

1 Introduced by the Council President at the Request of the Mayor:
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4 **ORDINANCE 2021-505**

5 AN ORDINANCE ADOPTING THE FISCAL YEARS 2022-2026
6 INCLUSIVE CAPITAL IMPROVEMENT PLAN (THE "CIP"), AS
7 REQUIRED BY PART 6, CHAPTER 122, *ORDINANCE CODE*;
8 PROVIDING FOR 2022 CIP SPECIFICITY REQUIREMENTS;
9 DIRECTING REVISIONS AND UPDATING OF THE CAPITAL
10 IMPROVEMENTS ELEMENT OF THE 2030 COMPREHENSIVE
11 PLAN, AS REQUIRED BY SECTION 163.3177, *FLORIDA*
12 *STATUTES*; WAIVING SECTION 122.602(A)
13 (DEFINITIONS), *ORDINANCE CODE*; WAIVING COMPLIANCE
14 WITH SECTION 106.309 (CAPITAL IMPROVEMENT
15 APPROPRIATIONS CARRIED OVER) AND SECTION 106.312
16 (LAPSE OF APPROPRIATIONS), *ORDINANCE CODE*;
17 PROVIDING FOR DECLARATION OF INTENT TO REIMBURSE;
18 PROVIDING FOR RECONCILIATION OF SCHEDULES, TEXT,
19 CODIFICATION, JOURNAL ENTRIES; PROVIDING AN
20 EFFECTIVE DATE.
21

22 **WHEREAS**, pursuant to Part 6, Chapter 122, *Ordinance Code*, the
23 Department of Finance and Administration, the Department of Planning
24 and Development and the Department of Public Works have met with all
25 departments, agencies and commissions of the City to develop, and
26 have developed, a Capital Improvement Plan ("CIP") for fiscal years
27 2022-2026 inclusive; and

28 **WHEREAS**, pursuant to Chapter 163, Part II, *Florida Statutes*, the
29 Council adopted the 2030 Comprehensive Plan, which contains numerous
30 elements required by Section 163.3177, *Florida Statutes*, including a
31 Capital Improvements Element designed to consider the need for and

1 location of public facilities in order to encourage efficient
2 utilization of such facilities and setting forth estimated public
3 facility costs, including a delineation of when public facilities
4 will be needed, the general location of the facilities and projected
5 revenue sources to fund the facilities; and

6 **WHEREAS**, Section 163.3177, *Florida Statutes*, requires local
7 governments to establish a Capital Improvements Element and that a
8 CIP be prepared in conjunction with the annual review and update of
9 the Capital Improvements Element, and further requires that the CIP
10 contain all of the projects listed in the Schedule of Capital
11 Improvements, which is a part of the Capital Improvements Element;
12 and

13 **WHEREAS**, the Council has reviewed the CIP and the Capital
14 Improvements Element; now, therefore

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

16 **Section 1. Fiscal Years 2022-2026 Capital Improvement Plan**
17 **Adopted.** The fiscal years 2022-2026 Capital Improvement Plan,
18 including a Schedule of Capital Improvements (attached hereto as
19 **Exhibit 1**, and incorporated herein by this reference), are hereby
20 adopted for the City and its independent agencies for the 2021-2022
21 fiscal year. There shall be included in the annual budgets of the
22 City and its independent agencies sufficient appropriations to
23 implement the first year of the plan. By October 28, 2021 or one
24 month after the enacted date of this legislation, whichever is later,
25 the Department of Finance and Administration shall provide the Fiscal
26 Years 2022-2026 revised adopted Capital Improvement Plan inclusive
27 of the detailed description of the scope of each project included
28 therein to all Council Members with a copy to Legislative Services
29 to be placed in the file.

