

1 Introduced by Council Members Boyer, Crescimbeni, and Love:
2
3

4 **ORDINANCE 2019-321**

5 AN ORDINANCE AMENDING CHAPTER 714
6 (NEIGHBORHOOD ASSESSMENT PROGRAMS), *ORDINANCE*
7 *CODE*; AMENDING PART 1 (GENERAL PROVISIONS),
8 SECTIONS 714.101, 714.102, 714.104, 714.106,
9 714.107, 714.109, 714.110, 714.112, AND
10 714.113, TO UPDATE STATUTORY REFERENCES AND
11 CLARIFY PROCEDURES, AND CREATING A NEW SECTION
12 714.120 TO PROVIDE FOR USE OF CERTAIN FEES;
13 AMENDING PART 3 (UNDERGROUND POWER AND
14 COMMUNICATIONS PROGRAM AREA), SECTIONS
15 714.302, 714.304, 714.305, AND 714.306 TO
16 UPDATE PROCEDURES AND REQUIREMENTS; CREATING A
17 NEW PART 4 TO ESTABLISH A WATER, SEWER, AND
18 RECLAIMED WATER PROGRAM AREA; AMENDING CHAPTER
19 111 (SPECIAL REVENUE AND TRUST ACCOUNTS),
20 *ORDINANCE CODE*; AMENDING PART 5 (PUBLIC WORKS,
21 UTILITIES, AND INFRASTRUCTURE) TO CREATE A NEW
22 SECTION 111.511 (NEIGHBORHOOD ASSESSMENT
23 PROGRAM FEE TRUST FUND) TO PROVIDE FOR USE OF
24 CERTAIN FEES; PROVIDING FOR SEVERABILITY;
25 PROVIDING AN EFFECTIVE DATE.

26
27 **WHEREAS**, by Ordinance 2005-157-E, the City Council created
28 Chapter 714 (NEIGHBORHOOD ASSESSMENT PROGRAMS), *Ordinance Code*, to
29 authorize non-ad valorem assessments for certain neighborhood
30 improvements; and

31 **WHEREAS**, clarifications to procedures and updates to conform

1 to state law are necessary to ensure the effectiveness of Chapter
2 714 (NEIGHBORHOOD ASSESSMENT PROGRAMS), *Ordinance Code*; and

3 **WHEREAS**, creating a new Neighborhood Assessment Program Area
4 for water, sewer, and reclaimed water is beneficial to the
5 environment and to the sustainability of infrastructure within the
6 City of Jacksonville; now, therefore

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

8 **Section 1. Chapter 714 (NEIGHBORHOOD ASSESSMENT**
9 **PROGRAMS), PART 1 (GENERAL PROGRAM PROVISIONS), *Ordinance Code*,**

10 **Amended.** Chapter 714 (NEIGHBORHOOD ASSESSMENT PROGRAMS), PART 1
11 (GENERAL PROGRAM PROVISIONS), *Ordinance Code*, is amended to read as
12 follows:

13 **Chapter 714 - NEIGHBORHOOD ASSESSMENT PROGRAMS**

14 **PART 1. - GENERAL PROGRAM PROVISIONS**

15 **Sec. 714.101. - Authority.** This Chapter is adopted pursuant
16 to the City's home rule authority provided by its Charter as
17 authorized by the Florida Constitution, and pursuant to F.S. Ch.
18 170 and F.S. Ch. 197.

19 **Sec. 714.102. - Definitions.** Where capitalized and used in
20 this Chapter 714, the following terms shall have the following
21 meanings:

22 * * *

23 (d) Improvement, or Improvements means a certain system,
24 facility or service provided to a property within a Neighborhood as
25 more particularly defined and limited within each Program Area,
26 which costs are ~~that is~~ funded and financed in whole or large part
27 by Assessments.

28 * * *

29 (g) Neighborhood Assessment Program and its abbreviations
30 N.A.P. or NAP, mean a method by which citizens within a
31 Neighborhood may petition the Council to levy Assessments to fund

1 the Costs of providing Improvements authorized by a Program Area to
2 properties in the Neighborhood.

3 * * *

4 **Sec. 714.104. - Purpose, construction and intent.**

5 * * *

6 Notwithstanding anything express or implied to the contrary,
7 this Chapter is intended to provide for Assessment notice, hearing,
8 levy, imposition and reassessment procedures consistent with
9 relevant provisions of F.S. Ch. 170, ~~namely F.S. § 170.02, 170.03,~~
10 ~~170.04, 170.05, 170.06, 170.07, 170.08, 170.09, 170.14, 170.16 and~~
11 ~~170.18~~ and F.S. Ch. 197, which provisions shall apply to all
12 Assessments and related items undertaken pursuant to this Chapter,
13 as applicable, and no Program Area shall modify the guidelines and
14 procedures set forth in Part 1 hereof inconsistent with such
15 relevant statutory provisions.

