Plan legislation without the
31 Capital Improvements Projects Not Lapsed exhibit.

1 **Section 7. Amending the Railroad Quiet Zone Project.** The

2 Railroad Quiet Zone Match Project approved by Ordinance 2018-505-E
3 is hereby amended to revise the project name to the "Railroad Quiet
4 Zone Project" and to revise the scope to reflect deletion of the 50%
5 match requirement as more fully described in the revised CIP Project
6 Information Sheet attached hereto as **Revised Exhibit 2**, labeled as
7 "Revised Exhibit 2, CIP Sheet, September 19, 2023 - Finance" and
8 incorporated herein by this reference.

9 **Section 8. Reconciliation of Schedules, Text,**
10 **Codification, Journal Entries, etc.** The Office of General Counsel

11 and the Council Auditor's Office are authorized to make all changes
12 to titles, tables of content, Ordinance Code provisions, journal
13 entries, schedules, and attachments, including editorial and text
14 changes consistent with the changes set forth herein to effectuate
15 the Council's action.

16 **Section 9. Effective Date.** This Ordinance shall become

17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

19
20 Form Approved:

21
22 /s/ Mary E. Staffopoulos

23 Office of General Counsel

24 Legislation Prepared By: Mary E. Staffopoulos

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