

Introduced by Council Member Salem and Co-Sponsored by Council Members Diamond, White, Carrico, Howland, Miller, J. Carlucci, Gay, Lahnen and Arias and amended by the Finance Committee:

RESOLUTION 2025-81-A

A RESOLUTION EXPRESSING THE CITY COUNCIL'S LACK OF CONFIDENCE IN GENERAL COUNSEL MICHAEL FACKLER'S ABILITY TO SERVE AS AN INDEPENDENT, UNBIASED GENERAL COUNSEL TO THE CONSOLIDATED CITY OF JACKSONVILLE AND ITS INDEPENDENT AGENCIES OR TO MANAGE THE OFFICE OF GENERAL COUNSEL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the General Counsel, as the head of the Office of General Counsel, is the chief legal officer for the entire Consolidated Government, including its independent agencies, and is tasked by the Jacksonville City Charter to make legal decisions on the merits for the Consolidated Government "*without preference to any official or agency*"; and

WHEREAS, in overseeing what is considered the third branch of government, the General Counsel is expected to bring clarity, consistency and sound legal judgment to the many agencies, departments, divisions and offices of the Consolidated Government; and

WHEREAS, it is expected that during the tenure of any General Counsel, there will be many potential conflicts that arise in the representation of so many agencies, departments, divisions and offices who work to carry out a myriad of diverse interests, goals and objectives which, at times, can conflict with the interests, goals and objectives of another agency, department, division or

1 office; and

2 **WHEREAS,** former General Counsels have approached this heavy
3 responsibility with fairness, integrity and skill, bringing a
4 reassurance and quality of representation that assured they at all
5 times acted in the best interests of the Consolidated Government as
6 a whole, thus allowing the Consolidated Government to operate with a
7 minimal use of outside private counsel; and

8 **WHEREAS,** several Council Members believe General Counsel
9 Michael Fackler has failed to adequately represent or provide
10 representation of the Consolidated Government and the City Council
11 in particular in the following ways:

12 a) His advice to the City Council that a confederate monument
13 could be removed from the Springfield Historic District
14 without following or adhering to the legal requirements
15 pertaining to modifications to structures within the Historic
16 District without a Certificate of Appropriateness as required
17 pursuant to Chapter 307 of the Ordinance Code; and

18 b) His advice to the City Council concerning the funding of the
19 illegal action, as outlined in paragraph (a) above, to remove
20 a confederate monument from the Springfield Historic District
21 through private donations which constitutes an usurpation of
22 the Council's legislative appropriation authority and
23 violates the separation of powers; and

24 c) His decision to render unsolicited advice regarding the
25 authority of the Council or Constitutional Officers to
26 appoint to a board or commission of the City in clear
27 contravention of decades of practice and without regard to
28 the multiple instances within the Ordinance Code authorizing
29 the Council and Constitutional Officers to make similar
30 appointments; and

31 d) His advice and legal opinion to the Mayor and City Council

1 regarding the Council's action to adopt legislation revising
2 the terms of a City contract with Meridian Waste Florida,
3 LLC, in compliance with a City Ordinance Code provision
4 adopted in 1976 and without consideration of decades of
5 relevant and similar practice by this Council, other
6 government agencies and jurisdictions, and without
7 consideration of information, research and evidence that may
8 have supported a contrary opinion; and

9 e) His general lack of institutional knowledge which has
10 resulted in his inability to render appropriate legal
11 opinions that reflect an understanding of the nature of
12 government and the historical application of clear legal
13 principles; and

14 f) His lack of institutional knowledge regarding the
15 Consolidated Government, established precedent in application
16 of the City's Ordinance Code to the various agencies and units
17 of the Consolidated Government, and his general lack of
18 understanding of the manner in which various Codes and
19 practices have evolved will continue to destabilize and
20 create division amongst the Consolidated Government; and

21 **WHEREAS,** several Council Members have identified a predominant
22 thread in the General Counsel's actions as described above and in a
23 pattern of interactions with the City's executive branch which reflect
24 an unacceptable preference to address and support the wishes of the
25 executive branch at the expense of the legitimate concerns and
26 interests of the legislative branch; and

27 **WHEREAS,** several Council Members have had independent
28 consultations with former General Counsels who are no longer employed
29 by the City and other distinguished members of the legal community,
30 and in light of those discussions and the significant concerns
31 outlined herein, a number of Council Members have lost all confidence

1 that Mr. Fackler can continue to serve as an independent, unbiased
2 General Counsel as mandated by the City's Charter and as is expected
3 by the entirety of the Consolidated Government; and

4 **WHEREAS,** as a result of all of the above, a number of Council
5 Members have lost faith in the General Counsel and believes the
6 Consolidated Government is not being adequately represented during
7 his tenure; and

8 **WHEREAS,** the City Charter does not offer a method to address
9 the shortcomings and concerns listed above and thus the City Council
10 is left to adopt this Resolution expressing its disappointment and
11 lack of confidence in Mr. Fackler as General Counsel of the City of
12 Jacksonville; now therefore

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

14 **Section 1.** The above recitals are true and are incorporated
15 herein by this reference and made a part of this Resolution. The City
16 Council hereby expresses its lack of faith in Mr. Fackler's ability
17 to represent the consolidated City of Jacksonville for the reasons
18 outlined above. The Council hereby further expresses its deep concern
19 that Mr. Fackler is unable to appropriately manage the Office of
20 General Counsel in a manner that preserves the institutional knowledge
21 amongst remaining attorneys and staff.

22 **Section 2. Effective Date.** This Resolution shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

25
26 Form Approved:

27
28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Mary E. Staffopoulos

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