

1 Introduced by Council Member Priestly Jackson:
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4 **RESOLUTION 2021-772**

5 A RESOLUTION ENCOURAGING THE MAYOR TO TAKE TAKE
6 FORMAL ACTION AND REAPPOINT THE GENERAL COUNSEL
7 QUALIFICATION REVIEW COMMITTEE AND CONDUCT A
8 LOCAL, STATE AND NATIONAL SEARCH TO FILL THE
9 VACANCY FOR THE GENERAL COUNSEL FOR THE
10 CONSOLIDATED GOVERNMENT OF JACKSONVILLE, DUVAL
11 COUNTY, FLORIDA; ESTABLISH A MINIMUM PERIOD OF
12 TIME TO ACCEPT APPLICATIONS FOR CONSIDERATION BY
13 THE GENERAL COUNSEL QUALIFICATION REVIEW
14 COMMITTEE OF A PERIOD NO LESS THAN 30 DAYS;
15 ENCOURAGING THE MAYOR TO CONSIDER THE NEEDS OF
16 THE ENTIRE CONSOLIDATED GOVERNMENT AND SEEK
17 INPUT FROM THE CONSTITUTIONAL OFFICES AND
18 INDEPENDENT AGENCIES IN THE SELECTION OF THE
19 GENERAL COUNSEL; DIRECTING THE CHIEF OF
20 LEGISLATIVE SERVICES TO FORWARD A COPY OF THIS
21 RESOLUTION TO THE MAYOR, CHAIR OF THE GENERAL
22 COUNSEL QUALIFICATION REVIEW COMMITTEE AND CHIEF
23 ADMINISTRATIVE OFFICER OF THE CITY OF
24 JACKSONVILLE; REQUESTING EMERGENCY PASSAGE UPON
25 INTRODUCTION; PROVIDING AN EFFECTIVE DATE.
26

27 **WHEREAS**, on August 6, 2021, the General Counsel for the
28 Consolidated Government of Jacksonville, Duval County, Florida, Jason
29 Gabriel, resigned thereby creating a vacancy in the position of
30 General Counsel. An "Acting" General Counsel", Jason Teal, was

1 appointed to ensure the continued faithful operation of the Office
2 of General Counsel; and

3 **WHEREAS**, Article 7 of the Charter of the City of Jacksonville,
4 regarding the Office of General Counsel, articulates the process for
5 filling a vacancy in the position of General Counsel and requires the
6 mayor to appoint a General Counsel Qualification Review Committee
7 comprised of five attorneys licensed to practice in the State of
8 Florida. The General Counsel Qualification Review Committee did not
9 meet until Tuesday, September 14, 2021, more than 38 days after the
10 resignation of the former General Counsel, Jason Gabriel. Initially,
11 the General Counsel Qualification Review Committee attempted to
12 forego advertising and accepting any additional applications for the
13 position of General Counsel, thereby nominating "Acting" General
14 Counsel, Jason Teal, to the Mayor for the General Counsel position.
15 Such action would have occurred with few articulated considerations
16 to the responsibility for addressing the needs and furnishing legal
17 services for the entire consolidated government, especially the
18 Constitutional Offices and the Duval County School Board. The General
19 Counsel Qualification Review Committee's position was only
20 reconsidered after two Council Members shared concerns about the
21 integrity and lack of transparency of the General Counsel
22 Qualification Review Committee's action were that were to occur; and

23 **WHEREAS**, during the General Counsel Qualification Review
24 Committee's meeting on September 14, 2021, it was stated that the
25 position for the General Counsel would be advertised beginning Monday,
26 September 20, 2021 and run for two weeks. Instead the advertising for
27 the position for General Counsel, a notice advertisement was placed
28 in the Daily Record only on Friday, September, 17, 2021, Monday
29 through Friday, September 20-24, 2021 and Monday through Friday,
30 September 27, 2021 through October 1, 2021. The advertisement for the
31 position of General Counsel was not posted via any of the methods

1 that positions for attorneys for the Office of General Counsel are
2 usually advertised, nor was it forwarded to the Florida Bar for
3 posting; and

