

1 Introduced by Council Member Salem & Co-Sponsored by Council
2 Members Diamond and Newby:

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5 **RESOLUTION 2020-193-A**

6 A RESOLUTION URGING THE INDEPENDENT AGENCIES,
7 SPECIFICALLY THE JACKSONVILLE AVIATION
8 AUTHORITY, JEA, JACKSONVILLE PORT AUTHORITY,
9 AND JACKSONVILLE TRANSPORTATION AUTHORITY, TO
10 LIMIT EXECUTIVE CONTRACTS TO THE CHIEF
11 EXECUTIVE OFFICER; DIRECTING THE LEGISLATIVE
12 SERVICES DIVISION TO FORWARD THE ADOPTED
13 RESOLUTION TO THE INDEPENDENT AGENCIES;
14 PROVIDING AN EFFECTIVE DATE.

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16 **WHEREAS**, Florida is an "at will" employment state, therefore
17 Chief Executive Officer public employment contracts are not
18 standard government contracts, however the Independent Agency
19 Boards may choose to enter into contracts with the Chief Executive
20 Officer for the following and other reasons; the following tenants
21 should be considered; and

22 **WHEREAS**, employment agreements can benefit both the
23 Independent Agencies and the Chief Executive Officer ("CEO") and
24 under certain circumstances be consistent with prudent,
25 professional association governance; and

26 **WHEREAS**, the CEO's position, responsibilities, employment
27 conditions, and benefits differ from those of other staff positions
28 and thus may warrant an employment agreement; and

29 **WHEREAS**, because of the link that exists between staff
30 leadership continuity and overall organizational performance, it

1 may be in the best interest of the Independent Agencies to ensure
2 stability in the CEO position; and

3 **WHEREAS**, in an employment environment, where the Independent
4 Agency competes with for-profit and not-for-profit organizations,
5 an agreement can help to contribute to stability; and

6 **WHEREAS**, providing a degree of employment protection through
7 the agreement can mitigate the impact of organizational politics on
8 operational outcomes, encourage prudent decision making and candid
9 communication between the CEO and the Independent Agencies
10 governing bodies; and

11 **WHEREAS**, a written employment agreement between an Independent
12 Agency and the CEO should clearly set out the mutual expectations
13 for the Independent Agency/CEO relationship; and

14 **WHEREAS**, the contract should clearly identify the relationship
15 between the Independent Agency and the CEO, including the
16 obligations each has to the other. Ideally, the CEO should know
17 what is expected in terms of responsibilities and the Independent
18 Agency should have a clear definition of its responsibilities to
19 the CEO; and

20 **WHEREAS**, the Independent Agency Board, for the foregoing
21 reasons, may support a contract with the Chief Executive Officer,
22 those reasons may not support contracts for other senior employees;
23 now therefore

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

25 **Section 1. Urging Independent Agencies to Limit Executive**
26 **Contracts.** The City of Jacksonville does hereby urge the
27 Independent Agencies, specifically the Jacksonville Aviation
28 Authority, JEA, Jacksonville Port Authority and Jacksonville
29 Transportation Authority, to limit executive contracts to the Chief
30 Executive Officer. Should the Independent Agency choose to
31 negotiate a contract with the CEO, such contract should comport

1 with the Laws of Florida, and be made in compliance with
2 transparency for government employees including the Public Records
3 laws and Sunshine laws.

4 **Section 2. Directive to Circulate.** The City Council's
5 Legislative Services Division upon adoption of this resolution is
6 hereby directed to provide a copy of this resolution to the
7 Independent Agencies, specifically the Jacksonville Aviation
8 Authority, JEA, Jacksonville Port Authority and Jacksonville
9 Transportation Authority.

10 **Section 3. Effective Date.** This Resolution shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without the Mayor's signature.

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15 Form Approved:

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17 /s/ Paige H. Johnston

18 Office of General Counsel

19 Legislation Prepared By: Margaret M. Sidman

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