

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

3
4 **RESOLUTION 2020-193**

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

14
15 **WHEREAS**, Florida is an "at will" employment state, therefore
16 Chief Executive Officer public employment contracts are not a
17 standard government contracts, however the Independent Agency
18 Boards may choose to enter into enter contracts with the Chief
19 Executive Officer for the following and other reasons; the
20 following tenants should be considered; and

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

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

28 **WHEREAS**, because of the link that exists between staff
29 leadership continuity and overall organizational performance, it
30 may be in the best interest of the Independent Agencies to ensure
31 stability in the CEO position; and

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

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

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

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

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

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

23 **Section 1. Urging Independent Agencies to Limit Executive**
24 **Contracts.** The City of Jacksonville does hereby urge the
25 Independent Agencies, specifically the Jacksonville Aviation
26 Authority, JEA, Jacksonville Port Authority and Jacksonville
27 Transportation Authority, to limit executive contracts to the Chief
28 Executive Officer. Should the Independent Agency chose to negotiate
29 a contract with the CEO, such contract should comport with the Laws
30 of Florida, and be made in compliance with transparency for
31 government employees including the Public Records laws and Sunshine

1 laws.

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

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

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13 Form Approved:

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15 /s/ *Margaret M. Sidman*

16 Office of General Counsel

17 Legislation Prepared By: Margaret M. Sidman

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