

1 Introduced by Council Members Boyer, Crescimbeni, and Love and  
2 amended by the Neighborhoods, Community Services, Public Health &  
3 Safety Committee:  
4  
5

6 **ORDINANCE 2019-321-E**

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

29  
30 **WHEREAS**, by Ordinance 2005-157-E, the City Council created

Chapter 714 (NEIGHBORHOOD ASSESSMENT PROGRAMS), *Ordinance Code*, to authorize non-ad valorem assessments for certain neighborhood improvements; and

**WHEREAS**, clarifications to procedures and updates to conform to state law are necessary to ensure the effectiveness of Chapter 714 (NEIGHBORHOOD ASSESSMENT PROGRAMS), *Ordinance Code*; and

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

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

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

**Chapter 714 - NEIGHBORHOOD ASSESSMENT PROGRAMS**

**PART 1. - GENERAL PROGRAM PROVISIONS**

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

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

\* \* \*

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

\* \* \*

(g) *Neighborhood Assessment Program* and its abbreviations N.A.P. or NAP, mean a method by which citizens within a Neighborhood may petition the Council to levy Assessments to fund the Costs of providing Improvements authorized by a Program Area to properties in the Neighborhood.

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

(a) *Petition*. The preliminary petition must follow the form on file with the Legislative Services Division corresponding to the particular Program Area (~~or such alternative form deemed acceptable by the City Council~~ as may be updated administratively by the Office of General Counsel) and must contain a fact-based, rough estimate of the Cost of providing Improvements and of the

1 Assessment to be levied against each property within the  
2 Neighborhood as set forth in the ~~p~~Petition. The ~~p~~Petition shall be  
3 filed with the Chief of Legislative Services along with a filing  
4 fee calculated per lot as found in [www.coj.net/fees](http://www.coj.net/fees), parcel or  
5 other unit of property contained within the Neighborhood as  
6 petitioned not to exceed as found in [www.coj.net/fees](http://www.coj.net/fees).

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

15 \* \* \*

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

30 **Sec. 714.107. - Levy of assessments.** The Council shall follow  
31 the procedures and meet the requirements of ~~F.S. §§ 170.02,~~

1 ~~170.03, 170.04, 170.05, 170.06, 170.07 and 170.08~~ F.S. Ch. 170 and  
2 F.S. Ch. 197, as applicable, in adopting legislation to levy and  
3 impose Assessments for a N.A.P. The reassessment or collection of  
4 an Assessment for a period of greater than 30 years in order to  
5 collect the entire intended amount of an Assessment shall not be  
6 construed to violate ~~F.S. § 170.09~~ any statutory limitations, so  
7 long as the initial intended duration of the levy was less than 30  
8 years.

9 \* \* \*

10 **Sec. 714.109. - Priority of lien.** The lien status of  
11 Assessments levied pursuant hereto shall be as provided in ~~F.S. §~~  
12 ~~170.09~~ F.S. Ch. 170 and F.S. Ch. 197, as applicable.

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

27 \* \* \*

28 **Sec. 714.112. - Administration, assessment use, accounting and**  
29 **credit.** The Director of the Public Works Department (or other  
30 appropriate City department, agency or agent of the City) shall be  
31 responsible for administration of all N.A.P.s adopted by the

1 Council. All Assessments levied and collected pursuant to a N.A.P.  
2 shall be used solely to fund and finance the provision of  
3 Improvements to the particular Neighborhood and for no other  
4 purpose and the City shall make and keep such accurate records and  
5 accountings as may be necessary for this purpose and may set up  
6 trust funds for this purpose if desired. Moreover, the City shall  
7 make and keep accurate records of the Costs associated with the  
8 provision of the Improvements to a Neighborhood and, in the event  
9 the Costs estimated by the Methodology exceed the actual Costs,  
10 the City shall credit the difference to an annual Assessment not  
11 less than two tax years following the determination of actual  
12 Costs.

