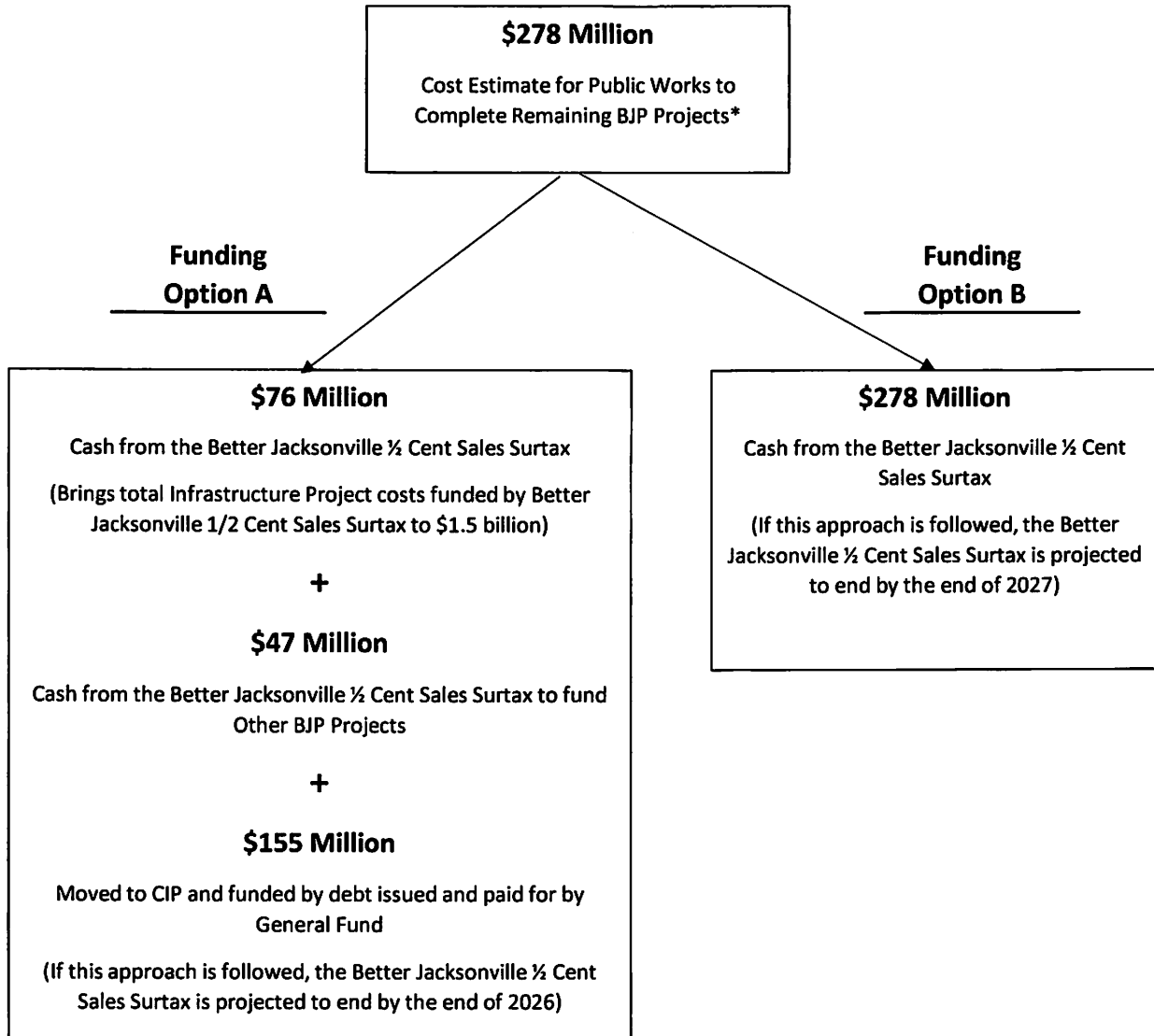


**Council Auditor's Office Handout for 2022-416
Policy Decision on Funding Sources for BJP Projects**



Funding Option A

Caps Project Spending from the Better Jacksonville 1/2 Cent Sales Surtax at \$1.5 Billion, uses \$47 million of Better Jacksonville 1/2 Cent Sales Surtax revenue to fund Other BJP Projects, and authorizes debt of \$155 million for the remaining projects to be funded by the General Fund.

