

1 The Rules Committee offers the following substitute to file no.
2 2013-209:

3
4 Introduced by the Council President at the request of Mayor:
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7 **ORDINANCE 2013-209**

8 AN ORDINANCE REFORMING THE CITY OF
9 JACKSONVILLE GOVERNMENT AND AMENDING VARIOUS
10 PROVISIONS OF THE *ORDINANCE CODE* PURSUANT TO
11 CHAPTER 21 (EXECUTIVE BRANCH, GENERALLY), PART
12 2 (EXECUTIVE REORGANIZATION), *ORDINANCE CODE*;
13 PROVIDING FOR AN EXECUTIVE BRANCH DEPARTMENTAL
14 REORGANIZATION; AMENDING CHAPTER 22 (MILITARY
15 AFFAIRS, VETERANS AND DISABLED SERVICES
16 DEPARTMENT), *ORDINANCE CODE*, TO REMOVE THE
17 DISABLED SERVICES RESPONSIBILITIES; AMENDING
18 CHAPTER 23 (INTRA-GOVERNMENTAL SERVICES
19 DEPARTMENT), PART 1 (GENERAL), *ORDINANCE CODE*,
20 TO INCLUDE GRANTS AND CONTRACT COMPLIANCE,
21 CITY LINK, AND EQUAL BUSINESS OPPORTUNITY
22 OFFICE IN THE OFFICE OF THE DIRECTOR; CREATING
23 NEW PART 6 (OFFICE OF GRANTS AND CONTRACT
24 COMPLIANCE), PART 7 (CITY LINK/630-CITY), PART
25 8 (OFFICE OF THE OMBUDSMAN), AND PART 9 (EQUAL
26 BUSINESS OPPORTUNITY OFFICE), CHAPTER 23
27 (INTRA-GOVERNMENTAL SERVICES DEPARTMENT),
28 *ORDINANCE CODE*; REPEALING CHAPTER 27 (SPECIAL
29 SERVICES DEPARTMENT), *ORDINANCE CODE*, IN ITS
30 ENTIRETY; CREATING A NEW PART 5 (SOCIAL
31 SERVICES DIVISION), CHAPTER 28 (PARKS,

1 RECREATION AND COMMUNITY SERVICES), *ORDINANCE*
2 *CODE*; CREATING A NEW PART 6 (SENIOR SERVICES
3 DIVISION), CHAPTER 28 (PARKS, RECREATION AND
4 COMMUNITY SERVICES), *ORDINANCE CODE*; CREATING
5 A NEW PART 9 (DISABLED SERVICES DIVISION),
6 CHAPTER 28 (PARKS, RECREATING AND COMMUNITY
7 SERVICES), *ORDINANCE CODE*; AMENDING CHAPTER 28
8 (PARKS AND RECREATION), *ORDINANCE CODE*, TO
9 RENAME PARKS AND RECREATION TO PARKS,
10 RECREATION AND COMMUNITY SERVICES AND TO
11 REMOVE GRANT COMPLIANCE; AMENDING PART 4
12 (WATERFRONT MANAGEMENT AND PROGRAMMING
13 DIVISION), CHAPTER 28 (PARKS, RECREATING AND
14 COMMUNITY SERVICES), *ORDINANCE CODE*, TO RENAME
15 THE WATERFRONT MANAGEMENT AND PROGRAMMING
16 DIVISION TO NATURAL AND MARINE RESOURCE
17 DIVISION; CREATING NEW SECTION 32.104
18 (OPERATIONS DIRECTOR), CHAPTER 32 (PUBLIC
19 WORKS DEPARTMENT), *ORDINANCE CODE*; REPEALING
20 CHAPTER 32 (PUBLIC WORKS DEPARTMENT), PART 3
21 (RIGHT OF AWAY AND GROUNDS MAINTENANCE
22 DIVISION), *ORDINANCE CODE*; CREATING A NEW PART
23 3 (DIVISION OF INFRASTRUCTURE), CHAPTER 32
24 (PUBLIC WORKS DEPARTMENT), *ORDINANCE CODE*,
25 CREATING A DIVISION CHIEF OF INFRASTRUCTURE
26 SUBJECT TO COUNCIL CONFIRMATION AND ADDING THE
27 DUTIES OF PUBLIC BUILDINGS, TRAFFIC
28 ENGINEERING AND STREETS AND DRAINAGE TO THIS
29 DIVISION; REPEALING CHAPTER 5 (PUBLIC
30 BUILDINGS DIVISION), CHAPTER 32 (PUBLIC WORKS
31 DEPARTMENT), *ORDINANCE CODE*; AMENDING PART 1

