

1 The Finance Committee offers the following Substitute to File No.
2 2020-185:

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4 Introduced by Council Member Priestly Jackson & Co-Sponsored by
5 Council Members Salem, Hazouri, Pittman, DeFoor, Bowman, and Freeman:
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8 **ORDINANCE 2020-185**

9 AN ORDINANCE CONCERNING CONTRACTS WITH THE CITY,
10 INCLUDING CONTRACTS AND COMPENSATION OF CITY
11 EMPLOYEES AND OFFICERS; AMENDING CHAPTER 129
12 (SALARIES OF PUBLIC OFFICIALS AND EMPLOYEES),
13 *ORDINANCE CODE*, TO RENAME THE CHAPTER; CREATING
14 A NEW SECTION 129.113 (UNLAWFUL COMPENSATION),
15 *ORDINANCE CODE*, TO PROHIBIT VARIOUS COMPENSATION
16 PROVISIONS; CREATING A NEW SECTION 601.409
17 (UNLAWFUL CONTRACTS), CHAPTER 601 (OFFENSES
18 AGAINST OPERATION OF GOVERNMENT), *ORDINANCE*
19 *CODE*, TO PROHIBIT VARIOUS CONTRACTS AND CONTRACT
20 PROVISIONS; PROVIDING AN EFFECTIVE DATE.
21

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

23 **Section 1. Amending Chapter 129 (Salaries of Public**
24 **Officials and Employees), Ordinance Code.** The title of Chapter 129
25 (Salaries of Public Officials and Employees), *Ordinance Code*, is
26 hereby amended to read as follows:

27 **CHAPTER 129 - ~~SALARIES~~ COMPENSATION OF PUBLIC CITY OFFICIALS AND**
28 **EMPLOYEES.**

29 * * *

30 **Section 2. Creating a new Section 129.113 (Unlawful**
31 **Compensation), Ordinance Code.** A new Section 129.113 (Unlawful

1 Compensation), Chapter 129 (Salaries of Public Officials and
2 Employees), *Ordinance Code*, is hereby created to read as follows:

3 **CHAPTER 129. SALARIES OF PUBLIC OFFICIALS AND EMPLOYEES.**

4 * * *

5 **Sec. 129.113. Unlawful Compensation.** The types of compensation
6 described herein below shall be prohibited.

7 (a) Any compensation other than:

8 (1) Salary;

9 (2) City or State authorized pension or retirement plans;
10 or

11 (3) A bonus program that meets all the requirements of
12 state law.

13 This subsection shall not prohibit non-taxable benefits
14 such as insurance, mileage, club membership, or other
15 allowances.

16 (b) A pension, retirement, or deferred compensation plan that
17 is not approved by the State of Florida as part of the
18 Florida Retirement System or as part of the City retirement
19 system or approved by City ordinance.

20 (c) A retirement or deferred compensation plan that is not
21 fully exempt pursuant to federal Internal Revenue Service
22 laws, rules, and regulations.

23 (d) A bonus program based on any budget differential for the
24 City or any department or agency of the City. This
25 includes, but is not limited to, circumstances wherein
26 actual expenses are lower than budgeted expenses either
27 due to revenues above projected revenues or expenses below
28 projected expenses. This subsection shall not, however,
29 prevent the creation of a bonus program, which is
30 consistent with state law and which may include an employee
31 suggestion program, provided that such program awards

1 individual efforts and achievements, provided further that
2 such program is approved by the Council by ordinance or is
3 contained within a collective bargaining agreement.

4 (e) A contract or program that in any manner purports to grant
5 to any officer or employee any property or ownership
6 interest of any sort in the City or any department or
7 agency of the City or any property of the City.

8 (f) Compensation based or calculated upon the value or growth
9 or loss in value of the City or any of its agencies or
10 departments or any property of any sort owned by the City
11 or any of its agencies or departments.

12 (g) A contract or program that purports to grant to any officer
13 or employee any equity or other property interest in a city
14 department or agency that is recapitalized or sold.

15 **Section 3. Creating a new Section 601.409 (Unlawful**
16 **Contracts), Ordinance Code.** A new Section 601.409 (Unlawful
17 Contracts), Chapter 601 (Offenses against Operation of Government),
18 *Ordinance Code*, is hereby created to read as follows:

19 **CHAPTER 601. OFFENSES AGAINST OPERATION OF GOVERNMENT.**

20 * * *

21 **Sec. 601.409. Unlawful Contracts.**

22 The contracts and contract provisions described herein below are
23 prohibited. Any contract containing such provision is void.

24 (a) A contract based on any budget differential for the City
25 or any department or agency of the City. This includes,
26 but is not limited to, circumstances wherein actual
27 expenses are lower than budgeted expenses either due to
28 revenues above projected revenues or expenses below
29 projected expenses. This subsection shall not, however,
30 prevent the creation of a bonus program, which is
31 consistent with state law and which may include an employee

1 suggestion program, provided that such program awards
2 individual efforts and achievements, provided further that
3 such program is approved by the Council by ordinance or is
4 contained within a collective bargaining agreement.

5 (b) A contract that in any manner purports to grant to any
6 person any property or ownership interest of any sort in
7 the City or any department or agency of the City or any
8 property of the City.

9 (c) A contract that bases compensation to any person upon the
10 value or growth or loss in value of the City or any of its
11 agencies or departments or any property of any sort owned
12 by the City or any of its agencies or departments.

13 (d) A contract that purports to exist in perpetuity.

14 (e) A contract with an officer or employee exempt from civil
15 service that:

16 (1) Creates a relationship other than at-will status
17 or modifies, in any manner, the at-will status
18 of such officer or employee; or

19 (2) Contains a clause that restricts the power to
20 terminate the employment of such officer or
21 employee by requiring cause or by requiring any
22 sort of process before the termination becomes
23 effective.

24 **Section 4. Effective Date.** This Ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without his signature.

27 Form Approved:

28 /s/ Paige H. Johnston

29 Office of General Counsel

30 Legislation Prepared By: Stephen Durden

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