

LEGISLATIVE FACT SHEET

DATE: 08/19/20

BT or RC No: N/A
(Administration & City Council Bills)

SPONSOR: OGC
(Department/Division/Agency/Council Member)

Contact for all inquiries and presentations: _____

Provide Name: Christopher Garrett, Assistant General Counsel

Contact Number: (904)255-5075

Email Address: garrettc@coj.net

PURPOSE: White Paper (Explain Why this legislation is necessary? Provide; Who, What, When, Where, How and the Impact.) Council Research will complete this form for Council introduced legislation and the Administration is responsible for all other legislation. (Minimum of 350 words - Maximum of 1 page.)

This legislation is for the approval of a settlement agreement regarding the City's potential liability for taxable costs in the litigation styled City of Jacksonville v. Jacksonville Landing Investments, LLC, Case No. 2015-CA-6340, Div. CV-C. On December 12, 2019, the court entered a final judgment for payment of approximately \$3.7 million by the City to Jacksonville Landing Investments, LLC ("JLI"). Funding for the satisfaction of that judgment was approved under Ord. 2020-264-E. JLI filed a post-judgment claim for taxable costs (court costs, copying costs, expert costs, etc.) in the amount of \$136,732.04. JLI is entitled to taxable costs, however, the reasonable amount of those costs is in dispute. The City and JLI have agreed (subject to Council approval) to settle this issue without the cost and uncertainty of additional litigation for payment by the City to JLI in the amount of \$68,366.02 (half of the demanded costs). The settlement agreement also contemplates that OGC will execute a stipulation of dismissal of the case with prejudice. Sufficient funding has been transferred by MBRC via TD20-350 to the General Fund - Judgments, Claim and Losses Over \$50,000 account for the purpose of payment of the settlement amount.

PLAIN LANGUAGE OF APPROPRIATION / FINANCIAL IMPACT / OTHER:

Explain: Where are the funds coming from, going to, how will the funds be used? Does the funding require a match? Is the funding for a specific time frame? Will there be an ongoing maintenance? ... and staffing obligation? Per Chapters 122 & 106 regarding funding of anticipated post-construction operation costs.

(Minimum of 350 words - Maximum of 1 page.)

Funding for payment of the settlement has been transferred by TD20-350 to General Fund – Judgments, Claim and Losses Over \$50,000. No additional funds are needed.

ACTION ITEMS: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:

Emergency? **Yes** **No**

Justification of Emergency: If yes, explanation must include detailed nature of emergency.

Federal or State Mandate? **Yes** **No**

Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.

Fiscal Year Carryover?

Note: If yes, note must include explanation of all-year subfund carryover language.

CIP Amendment?

Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.

Contract / Agreement Approval?

Attachment & Explanation: If yes, attach the Contract / Agreement and name of Department (and contact name) that will provide oversight. Indicate if negotiations are on-going and with whom. Has OGC reviewed / drafted?

The settlement agreement is attached as Exhibit 2 to the proposed ordinance.

Related RC/BT?

Attachment: If yes, attach appropriate RC/BT form(s).

Waiver of Code?

Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper.

Code Exception?

Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper.

Related Enacted Ordinances?

Code Reference: If yes, identify related code section(s) and ordinance reference number in the box below and provide detailed explanation and any changes necessary within white paper.

ACTION ITEMS CONTINUED: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:
Continuation of Grant? **Yes** **No**

Explanation: How will the funds be used? Does the funding require a match? Is the funding for a specific time frame and/or multi-year? If multi-year, note year of grant? Are there long-term implications for the General Fund?

Surplus Property Certification?

Attachment: If yes, attach appropriate form(s).

Reporting
Requirements?

Explanation: List agencies (including City Council / Auditor) to receive reports and frequency of reports, including when reports are due. Provide Department (include contact name and telephone number) responsible for generating

Division Chief: _____
(signature)

Date: _____

Prepared By: _____
(signature)

Date: _____

ADMINISTRATIVE TRANSMITTAL

To: MBRC, Budget Office, St. James Suite 325

Thru: _____

(Name, Job Title, Department)

Phone: _____

E-mail: _____

From: _____

Initiating Department Representative (Name, Job Title, Department)

Phone: _____

E-mail: _____

Primary

Contact: _____

(Name, Job Title, Department)

Phone: _____

E-mail: _____

CC: Leann Krieg, Director of Intergovernmental Affairs, Office of the Mayor

904-255-5015 E-mail: leeanrk@coj.net

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

To: Peggy Sidman, Office of General Counsel, St. James Suite 480

Phone: (904) 255-5055

E-mail: psidman@coj.net

From: _____

Initiating Council Member / Independent Agency / Constitutional Officer

Phone: _____

E-mail: _____

Primary

Contact: _____

(Name, Job Title, Department)

Phone: _____

E-mail: _____

CC: Leann Krieg, Director of Intergovernmental Affairs, Office of the Mayor

904-255-5015 E-mail: leeanrk@coj.net

Legislation from Independent Agencies requires a resolution from the Independent Agency Board approving the legislation.

Independent Agency Action Item: **Yes** **No**

Boards Action / Resolution?

Attachment: If yes, attach appropriate documentation. If no, when is board action scheduled?

FACT SHEET IS REQUIRED BEFORE LEGISLATION IS INTRODUCED