

1 Introduced by Council Member Salem:
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4 **RESOLUTION 2025-81**

5 A RESOLUTION EXPRESSING THE CITY COUNCIL'S LACK
6 OF CONFIDENCE IN GENERAL COUNSEL MICHAEL
7 FACKLER'S ABILITY TO SERVE AS AN INDEPENDENT,
8 UNBIASED GENERAL COUNSEL TO THE CONSOLIDATED
9 CITY OF JACKSONVILLE AND ITS INDEPENDENT
10 AGENCIES OR TO MANAGE THE OFFICE OF GENERAL
11 COUNSEL; PROVIDING AN EFFECTIVE DATE.
12

13 **WHEREAS,** the General Counsel, as the head of the Office of
14 General Counsel, is the chief legal officer for the entire
15 Consolidated Government, including its independent agencies, and is
16 tasked by the Jacksonville City Charter to make legal decisions on
17 the merits for the Consolidated Government "*without preference to any*
18 *official or agency*"; and

19 **WHEREAS,** in overseeing what is considered the third branch of
20 government, the General Counsel is expected to bring clarity,
21 consistency and sound legal judgment to the many agencies,
22 departments, divisions and offices of the Consolidated Government;
23 and

24 **WHEREAS,** it is expected that during the tenure of any General
25 Counsel, there will be many potential conflicts that arise in the
26 representation of so many agencies, departments, divisions and
27 offices who work to carry out a myriad of diverse interests, goals
28 and objectives which, at times, can conflict with the interests,
29 goals and objectives of another agency, department, division or
30 office; and

31 **WHEREAS,** former General Counsels have approached this heavy

1 responsibility with fairness, integrity and skill, bringing a
2 reassurance and quality of representation that assured they at all
3 times acted in the best interests of the Consolidated Government as
4 a whole, thus allowing the Consolidated Government to operate with a
5 minimal use of outside private counsel; and

6 **WHEREAS,** the City Council believes General Counsel Michael
7 Fackler has failed to adequately represent or provide representation
8 of the Consolidated Government and the City Council in particular in
9 the following ways:

- 10 a) His advice to the City Council that a confederate monument
11 could be removed from the Springfield Historic District
12 without following or adhering to the legal requirements
13 pertaining to modifications to structures within the Historic
14 District without a Certificate of Appropriateness as required
15 pursuant to Chapter 307 of the Ordinance Code; and
- 16 b) His advice to the City Council concerning the funding of the
17 illegal action to remove a confederate monument from the
18 Springfield Historic District through private donations which
19 constitutes an usurpation of the Council's legislative
20 appropriation authority and violates the separation of
21 powers; and
- 22 c) His decision to render unsolicited advice regarding the
23 authority of the Council or Constitutional Officers to
24 appoint to a board or commission of the City in clear
25 contravention of decades of practice and without regard to
26 the multiple instances within the Ordinance Code authorizing
27 the Council and Constitutional Officers to make similar
28 appointments; and
- 29 d) His advice and legal opinion to the Mayor and City Council
30 regarding the Council's action to adopt legislation revising
31 the terms of a City contract with Meridian Waste Florida,

1 LLC, in compliance with a City Ordinance Code provision
2 adopted in 1976 and without consideration of decades of
3 relevant and similar practice by this Council, other
4 government agencies and jurisdictions, and without
5 consideration of information, research and evidence that may
6 have supported a contrary opinion; and

7 e) His general lack of institutional knowledge which has
8 resulted in his inability to render appropriate legal
9 opinions that reflect an understanding of the nature of
10 government and the historical application of clear legal
11 principles; and

12 f) His lack of institutional knowledge regarding the
13 Consolidated Government, established precedent in application
14 of the City's Ordinance Code to the various agencies and units
15 of the Consolidated Government, and his general lack of
16 understanding of the manner in which various Codes and
17 practices have evolved will continue to destabilize and
18 create division amongst the Consolidated Government; and

19 **WHEREAS,** the Council has identified a predominant thread in
20 the General Counsel's actions as described above and in a pattern of
21 interactions with the City's executive branch which reflect an
22 unacceptable preference to address and support the wishes of the
23 executive branch at the expense of the legitimate concerns and
24 interests of the legislative branch; and

25 **WHEREAS,** the Council further believes and has observed that
26 General Counsel Fackler's management of the Office of General Counsel
27 has resulted in diminished morale amongst both attorneys and staff,
28 resulting in significant turnover within the office, including the
29 loss of former high-ranking attorneys with the most institutional
30 knowledge, employees leaving without maximizing their pension or
31 other benefits, and employees leaving for lower paying jobs; and

1 **WHEREAS,** after independent consultations with former General
2 Counsels who are no longer employed by the City and other
3 distinguished members of the legal community, the City Council has
4 lost all confidence that Mr. Fackler can continue to serve as an
5 independent, unbiased General Counsel as mandated by the City's
6 Charter and as is expected by the entirety of the Consolidated
7 Government; and

8 **WHEREAS,** as a result of all of the above, the City Council has
9 lost faith in the General Counsel and believes the Consolidated
10 Government is not being adequately represented during his tenure; and

11 **WHEREAS,** the City Charter does not offer a method to address
12 the shortcomings and concerns listed above and thus the City Council
13 is left to adopt this Resolution expressing its disappointment and
14 lack of confidence in Mr. Fackler as General Counsel of the City of
15 Jacksonville; now therefore

16 **BE IT RESOLVED** by the Council of the City of Jacksonville:

17 **Section 1.** The above recitals are true and are incorporated
18 herein by this reference and made a part of this Resolution. The City
19 Council hereby expresses its lack of faith in Mr. Fackler's ability
20 to represent the consolidated City of Jacksonville for the reasons
21 outlined above. The Council hereby further expresses its deep concern
22 that Mr. Fackler is unable to appropriately manage the Office of
23 General Counsel in a manner that preserves the institutional knowledge
24 amongst remaining attorneys and staff and which preserves a level of
25 morale that should be expected by any employee working within this
26 Consolidated Government.

27 **Section 2. Effective Date.** This Resolution shall become
28 effective upon signature by the Mayor or upon becoming effective
29 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: Mary E. Staffopoulos

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