

1 Introduced by the Council President at the Request of the Mayor and  
2 amended by the Finance Committee and amended on the Floor of Council:

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5 **ORDINANCE 2021-505-E**

6 AN ORDINANCE ADOPTING THE FISCAL YEARS 2022-2026  
7 INCLUSIVE CAPITAL IMPROVEMENT PLAN (THE "CIP"), AS  
8 REQUIRED BY PART 6, CHAPTER 122, *ORDINANCE CODE*;  
9 PROVIDING FOR 2022 CIP SPECIFICITY REQUIREMENTS;  
10 DIRECTING REVISIONS AND UPDATING OF THE CAPITAL  
11 IMPROVEMENTS ELEMENT OF THE 2030 COMPREHENSIVE  
12 PLAN, AS REQUIRED BY SECTION 163.3177, *FLORIDA*  
13 *STATUTES*; WAIVING SECTION 122.602 (A)  
14 (DEFINITIONS), *ORDINANCE CODE*; WAIVING COMPLIANCE  
15 WITH SECTION 106.309 (CAPITAL IMPROVEMENT  
16 APPROPRIATIONS CARRIED OVER) AND SECTION 106.312  
17 (LAPSE OF APPROPRIATIONS), *ORDINANCE CODE*;  
18 PROVIDING FOR DECLARATION OF INTENT TO REIMBURSE;  
19 PROVIDING FOR A LIMITED WAIVER OF SECTION 122.605,  
20 *ORDINANCE CODE*, AS TO FUNDS DESIGNATED FOR EXISTING  
21 PARKS DEFERRED MAINTENANCE; PROVIDING FOR  
22 RECONCILIATION OF SCHEDULES, TEXT, CODIFICATION,  
23 JOURNAL ENTRIES; PROVIDING AN EFFECTIVE DATE.

24  
25 **WHEREAS**, pursuant to Part 6, Chapter 122, *Ordinance Code*, the  
26 Department of Finance and Administration, the Department of Planning  
27 and Development and the Department of Public Works have met with all  
28 departments, agencies and commissions of the City to develop, and  
29 have developed, a Capital Improvement Plan ("CIP") for fiscal years  
30 2022-2026 inclusive; and

1           **WHEREAS**, pursuant to Chapter 163, Part II, *Florida Statutes*, the  
2 Council adopted the 2030 Comprehensive Plan, which contains numerous  
3 elements required by Section 163.3177, *Florida Statutes*, including a  
4 Capital Improvements Element designed to consider the need for and  
5 location of public facilities in order to encourage efficient  
6 utilization of such facilities and setting forth estimated public  
7 facility costs, including a delineation of when public facilities  
8 will be needed, the general location of the facilities and projected  
9 revenue sources to fund the facilities; and

10           **WHEREAS**, Section 163.3177, *Florida Statutes*, requires local  
11 governments to establish a Capital Improvements Element and that a  
12 CIP be prepared in conjunction with the annual review and update of  
13 the Capital Improvements Element, and further requires that the CIP  
14 contain all of the projects listed in the Schedule of Capital  
15 Improvements, which is a part of the Capital Improvements Element;  
16 and

17           **WHEREAS**, the Council has reviewed the CIP and the Capital  
18 Improvements Element; now, therefore

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

20           **Section 1.           Fiscal Years 2022-2026 Capital Improvement Plan**  
21 **Adopted.** The fiscal years 2022-2026 Capital Improvement Plan,  
22 including a Schedule of Capital Improvements (attached hereto as  
23 **Second Revised Exhibit 1**, and incorporated herein by this reference),  
24 are hereby adopted for the City and its independent agencies for the  
25 2021-2022 fiscal year. There shall be included in the annual budgets  
26 of the City and its independent agencies sufficient appropriations  
27 to implement the first year of the plan. By October 28, 2021 or one  
28 month after the enacted date of this legislation, whichever is later,  
29 the Department of Finance and Administration shall provide the Fiscal  
30 Years 2022-2026 revised adopted Capital Improvement Plan inclusive  
31 of the detailed description of the scope of each project included

1 therein to all Council Members with a copy to Legislative Services  
2 to be placed in the file.

3       **Section 2.       2022 Capital Improvement Plan Specificity**  
4 **Requirements.** Notwithstanding anything herein, no funds shall be  
5 expended on a Capital Improvement Project (as defined by Sec.  
6 122.602(a)), which may have been line-item approved in a Capital  
7 Improvement Plan, without specific reference to precise locations of  
8 work, narrowly defined project costs, or narrowly defined work  
9 descriptions, unless and until such expenditures and an amendment to  
10 the Capital Improvement Plan identifying precise locations of work,  
11 narrowly defined project costs, and narrowly defined work  
12 descriptions are separately approved by City Council.

