

1 Introduced by the Council President at the request of the Office of
2 General Counsel and amended by the Rules Committee:

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5 **ORDINANCE 2024-119-E**

6 AN ORDINANCE RELATING TO THE COUNCIL RULES;
7 AMENDING COUNCIL RULE 4.601 (MAJORITY ACTION),
8 PART 6 (VOTING), CHAPTER 4 (PROCEDURES), *COUNCIL*
9 *RULES*, TO PROVIDE THAT A TIE VOTE ON A
10 QUASI-JUDICIAL MATTER DOES NOT CONSTITUTE A
11 DENIAL; PROVIDING AN EFFECTIVE DATE.

12
13 **WHEREAS**, on January 10, 2023, quasi-judicial Ordinance
14 2023-007 was introduced to consider a request to rezone property
15 located at 1004 Hendricks Avenue, 1454 and 0 Prudential Drive and 0
16 Home Street in the Southbank area of Downtown Jacksonville; and

17 **WHEREAS**, after numerous public hearings and deferrals at the
18 Council's Land Use and Zoning Committee, Ordinance 2023-007 was
19 considered by the full Council for final action on June 27, 2023; and

20 **WHEREAS**, at the final meeting the Council's vote on Ordinance
21 2023-007 was a 9-9 tie vote; and

22 **WHEREAS**, Council Rule 4.601 requires a "majority vote" by the
23 voting Council members in order to take affirmative action on all
24 legislation; and

25 **WHEREAS**, an interpretation of the 9-9 tie vote on Ordinance
26 2023-007, in conjunction with the "majority vote" language of Council
27 Rule 4.601, resulted in a denial of Ordinance 2023-007 because of its
28 failure to obtain a majority vote in support of the rezoning request;
29 and

30 **WHEREAS**, the applicant challenged the Council's action,
31 resulting in a desire to clarify the voting requirements for

1 affirmative action by the Council on quasi-judicial matters before
2 the Council; now therefore

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

4 **Section 1. Amending Council Rule 4.601 (Majority Action),**
5 **Part 6 (Voting), Chapter 4 (Procedures), Council Rules.** Rule 4.601
6 (Majority Action), Part 6 (Voting), Chapter 4 (Procedures), *Council*
7 *Rules*, is hereby amended to read as follows:

8 **CHAPTER 4. PROCEDURES**

9 * * *

10 **PART 6. VOTING**

11 **RULE 4.601 MAJORITY ACTION**

12 Unless otherwise required by the Charter~~charter~~ or ordinances
13 of the City or indicated by these Rules, all action by the Council
14 shall be by majority vote of Council Members present, who have not
15 abstained pursuant to Rule 4.602. A majority vote of all Council
16 Members (10) shall be necessary to approve and adopt each annual
17 budget required by the Charter to be submitted to the Council, or any
18 item thereof, or to adopt or pass any motion or other action
19 appropriating or authorizing the expenditure of money. For quasi-
20 judicial matters, a tie vote of all Council members present and voting
21 shall not constitute a denial of the subject application. In the
22 event of a tie vote on a quasi-judicial matter, the Council may move
23 to reconsider the item for the purpose of moving and acting on an
24 alternate motion, rerefer the item back to the appropriate committee
25 of reference for additional consideration, or take any other action
26 authorized by these Rules or applicable law.

27 * * *

28 **Section 2. 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/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Jason R. Teal

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