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

18 \* \* \*

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

28 \* \* \*

29 **Sec. 714.120. - Use of filing fees and notice fees.** Filing  
30 fees and notice fees collected pursuant to this Chapter shall be  
31 deposited into the Neighborhood Assessment Program Fee Trust Fund,

1 as provided in Chapter 111 - SPECIAL REVENUE AND TRUST ACCOUNTS,  
2 Ordinance Code. The Neighborhood Assessment Program Fee Trust Fund  
3 shall be used for administrative costs for implementing this  
4 Chapter, including, but not limited to, costs for advertising and  
5 mailing notices.

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

11 **Chapter 714 - NEIGHBORHOOD ASSESSMENT PROGRAMS**

12 \* \* \*

13 **PART 3. - UNDERGROUND POWER AND COMMUNICATIONS PROGRAM AREA**

14 \* \* \*

15 **Sec. 714.302. - Definitions.** Where capitalized and used  
16 herein in this Part 3, unless otherwise defined in Part 1, above,  
17 the following terms shall have the following meanings:

18 \* \* \*

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

1 owned by JEA or another utility, are required to provide estimates  
2 for a possible conversion ~~project~~ Improvement as requested in  
3 writing by JEA on behalf of a ~~neighborhood project~~ an Eligible  
4 Neighborhood within ~~30~~ 60 days of such request.

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

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

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

26 \* \* \*

27 **Sec. 714.304. - Initiation of Neighborhood Assessment Program**  
28 **for Underground Power and Communication Improvements.** Citizens of  
29 the City may petition the City Council to initiate and introduce  
30 legislation to adopt a NAP for Underground Power and Communication  
31 Improvements within a particular Neighborhood. "Frequently Asked

1 Questions" (FAQs) ~~will~~ shall be developed by JEA ~~and the City,~~ and  
2 modified from time to time as necessary, to provide general  
3 information to interested ~~a~~Nneighborhoods on how the program will  
4 operate. The FAQs will be informational but may not be inclusive  
5 of all considerations. The petitioning process shall be conducted  
6 in the following manner:

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

28 (b) *Petition.* The Petition filed by a ~~neighborhood group~~ an  
29 Eligible Neighborhood ~~must follow the form on file with the~~  
30 Legislative Services Division shall be in the form as described in  
31 Part 1. The Petition shall contain the ~~Preliminary Study~~ NAP

1 ~~Estimate~~ and will result in the preparation of a JEA area specific  
2 ~~Certified Estimate~~ of the cost of providing ~~improvements~~ and of the  
3 ~~assessment~~ to be levied against each property within the  
4 Neighborhood as set forth in the ~~petition~~. JEA shall complete the  
5 NAP Estimate at its expense. If JEA incurs costs to procure  
6 estimates from other utilities, such costs shall be paid directly to  
7 JEA by the Neighborhood for reimbursement prior to filing the  
8 Petition. The Petition shall be filed with the Chief of Legislative  
9 Services along with a ~~Certified Estimate~~ filing fee calculated as  
10 \$100 per lot, parcel or other unit of property contained within the  
11 Neighborhood pursuant to Section 714.106(a), paid at the time of  
12 filing, as petitioned, with a minimum fee of \$1,500 and a maximum  
13 fee of \$5,000 and with the actual notice fees, as calculated by the  
14 City, paid prior to final adoption of legislation approving a NAP.  
15 The filing fee and notice fees shall be deposited in the  
16 Neighborhood Assessment Program Fee Trust Fund.

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

1 (d) *Determination of Assent.* ~~Prior to the filing of the~~  
2 ~~Petition with the Chief of Legislative Services, JEA shall determine~~  
3 ~~that the petitioners~~ The Petitioners shall comprise at least ~~three-~~  
4 ~~fourths (75 percent)~~ two-thirds (66.67 percent) of the owners of  
5 properties located within a Neighborhood presumed by the Petition to  
6 be Benefited by the provision of the Improvements. Each parcel, lot  
7 or other unit of real property having a separate real estate folio  
8 number or tax identification number shall be considered to be owned  
9 by only one person for purposes of this subsection.