4 **WHEREAS**, on August 8, 2021, one day after his appointment then
5 "Acting" General Counsel, Jason Teal's salary was increased from
6 \$156,000 annually to \$229,325 annually, an increase of \$73,325
7 annually, which was the annual salary of former General Counsel,
8 Jason Gabriel. This significant salary increase on the aforementioned
9 date, may be interpreted to support the belief that the decision to
10 nominate "Acting" General Counsel, Jason Teal, to the position of
11 General Counsel was a forgone conclusion prior to convening the
12 General Counsel Qualification Review Committee meeting and without
13 consideration and consultation of the needs and furnishing legal
14 services to the entire consolidated government, especially the
15 Constitutional Offices and the Duval County School Board.
16 Additionally, "Acting" General Counsel Jason Teal has both
17 reorganized the Office of General Counsel and implemented raises for
18 some members of the the Office of General Counsel in his "Acting"
19 capacity in a manner that is less than transparent and fair which may
20 erode the trust, services and effectiveness of the Office of General
21 Counsel. Further, these acts may have served as a chill effect or an
22 inhibition on the various entities of the consolidated government to
23 articulate its needs and opinions regarding the selection of the
24 General Counsel out of fear or reprisal if the the Mayor's selection
25 of "Acting" General Counsel Jason Teal was not supported; and,

26 **WHEREAS**, over the course of the last few years, various entities
27 of the consolidated government, DCSB and the Police and Fire Pension
28 Board, have each been denied outside legal services without prior
29 written approval by the General Counsel. The Supervisor of Elections
30 Office and Duval County Canvassing Board promulgated policies and
31 procedures crafted by the Office of General Counsel that purportedly

1 contravened the US Constitution, Florida Constitutional and Charter
2 and allowed a partisan Senior Judge to chair the Election Canvassing
3 Board in arguable violation of both the Charter and the Florida
4 Constitution, until the former Jacksonville City Council President
5 requested removal of the Senior Judge and recalculation of early
6 votes. A federal grand jury is currently empaneled to review the
7 actions surrounding the sale of the JEA, specifically the attempted
8 fraudulent sale of our municipal utility with both a lack of
9 transparency and integrity. The former General Counsel, Jason
10 Gabriel, was called as a witness to testify before the grand jury
11 regarding this matter. The essential nature of the Office of General
12 Counsel and hence the General Counsel to the consolidated government
13 of Jacksonville, Duval County, Florida, require both discussion and
14 review of these matters before a General Counsel is appointed. Such
15 discussion may further evidence the need of a General Counsel who is
16 not currently an attorney in the Office of General Counsel; and,

17 **WHEREAS**, the General Counsel confirmation requires 13 members
18 of the Jacksonville City Council to vote in favor of the nominee and
19 the aforementioned matters were not addressed by the General Counsel
20 Qualification Review Committee or Mayor. The City Council Members,
21 as a co-equal branch of the consolidated government, are unable to
22 vote in the affirmative without these matters being addressed; and

23 **WHEREAS**, the members of the City Council continue to receive
24 concerns from constituents and the public voicing their strong
25 opposition to the lack of integrity, transparency and quality of the
26 process undertaken by the Mayor and the General Counsel Qualification
27 Review Committee and the essential role of the General Counsel on all
28 facets of the consolidated government; now therefore

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

30 **Section 1. Encouraging the Mayor to take formal action and**
31 **reappoint the General Counsel Qualification Review Committee and**

1 **conduct a local, state and national search for a highly qualified**
2 **candidate to the position of General Counsel.** The Council strongly
3 encourages the Mayor to reappoint the General Counsel Qualification
4 Review Committee that met on September 14, 2021 and October 4, 2021.
5 Further, the Council encourages the Mayor to conduct a local, state
6 and National search for a highly qualified candidate for the position
7 of General Counsel, who will address the needs and legal matters of
8 all entities of the consolidated government. Specifically, the
9 Council humbly asks the Mayor establish a minimum period of 30 days
10 to advertise the position of General Counsel, consults with the entire
11 consolidated government, especially the Constitutional Offices and
12 the Duval County School Board regarding their legal needs and concerns
13 regarding the General Counsel, and engages in a process that
14 incorporates integrity, transparency and is duly noticed to the
15 constituency of the consolidated government.

16 **Section 2. Directing to forward.** The Chief of the
17 Legislative Services Division is hereby directed to forward a copy
18 of this resolution for distribution to the Mayor, Chair of the General
19 Counsel Qualification Review Committee and Chief Administrative
20 Officer.

21 **Section 3. Requesting emergency passage upon introduction**
22 **pursuant to Council Rule 4.901 Emergency.** Emergency passage upon
23 introduction of this legislation is requested. The nature of the
24 emergency is that the resolution appointing the General Counsel is
25 being introduced and City Council is being requested consider this
26 appointment. This is similar to the 2019-894-E which was acted upon
27 as an emergency regarding the JEA ITN and interaction or limited
28 interaction by the City Council regarding the cone of silence.

29 **Section 4. Effective Date.** This resolution shall become
30 effective upon signature by the Mayor or upon becoming effective
31 without the Mayor's signature.

1 Form Approved:

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3 /s/ Margaret M. Sidman

4 Office of General Counsel

5 Legislation Form Approved by: Margaret M. Sidman

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