1 (GENERAL), CHAPTER 35 (NEIGHBORHOODS
2 DEPARTMENT), *ORDINANCE CODE*, TO RENAME
3 NEIGHBORHOODS DEPARTMENT TO REGULATORY
4 COMPLIANCE DEPARTMENT; REPEALING PART 7
5 (HOUSING AND COMMUNITY DEVELOPMENT DIVISION),
6 CHAPTER 35 (NEIGHBORHOODS DEPARTMENT),
7 *ORDINANCE CODE*; CREATING A NEW PART 7 (HOUSING
8 AND COMMUNITY DEVELOPMENT DIVISION), CHAPTER
9 30 (PLANNING AND DEVELOPMENT DEPARTMENT),
10 *ORDINANCE CODE*; AMENDING SECTION 30.401
11 (COMMUNITY PLANNING DIVISION; ESTABLISHMENT;
12 RESPONSIBILITIES), PART 4 (COMMUNITY PLANNING
13 DIVISION), CHAPTER 30 (PLANNING AND
14 DEVELOPMENT DEPARTMENT), *ORDINANCE CODE*, TO
15 REMOVE THE TRANSPORTATION RESPONSIBILITIES
16 FROM THE DIVISION; CREATING NEW PART 8
17 (TRANSPORTATION PLANNING DIVISION), CHAPTER 30
18 (PLANNING AND DEVELOPMENT DEPARTMENT),
19 *ORDINANCE CODE*; AMENDING SECTION 55.201
20 (ECONOMIC DEVELOPMENT), CHAPTER 55 (ECONOMIC
21 DEVELOPMENT), *ORDINANCE CODE*, TO REMOVE THE
22 FUNCTION OF THE EQUAL BUSINESS OPPORTUNITY
23 OFFICE; REPEALING SECTION 55.203 (EQUAL
24 BUSINESS OPPORTUNITY OFFICE), CHAPTER 55
25 (ECONOMIC DEVELOPMENT), *ORDINANCE CODE*;
26 AMENDING CHAPTER 126 (PROCUREMENT CODE), PART
27 6A (SMALL BUSINESS CAPITAL, BONDING, AND
28 OUTREACH PROGRAM), *ORDINANCE CODE*; AMENDING
29 CHAPTER 126 (PROCUREMENT CODE), PART 6B
30 (JACKSONVILLE SMALL EMERGING BUSINESS
31 PROGRAM), *ORDINANCE CODE*; PROVIDING FOR AN

1 ORGANIZATIONAL CHART; PROVIDING FOR
2 TRANSITION; PROVIDING FOR CODIFICATION;
3 PROVIDING FOR CODIFICATION INSTRUCTIONS;
4 AUTHORIZING THE COUNCIL AUDITOR'S AND GENERAL
5 COUNSEL'S OFFICE TO MAKE TECHNICAL AMENDMENTS;
6 PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING
7 FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
8

9 **WHEREAS**, in accordance with section 21.202, *Ordinance Code*,
10 the Mayor has developed a reorganization plan, a copy of which is
11 **attached hereto as Exhibit 1**; now therefore

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

13 **Section 1. Amending Chapter 22 (Military Affairs, Veterans and**
14 **Disabled Services Department), *Ordinance Code*, to remove the**
15 **Disabled Services responsibilities from the Department.**

16 Chapter 22 (Military Affairs, Veterans and Disabled Services
17 Department), *Ordinance Code*, is hereby amended to read as follows:

18 **Chapter 22. ~~Military Affairs, Veterans and Disabled Services~~**
19 **and Veterans**

20
21 **Sec. 22.101. ~~Military Affairs, Veterans and Disabled Services~~**
22 **and Veterans Department Established.**

23 There is created an executive department to be known as the
24 Military Affairs, ~~Veterans and Disabled Services~~ and Veterans
25 Department. The Department shall be responsible for:

- 26 (a) *Military affairs and veterans services*. Performing
27 services related to military affairs and veterans
28 for the City of Jacksonville. While each function
29 has distinct responsibilities, combining the
30 oversight under one Department is designed to help

1 Jacksonville achieve its goal to become the finest
2 host city for the military in the nation.

3 This Department will work closely with the
4 leadership of the Department of Defense facilities
5 in Northeast Florida to enhance the partnership
6 which exists between the citizens of Jacksonville
7 and those persons serving in the armed forces. This
8 Department will also encourage and support the
9 expansion and growth of local military presence;
10 sponsor events which recognize and dignify the
11 patriotic service of those in uniform; serve as a
12 liaison to civic groups working to support military
13 members; serve as the City representative on Chamber
14 of Commerce task forces involved in military
15 matters; work closely with federal and state elected
16 officials on issues involving the military
17 community; and seek federal and state grants which
18 improve the infrastructure surrounding the military
19 bases.