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

23 (f) *NAP ~~Project~~ Performance.* Once a NAP has been  
24 established, JEA shall be the government entity providing NAP  
25 financing and ~~project~~ performance, and shall undertake the  
26 completion of all work associated with the planning, engineering,  
27 management, financing, supply of material and labor, and overall  
28 construction of the Underground Power and Communication  
29 Improvement. During planning, design and engineering, locations  
30 for equipment will be determined before any construction takes  
31 place. Equipment easements for pad mounted transformers and

1 electric switch cabinets may be required on private property,  
2 unless sufficient room within the right of way exists for such  
3 installations. An ~~project~~ Improvement will not proceed without the  
4 necessary easements, or other real property interests, for the  
5 entire ~~project~~ Improvement area. JEA will coordinate with the  
6 other utilities with overhead lines in the ~~the~~ Neighborhood during  
7 ~~project~~ Improvement planning, design and engineering, and  
8 construction. However, ~~if in the event that,~~ during the ~~planning~~  
9 ~~and engineering~~ any phase of the NAP work, JEA discovers unforeseen  
10 and unexpected conditions ~~from other utilities,~~ which interfere  
11 with the planned NAP work to the extent that estimated costs for  
12 completing the ~~project~~ Improvement increase by more than 25 percent  
13 ~~or greater~~ over the ~~initial project cost~~ NAP Estimate, JEA shall  
14 inform the Neighborhood, which shall either ~~assent~~ consent to  
15 paying the additional costs by ~~at least three-fourths (75 percent)~~  
16 ~~in the same manner~~ percentage as ~~is~~ used in ~~initially~~ determining  
17 assent for this Program area, or by withdrawing ~~its support~~ the  
18 Petition by the same percentage as used in determining assent for  
19 this Program Area. If the Neighborhood ~~withdraws its support or~~  
20 ~~fails to assent,~~ does not consent to the additional costs or  
21 withdraws its Petition, all property owners shall be assessed the  
22 actual prorated ~~project~~ costs expended. If the ~~project is~~ costs  
23 are under budget, the ~~the~~ Neighborhood ~~will~~ shall be assessed a pro  
24 rata share of the inclusive actual costs expended. The ~~project~~  
25 ~~construction~~ Improvement costs ~~will~~ shall include costs of  
26 restoration to generally similar conditions as before ~~the project~~  
27 construction commenced. Special construction materials (driveways,  
28 mailboxes, etc.) or elaborate landscaping located on existing City  
29 right of way may not be replaced in kind but with a City standard  
30 substitute.

31 (g) *Other Utilities.* Other ~~franchised~~ utilities within the

1 City of Jacksonville that are located in a NAP ~~project~~ Improvement  
 2 area are required to provide preliminary and ~~certified~~ NAP cost  
 3 estimates to JEA on behalf of ~~a neighborhood project request~~ an  
 4 Eligible Neighborhood within ~~30~~ 60 days of receiving the request  
 5 for such estimates in writing. Once a NAP ~~project~~ is approved by  
 6 the City Council, the other utilities are required to coordinate  
 7 construction conversion with JEA and ~~will~~ shall be required to  
 8 remove their overhead lines from JEA poles or remove the other  
 9 utilities' owned poles from the ~~project~~ Improvement area within ~~30~~  
 10 60 days of completion of the underground line work ~~completion~~.

11 \* \* \*

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

27 **Sec. 714.306. - Assessments.** The ~~a~~Assessment against the  
 28 property owners shall contain the total costs of the ~~project~~  
 29 Improvements as defined in this Chapter ~~inclusive for conversion of~~  
 30 ~~overhead lines within the right of way,~~ and may include the  
 31 optional costs as elected by a property owner for conversion of

1 individual services from the point of service or right of way line  
2 to dwellings or other structures. The impacted property owners ~~will~~  
3 shall be assessed in the following manner:

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

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

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

24 \* \* \*

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

30 **Chapter 714 - NEIGHBORHOOD ASSESSMENT PROGRAMS**

31 \* \* \*

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

**Sec. 714.401. - Generally.** A Program Area is hereby created that authorizes Neighborhood Assessment Programs (NAP), pursuant to and as set forth in the procedures found in Part 1 hereof as supplemented or modified by this Part 4, for the provision of Water Sewer, or Reclaimed Water Improvements within an Eligible Neighborhood. In the event of an irreconcilable conflict between the provisions of this Part 4 and the general provisions provided in Part 1 hereof, the provisions of this Part 4 shall govern to the extent of the conflict.

