

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2020-141**

5 AN ORDINANCE APPROPRIATING \$650,000.00 FROM
6 GENERAL FUND - GENERAL SERVICES DISTRICT (GSD)
7 FUND BALANCE TO GENERAL COUNSEL FUND -
8 JUDGMENTS, CLAIMS, & LOSSES IN ORDER TO
9 PROVIDE FUNDING FOR THE SETTLEMENT OF CLAIMS
10 OR POTENTIAL CLAIMS ASSERTED BY TEMPORARY
11 CIVILIAN BAILIFFS EMPLOYED BY THE CITY OF
12 JACKSONVILLE, AS INITIATED BY B.T. 20-056;
13 APPROVING AND AUTHORIZING THE EXECUTION OF
14 SETTLEMENT AGREEMENTS; AUTHORIZING THE GENERAL
15 COUNSEL, OR HIS DESIGNEE, TO TAKE FURTHER
16 ACTION TO EFFECTUATE THE SETTLEMENTS;
17 PROVIDING AN EFFECTIVE DATE.
18

19 **WHEREAS**, since the City's OBRA (Omnibus Budget Reconciliation
20 Act) Plan was implemented in October 2010, certain temporary
21 civilian bailiffs ("Civilian Bailiffs") employed by the City were
22 not placed into the OBRA plan consistently and instead were placed
23 in Social Security; and

24 **WHEREAS**, the City of Jacksonville desires to correct the
25 misplacement of Civilian Bailiffs into Social Security instead of
26 OBRA by entering into individual settlement agreements with these
27 employees, which will resolve liability to the Civilian Bailiffs
28 for previously unpaid OBRA contributions ("Settlement Agreements");
29 and

30 **WHEREAS**, pursuant to section 112.307(a)(2)(ii), Jacksonville
31 Ordinance Code, the Mayor shall have the authority to compromise

1 and settle a claim against the City not exceeding \$50,000.00 upon
2 receipt of favorable written recommendations from the General
3 Counsel and the Director of Finance and Administration; and

4 **WHEREAS**, each of the individual Settlement Agreements with the
5 Civilian Bailiffs do not exceed a settlement amount of \$50,000.00;
6 and

7 **WHEREAS**, the Council finds that it is in the best interests
8 of the City and the public that the Civilian Bailiffs' claims be
9 resolved without resorting to litigation and incurring litigation
10 costs and expenses; now therefore

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

12 **Section 1. Appropriation.** For the 2019-2020 fiscal year,
13 within the City's budget, there are hereby appropriated the
14 indicated sum(s) from the account(s) listed in subsection (a) to
15 the account(s) listed in subsection (b):

16 (B.T. 20-056, attached hereto as **Exhibit 1** and incorporated herein
17 by this reference)

18 (a) Appropriated from:

19 See B.T. 20-056 \$650,000.00

20 (b) Appropriated to:

21 See B.T. 20-056 \$650,000.00

22 (c) Explanation of Appropriation - The funding above is an
23 appropriation from General Fund- GSD Fund Balance to pay
24 funds in settlement of the claims or potential claims as
25 described herein.

26 **Section 2. Purpose.** The purpose of the appropriation in
27 Section 1 is to settle the above-referenced individual claims or
28 potential claims for total not to exceed \$650,000.00.

29 **Section 3. Approval and Ratification of Settlement**
30 **Agreements.** The Office of General Counsel is authorized to prepare
31 the individual Settlement Agreements by and between the City and

1 each of the Civilian Bailiffs to satisfy the individual claims
2 asserted, which are approved and ratified substantially in the form
3 attached hereto as **Exhibit 2** and incorporated herein. The summary
4 of the Civilian Bailiffs' claims or potential claims for a total
5 not to exceed \$650,000.00 are attached hereto as **Exhibit 3**.

6 **Section 4. Further Action Authorized.** The General
7 Counsel, or his designee, and/or the Director of Employee Services
8 are authorized pursuant to the respective Code to take all further
9 action and to execute all other documents necessary to effectuate
10 the approved and ratified Settlement Agreements.

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

14
15 Form approved:

16
17 /s/ James R. McCain, Jr.

18 Office of General Counsel

19 Legislation Prepared By: Tiffiny Douglas Pinkstaff

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