16 * * *

17 **Sec. 714.106. - Initiation of neighborhood assessment program.**

18 Citizens of the City may petition the Council, a committee thereof
19 or any Council member to initiate and introduce legislation to
20 adopt a N.A.P. within a particular Neighborhood where authorized
21 by a specific Program Area in the following manner:

22 (a) *Petition.* The preliminary ~~p~~Petition must follow the form
23 on file with the Legislative Services Division corresponding to
24 the particular Program Area (~~or such alternative form deemed~~
25 ~~acceptable by the City Council~~ as may be updated administratively
26 by the Office of General Counsel) and must contain a fact-based,
27 rough estimate of the Cost of providing Improvements and of the
28 Assessment to be levied against each property within the
29 Neighborhood as set forth in the ~~p~~Petition. The ~~p~~Petition shall be
30 filed with the Chief of Legislative Services along with a filing
31 fee calculated per lot as found in www.coj.net/fees, parcel or

1 other unit of property contained within the Neighborhood as
2 petitioned not to exceed as found in www.coj.net/fees.

3 The Chief of Legislative Services shall provide a copy of the
4 petition to the Office of General Counsel for a determination of
5 whether the petition is substantially complete and sufficient,
6 and upon such determination shall inform the petitioners'
7 spokesperson or agent and the Neighborhood's Council Member(s) of
8 such fact; but, if incomplete or insufficient shall otherwise take
9 no further action until the petition is amended and thereafter
10 determined to be substantially complete and sufficient.

11 * * *

12 (e) *N.A.P. Performance.* Once a N.A.P. has been established,
13 the City shall undertake to complete the authorized work. However,
14 in the event that, during the course of the N.A.P. work, the City
15 discovers unforeseen and unexpected conditions, which interferes
16 with the planned N.A.P. work to the extent that estimated costs for
17 completing the ~~project~~ Improvements increase by 25 percent or
18 greater over the initial ~~project~~ estimated cost, the City shall
19 inform the Neighborhood, which shall either assent to paying the
20 additional costs or withdraw its support, by ~~at least two-thirds~~
21 ~~(66.67 percent)~~ in the same ~~manner~~ percentage as is used in
22 determining assent for the particular Program Area. If the
23 Neighborhood withdraws its support, those property owners receiving
24 a Benefit from the partial Improvements shall be assessed the
25 ~~project~~ Improvement costs expended.

26 **Sec. 714.107. - Levy of assessments.** The Council shall follow
27 the procedures and meet the requirements of ~~F.S. §§ 170.02,~~
28 ~~170.03, 170.04, 170.05, 170.06, 170.07 and 170.08~~ F.S. Ch. 170 and
29 F.S. Ch. 197, as applicable, in adopting legislation to levy and
30 impose Assessments for a N.A.P. The reassessment or collection of
31 an Assessment for a period of greater than 30 years in order to

1 collect the entire intended amount of an Assessment shall not be
2 construed to violate ~~F.S. § 170.09~~ any statutory limitations, so
3 long as the initial intended duration of the levy was less than 30
4 years.

5 * * *

6 **Sec. 714.109. - Priority of lien.** The lien status of
7 Assessments levied pursuant hereto shall be as provided in ~~F.S. §~~
8 ~~170.09~~ F.S. Ch. 170 and F.S. Ch. 197, as applicable.

9 **Sec. 714.110. - Collection of assessments.** The Assessments
10 shall be collected by the Tax Collector as provided by the City
11 Charter, F.S. Ch. 170 and F.S. Ch. 197, as applicable. The City
12 may provide for the Assessments levied in the first year to be
13 collected by separate bill of the Tax Collector and further
14 assessments to be collected on the annual tax roll but in all
15 cases shall set forth the chosen collection method(s) in the
16 legislation by which the Assessment was imposed or other
17 legislation adopted and noticed concurrently therewith. Finally,
18 no error or omission on the part of the Clerk of Court, Property
19 Appraiser or Tax Collector shall operate to release or discharge
20 any obligation to pay an Assessment except as an annual Assessment
21 may be clearly required to be deferred or reassessed in the future
22 by due process of law.

23 * * *

24 **Sec. 714.112. - Administration, assessment use, accounting and**
25 **credit.** The Director of the Public Works Department (or other
26 appropriate City department, agency or agent of the City) shall be
27 responsible for administration of all N.A.P.s adopted by the
28 Council. All Assessments levied and collected pursuant to a N.A.P.
29 shall be used solely to fund and finance the provision of
30 Improvements to the particular Neighborhood and for no other
31 purpose and the City shall make and keep such accurate records and

1 accountings as may be necessary for this purpose and may set up
2 trust funds for this purpose if desired. Moreover, the City shall
3 make and keep accurate records of the Costs associated with the
4 provision of the Improvements to a Neighborhood and, in the event
5 the Costs estimated by the Methodology exceed the actual Costs,
6 the City shall credit the difference to an annual Assessment not
7 less than two tax years following the determination of actual
8 Costs.

