

1 Introduced by Council Member Becton:  
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4 **ORDINANCE 2023-312-E**

5 AN ORDINANCE APPROVING AN AMENDMENT TO THE  
6 SETTLEMENT AGREEMENT AND RELEASE ADOPTED BY  
7 CITY COUNCIL ON JULY 25, 2017 AND ENACTED AS  
8 ORDINANCE 2017-395-E; PROVIDING AN EFFECTIVE  
9 DATE.  
10

11 **WHEREAS**, on July 25, 2017, the Jacksonville City Council  
12 enacted Ordinance 2017-395-E which approved a Settlement Agreement  
13 and Release between the parties in the matter of The Public Trust  
14 Environmental Legal Institute of Florida, Inc., Lee Hunter, Tom  
15 Larson and Thera James v. The City of Jacksonville, Case No. 2015-  
16 CA-4453; and

17 **WHEREAS**, the fully-executed Settlement Agreement and Release  
18 was attached and fully incorporated as Third Revised Exhibit 1 to  
19 Ordinance 2017-395-E; and

20 **WHEREAS**, the Plaintiffs voluntarily dismissed their claim  
21 against the City on June 16, 2021; and

22 **WHEREAS**, paragraph 3.10 of the Settlement Agreement and  
23 Release entitled "Modifications and Amendments" states that: "No  
24 amendment, change, or modification to this Settlement Agreement,  
25 whether proposed by the Parties or the Court, will be valid unless  
26 agreed upon in a writing signed by the Parties or their counsel.";  
27 and

28 **WHEREAS**, on May 2, 2023, counsel for the Public Trust  
29 Environmental Legal Institute of Florida, Inc. executed an  
30 Amendment to the Settlement Agreement and Release which allows for  
31 amendments to Sections 94.105, 94.106 and 656.1208, *Ordinance Code*.

1 A copy of the partially-executed Amendment to the Settlement  
2 Agreement and Release is **On File** with the Legislative Services  
3 Division; now therefore

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

5 **Section 1. Ratification and Approval of Amendment to**  
6 **Settlement Agreement and Release.** There is hereby ratified and  
7 approved and the Mayor, or his designee, is authorized to  
8 implement, for and on behalf of the City, the terms and conditions  
9 of the Amendment to the Settlement Agreement and Release between  
10 the Parties in the form **On File** with the Legislative Services  
11 Division.

12 **Section 2. Effective Date.** This Ordinance shall become  
13 effective upon signature by the Mayor or upon becoming effective  
14 without the Mayor's signature.

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16 Form Approved:

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18           /s/ Mary E. Staffopoulos          

19 Office of General Counsel

20 Legislation Prepared By: Cherry S. Pollock

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