

1 Introduced by Council Member Dennis and amended by the Rules
2 Committee:

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5 **ORDINANCE 2020-100-E**

6 AN ORDINANCE RELATING TO THE POWERS OF THE
7 CITY COUNCIL AND THE MAYOR; SETTING A PUBLIC
8 REFERENDUM; CREATING A NEW SECTION 4.03 AND
9 AMENDING SECTION 21.03 OF THE CHARTER OF THE
10 CITY OF JACKSONVILLE, IN ORDER TO GRANT TO THE
11 CITY COUNCIL THE EXECUTIVE POWER TO APPOINT
12 AND REMOVE FOUR MEMBERS OF THE JEA BOARD;
13 PROVIDING FOR REFERENDUM APPROVAL, PROVIDING
14 FOR A FINANCIAL IMPACT STATEMENT TO BE
15 DEVELOPED AND PLACED ON THE BALLOT; DIRECTING
16 THE SUPERVISOR OF ELECTIONS TO PLACE THE
17 REFERENDUM QUESTION ON THE 2020 GENERAL
18 ELECTION BALLOT ON NOVEMBER 3, 2020; PROVISIO
19 REGARDING APPOINTMENTS MADE FOLLOWING APPROVAL
20 OF REFERENDUM BY VOTERS; PROVIDING AN
21 EFFECTIVE DATE.

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

24 **Section 1. Applicability; Subject to Referendum.** The
25 amendment to the City of Jacksonville's Charter as described in the
26 provisions of Section 2 below, shall be subject to and become
27 effective upon the certification of a majority vote in favor of the
28 amendment at the voter referendum as hereinafter set forth.

29 **Section 2. Charter Amended.** The Charter of the City of
30 Jacksonville is hereby amended to read as follows:

CHARTER AND RELATED LAWS

PART A - CHARTER LAWS CHARTER OF THE CITY OF JACKSONVILLE, FLORIDA

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ARTICLE 4. - DIVISION OF POWERS

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Sec. 4.03. - Specific Grants of Executive Power to Council.

The Council shall have the executive power to appoint and remove members of the JEA Board provided that Article 21 is amended to provide for Council appointments and removal of some or all members of the JEA Board.

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ARTICLE 21. JEA

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Sec. 21.03. - Composition; compensation; officers; meetings.

(a) The governing body of JEA shall consist of 7 members, ~~appointed by the mayor, subject to confirmation by the council~~ each of whom shall serve for a term of 4 years or until such member's successor has been appointed and has qualified. Four members shall be nominated by the council president and confirmed by the council and three members shall be appointed by the mayor, and shall be confirmed by the council. With regard to one member appointed by Council through open application, the Council President shall nominate an applicant who has one of the following qualifications: was a former JEA employee, or person recommended by an employee, union or group of current or former JEA employees. Each member of JEA shall have been a resident and elector of the city for at least 6 consecutive months prior to such member's appointment. No member of JEA shall hold any other public office or position. If at any time during a member's tenure on JEA, such member shall cease to possess the qualifications required for membership on JEA, such member shall cease to be a member and a vacancy shall exist on JEA.

1 Any vacancy on JEA, however created, shall be filled for the
2 unexpired term in the same manner as the position was originally
3 filled, and the person filling the vacancy shall have and retain
4 all the qualifications prescribed for membership on JEA. Any member
5 appointed to JEA for 2 consecutive full terms shall not be eligible
6 for the succeeding term. The members appointed by the mayor may be
7 removed by the mayor at any time with or without cause, but a
8 removal must be approved by a two-thirds vote of the council. The
9 members appointed by the council may be removed by the council at
10 any time with or without cause, but a removal must be approved by a
11 two-thirds vote of the council.

12 (b) The members of JEA shall not be entitled to compensation,
13 pension, or other retirement benefits on account of service on JEA,
14 but members and employees shall be entitled to payment of
15 reasonable expenses as provided by the council. Members of JEA
16 shall be subject to the provisions of s. 286.012, Florida Statutes,
17 relating to voting at meetings of JEA, and to the provisions of ss.
18 112.311 through 112.3175, inclusive, Florida Statutes, as from time
19 to time amended, relating to financial disclosure and conflicts of
20 interest.

21 (c) JEA shall elect a chairperson, vice-chairperson and secretary
22 and may elect one or more assistant secretaries, each of whom shall
23 serve for one year or until such officer's successor is chosen. JEA
24 may meet at such times and places designated by it but shall hold
25 regular meetings as necessary, and generally once a month. Special
26 meetings may be held upon the call of the chairperson or any 3
27 members of JEA. A majority of the membership shall constitute a
28 quorum for the purpose of meeting and transacting business. Each
29 member of JEA shall have one vote. JEA may adopt bylaws and make
30 rules and regulations not inconsistent with this article or general
31 law.

Section 3. Referendum.

(a) A referendum of the qualified electors residing in Duval County, Florida is hereby called to be held on November 3, 2020, the 2020 General Election, to determine whether the Charter amendment to grant the Council the executive power to appoint JEA Board members, as set forth in Section 2 of this ordinance, shall become effective.