9 * * *

10 **Sec. 714.113. - Assistance programs.** Having determined it is
11 in the public interest to assist low-income property owners with
12 any financial burden created by an Assessment levied against their
13 property, there is hereby created an economic hardship program and
14 grant program as follows:

15 * * *

16 (c) *Hardship/Grant Eligibility Determination.* The ~~Director of~~
17 ~~the Public Works Department and the~~ Directors of the Public Works
18 Department, Neighborhoods Department, and Finance and
19 Administration Department, or their designees (the Hardship Review
20 Committee), shall evaluate hardship and grant applications to
21 determine eligibility based on an evaluation of the foregoing
22 criteria and provide for hardship assistance and award Neighborhood
23 Assessment Program grants as found eligible and as funds are
24 available.

25 * * *

26 **Sec. 714.120. - Use of filing fees and notice fees.** Filing
27 fees and notice fees collected pursuant to this Chapter shall be
28 deposited into the Neighborhood Assessment Program Fee Trust Fund,
29 as provided in Chapter 111 - SPECIAL REVENUE AND TRUST ACCOUNTS,
30 Ordinance Code. The Neighborhood Assessment Program Fee Trust Fund
31 shall be used for administrative costs for implementing this

1 Chapter, including, but not limited to, costs for advertising and
2 mailing notices.

3 Section 2. Chapter 714 (NEIGHBORHOOD ASSESSMENT
4 PROGRAMS), PART 3 (UNDERGROUND POWER AND COMMUNICATIONS PROGRAM
5 AREA), Ordinance Code, Amended. Chapter 714 (NEIGHBORHOOD
6 ASSESSMENT PROGRAMS), PART 3 (UNDERGROUND POWER AND COMMUNICATIONS
7 PROGRAM AREA), Ordinance Code, is amended to read as follows:

8 Chapter 714 - NEIGHBORHOOD ASSESSMENT PROGRAMS

9 * * *

10 PART 3. - UNDERGROUND POWER AND COMMUNICATIONS PROGRAM AREA

11 * * *

12 Sec. 714.302. - Definitions. Where capitalized and used
13 herein in this Part 3, unless otherwise defined in Part 1, above,
14 the following terms shall have the following meanings:

15 * * *

16 (c) ~~Certified~~ NAP Estimate means the final estimate including
17 all anticipated costs to plan, design and construct, and finance a
18 ~~project~~ Improvements to convert overhead utility neighborhood
19 distribution lines to underground within a ~~neighborhood~~ Neighborhood. The
20 ~~Certified~~ NAP Estimate ~~will~~ shall be based on actual conditions
21 within the specified NAP area and based on actual JEA contract unit
22 pricing or recent costs for similar work. The ~~Certified~~ NAP
23 Estimate ~~will~~ shall include separate estimates from other utilities
24 such as cable television or telephone service, where applicable.
25 ~~The Certified Estimate shall include the cost estimate plus a 25%~~
26 ~~contingency amount as the ceiling on the amount that could be~~
27 ~~assessed for each property owner.~~ Other utilities in the City
28 right of way attached to overhead poles, whether such poles are
29 owned by JEA or another utility, are required to provide estimates
30 for a possible conversion ~~project~~ Improvement as requested in
31 writing by JEA on behalf of a ~~neighborhood project~~ an Eligible

1 Neighborhood within ~~30~~ 60 days of such request.

2 As described above, The the Certified NAP Estimate will shall
3 include ~~two parts: (1) The the~~ overall costs to convert the
4 overhead lines within the public right of way ~~which~~ ,and may also
5 include the conversion of any 3 phase customer owned equipment to
6 single phase equipment based on cost analyses; ~~and (2) The optional~~
7 ~~costs for converting individual electric services from the point of~~
8 ~~service or right of way line to dwellings or other structures, not~~
9 ~~including internal wiring.~~

10 The Certified NAP Estimate ~~will~~ shall assume that all
11 necessary easements, or other real property interests, required for
12 placement of equipment will be granted by the participants in the
13 NAP, or other applicable property owners, to JEA or the other
14 utilities at no cost. In the event equipment easements, or other
15 real property interests, are required to be purchased, the
16 ~~neighborhood~~ Eligible Neighborhood must elect to either approve the
17 costs or to abandon the ~~project~~ Improvements by the same percentage
18 as used in determining assent for this Program Area.

19 The JEA's Certified NAP Estimate shall be reviewed by the
20 City's Department of Public Works for evaluation of impacts to the
21 City's rights of way, and shall be reviewed by the Council Auditor
22 for comment on completeness.