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

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

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

(c) *NAP Estimate* means the final estimate including all anticipated costs to plan, design and construct, and finance a water, sewer, or reclaimed water Improvement within a Neighborhood. The NAP Estimate shall be based on evaluation of existing conditions within the specified NAP area and based on available recent costs for similar work. The NAP Estimate shall include separate estimates from other utilities, where applicable. Other utilities in the City right of way, including the City for City owned utilities, are required to provide estimates for a possible Improvement as requested in writing by JEA on behalf of an Eligible

1 Neighborhood within 60 days of such request. If JEA requires a  
2 thirty party estimate, JEA shall notify the Neighborhood of such  
3 cost and receive consent from the Neighborhood by the same  
4 percentage as used in determining assent for this Program Area  
5 before proceeding.

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

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

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

23 **Sec. 714.403. - Eligibility.** Only Neighborhoods defined as  
24 Eligible Neighborhoods may be improved pursuant to this particular  
25 Program Area.

26 **Sec. 714.404. - Initiation of Neighborhood Assessment Program**  
27 **for Water, Sewer, or Reclaimed Water Improvements.** Citizens of the  
28 City may petition the City Council to initiate and introduce  
29 legislation to adopt a NAP for Water, Sewer, or Reclaimed Water  
30 Improvements within a particular Neighborhood. "Frequently Asked  
31 Questions" (FAQs) shall be developed by JEA, and modified from time

1 to time as necessary, to provide general information to interested  
2 Neighborhoods on how the program will operate. The FAQs will be  
3 informational but may not be inclusive of all considerations. The  
4 petitioning process shall be conducted in the following manner:

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

23 (b) *Petition.* The Petition filed by an Eligible Neighborhood  
24 shall be in the form as described in Part 1. The Petition shall  
25 contain the NAP Estimate of the cost of providing Improvements and  
26 of the Assessment to be levied against each property within the  
27 Neighborhood as set forth in the Petition. If JEA incurs costs to  
28 procure estimates from other utilities, or has a third party  
29 prepare estimates, such costs shall be paid directly to JEA by the  
30 Neighborhood for reimbursement prior to filing the Petition. The  
31 Petition shall be filed with the Chief of Legislative Services with

1 a filing fee calculated pursuant to Section 714.106(a), paid at the  
2 time of filing, and with the actual notice fees, as calculated by  
3 the City, paid prior to final adoption of legislation approving a  
4 NAP. The filing fee and notice fees shall be deposited in the  
5 Neighborhood Assessment Program Fee Trust Fund.

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

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

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

31 (f) *NAP Performance.* Once a NAP has been established, JEA

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

27 (g) *Other Utilities.* Other utilities within the City of  
28 Jacksonville that are located in a NAP Improvement area are  
29 required to provide preliminary and NAP cost estimates to JEA on  
30 behalf of an Eligible Neighborhood within 60 days of receiving the  
31 request for such estimates in writing. Once a NAP is approved by

1 the City Council, the other utilities are required to coordinate  
2 construction with JEA and shall be required to remove or relocate  
3 other utilities, as applicable, within 60 days of completion of the  
4 Improvements.

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

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

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

29 (1) All property owners shall be assessed pursuant to the  
30 approved Assessment method for costs, as defined in Section  
31 714.102(c), to construct the Improvement where cost benefit is

1 demonstrated.

2 (2) Administrative costs, including, but not limited to,  
3 those described in Section 714.102(c).

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

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

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

15 \* \* \*

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

17 \* \* \*

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

29 \* \* \*

30 **Section 5. Severability.** The provisions of this  
31 Ordinance are intended to be severable and if any provision is

1 declared finally invalid or unenforceable by a court of competent  
2 jurisdiction, such provision shall be severed and the remainder  
3 shall continue in full force and effect, with the Ordinance being  
4 deemed amended to the least degree legally permissible.

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

8  
9 Form Approved:

10  
11           /s/ Shannon K. Eller          

12 Office of General Counsel

13 Legislation Prepared by: Shannon K. Eller

14 GC-#1287071-v1-2019-321-E