(b) The referendum shall be held and conducted in the manner prescribed by law for holding elections under a referendum provision.

(c) All qualified electors in the Consolidated City of Jacksonville, including Urban Service Districts 1, 2, 3, 4 and 5, shall be entitled and permitted to vote in the referendum. The places and times of voting shall be those polling places and times established for voting by law. The inspectors and clerks for the referendum shall be designated by the Supervisor of Elections in accordance with applicable State law.

(d) Upon approval of this ordinance, the Supervisor of Elections shall notify the Mayor, City Council President, General Counsel and Council Auditor, by hand and certified mail, of a duty to prepare, within thirty (30) days of such notice, an up to seventy-five (75) word financial impact estimate of the increase or decrease of any revenues or costs to the City of Jacksonville resulting from the implementation of the proposed charter amendment. The financial impact estimate shall be constructed, within the thirty (30) day period, by a committee composed of one representative appointed by the Mayor, one appointed by the City Council President, the General Counsel or his or her designee chosen from the General Counsel's office, the Council Auditor and one member having appropriate fiscal expertise in the subject matter of the proposed charter amendment and selected by the other

1 members stated above. The Office of the Council Auditor and the
2 Department of Finance shall be made available as resources. The
3 Council Auditor shall chair the committee and ensure the timely
4 completion of the financial impact estimate in time to be included
5 on the referendum ballot and advertised as required for the charter
6 amendment.

7 (e) The Supervisor of Elections is authorized and directed,
8 when printing the absentee ballots and ballot strips for use in the
9 voting machines for the special referendum election called in
10 Subsection 3(a) hereinabove, to print the ballot title and
11 referendum question set forth in Sections 5 and 6 hereof on said
12 absentee ballots and ballot strips at the appropriate place
13 therefor. Immediately after said question shall be provided a space
14 for the voter to indicate whether the vote is "yes" or "no" on the
15 question.

16 **Section 4. Notice of Referendum.** The Supervisor of
17 Elections is directed to ensure at least thirty (30) days notice of
18 the referendum by publishing at least twice in a daily newspaper of
19 general circulation in Duval County, once in the fifth week and
20 once in the third week prior to the week in which the referendum is
21 to be held, in the manner provided in Section 18.05 of the City
22 Charter and Section 100.342, Florida Statutes.

23 **Section 5. Ballot Title.** The Council hereby directs that
24 the ballot title for the referendum question be in substantially
25 the following form:

26 "AMENDING JACKSONVILLE CHARTER, GRANTING CITY
27 COUNCIL AUTHORITY TO APPOINT AND REMOVE FOUR
28 JEA BOARD MEMBERS"

29 **Section 6. Official Ballot.** The Council hereby directs
30 that the following referendum question, in substantially the form
31 set forth below, be placed on the ballot at the election to be held

1 on November 3, 2020, the 2020 General Election:

2 "Shall the Jacksonville Charter be amended to
3 create a new Section 4.03 and amend Section
4 21.03 which will (1) grant to City Council the
5 executive power to appoint and remove four
6 members of the JEA Board and (2) amend the
7 qualifications of Board members?"

8 (_____) YES.

9 (_____) NO.

10 **Section 7. Referendum Results.** The Supervisor of
11 Elections for Duval County, Florida shall certify the results of
12 the referendum to the Florida Department of State in accordance
13 with law. If a majority of the votes cast in the referendum shall
14 be for the amendment, the amendment shall be approved, and shall
15 take effect as provided in this Ordinance. If less than a majority
16 of the votes cast in the referendum shall be for the amendment, the
17 amendment shall be defeated, and shall not take effect.

18 **Section 8. Proviso regarding appointments made following**
19 **approval of referendum by voters.** In order to maintain the stagger
20 and have an orderly appointment process, the Council President will
21 appoint the JEA Board member whose term end date is February 28,
22 2021. The Council President and the Mayor will also appoint one
23 JEA Board member each whose term ends February 28, 2022, one JEA
24 Board member each whose term ends February 28, 2023 and one JEA
25 Board member each whose term ends February 28, 2024.

26 **Section 9. Exercise of County Powers.** This ordinance is
27 enacted by the Council exercising its power as the governing body
28 of Jacksonville, under Section 3.01, of the Charter of the City of
29 Jacksonville. All duly qualified electors of the City, including
30 Urban Services Districts 1, 2, 3, 4, and 5, shall be entitled to
31 vote thereon.

1 **Section 10. Effective Date.** This ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature. If this ordinance is approved by a
4 majority of the duly qualified electors voting in the referendum
5 scheduled herein, then the terms of section 2 of this ordinance
6 shall become effective immediately upon verification of the results
7 of the referendum's election vote.

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10 Form Approved:

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12 /s/ Margaret M. Sidman

13 Office of General Counsel

14 Legislation Prepared By: Paige H. Johnston

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