23 * * *

24 **Sec. 714.304. - Initiation of Neighborhood Assessment Program**
25 **for Underground Power and Communication Improvements.** Citizens of
26 the City may petition the City Council to initiate and introduce
27 legislation to adopt a NAP for Underground Power and Communication
28 Improvements within a particular Neighborhood. "Frequently Asked
29 Questions" (FAQs) ~~will~~ shall be developed by JEA ~~and the City,~~ and
30 modified from time to time as necessary, to provide general
31 information to interested ~~n~~Neighborhoods on how the program will

1 operate. The FAQs will be informational but may not be inclusive
2 of all considerations. The petitioning process shall be conducted
3 in the following manner:

4 (a) *Preliminary Study.* When requested in writing by a
5 ~~n~~Neighborhood, JEA ~~will~~ shall work with a ~~n~~Neighborhood to prepare
6 a rough preliminary cost estimate and to define an area for
7 conversion based on property owner interest and system operational
8 requirements. The ~~n~~Neighborhood request must identify a
9 ~~neighborhood~~ representative as the primary point of contact and
10 provide a map outlining the general area of interest. The
11 ~~n~~Neighborhood ~~will be~~ is required to determine where the interest
12 in a ~~project~~ an Improvement is, and to organize and solidify the
13 sufficiently interested participants. There will likely be
14 modifications during the preliminary study to define an area that
15 will work for utility system operations and to meet the level of
16 interest for a group of property owners. The system operational
17 requirements may involve system review for other utilities aside
18 from the electric system considerations. Once the preliminary
19 study is complete and the system operational requirements and
20 ~~n~~Neighborhood interest indicate a viable conversion ~~project~~
21 Improvement, ~~the neighborhood will submit a Petition~~ JEA shall
22 complete the NAP Estimate. JEA shall define the ~~project~~
23 Improvement limits during the preliminary study in coordination
24 with other utilities and the ~~n~~Neighborhood.

25 (b) *Petition.* The Petition filed by a ~~neighborhood group~~ an
26 Eligible Neighborhood ~~must follow the form on file with the~~
27 Legislative Services Division shall be in the form as described in
28 Part 1. The Petition shall contain the ~~Preliminary Study NAP~~
29 Estimate and ~~will result in the preparation of a JEA area specific~~
30 ~~Certified Estimate~~ of the cost of providing Improvements and of the
31 Assessment to be levied against each property within the

1 Neighborhood as set forth in the ~~p~~Petition. JEA shall complete the
2 NAP Estimate at its expense. If JEA incurs costs to procure
3 estimates from other utilities, such costs shall be paid directly to
4 JEA by the Neighborhood for reimbursement prior to filing the
5 Petition. The Petition shall be filed with the Chief of Legislative
6 Services along with a ~~Certified Estimate~~ filing fee calculated as
7 \$10~~0~~ per lot, parcel or other unit of property contained within the
8 Neighborhood paid at the time of filing, as petitioned, with a
9 minimum fee of \$1,500 and a maximum fee of \$5,000 and with the
10 actual notice fees, as calculated by the City, paid prior to final
11 adoption of legislation approving a NAP. The filing fee and notice
12 fees shall be deposited in the Neighborhood Assessment Program Fee
13 Trust Fund.

14 (c) *Office of General Counsel Review.* Upon ~~completion~~ filing
15 of the ~~Certified Estimate~~ by JEA, it shall be attached to the
16 ~~Petition and~~ Petition, the Chief of Legislative Services shall
17 provide a copy of the Petition to the Office of General Counsel for
18 a determination of whether the Petition is substantially complete
19 and sufficient. ~~Upon such determination, the Office of General~~
20 ~~Counsel shall inform the Petitioners' spokesperson or agent and the~~
21 ~~Neighborhood's Council Member(s) of such fact; but, if incomplete~~
22 ~~or insufficient, the Office of General Counsel shall inform the~~
23 ~~Petitioners' spokesperson or agent and the Neighborhood's Council~~
24 ~~Member(s) of such fact otherwise take no further action until the~~
25 ~~Petition is amended and thereafter determined to be substantially~~
26 ~~complete and sufficient.~~ If not substantially complete and
27 sufficient, the Office of General Counsel shall notify JEA and JEA
28 shall work with the Neighborhood to remedy any deficiencies.

29 (d) *Determination of Assent.* ~~Prior to the filing of the~~
30 ~~Petition with the Chief of Legislative Services, JEA shall determine~~
31 ~~that the petitioners~~ The Petitioners shall comprise at least ~~three-~~

1 ~~fourths (75 percent)~~ two-thirds (66.67 percent) of the owners of
2 properties located within a Neighborhood presumed by the Petition to
3 be Benefited by the provision of the Improvements. Each parcel, lot
4 or other unit of real property having a separate real estate folio
5 number or tax identification number shall be considered to be owned
6 by only one person for purposes of this subsection.