30 **Section 2. 2022 Capital Improvement Plan Specificity**
31 **Requirements.** Notwithstanding anything herein, no funds shall be

1 expended on a Capital Improvement Project (as defined by Sec.
2 122.602(a)), which may have been line-item approved in a Capital
3 Improvement Plan, without specific reference to precise locations of
4 work, narrowly defined project costs, or narrowly defined work
5 descriptions, unless and until such expenditures and an amendment to
6 the Capital Improvement Plan identifying precise locations of work,
7 narrowly defined project costs, and narrowly defined work
8 descriptions are separately approved by City Council.

9 **Section 3. The Capital Improvements Element of the 2030**
10 **Comprehensive Plan Revised and Updated.** The Capital Improvements
11 Element of the 2030 Comprehensive Plan shall be revised to reflect
12 the Schedule of Capital Improvements adopted hereinabove as part of
13 the CIP in the next available update of the 2030 Comprehensive Plan,
14 in accordance with Section 163.3177, *Florida Statutes*.

15 **Section 4. Waiver of Section 122.602(a) (Definitions),**
16 **Ordinance Code.** Waiving Conflicting Provisions Section 122.602(a)
17 (Definitions), *Ordinance Code*, excluding routine roadway resurfacing
18 from the definition of Capital Improvement to allow roadway
19 resurfacing for the 2021/2022 Fiscal Year.

20 **Section 5. Waiver of Compliance with Section 106.309**
21 **(Capital improvement appropriations carried over) and Section 106.312**
22 **(Lapse of appropriations), Ordinance Code, and further verification.**
23 In accordance with Sections 106.309 and 106.312, the Budget Office
24 is required to provide a list of Capital Improvement Projects Not
25 Lapsed which itemizes the budget, encumbrances, remaining balances
26 from prior years' appropriation. Due to changes in the software that
27 the City utilizes to provide this information, the required list is
28 not able to be produced at this time as it would require that the
29 Budget Office compile manually the various sources of information to
30 make such list. The proposed City budget, Ordinance 2021-504, has
31 been prepared as though anticipated capital improvement

1 appropriations are carried over from last fiscal year and not lapsing.
2 The provisions of Sections 106.309 and 106.312, *Ordinance Code*, are
3 hereby waived to submit the Capital Improvement Program legislation
4 without the projects not lapsed exhibit.

5 **Section 6. Declaration of intent to reimburse.** The City of
6 Jacksonville, Florida (the "City") expects to incur expenses for
7 which the City will advance internal funds in order to fund the
8 construction, acquisition, improvement, and equipping of certain
9 capital improvements more specifically described on **Exhibit 1** (the
10 "FY 21-22 Projects"). The City intends to reimburse itself for all
11 or a portion of such expenses from the proceeds of debt to be incurred
12 by the City. The City hereby declares its official intent to reimburse
13 itself from the proceeds of debt to be incurred by the City for
14 expenses incurred with respect to the FY 21-22 Projects subsequent
15 to the date of this Ordinance. This Ordinance is intended as a
16 declaration of official intent under Treasury Regulation Section
17 1.150-2. The debt to be issued to finance the FY 21-22 Projects is
18 expected not to exceed an aggregate principal amount of \$391,965,184
19 net project funds. The Mayor, the Corporation Secretary, the Chief
20 Financial Officer, the General Counsel and such other officers and
21 employees of the City as may be designated by the Mayor are authorized
22 and empowered, collectively and individually, to take all action and
23 steps and to execute all instruments, documents and contracts on
24 behalf of the City that are necessary to carry out the purposes of
25 this Ordinance.

26 **Section 7. Reconciliation of schedules, text,**
27 **codification, journal entries.** The Office of General Counsel and the
28 Council Auditor's Office are authorized to make all changes to titles,
29 tables of content, *Ordinance Code*, journal entries, schedules,
30 attachments, editorial and text changes consistent with the changes
31 set forth herein to effectuate the Council's action.

1 **Section 8. Effective Date.** This Ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.

4 Form Approved:

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6 /s/ Margaret M. Sidman

7 Office of General Counsel

8 Legislation Prepared By: Margaret M. Sidman

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