20 The Department will also have the responsibility to
21 provide uncompromised service to veterans and their
22 dependents. Veterans in Jacksonville will receive
23 timely and competent assistance in filing
24 appropriate claims, receiving social services, and
25 applying for vocational training and employment
26 opportunities. The Department will work closely with
27 veterans organizations created to support the needs
28 of those who have served in the armed forces,
29 promote the general welfare of these veterans, and
30 apprise the community of their needs and talents.
31 The Department will conduct public ceremonies which

1 highlight the dedicated service, courage and
2 commitment of veterans, and seek federal and state
3 grants which fund additional social services for
4 veterans in Jacksonville.

5 ~~(b) Disabled services. The Department shall also be~~
6 ~~responsible for increasing community awareness~~
7 ~~concerning the accomplishments and needs of~~
8 ~~person(s) with a disability or disabilities, issuing~~
9 ~~parking citations to individuals unlawfully parked~~
10 ~~in spaces designated for use, monitoring all federal~~
11 ~~and state legislation that relates to disability~~
12 ~~rights and issues, and advising the Mayor and his or~~
13 ~~her staff about necessary City compliance. The~~
14 ~~Department will suggest and implement ordinances~~
15 ~~that favorably impact one's equal access and~~
16 ~~opportunity while changing any City policies that~~
17 ~~may adversely impact the same.~~

18 **Sec. 22.102. Office of the Director.**

19 The Director of the Military Affairs, ~~Veterans and Disabled~~
20 ~~Services and Veterans~~ Department is the head of the Department, and
21 shall be also known as the "Military Affairs, ~~Veterans, and~~
22 ~~Disabled Services and Veterans~~ Officer." The Director shall be
23 appointed by the Mayor, subject to confirmation by the Council, and
24 shall serve at the pleasure of the Mayor. The Director shall have a
25 bachelor's degree or higher from an accredited college or
26 university and have at least five years of administrative
27 experience in at least one of the areas of responsibility.

28 * * *

29 **Section 2. Amending Chapter 23 (Intra-Governmental Services**
30 **Department), Part 1 (General) Ordinance Code, to include Grants and**
31 **Contract Compliance, City Link/630-City, and management of the**

1 **Equal Business Opportunity office in the office of the Director.**

2 Chapter 23 (Intra-Governmental Services), Part 1 (General),
3 *Ordinance Code*, is hereby amended as follows:

4 **Chapter 23. Intra-Governmental Services Department**

5 **Part 1. General**

6 **Section 23.101. Establishment; functions; Director**

7 * * *

8 The Department is created and shall be responsible for the
9 provision of resources and services essential for the overall
10 management of Consolidated Government operations associated with:
11 (i) general administrative and clerical support; (ii) soliciting,
12 evaluating, procuring, and other functions related to the
13 acquisition of supplies, contractual services, professional
14 services, capital improvements, and other commodities necessary for
15 the proper functioning of government; (iii) provision of all
16 information technologies functions and services; (iv) motor vehicle
17 and related equipment management; (v) grants and contract
18 compliance; (vi) City link also known as 630-City; (vii) Ombudsman
19 and manage the Equal Business Opportunity Office; and~~(v)~~ (viii)
20 such other functions and services as may be assigned by the Mayor
21 or his designee. The Director shall also maintain a liaison
22 relationship with Jacksonville Children's Commission, Jacksonville
23 Human Rights Commission, Jacksonville Public Libraries, Duval
24 County Department of Health and the Medical Examiner's Office.

25 **Section 3. Amending Section 23.102 to define the managers**
26 **of the functions within the office of the Director of Intra-**
27 **Governmental Services.**

28 **Section 23.102. Management of functions within the Office of**
29 **the Director.**

30 The managers of the various functions listed in the previous
31 section shall report to the Director of Intra-Governmental

1 Services.

- 2 (a) The office of Grants and Contract Compliance shall be
3 managed by the Grants Management Officer.
- 4 (b) The office of City Link also known as 630-City, shall be
5 managed by the Customer Service Manager.
- 6 (c) The office of the Ombudsman shall be managed by the
7 Ombudsman.
- 8 (d) The Equal Business Opportunity Office shall be managed by
9 the JSEB Administrator.