7 (e) *Legislation.* Upon determination that the Petition is
8 substantially complete and sufficient, ~~and contains the JEA~~
9 ~~Certified Estimate and JEA determination of assent,~~ the Office of
10 General Counsel shall file an ordinance, with a copy of the
11 Petition and all required documents attached, with the Chief of
12 Legislative Services, and with notice to JEA, and the Council may
13 enact legislation and take further action to set up the NAP as
14 provided hereafter. In the event, for good cause shown, the Council
15 does not enact legislation to set up a NAP, or delays adoption for
16 a period of more than one year, the ~~p~~petition filing fee, ~~less the~~
17 ~~cost of obtaining cost estimates,~~ shall be returned to the
18 Petitioners and the ~~project~~ Improvement ~~will~~ shall be considered
19 abandoned.

20 (f) *NAP ~~Project~~ Performance.* Once a NAP has been
21 established, JEA shall be the government entity providing NAP
22 financing and ~~project~~ performance, and shall undertake the
23 completion of all work associated with the planning, engineering,
24 management, financing, supply of material and labor, and overall
25 construction of the Underground Power and Communication
26 Improvement. During planning, design and engineering, locations
27 for equipment will be determined before any construction takes
28 place. Equipment easements for pad mounted transformers and
29 electric switch cabinets may be required on private property,
30 unless sufficient room within the right of way exists for such
31 installations. An ~~project~~ Improvement will not proceed without the

1 necessary easements, or other real property interests, for the
2 entire ~~project~~ Improvement area. JEA will coordinate with the
3 other utilities with overhead lines in the ~~the~~ Neighborhood during
4 ~~project~~ Improvement planning, design and engineering, and
5 construction. However, ~~if in the event that,~~ during ~~the planning~~
6 ~~and engineering~~ any phase of the NAP work, JEA discovers unforeseen
7 and unexpected conditions ~~from other utilities,~~ which interfere
8 with the planned NAP work to the extent that estimated costs for
9 completing the ~~project~~ Improvement increase by more than 25 percent
10 ~~or greater~~ over the ~~initial project cost~~ NAP Estimate, JEA shall
11 inform the Neighborhood, which shall either ~~assent~~ consent to
12 paying the additional costs by ~~at least three-fourths (75 percent)~~
13 ~~in~~ the same ~~manner~~ percentage as ~~is~~ used in ~~initially~~
14 ~~assent~~ for this Program area, or by withdrawing ~~its support~~ the
15 Petition by the same percentage as used in determining assent for
16 this Program Area. If the Neighborhood ~~withdraws its support or~~
17 ~~fails to assent,~~ does not consent to the additional costs or
18 withdraws its Petition, all property owners shall be assessed the
19 actual prorated ~~project~~ costs expended. If the ~~project is~~ costs
20 are under budget, the ~~the~~ Neighborhood will shall be assessed a pro
21 rata share of the inclusive actual costs expended. The ~~project~~
22 ~~construction~~ Improvement costs will shall include costs of
23 restoration to generally similar conditions as before ~~the project~~
24 construction commenced. Special construction materials (driveways,
25 mailboxes, etc.) or elaborate landscaping located on existing City
26 right of way may not be replaced in kind but with a City standard
27 substitute.

28 (g) *Other Utilities.* Other ~~franchised~~ utilities within the
29 City of Jacksonville that are located in a NAP ~~project~~ Improvement
30 area are required to provide preliminary and ~~certified~~ NAP cost
31 estimates to JEA on behalf of ~~a neighborhood project request~~ an

1 Eligible Neighborhood within ~~30~~ 60 days of receiving the request
2 for such estimates in writing. Once a NAP ~~project~~ is approved by
3 the City Council, the other utilities are required to coordinate
4 construction conversion with JEA and ~~will~~ shall be required to
5 remove their overhead lines from JEA poles or remove the other
6 utilities' owned poles from the ~~project~~ Improvement area within ~~30~~
7 60 days of completion of the underground line work ~~completion~~.

8 * * *

9 **Sec. 714.305. - Funding.** Construction and all other ~~project~~
10 costs to be incurred by JEA in support of Underground Power and
11 Communication Improvements, shall be initially funded by JEA,
12 except that JEA shall not be obligated to provide more than four
13 (4) million dollars towards Underground Power and Communication
14 Improvements ~~projects~~ in any fiscal year. Funding shall be
15 available to ~~the~~ each NAP project in the amount of 125% of the
16 initial ~~project~~ Improvement costs in order to cover any ~~project~~
17 ~~over runs as described in 714.304(e). In the event of costs 25% or~~
18 ~~less over the initial project costs, all~~ All costs incurred in
19 support of Underground Power and Communication Improvements shall
20 be refunded to JEA through the assessment program provided by the
21 NAP and this Chapter. There shall be no non-reimbursable
22 contributions by the City or JEA for any Underground Power and
23 Communication NAP.