(If you view the \$1.5 billion as a hard cap, this is the option to select.)

Funding Option B

Uses the Better Jacksonville 1/2 Cent Sales Surtax to cover remaining projects without authorizing debt. This will result in the \$1.5 billion being exceeded.

*Based on either option, there could be a need for additional funding (whether it be through additional debt or another funding source such as Operating Reserves) before The Better Jacksonville 1/2 Cent Sales Surtax is terminated depending on the how the revenue stream comes in, whether cost estimates increase, and when the tax is ultimately terminated.

Proposed Amendment to 2022-574 NCSPHS Substitute:

ADD to Sec. 804.807(a)(7). In the event that a permit is denied, said applicant may request emergency injunctive relief from the Circuit Court of the Fourth Judicial Circuit of the State of Florida. Due to the overriding public interest in preventing unsafe conditions for motorists and pedestrians within the rights-of-way of designated roadways, no provisional permits shall be issued by the City.

2022-574 – Pedestrian and Vehicle Safety

Florida was recently named as the second worst state in the country for pedestrian injuries and deaths associated with motor vehicle crashes. In the same study, Jacksonville was named the sixth most dangerous city in the country. Florida statutes and guidance from various Florida local and state transportation authorities encourage local governments to enact legislation geared toward improving pedestrian and motor vehicle safety. While no single solution is possible to eliminate all threats to pedestrians and users of the rights-of-way, studies have indicated that a large percentage of pedestrian injuries and fatalities occur while pedestrians are in the roadway while not in a designated crosswalk or other appropriate crossing point. Additionally, a dangerous trend is developing with the increase in instances of distracted driving becoming a leading cause of pedestrian accidents. Furthermore, designs for high volume, high-capacity roadways encourage higher motor vehicle speeds along multi-lane roads which enhance the danger associated with an improper pedestrian presence. This legislation is offered to assist in reducing pedestrian injuries by eliminating instances of the unsafe presence of unpermitted individuals within the roadway areas.

Ban on certain uses of the right-of-way

Prohibits use of traveled portion of public rights-of-way of interstate and intrastate highways and arterial and collector roadways in a manner that interferes with the safe and efficient movement of people and property from place to place on a public road or right-of-way by:

- (1) *Occupancy of median* - stopping, standing, or otherwise occupying or remaining in a median on any designated roadway when not in the process of lawfully crossing the road through two consecutive opportunities to cross.
- (2) *Physical interaction on roadway* - engaging in any physical interaction between a pedestrian and an occupant of a motor vehicle, including but not limited to the transfer of any product or material, while the motor vehicle is not legally parked and is located on the traveled portion of a designated roadway.
- (3) *Commercial use of public rights-of-way* - using any public right-of-way for commercial activity, including, but not limited to, vending or sale of goods, display of goods for sale, storage of goods for sale in connection with commercial activity, or repair or manufacturing of goods. Signage is not "commercial activity" regulated by this chapter; however, there shall be no signage placed or displayed in any median, except for required safety signage pursuant to an issued solicitation permit.

The ban does not apply to:

- (1) Law Enforcement, fire and rescue, or other government employees or contractors acting within the scope of their lawful authority;
- (2) A person lawfully conducting inspection, construction, maintenance, repair, survey, or other similarly authorized services;
- (3) A person responding to lend aid during an emergency situation or who is within the roadway due to a mechanical or physical defect in his or her vehicle that occurred while driving in the roadway;
- (4) Entering or exiting a bus or other public transit system;
- (5) Use of public roads and rights-of-way that have been closed to vehicular traffic for a special event permitted by the appropriate governmental entity; and

(6) A person or entity engaged in charitable solicitations while in possession of a valid permit issued pursuant to section 804.807, so long as such person is in compliance with the requirements of that section and the terms of the permit and safety plan, and any person engaged in donating to such permitted organization or individual.

(7) Use of the right-of-way on any roadway that is not within the definition of "designated roadway" (interstate, intrastate, arterial and collector roadways).

(8) Use of the sidewalks or any other areas designated in any right-of-way for pedestrian use or for designated roadways, areas outside of 4-feet from the edge of the roadway surface, shoulder or curb, whichever is farthest.

