

Introduced by the Council President at the request of the Office of
General Counsel and amended by the Rules Committee:

ORDINANCE 2024-119-E

AN ORDINANCE RELATING TO THE COUNCIL RULES;
AMENDING COUNCIL RULE 4.601 (MAJORITY ACTION),
PART 6 (VOTING), CHAPTER 4 (PROCEDURES), *COUNCIL
RULES*, TO PROVIDE THAT A TIE VOTE ON A
QUASI-JUDICIAL MATTER DOES NOT CONSTITUTE A
DENIAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 10, 2023, quasi-judicial Ordinance
2023-007 was introduced to consider a request to rezone property
located at 1004 Hendricks Avenue, 1454 and 0 Prudential Drive and 0
Home Street in the Southbank area of Downtown Jacksonville; and

WHEREAS, after numerous public hearings and deferrals at the
Council's Land Use and Zoning Committee, Ordinance 2023-007 was
considered by the full Council for final action on June 27, 2023; and

WHEREAS, at the final meeting the Council's vote on Ordinance
2023-007 was a 9-9 tie vote; and

WHEREAS, Council Rule 4.601 requires a "majority vote" by the
voting Council members in order to take affirmative action on all
legislation; and

WHEREAS, an interpretation of the 9-9 tie vote on Ordinance
2023-007, in conjunction with the "majority vote" language of Council
Rule 4.601, resulted in a denial of Ordinance 2023-007 because of its
failure to obtain a majority vote in support of the rezoning request;
and

WHEREAS, the applicant challenged the Council's action,
resulting in a desire to clarify the voting requirements for

affirmative action by the Council on quasi-judicial matters before the Council; now therefore

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

Section 1. Amending Council Rule 4.601 (Majority Action), Part 6 (Voting), Chapter 4 (Procedures), Council Rules. Rule 4.601 (Majority Action), Part 6 (Voting), Chapter 4 (Procedures), *Council Rules*, is hereby amended to read as follows:

CHAPTER 4. PROCEDURES

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PART 6. VOTING

RULE 4.601 MAJORITY ACTION

Unless otherwise required by the Charter~~charter~~ or ordinances of the City or indicated by these Rules, all action by the Council shall be by majority vote of Council Members present, who have not abstained pursuant to Rule 4.602. A majority vote of all Council Members (10) shall be necessary to approve and adopt each annual budget required by the Charter to be submitted to the Council, or any item thereof, or to adopt or pass any motion or other action appropriating or authorizing the expenditure of money. For quasi-judicial matters, a tie vote of all Council members present and voting shall not constitute a denial of the subject application. In the event of a tie vote on a quasi-judicial matter, the Council may move to reconsider the item for the purpose of moving and acting on an alternate motion, rerefer the item back to the appropriate committee of reference for additional consideration, or take any other action authorized by these Rules or applicable law.

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

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Jason R. Teal

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