24 **Sec. 714.306. - Assessments.** The ~~a~~Assessment against the
25 property owners shall contain the total costs of the ~~project~~
26 Improvements as defined in this Chapter ~~inclusive for conversion of~~
27 ~~overhead lines within the right of way, and~~ may include the
28 optional costs as elected by a property owner for conversion of
29 individual services from the point of service or right of way line
30 to dwellings or other structures. The impacted property owners ~~will~~
31 shall be assessed in the following manner:

1 (1) All property owners ~~will~~ shall be assessed ~~equally~~
2 pursuant to the approved Assessment method for costs, as defined in
3 Section 714.102(c), to convert the overhead lines within the right
4 of way, and for conversion of customer owned three phase equipment
5 where cost benefit is demonstrated.

6 (2) Administrative costs ~~of special assessment,~~ including,
7 but not limited to, those described in Section 714.102(c) ~~(Cost)~~.

8 (3) Property owners with existing overhead service(s) from
9 the point of service or right of way line to dwellings or other
10 structures ~~will~~ shall have the option ~~to have the service~~
11 ~~conversion work performed and costs of conversion included in an~~
12 ~~additional individual assessment, not including internal structure~~
13 ~~wiring~~ for JEA to advance the funds to pay for the cost for service
14 conversion by a licensed third-party electrician of the property
15 owner's choice. These advanced funds shall be included in the
16 property owner's Assessment. JEA and the property owner shall
17 execute a separate instrument to acknowledge receipt of the funds
18 and authorize inclusion in the property owner's Assessment.
19 Property owners shall be responsible for any costs associated with
20 internal wiring of ~~the~~ privately owned structures.

21 * * *

22 **Section 3. Chapter 714 (NEIGHBORHOOD ASSESSMENT**
23 **PROGRAMS), PART 4 (WATER, SEWER, AND RECLAIMED WATER PROGRAM AREA),**
24 **Ordinance Code, Created.** Chapter 714 (NEIGHBORHOOD ASSESSMENT
25 PROGRAMS) is amended to create a new PART 4 (WATER, SEWER, AND
26 RECLAIMED WATER PROGRAM AREA) to read as follows:

27 **Chapter 714 - NEIGHBORHOOD ASSESSMENT PROGRAMS**

28 * * *

29 **PART 4. - WATER, SEWER, AND RECLAIMED WATER PROGRAM AREA**

30 **Sec. 714.401. - Generally.** A Program Area is hereby created
31 that authorizes Neighborhood Assessment Programs (NAP), pursuant to

1 and as set forth in the procedures found in Part 1 hereof as
2 supplemented or modified by this Part 4, for the provision of Water
3 Sewer, or Reclaimed Water Improvements within an Eligible
4 Neighborhood. In the event of an irreconcilable conflict between
5 the provisions of this Part 4 and the general provisions provided
6 in Part 1 hereof, the provisions of this Part 4 shall govern to the
7 extent of the conflict.

8 **Sec. 714.402. - Definitions.** Where capitalized and used
9 herein this Part 4, unless otherwise defined in Part 1, above, the
10 following terms shall have the following meanings:

11 (a) *Eligible Neighborhood* means a neighborhood, as defined in
12 Part 1, that has qualified for the Water, Sewer, or Reclaimed Water
13 Improvements through the procedures set forth in this Chapter.

14 (b) *Water, Sewer, or Reclaimed Water Improvements* or
15 *Improvement* or *Improvements* means the construction of water or
16 reclaimed water distribution lines, or sewer collection lines, and
17 all other infrastructure, facilities, or appurtenances related
18 thereto.

19 (c) *NAP Estimate* means the final estimate including all
20 anticipated costs to plan, design and construct, and finance a
21 water, sewer, or reclaimed water Improvement within a Neighborhood.
22 The NAP Estimate shall be based on evaluation of existing
23 conditions within the specified NAP area and based on available
24 recent costs for similar work. The NAP Estimate shall include
25 separate estimates from other utilities, where applicable. Other
26 utilities in the City right of way, including the City for City
27 owned utilities, are required to provide estimates for a possible
28 Improvement as requested in writing by JEA on behalf of an Eligible
29 Neighborhood within 60 days of such request. If JEA requires a
30 thirty party estimate, JEA shall notify the Neighborhood of such
31 cost and receive consent from the Neighborhood by the same

1 percentage as used in determining assent for this Program Area
2 before proceeding.

3 As described above, the NAP Estimate shall include the overall
4 costs of a water, sewer, or reclaimed water Improvement, and may
5 also include the optional costs for individual services from the
6 point of service or right of way line to dwellings or other
7 structures.

8 The NAP Estimate shall assume that all necessary easements, or
9 other real property interests, will be granted by the participants
10 in the NAP, or other applicable property owners, to JEA or the
11 other utilities at no cost. In the event easements, or other real
12 property interests, are required to be purchased, the Eligible
13 Neighborhood must elect to either approve the costs or to abandon
14 the Improvements by the same percentage as used in determining
15 assent for this Program Area.

16 The JEA's NAP Estimate shall be reviewed by the City's
17 Department of Public Works for evaluation of impacts to the City's
18 rights of way, and shall be reviewed by the Council Auditor for
19 comment on completeness.

