

1 Co-Introduced by the Council President at the request of the
2 Jacksonville Police and Fire Pension Board of Trustees and Council
3 Member White:

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6 **ORDINANCE 2023-307**

7 AN ORDINANCE REGARDING THE JACKSONVILLE POLICE
8 AND FIRE PENSION BOARD OF TRUSTEES; AMENDING
9 SECTION 22.12 OF THE CHARTER OF THE CITY OF
10 JACKSONVILLE; PROVIDING FOR CODIFICATION
11 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

12
13 **WHEREAS**, pursuant to Ordinance 2015-683-E, the City Council of
14 the City of Jacksonville ("City Council") enacted an ordinance which,
15 among other things, prohibited the Jacksonville Police and Fire
16 Pension Board of Trustees (the "Board") from (i) creating any pension
17 or other retirement plan; and (ii) administering any pension or
18 retirement plan other than the Jacksonville Police and Fire Pension
19 Fund (the "2015 Ordinance"); and

20 **WHEREAS**, the 2015 Ordinance was based on a binding legal opinion
21 issued by a former General Counsel of the City of Jacksonville
22 ("City"), which stated that the Board did not have the authority to
23 create or administer the Senior Staff Voluntary Retirement Plan (the
24 "SSVRP") (the "First SSVRP Binding Legal Opinion"); and

25 **WHEREAS**, after the enactment of the 2015 Ordinance, General
26 Counsel Opinion 16-01 was issued by a former General Counsel on April
27 20, 2016, which opinion in part also stated that the Board did not
28 have the authority to create or administer the SSVRP (the "Second
29 SSVRP Binding Legal Opinion"). The First SSVRP Binding Legal Opinion
30 and the Second SSVRP Binding Legal Opinion, copies of which are
31 attached hereto as **Exhibit 1**, shall be collectively referred to herein

1 as the "SSVRP Binding Legal Opinions"; and

2 **WHEREAS**, after enactment of the 2015 Ordinance, litigation
3 ensued between SSVRP participants, as the plaintiffs, and the City
4 and the Board, as co-defendants; and

5 **WHEREAS**, on June 6, 2020, an order was issued in the Circuit
6 Court, Fourth Judicial Circuit, in and for Duval County, Florida
7 (Case No. 2018-CA-5925) partially granting the plaintiffs Motion for
8 Summary Judgment and holding that the Board, pursuant to Section
9 22.04(e) of the City Charter, had the authority to fix the
10 compensation of its employees, which compensation included the
11 creation of the SSVRP as an employee benefit (the "Order"); and

12 **WHEREAS**, a copy of the Order is attached hereto as **Exhibit 2**;

13 **WHEREAS**, the current General Counsel has reviewed the Order and
14 determined that the SSVRP Binding Legal Opinions were overruled by
15 the Order pursuant to Section 7.01 of the City Charter regarding
16 those aspects of the opinions holding that the Board did not have the
17 authority to create or administer the SSVRP; and

18 **WHEREAS**, the current General Counsel concurs with the Board that
19 Section 22.12 of the City Charter should be amended to be consistent
20 with the Order by removing Subsections 22.12(a) and (b) of the City
21 Charter; and

22 **WHEREAS**, considering the forgoing, the City Council desires to
23 amend Section 22.12 of the City Charter to be consistent with the
24 Order and the Board's authority in Section 22.04(e) of the City
25 Charter; and

26 **WHEREAS**, a copy of the Board resolution is contained **On File**
27 with Legislative Services Division; now therefore,

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

29 **Section 1. Recitals.** The recitals above are incorporated
30 herein by this reference.

31 **Section 2. Amending Section 22.12 of the Charter of the**

1 **City of Jacksonville (Retirement for Employees of Police and Fire**
2 **Pension Board of Trustees)**. Section 22.12 of the Charter of the City
3 of Jacksonville is hereby amended to read as follows:
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5 **CHARTER LAWS CHARTER OF THE CITY OF JACKSONVILLE, FLORIDA**

6 * * *

7 **ARTICLE 22. - JACKSONVILLE POLICE AND FIRE PENSION BOARD OF**
8 **TRUSTEES**

9 * * *

10 **Sec. 22.12. Retirement for board employees.**

11 ~~(a) The board is hereby prohibited from creating any pension or~~
12 ~~other retirement plan, and the board is hereby prohibited from~~
13 ~~administering any pension or retirement plan other than the~~
14 ~~Jacksonville Police and Fire Pension Fund.~~

15 ~~(b) The board is hereby prohibited from offering to any of its~~
16 ~~employees any retirement plan other than the General Employees~~
17 ~~Pension Plan or the General Employees Defined Contribution Plan.~~

18 ~~(c) The employees of the board are authorized to join the General~~
19 ~~Employees Pension Plan or the General Employees Defined~~
20 ~~Contribution Plan.~~

21 **Section 3. Codification Instructions.** The Codifier and the
22 Office of General Counsel are authorized to make all chapter and
23 division "tables of contents" consistent with the changes set forth
24 herein. Such editorial changes and any others necessary to make the
25 *Ordinance Code* consistent with the intent of this legislation are
26 approved and directed herein, and changes to the *Ordinance Code* shall
27 be made forthwith and when inconsistencies are discovered.

28 **Section 4. Effective Date.** This Ordinance shall become
29 effective upon signature by the Mayor or upon becoming effective
30 without the Mayor's signature.
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1 Form Approved:

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3 /s/Lawsikia J. Hodges

4 Office of General Counsel

5 Legislation Prepared by: Lawsikia J. Hodges

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7 _Amendment_to_Section_22_12_City_Charter.docx