

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2022-505**

5 AN ORDINANCE ADOPTING THE FISCAL YEARS 2023-2027
6 INCLUSIVE CAPITAL IMPROVEMENT PLAN (THE "CIP"), AS
7 REQUIRED BY PART 6, CHAPTER 122, *ORDINANCE CODE*;
8 PROVIDING FOR 2023 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 2023-2027 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 2023-2027 Capital Improvement Plan**
17 **Adopted.** The fiscal years 2023-2027 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 2022-2023
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, 2022 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 2023-2027 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. 2023 Capital Improvement Plan Specificity**
31 **Requirements.** Notwithstanding anything herein, no funds shall be

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

9 **Section 3. 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 of Section 122.602(a)
17 (Definitions), *Ordinance Code*, which excludes routine roadway
18 resurfacing from the definition of Capital Improvement Projects to
19 allow roadway resurfacing to be included in the list of Capital
20 Improvement Projects for the 2022-2023 Fiscal Year.

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

1 2022-504, has been prepared as though anticipated capital improvement
2 appropriations are carried over from last fiscal year and not lapsing.
3 The provisions of Sections 106.309 and 106.312, *Ordinance Code*, are
4 hereby waived to submit the Capital Improvement Program legislation
5 without the Capital Improvements Projects Not Lapsed exhibit.

6 **Section 6. Declaration of intent to reimburse.** The City of
7 Jacksonville expects to incur expenses for which the City will advance
8 internal funds in order to fund the construction, acquisition,
9 improvement, and equipping of certain capital improvements more
10 specifically described on **Exhibit 1** (the "FY 22-23 Projects"). The
11 City intends to reimburse itself for all or a portion of such expenses
12 from the proceeds of debt to be incurred by the City. The City of
13 Jacksonville hereby declares its official intent to reimburse itself
14 from the proceeds of debt to be incurred by the City for expenses
15 incurred with respect to the FY 22-23 Projects subsequent to the date
16 of this Ordinance.

17 This Ordinance is intended as a declaration of official intent
18 under Treasury Regulation Section 1.150-2. The debt to be issued to
19 finance the FY 22-23 Projects is expected not to exceed an aggregate
20 principal amount of \$441,451,989 net project funds. The Mayor, the
21 Corporation Secretary, the Chief Financial Officer, the General
22 Counsel and such other officers and employees of the City as may be
23 designated by the Mayor are authorized and empowered, collectively
24 and individually, to take all action and steps and to execute all
25 instruments, documents and contracts on behalf of the City that are
26 necessary to carry out the purposes of this Ordinance.

27 **Section 7. Reconciliation of schedules, text,**
28 **codification, journal entries, etc.** The Office of General Counsel
29 and the Council Auditor's Office are authorized to make all changes
30 to titles, tables of content, Ordinance Code provisions, journal
31 entries, schedules, and attachments, including editorial and text

1 changes consistent with the changes set forth herein to effectuate
2 the Council's action.

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

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7 Form Approved:

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9 /s/ Mary E. Staffopoulos

10 Office of General Counsel

11 Legislation Prepared By: Mary E. Staffopoulos

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