10 * * *

11 **Section 4. Repealing Part 2 (Administrative Services**
12 **Division), Chapter 23 (Intra-Governmental Services Department),**
13 **Ordinance Code.**

14 Part 2 (Administrative Services Division), a copy of which is
15 **attached hereto as Exhibit 2,** Chapter 23 (Intra-Governmental
16 Services Department), *Ordinance Code*, is hereby repealed and
17 reserved in its entirety.

18 **Section 5. Creating a new Part 6 (Office of Grants and**
19 **Contract Compliance), Part 7 (City Link/630-City), Part 8 (Office**
20 **of the Ombudsman), and Part 9 (Equal Business Opportunity Office),**
21 **within Chapter 23 (Intra-Governmental Services), Ordinance Code.**

22 Chapter 23 (Intra-Governmental Services), Part 6 (Office Of
23 Grants and Contract Compliance), Part 7 (City Link/630-City), Part
24 8 (Office Of The Ombudsman), and Part 9 (Equal Business Opportunity
25 Office) are hereby created to read as follows:

26 **Chapter 23. Intra-Governmental Services.**

27 * * *

28 **Part 6. Office of Grants and Contract Compliance**

29 **Section 23.601. Office of Grants and Contract Compliance**
30 **functions.**

31 The Office of Grants and Contract Compliance shall ensure the

1 city receives the broadest utilization of grant resources and
2 manages such resources and relationships. The Office shall be
3 responsible and accountable for appropriate compliance in
4 accordance with funding policy. The office shall:

- 5 (a) direct the operations of the City's external resource
6 development and assistance to include but not limited to
7 grant assistance, public/private partnerships, and
8 community organization/agencies;
- 9 (b) direct resource development strategies including but not
10 limited to recommendations concerning identification of
11 external grant resources, private sector partners, in-
12 kind resources to include equipment, services, and staff;
- 13 (c) direct and/or provides oversight of research and
14 evaluation in collaboration with appropriate agency
15 representatives to determine needs and assess feasibility
16 of new program ideas and proposals as they relate to
17 possible external funding and resources;
- 18 (d) direct, advise, and consult, with all appropriate staff
19 and partners regarding grant application specifications
20 such as program descriptions, work plans, timelines;
- 21 (e) administer budget computations, statistical analysis, and
22 program/budget narratives for completion of applications;
- 23 (f) administer and oversee grant writing initiatives, program
24 monitoring, and assure communication with both internal
25 and external program administrators throughout the life
26 of any resource award;
- 27 (g) ensure agency compliance with regulatory standards
28 concerning resources development opportunities including
29 compliance with federal, state, and local laws, rules,
30 fiscal requirements, agency policies, programmatic
31 guidelines and appropriate contracts/agreements;

- 1 (h) oversee training of city wide staff engaged in grant
2 writing, administration, and compliance which includes
3 informal training, cross training, and formal training
4 such as conducting grant writing workshops;
5 (i) staff the Public Service Grants Council and forward any
6 recommendations from the Council to the Office of the
7 Mayor.

8 **Part 7. Office of City Link/ 630-City**

9 **Section 23.701. City Link/630-City Office functions**

10 City Link also known as 630-City, shall serve as the City
11 of Jacksonville's customer service center. 630-City shall serve as
12 a liaison with the Office of Public Accountability in facilitating
13 the prompt disposition of public records requests.

14 The office shall also have the following duties:

- 15 (a) manage the forecasting of call volume, staffing levels,
16 customer service training and shall make regular reports
17 to the Office of the Mayor and City Council as necessary
18 for the improvement of City customer service;
19 (b) coordinate with City departments/agencies to ensure
20 accurate distribution of information to customers;
21 (c) coordinate with the Emergency Command Operations as
22 needed to ensure accurate distribution of information to
23 City departments/agencies and customers;
24 (d) develop and implement marketing plans to increase public
25 awareness of City programs and services.

