

1 Introduced by Council Member Salem:
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4 **ORDINANCE 2020-245**

5 AN ORDINANCE RELATING TO THE POWERS OF THE
6 CITY COUNCIL AND JEA; SETTING A PUBLIC
7 REFERENDUM; CREATING A NEW SECTION 4.04 AND
8 AMENDING SECTION 21.08 OF THE CHARTER OF THE
9 CITY OF JACKSONVILLE, IN ORDER TO REQUIRE THAT
10 NO BONUS OR INCENTIVE PROGRAM SHALL BE
11 IMPLEMENTED UNLESS APPROVED ANNUALLY BY THE
12 JEA GOVERNING BODY AND APPROVED ANNUALLY BY
13 THE CITY COUNCIL; PROVIDING FOR REFERENDUM
14 APPROVAL, PROVIDING FOR A FINANCIAL IMPACT
15 STATEMENT TO BE DEVELOPED AND PLACED ON THE
16 BALLOT; DIRECTING THE SUPERVISOR OF ELECTIONS
17 TO PLACE THE REFERENDUM QUESTION ON THE 2020
18 GENERAL ELECTION BALLOT ON NOVEMBER 3, 2020;
19 PROVIDING AN EFFECTIVE DATE.
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21 **BE IT ORDAINED** by the Council of the City of Jacksonville:

22 **Section 1. Applicability; Subject to Referendum.** The
23 amendment to the City of Jacksonville's Charter as described in the
24 provisions of Section 2 below, shall be subject to and become
25 effective upon the certification of a majority vote in favor of the
26 amendment at the voter referendum as hereinafter set forth.

27 **Section 2. Charter Amended.** The Charter of the City of
28 Jacksonville is hereby amended to read as follows:

29 **CHARTER AND RELATED LAWS**

30 **PART A - CHARTER LAWS CHARTER OF THE CITY OF JACKSONVILLE, FLORIDA**

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1 by the City department or division which oversees city
2 employees in regard to personnel matters. JEA, at its expense,
3 shall provide accidental death benefits for all employees
4 engaged in hazardous duty as determined by JEA, in the amount
5 of \$50,000 payable to the beneficiary named by the employee,
6 or as otherwise provided, in the event said employee dies as a
7 result of an accident occurring to any employee in the course
8 of his/her employment. Nothing contained in this section 21.08
9 shall be construed to supersede or repeal any provision of
10 section 12 of Chapter 80-513, Laws of Florida, as amended.

11 (b) JEA shall not implement or adopt any employee bonus or
12 incentive program for employees unless (1) the program meets
13 all the requirements of state law and this Charter; and (2)
14 the program is approved annually by both the JEA governing
15 body and the City Council, by ordinance. Any bonus program
16 created pursuant to this section shall terminate if not
17 approved or reapproved by JEA and the City Council
18 annually. Approval and reapproval of any such programs must
19 be adopted annually by the Council in an ordinance other than
20 the annual budget ordinance, which includes all the terms of
21 the program.

22 **Section 3. Referendum.**

23 (a) A referendum of the qualified electors residing in Duval
24 County, Florida is hereby called to be held on November 3, 2020,
25 the 2020 General Election, to determine whether the Charter
26 amendment to require that JEA employee bonus or incentive programs
27 be approved by the JEA governing body and the City Council, as set
28 forth in Section 2 of this ordinance, shall become effective.

29 (b) The referendum shall be held and conducted in the manner
30 prescribed by law for holding elections under a referendum
31 provision.

1 (c) All qualified electors in the Consolidated City of
2 Jacksonville, including Urban Service Districts 1, 2, 3, 4 and 5,
3 shall be entitled and permitted to vote in the referendum. The
4 places and times of voting shall be those polling places and times
5 established for voting by law. The inspectors and clerks for the
6 referendum shall be designated by the Supervisor of Elections in
7 accordance with applicable State law.