20 **Sec. 714.403. - Eligibility.** Only Neighborhoods defined as
21 Eligible Neighborhoods may be improved pursuant to this particular
22 Program Area.

23 **Sec. 714.404. - Initiation of Neighborhood Assessment Program**
24 **for Water, Sewer, or Reclaimed Water Improvements.** Citizens of the
25 City may petition the City Council to initiate and introduce
26 legislation to adopt a NAP for Water, Sewer, or Reclaimed Water
27 Improvements within a particular Neighborhood. "Frequently Asked
28 Questions" (FAQs) shall be developed by JEA, and modified from time
29 to time as necessary, to provide general information to interested
30 Neighborhoods on how the program will operate. The FAQs will be
31 informational but may not be inclusive of all considerations. The

1 petitioning process shall be conducted in the following manner:

2 (a) *Preliminary Study.* When requested in writing by a
3 Neighborhood, JEA shall work with a Neighborhood to prepare a rough
4 preliminary cost estimate and to define an area for the
5 construction of water, sewer, or reclaimed water Improvements based
6 on property owner interest and system operational requirements.
7 The Neighborhood's request must identify a representative as the
8 primary point of contact and provide a map outlining the general
9 area of interest. The Neighborhood is required to determine where
10 the interest in an Improvement is, and to organize and solidify the
11 sufficiently interested participants. There will likely be
12 modifications during the preliminary study to define the area that
13 will work for utility system operations and to meet the level of
14 interest for a group of property owners. Once the preliminary
15 study is complete and the system operational requirements and
16 Neighborhood interest indicate a viable Improvement, JEA shall
17 compile the NAP Estimate. JEA shall define the Improvement limits
18 during the preliminary study in coordination with other utilities
19 and the Neighborhood.

20 (b) *Petition.* The Petition filed by an Eligible Neighborhood
21 shall be in the form as described in Part 1. The Petition shall
22 contain the NAP Estimate of the cost of providing Improvements and
23 of the Assessment to be levied against each property within the
24 Neighborhood as set forth in the Petition. If JEA incurs costs to
25 procure estimates from other utilities, or has a third party
26 prepare estimates, such costs shall be paid directly to JEA by the
27 Neighborhood for reimbursement prior to filing the Petition. The
28 Petition shall be filed with the Chief of Legislative Services with
29 a filing fee calculated as \$10 per lot, parcel or other unit of
30 property contained within the Neighborhood paid at the time of
31 filing, and with the actual notice fees, as calculated by the City,

1 paid prior to final adoption of legislation approving a NAP. The
2 filing fee and notice fees shall be deposited in the Neighborhood
3 Assessment Program Fee Trust Fund.

4 (c) *Office of General Counsel Review.* Upon filing of the
5 Petition, the Chief of Legislative Services shall provide a copy of
6 the Petition to the Office of General Counsel for a determination
7 of whether the Petition is substantially complete and sufficient.
8 If not substantially complete and sufficient, the Office of General
9 Counsel shall notify JEA and JEA shall work with the Neighborhood
10 to remedy any deficiencies.

11 (d) *Determination of Assent.* The Petitioners shall comprise
12 at least two-thirds (66.67 percent) of the owners of properties
13 located within a Neighborhood presumed by the Petition to be
14 Benefited by the provision of the Improvements, and such petitioners
15 shall also agree to connect to the Improvements. Each parcel, lot
16 or other unit of real property having a separate real estate folio
17 number or tax identification number shall be considered to be owned
18 by only one person for purposes of this subsection.

19 (e) *Legislation.* Upon determination that the Petition is
20 substantially complete and sufficient, the Office of General
21 Counsel shall file an ordinance, with a copy of the Petition and
22 all required documents attached, with the Chief of Legislative
23 Services, and with notice to JEA, and the Council may enact
24 legislation and take further action to set up the NAP as provided
25 hereafter. In the event, for good cause shown, the Council does not
26 enact legislation to set up a NAP, or delays adoption for a period
27 of more than one year, the Petition filing fee shall be returned to
28 the Petitioners and the Improvement shall be considered abandoned.

29 (f) *NAP Performance.* Once a NAP has been established, JEA
30 shall be the government entity providing NAP financing and
31 performance, and shall undertake the completion of all work

1 associated with the planning, engineering, management, financing,
2 supply of material and labor, and overall construction of the
3 Improvements. During planning, design and engineering, locations
4 for the Improvements will be determined before any construction
5 takes place. An Improvement will not proceed without the necessary
6 easements for the entire Improvement area. However, if during any
7 phase of the NAP work, JEA discovers unforeseen and unexpected
8 conditions, which interfere with the planned NAP work to the extent
9 that estimated costs for completing the Improvement increase more
10 than 25 percent over the NAP Estimate, JEA shall inform the
11 Neighborhood, which shall either consent to paying the additional
12 costs by the same percentage as used in determining assent for this
13 Program Area, or by withdrawing the Petition by the same percentage
14 as used in determining assent for this Program Area. If the
15 Neighborhood does not consent to the additional costs or withdraws
16 its Petition, all property owners shall be assessed the actual
17 prorated costs expended. If the costs are under budget, the
18 Neighborhood shall be assessed a pro rata share of the inclusive
19 actual costs expended. The Improvement costs shall include costs
20 of restoration to generally similar conditions as before
21 construction commenced. Special construction materials (driveways,
22 mailboxes, etc.) or elaborate landscaping located on existing City
23 right of way may not be replaced in kind but with a City standard
24 substitute.