26 **Part 8. Office of the Ombudsman**

27 **Section 23.801. Office of the Ombudsman functions**

28 The Office of the Ombudsman shall act as a trusted
29 intermediary to promote contractual fairness, neutrality, and
30 administrative accountability and transparency through impartial
31 investigations and mediation of complaints. The office shall offer

1 assistance in the resolution of problems associated with post award
2 contractual compliance issues, including but not limited to issues
3 of payment and performance. The office shall have the following
4 additional duties:

- 5 (a) manage multifaceted complex contract disputes involving
6 contractors, subcontractors, and vendors;
- 7 (b) analyze complaints, manages cases and determines
8 recommendations;
- 9 (c) confer with disputants to clarify issues, identify
10 underlying concerns and develop an understanding of their
11 respective need and interests;
- 12 (d) utilize mediation techniques to facilitate communication
13 between disputants, to further parties' understanding of
14 different perspectives and to guide parties toward mutual
15 agreement;
- 16 (e) work with the Office of General Counsel to prepare
17 settlement agreements or prepare for court proceedings;
- 18 (f) work with the Procurement Division to ensure that
19 procurement processes and systems are followed;
- 20 (g) research, investigate complaints, write recommendations
21 and reports for monitored contracts;
- 22 (h) compose, review and revise policies and procedures with
23 regard to the office activities;
- 24 (i) review and investigate previously reported issues via
25 CARE that have not been resolved or the citizen is not
26 satisfied.
- 27 (j) partner with using agencies to assist in resolving
28 contractual disputes;
 - 29 i. assist the Equal Business Opportunity Office in
30 the resolution of disputes between City vendors
31 regarding issues of payment, performance and

1 overall contract compliance.

2 **Part 9. Equal Business Opportunity Office**

3 **Section 23.901. Equal Business Opportunity Office functions.**

4 The Equal Business Opportunity Office is hereby a function in
5 the Office of the Director of Intra-Governmental Services, and the
6 responsibilities set forth below shall be managed by the JSEB
7 Administrator. All employees within the EBO office shall be
8 responsible for deployment and administration of Chapter 126, Part
9 6, and shall:

- 10 (a) Process certification applications;
11 (b) Assist the Director of Intra-Governmental Services
12 in implementing participation JSEB goals on a
13 project by project basis;
14 (c) Monitor City projects for compliance with the
15 requirements of Chapter 126, Jacksonville Ordinance
16 Code;
17 (d) Report on the expenditure of City funds paid to
18 certified companies;
19 (e) Assist in the resolution of disputes between City
20 vendors regarding issues of payment, performance and
21 overall contract compliance;
22 (f) Provide support services to assist certified vendors
23 in their efforts to secure training, bonding and
24 access to capital pursuant to Sections 6A and 6B in
25 Chapter 126, Jacksonville Ordinance Code; and
26 (g) Perform the various duties defined in and/or
27 required by Chapter 126, Jacksonville Ordinance
28 Code.

29 **Section 6. Repealing Chapter 27 (Special Services**
30 **Department), Ordinance Code, in its entirety.**

31 **Chapter 27 (Special Services Department), Ordinance Code, a**

1 copy of which is **attached hereto as Exhibit 3**, is hereby repealed
2 and reserved in its entirety. For purposes of this section, Part
3 2(Behavioral and Human Services Division) is moving to Chapter 35
4 (Neighborhoods Department), Part 6 (Behavioral and Human Services
5 Division), *Ordinance Code*, and Part 3 (Senior Services Division;
6 establishment; functions) is moving to Chapter 35 (Neighborhoods
7 Department), Part 8 (Senior Services Division; establishment;
8 functions).

9 **Section 7. Creating new Part 5 (Social Services**
10 **Division), Chapter 28 (Parks, Recreation and Community Services),**
11 ***Ordinance Code*.**

12 A new Part 5 (Social Services Division), Chapter 28 (Parks,
13 Recreation and Community Services), *Ordinance Code*, is hereby
14 created to read as follows:

15 **Chapter 28. Parks, Recreation and Community Services**

16 * * *

17 **Part 5. Social Services Division**

18 **Sec. 28.501. Social Services Division.**

19 The Social Services Division is created and it shall be
20 responsible for the administration and operation of the welfare
21 activities, and for administration of the mental health (including
22 substance abuse and mental illness) activities of the City for all
23 populations including victims, and person(s) with a disability or
24 disabilities. The Division shall have a liaison relationship with
25 the Military, Veterans and Disabled Services Department.

26 **Sec. 28.502. Division Chief.**

27 The Chief of Social Services shall be the Division Chief of
28 the Social Services Division. The Chief shall be appointed by the
29 Mayor, subject to confirmation by the Council, and shall serve at
30 the pleasure of the Mayor. The Chief shall have a bachelor's degree
31 or higher from an accredited college or university in sociology,

1 psychology or a related field and have at least five years of
2 administrative experience in at least one of the areas of
3 responsibility.