Charitable solicitation permit.

A permit may be obtained from Public Works for solicitation in the rights-of-way for any charitable purpose. Permits may be issued only for designated roadways.

Permit applications must include the applicant's contact information and charitable solicitation registration number, if applicable, a safety plan, the location of the proposed solicitation, indemnification agreement and liability insurance unless determined to be indigent.

Permit duration not to exceed 36 total hours in any 72 consecutive hour period.

No person under age 21 shall conduct solicitation in rights-of-ways.

Solicitation shall only occur during daylight hours.

No permit shall be issued for commercial or other non-charitable purposes.

No more than one permit shall be issued for any intersection or roadway segment at any time.

A copy of the issued permit must be present at all solicitation times.

All solicitors must have valid identification.

No more than two permits per year per applicant.

Violations

Violators may include pedestrians and occupants of motor vehicles.

For first 30 days, JSO must conduct a public education campaign and may only issue warnings.

Thereafter:

First offense – educational notice.

Second offense – official warning and may be trespassed from non-pedestrian area of roadway.

Third offense – may be either given additional warning if appropriate or civil citation issued.

Fourth offense – civil citation issued and may be subject to arrest or notice to appear (max. 10 days if convicted).

Separate violations occur if violations occur 20 minutes apart or longer.

**Council Auditor's Office
Contract Garbage Haulers Rate Review
Bills 2023-22 and 2023-23**

Rate Review Results		
Ordinance	Ord. 2023-22	Ord. 2023-23
Contract Hauler	Waste Management	Waste Pro
Term of Contract	9/30/2023	9/30/2023
Mid-Point Premise Count	77,778	79,788
Agreed Estimated FY 2022/23 Expense Before Profit, Interest, & Taxes *	\$11,073,729	\$15,829,069
Mark-Up Rate on Expenses	18.00%	15.00%
Estimated FY 2022/23 Income Before Interest and Taxes	\$1,993,271	\$2,374,360
Projected Hauler Operating Revenue	\$13,067,000	\$18,203,429
Monthly Base Rate on September 30, 2022	\$10.65	\$14.33
FY 2022/23 Proposed Monthly Per Premise Base Rate Effective 10/1/2022	\$14.00	\$19.01
Change in Monthly per Premise Base Rate	\$3.35	\$4.68
* Agreed Estimated Expenses differ between haulers based on proximity to the landfill, types of equipment, and efficiencies of each hauler.		

Budget Impact			
Contract Hauler	FY 2022/23 Original Budget	Budget Based on Rate Review Results	Budget Shortfall
Waste Management	\$10,285,749	\$13,067,000	\$(2,781,251)
Waste Pro	\$14,494,358	\$18,203,429	\$(3,709,071)
Totals	\$24,780,107	\$31,270,429	\$(6,490,322)

Comments:

1. Currently, in Waste Management's contract it states,

"The Base Rate adopted for fiscal year 2022/23 shall be the lower of agreed expenses for fiscal year 2022/23 with a markup between 15% to 20% or the 2021/22 rate as adjusted by the contractual CPI Rate Adjustment provisions (Section 7.2.4)."

The FY 2022/23 rate adjusted by CPI capped at 3% would be \$10.97. The rate recommended by the Rate Review Committee was \$14.00 and requires a language change in Waste Management's contract as proposed below:

"For fiscal year 2022/23, the Base Rate shall be set using the contractual Rate Review process. The Base Rate adopted for Fiscal Year 2022/23 shall be the agreed expenses for FY 2022/23 with a markup between 15% and 20%. However, at the City's discretion, the Base Rate adopted for the Contractor for FY 2022/23 shall be no greater than the highest Base Rate for Service Areas III and II."

2. The Waste Pro contract expires 9/30/2023. This contract is not being extended in this legislation, nor has Public Works requested authorization from the City Council to issue an RFP for the service area.
3. The budgeted deficit in Solid Waste operations for FY 2022/23 is \$11.9 million. The Rate Review results in an additional \$6.5 million needed bringing the budgeted operational deficit for FY 2022/23 to \$18.4 million. With these proposed base rate increases, the current solid waste fee of \$12.65 per month does not even cover the per premise rates for the hauler service areas, which does not include the fuel or disposal costs.