

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-505**

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

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

30 **WHEREAS**, pursuant to Chapter 163, Part II, *Florida Statutes*,
31 the Council adopted the *2045 Comprehensive Plan*, which contains

1 numerous elements required by Section 163.3177, *Florida Statutes*,
2 including a Capital Improvements Element designed to consider the
3 need for and location of public facilities in order to encourage
4 efficient utilization of such facilities and setting forth estimated
5 public facility costs, including a delineation of when public
6 facilities will be needed, the general location of the facilities and
7 projected revenue sources to fund the facilities; and

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

15 **WHEREAS**, the Council has reviewed the CIP and the Capital
16 Improvements Element; now, therefore

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

18 **Section 1. Fiscal Years 2024-2028 Capital Improvement Plan**
19 **Adopted.** The fiscal years 2024-2028 Capital Improvement Plan,
20 including a Schedule of Capital Improvements, attached hereto as
21 **Exhibit 1** and incorporated herein by this reference, are hereby
22 adopted for the City and its independent agencies for the 2023-2024
23 Fiscal Year. There shall be included in the annual budgets of the
24 City and its independent agencies sufficient appropriations to
25 implement the first year of the plan. By October 27, 2023, or one
26 month after the enacted date of this legislation, whichever is later,
27 the Department of Finance and Administration shall provide the Fiscal
28 Years 2024-2028 revised adopted Capital Improvement Plan inclusive
29 of the detailed description of the scope of each project included
30 therein to all Council Members with a copy to Legislative Services
31 to be placed in the file.

1 **Section 2. 2023 Capital Improvement Plan Specificity**
2 **Requirements.** Notwithstanding anything herein, no funds shall be
3 expended on a Capital Improvement Project (as defined by Section
4 122.602(a), *Ordinance Code*), which may have been line-item approved
5 in a Capital Improvement Plan, without specific reference to precise
6 locations of work, narrowly defined project costs, or narrowly defined
7 work descriptions, unless and until such expenditures and an amendment
8 to the Capital Improvement Plan identifying precise locations of
9 work, narrowly defined project costs, and narrowly defined work
10 descriptions are separately approved by the City Council.

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

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

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

1 incurred with respect to the FY 23-24 Projects subsequent to the date
2 of this Ordinance.

3 This Ordinance is intended as a declaration of official intent
4 under Treasury Regulation Section 1.150-2. The debt to be issued to
5 finance the FY 23-24 Projects is expected not to exceed an aggregate
6 principal amount of \$291,204,864 net project funds. The Mayor, the
7 Corporation Secretary, the Chief Financial Officer, the General
8 Counsel and such other officers and employees of the City as may be
9 designated by the Mayor are authorized and empowered, collectively
10 and individually, to take all action and steps and to execute all
11 instruments, documents and contracts on behalf of the City that are
12 necessary to carry out the purposes of this Ordinance.

13 **Section 6. Compliance with Section 106.309 (Capital**
14 **improvement appropriations carried over) and Section 106.312 (Lapse**
15 **of appropriations), Ordinance Code, and Further Verification.** In
16 accordance with Sections 106.309 and 106.312, *Ordinance Code*, the
17 Budget Office provided a list of Capital Improvement Projects Not
18 Lapsed which itemizes the budget, encumbrances, remaining balances
19 from prior years' appropriation, which is attached hereto as **Exhibit**
20 **2**, dated July 12, 2023.

21 **Section 7. Reconciliation of Schedules, Text,**
22 **Codification, Journal Entries, etc.** The Office of General Counsel
23 and the Council Auditor's Office are authorized to make all changes
24 to titles, tables of content, Ordinance Code provisions, journal
25 entries, schedules, and attachments, including editorial and text
26 changes consistent with the changes set forth herein to effectuate
27 the Council's action.

28 **Section 8. Effective Date.** This Ordinance shall become
29 effective upon signature by the Mayor or upon becoming effective
30 without the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Mary E. Staffopoulos

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