

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

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 NO. 2017-395-E; PROVIDING AN
9 EFFECTIVE DATE.
10

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

17 **WHEREAS**, the fully-executed Settlement Agreement and Release
18 was attached and fully incorporated as Revised Exhibit 1 to
19 Ordinance No. 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 94.106 and 656.1208, *Ordinance Code*. A copy

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

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

5 **Section 1. Ratification and Approval of Amendments 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/ Cherry S. Pollock

19 Office of General Counsel

20 Legislation prepared by: Cherry S. Pollock

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