

LEGISLATIVE FACT SHEET

DATE: 04/21/21

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

SPONSOR: Office of General Counsel / Mayor's Office
(Department/Division/Agency/Council Member)

Contact for all inquiries and presentations: Kealey West / Stephanie Burch

Provide Name: Kealey West / Stephanie Burch

Contact Number: 904-255-5053 / 904-255-5034

Email Address: kwest@coj.net / StephanieB@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 ratifies and approves a settlement agreement to resolve litigation pending in circuit court. In 2003, the City entered into a Use Agreement with Loblolly Mitigation Preserve, Inc. ("Loblolly") for the purchase of certain lands to be owned by the City but, operated and managed by Loblolly as part of the Loblolly Mitigation Bank, and for the sale and distribution of mitigation credits from the City owned portion of the Bank. As a result of an audit of the Bank by the Council Auditors Office, disputes arose between the City and Loblolly regarding certain sales and the accounting of mitigation credits from the Bank, and in 2016 the City filed suit. To resolve the matter, the City and Loblolly agreed to mediate the issues, reaching a Confidential Mediation Settlement Agreement ("Settlement Agreement"). The Settlement Agreement resolves the ongoing litigation and provides the City value in the form of mitigation bank credits and credit for certain fees.

Additionally, the legislation approves an Amended and Restated Use Agreement between the City and Loblolly, which further implements the settlement agreement and clarifies the operation and management of the Bank and the sale and distribution of mitigation credits.

APPROPRIATION: Total Amount Appropriated:

APPROPRIATION: Total Amount Appropriated \$0.00 as follows:

List the source **name** and provide Object and Subobject Numbers for each category listed below:

(Name of Fund as it will appear in title of legislation)

Name of Federal Funding Source(s)	From: _____	Amount: _____
	To: _____	Amount: _____

Name of State Funding Source(s):	From: _____	Amount: _____
	To: _____	Amount: _____

Name of City of Jacksonville Funding Source(s):	From: _____	Amount: _____
	To: _____	Amount: _____

Name of In-Kind Contribution(s):	From: _____	Amount: _____
	To: _____	Amount: _____

Name & Number of Bond Account(s):	From: _____	Amount: _____
	To: _____	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.)

This is not applicable. The ordinance and settlement attached does not involve any monetary payment or financial obligation on the part of the City.

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

ACTION ITEMS:

	Yes	No
Emergency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

	Yes	No
Federal or State Mandate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?

Mediation Settlement Agreement, as drafted by OGC and signed by the City and the Defendants.

Amended and Restated Use Agreement as drafted by OGC.

OGC will provide oversight of the settlement agreement and the Planning and Development Department will provide oversight of the Amended and Restated Use Agreement.

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
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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: Jason Teal
(signature)

Date: 4/21/2021

Prepared By: Kealey West
(signature)

Date: 4/21/2021

ADMINISTRATIVE TRANSMITTAL

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

Thru: N/A
(Name, Job Title, Department)
Phone: _____ E-mail: _____

From: N/A
Initiating Department Representative (Name, Job Title, Department)
Phone: _____ E-mail: _____

Primary Contact: N/A
(Name, Job Title, Department)
Phone: _____ E-mail: _____

CC: Leann Krieg, Director of Intergovernmental Affairs, Office of the Mayor
904-255-5015 E-mail: leeamnk@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: leeamnk@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