13       **Section 3.       The Capital Improvements Element of the 2030**  
14 **Comprehensive Plan Revised and Updated.** The Capital Improvements  
15 Element of the 2030 Comprehensive Plan shall be revised to reflect  
16 the Schedule of Capital Improvements adopted hereinabove as part of  
17 the CIP in the next available update of the 2030 Comprehensive Plan,  
18 in accordance with Section 163.3177, *Florida Statutes*.

19       **Section 4.       Waiver of Section 122.602(a) (Definitions),**  
20 **Ordinance Code.** Waiving Conflicting Provisions Section 122.602(a)  
21 (Definitions), *Ordinance Code*, excluding routine roadway resurfacing  
22 from the definition of Capital Improvement to allow roadway  
23 resurfacing for the 2021/2022 Fiscal Year.

24       **Section 5.       Waiver of Compliance with Section 106.309**  
25 **(Capital improvement appropriations carried over) and Section 106.312**  
26 **(Lapse of appropriations), Ordinance Code, and further verification.**  
27 In accordance with Sections 106.309 and 106.312, the Budget Office  
28 is required to provide a list of Capital Improvement Projects Not  
29 Lapsed which itemizes the budget, encumbrances, remaining balances  
30 from prior years' appropriation. Due to changes in the software that  
31 the City utilizes to provide this information, the required list is

1 not able to be produced at this time as it would require that the  
2 Budget Office compile manually the various sources of information to  
3 make such list. The proposed City budget, Ordinance 2021-504, has  
4 been prepared as though anticipated capital improvement  
5 appropriations are carried over from last fiscal year and not lapsing.  
6 The provisions of Sections 106.309 and 106.312, *Ordinance Code*, are  
7 hereby waived to submit the Capital Improvement Program legislation  
8 without the projects not lapsed exhibit.

9 **Section 6. Providing for a Limited Waiver of Section**  
10 **122.605, *Ordinance Code*, as to Funds Designated for Existing Parks**  
11 **Deferred Maintenance.** The Administration has designated \$50 million  
12 dollars in the City's 2021-2022 budget for City park projects and  
13 improvements and identified same in Ordinance 2021-505. The Special  
14 Committee on Parks and Quality of Life has identified \$20 million  
15 dollars contained within this designated funding for deferred park  
16 maintenance on existing parks. At this time, precise locations,  
17 project costs and work descriptions for these deferred maintenance  
18 projects are not available to be included in Ordinance 2021-505 as  
19 required by Section 122.605(b). For the limited purpose of deferred  
20 maintenance projects valued between \$100,000 and \$500,000 and falling  
21 under the \$20 million designated by the Special Committee on Parks  
22 and Quality of Life, the Council hereby waives all inconsistent  
23 provisions of Section 122.605, *Ordinance Code*, to allow the  
24 Administration to proceed with these deferred maintenance projects  
25 on existing parks without the need for additional City Council  
26 approval.

27 **Section 7. Declaration of intent to reimburse.** The City of  
28 Jacksonville, Florida (the "City") expects to incur expenses for  
29 which the City will advance internal funds in order to fund the  
30 construction, acquisition, improvement, and equipping of certain  
31 capital improvements more specifically described on **Second Revised**

1 **Exhibit 1** (the "FY 21-22 Projects"). The City intends to reimburse  
2 itself for all or a portion of such expenses from the proceeds of  
3 debt to be incurred by the City. The City hereby declares its official  
4 intent to reimburse itself from the proceeds of debt to be incurred  
5 by the City for expenses incurred with respect to the FY 21-22  
6 Projects subsequent to the date of this Ordinance. This Ordinance is  
7 intended as a declaration of official intent under Treasury Regulation  
8 Section 1.150-2. The debt to be issued to finance the FY 21-22  
9 Projects is expected not to exceed an aggregate principal amount of  
10 \$396,049,032 net project funds. The Mayor, the Corporation Secretary,  
11 the Chief Financial Officer, the General Counsel and such other  
12 officers and employees of the City as may be designated by the Mayor  
13 are authorized and empowered, collectively and individually, to take  
14 all action and steps and to execute all instruments, documents and  
15 contracts on behalf of the City that are necessary to carry out the  
16 purposes of this Ordinance.

17 **Section 8. Reconciliation of schedules, text,**  
18 **codification, journal entries.** The Office of General Counsel and the  
19 Council Auditor's Office are authorized to make all changes to titles,  
20 tables of content, Ordinance Code, journal entries, schedules,  
21 attachments, editorial and text changes consistent with the changes  
22 set forth herein to effectuate the Council's action.

23 **Section 8. Effective Date.** This Ordinance shall become  
24 effective upon signature by the Mayor or upon becoming effective  
25 without the Mayor's signature.

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27 Form Approved:

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29           /s/ Paige H. Johnston          

30 Office of General Counsel

31 Legislation Prepared By: Margaret M. Sidman

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