25 (g) *Other Utilities.* Other utilities within the City of
26 Jacksonville that are located in a NAP Improvement area are
27 required to provide preliminary and NAP cost estimates to JEA on
28 behalf of an Eligible Neighborhood within 60 days of receiving the
29 request for such estimates in writing. Once a NAP is approved by
30 the City Council, the other utilities are required to coordinate
31 construction with JEA and shall be required to remove or relocate

1 other utilities, as applicable, within 60 days of completion of the
2 Improvements.

3 (h) *NAP Completion.* The NAP project will be certified
4 complete once the Improvement has been constructed. Landscaping
5 and hardscape will be restored to meet existing conditions prior to
6 construction where possible and to City standards where not
7 possible to match existing materials.

8 **Sec. 714.405. Funding.** Construction and all other costs to
9 be incurred by JEA in support of an Improvement shall be initially
10 funded by JEA, except that JEA shall not be obligated to provide
11 more than four (4) million dollars towards Improvements in any
12 fiscal year. Funding shall be available to each NAP project in the
13 amount of 125% of the initial Improvement costs in order to cover
14 any over runs. All costs incurred in support of the Improvement
15 shall be refunded to JEA through the assessment program provided by
16 the NAP and this Chapter. There shall be no non-reimbursable
17 contributions by the City or JEA for any Water, Sewer, or Reclaimed
18 Water NAP.

19 **Sec. 714.406. Assessments.** The Assessment against the
20 property owners shall contain the total costs of the Improvements
21 as defined in this Chapter, and may include the optional costs, as
22 elected by a property owner, for construction of facilities from
23 the point of service or right of way line to dwellings or other
24 structures by a licensed third-party plumber of the property
25 owner's choice, or for the required JEA connection fees. The
26 impacted property owners shall be assessed in the following manner:

27 (1) All property owners shall be assessed pursuant to the
28 approved Assessment method for costs, as defined in Section
29 714.102(c), to construct the Improvement where cost benefit is
30 demonstrated.

31 (2) Administrative costs, including, but not limited to,

1 those described in Section 714.102(c).

2 (3) Optional costs as elected by the property owner and
3 authorized in this Section.

4 **Section 4. Chapter 111 (SPECIAL REVENUE AND TRUST**
5 **ACCOUNTS), Part 5 (PUBLIC WORKS, UTILITIES, AND INFRASTRUCTURE),**
6 **Section 111.511 (Neighborhood Assessment Program Filing Fee Trust**
7 **Fund), Ordinance Code, Created.** Chapter 111 (SPECIAL REVENUE AND
8 TRUST ACCOUNTS), Part 5 (PUBLIC WORKS, UTILITIES, AND
9 INFRASTRUCTURE), Section 111.511 (Neighborhood Assessment Program
10 Fee Trust Fund), *Ordinance Code*, is hereby created to read as
11 follows:

12 **Chapter 111 - SPECIAL REVENUE AND TRUST ACCOUNTS**

13 * * *

14 **PART 5. - PUBLIC WORKS, UTILITIES, AND INFRASTRUCTURE**

15 * * *

16 **Sec. 111.511. - Neighborhood Assessment Program Fee Trust**
17 **Fund.** There is hereby created and established a *Neighborhood*
18 *Assessment Program Fee Trust Fund* into which shall be deposited
19 and from which shall be expended all filing fees and notice fees
20 as provided in Chapter 714, *Ordinance Code*. All funds deposited
21 into this Trust Fund shall be the subject of a permanent and
22 continuing appropriation that shall carry forward from year-to-
23 year notwithstanding budget years. The Director of Finance and
24 Administration is authorized to make disbursements from this Trust
25 Fund upon the written request of the Chief of Legislative
26 Services, in accordance with Chapter 714, *Ordinance Code*.

27 * * *

28 **Section 5. Severability.** The provisions of this
29 Ordinance are intended to be severable and if any provision is
30 declared finally invalid or unenforceable by a court of competent
31 jurisdiction, such provision shall be severed and the remainder

1 shall continue in full force and effect, with the Ordinance being
2 deemed amended to the least degree legally permissible.

3 **Section 6. Effective Date.** This Ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

6

7 Form Approved:

8

9 /s/ Shannon K. Eller

10 Office of General Counsel

11 Legislation Prepared by: Shannon K. Eller

12 GC-#1273947-v1-Ch__714_Code_Update