8 (d) Upon approval of this ordinance, the Supervisor of
9 Elections shall notify the Mayor, City Council President, General
10 Counsel and Council Auditor, by hand and certified mail, of a duty
11 to prepare, within thirty (30) days of such notice, an up to
12 seventy-five (75) word financial impact estimate of the increase or
13 decrease of any revenues or costs to the City of Jacksonville
14 resulting from the implementation of the proposed charter
15 amendment. The financial impact estimate shall be constructed,
16 within the thirty (30) day period, by a committee composed of one
17 representative appointed by the Mayor, one appointed by the City
18 Council President, the General Counsel or his or her designee
19 chosen from the General Counsel's office, the Council Auditor and
20 one member having appropriate fiscal expertise in the subject
21 matter of the proposed charter amendment and selected by the other
22 members stated above. The Office of the Council Auditor and the
23 Department of Finance shall be made available as resources. The
24 Council Auditor shall chair the committee and ensure the timely
25 completion of the financial impact estimate in time to be included
26 on the referendum ballot and advertised as required for the charter
27 amendment.

28 (e) The Supervisor of Elections is authorized and directed,
29 when printing the absentee ballots and ballot strips for use in the
30 voting machines for the special referendum election called in
31 Subsection 3(a) hereinabove, to print the ballot title and

1 referendum question set forth in Sections 5 and 6 hereof on said
2 absentee ballots and ballot strips at the appropriate place
3 therefor. Immediately after said question shall be provided a space
4 for the voter to indicate whether the vote is "yes" or "no" on the
5 question.

6 **Section 4. Notice of Referendum.** The Supervisor of
7 Elections is directed to ensure at least thirty (30) days' notice
8 of the referendum by publishing at least twice in a daily newspaper
9 of general circulation in Duval County, once in the fifth week and
10 once in the third week prior to the week in which the referendum is
11 to be held, in the manner provided in Section 18.05 of the City
12 Charter and Section 100.342, Florida Statutes.

13 **Section 5. Ballot Title.** The Council hereby directs that
14 the ballot title for the referendum question be in substantially
15 the following form:

16 "AMENDING JACKSONVILLE CHARTER, REQUIRING
17 APPROVAL OF JEA BONUS PROGRAMS BY JEA AND CITY
18 COUNCIL"

19 **Section 6. Official Ballot.** The Council hereby directs
20 that the following referendum question, in substantially the form
21 set forth below, be placed on the ballot at the election to be held
22 on November 3, 2020, the 2020 General Election:

23 "Shall the Jacksonville Charter be amended to
24 create a Section 4.04 and amend Section 21.08
25 which together will (1) grant to the City
26 Council limited executive power over JEA and
27 (2) remove from JEA and grant to the City
28 Council and JEA, jointly, the power to
29 annually approve or disapprove any JEA
30 employee bonus or incentive program?"

31 (_____) YES.

1 (_____) NO.

2 **Section 7. Referendum Results.** The Supervisor of
3 Elections for Duval County, Florida shall certify the results of
4 the referendum to the Florida Department of State in accordance
5 with law. If a majority of the votes cast in the referendum shall
6 be for the amendment, the amendment shall be approved, and shall
7 take effect as provided in this Ordinance. If less than a majority
8 of the votes cast in the referendum shall be for the amendment, the
9 amendment shall be defeated, and shall not take effect.

10 **Section 8. Exercise of County Powers.** This ordinance is
11 enacted by the Council exercising its power as the governing body
12 of Jacksonville, under Section 3.01, of the Charter of the City of
13 Jacksonville. All duly qualified electors of the City, including
14 Urban Services Districts 1, 2, 3, 4, and 5, shall be entitled to
15 vote thereon.

16 **Section 9. Effective Date.** This ordinance shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature. If this ordinance is approved by a
19 majority of the duly qualified electors voting in the referendum
20 scheduled herein, then the terms of section 2 of this ordinance
21 shall become effective immediately upon verification of the results
22 of the referendum's election vote.

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25 Form Approved:

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27 /s/ Paige H. Johnston

28 Office of General Counsel

29 Legislation Prepared By: Margaret M. Sidman

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