4 **Section 8. Creating new Part 6 (Senior Services**
5 **Division), Chapter 28 (Parks, Recreation and Community Services),**
6 **Ordinance Code.**

7 A new Part 6 (Senior Services Division), Chapter 28(Parks,
8 Recreation and Community Services), *Ordinance Code*, is hereby
9 created to read as follows:

10 **Chapter 28. Parks, Recreation and Community Services**

11 * * *

12 **Part 6. Senior Services Division**

13 **Sec. 28.601. Senior Services Division; establishment;**
14 **functions.**

15 There is created a Senior Services Division. The Division
16 shall be responsible for administration and operation of community-
17 wide social service programs relating to the adult population,
18 especially senior citizens. The Senior Services Division shall
19 concentrate on enhancement of existing services and development of
20 new services. The Division shall have a liaison relationship with
21 the Recreation and Community Programming Division within the Parks
22 and Recreation Department, and shall be responsible for the
23 operations and programming of the senior centers.

24 **Sec. 28.602. Division Chief.**

25 The Chief of Senior Services is the Division Chief of the
26 Senior Services Division. The Chief shall be appointed by the
27 Mayor, subject to confirmation by the Council, and shall serve at
28 the pleasure of the Mayor. The Chief shall have a bachelor's degree
29 or higher in an accredited college or university in psychology,
30 sociology or a related field and at least five years of experience
31 in the social services or related field.

1 **Section 9. Creating new Part 9 (Disabled Services**
2 **Division), Chapter 28 (Parks, Recreation and Community Services),**
3 **Ordinance Code.**

4 A new Part 9 (Disabled Services Division), Chapter 28 (Parks,
5 Recreation and Community Services), *Ordinance Code*, is hereby
6 created to read as follows:

7 **Chapter 28. Parks, Recreation and Community Services**

8 * * *

9 **Part 9. Disabled Services Division**

10 **Sec. 28.901. - Disabled Services Division.**

11 The Disabled Services Division is created and shall be
12 responsible for:

13 (a) Disabled Services. This division shall also be
14 responsible for increasing community awareness concerning
15 the accomplishments and needs of disabled individuals,
16 monitoring all federal and state legislation that relates
17 to disability rights and issues and advising the Mayor
18 and his or her staff about necessary City compliance. The
19 Division will suggest and implement ordinances that
20 favorably impact one's equal access and opportunity while
21 changing any City policies that may adversely impact the
22 same.

23 **Sec. 28.902. - Division Chief.**

24 The Chief of Disabled Services shall be the Division Chief of
25 the Disabled Services Division. The Chief shall be appointed by the
26 Mayor, subject to confirmation by the Council, and shall serve at
27 the pleasure of the Mayor. The Chief shall have a bachelor's degree
28 or higher from an accredited college or university and have at
29 least five years of administrative experience in at least one of
30 the areas of responsibility.

31 **Section 10. Amending Chapter 28 (Parks and Recreation),**

1 **Ordinance Code, to rename Parks and Recreation to Parks, Recreation**
2 **and Community Services, and to remove the function of Grants**
3 **Administration from the Parks description of duties.**

4 Chapter 28 (Parks and Recreation), Part 1 (General), *Ordinance*
5 *Code*, is hereby amended as follows:

6 **Chapter 28. ~~Parks and Recreation~~ Parks, Recreation and**
7 **Community Services**

8 **Part 1. General**

9 **Sec. 28.101. Establishment; functions.**

10 There is created an executive department to be known as the
11 ~~Parks and Recreation~~ Parks, Recreation and Community Services
12 Department. The Department shall be responsible for the delivery
13 of recreation services, human and social services to the City
14 through the divisional responsibilities including but not limited
15 to the administration and operation of community-wide recreation
16 and social programs and shall concentrate on the enhancement of
17 existing services and the development of new services through:

18 (a) Administering and operating recreation, community and
19 senior centers, preserves, and park areas/facilities
20 including but not limited to marinas and waterfront
21 facilities and public swimming pools under the control of
22 the Department.

23 (b) Planning, promoting, organizing, administering all
24 community (recreation & senior) centers, preserves,
25 waterfront, and parks, the Consolidated Government's
26 recreation facilities and all other recreation areas and
27 programs of the Consolidated Government.

28 (c) Identifying and coordinating improvements and development
29 of community (senior & recreation) centers, preserves,
30 waterfront, and park areas/facilities under the control
31 of the Department.

1 (d) Developing and/or adopting rules and fees for the
2 management, operation, use and control of all community
3 (recreation & senior) centers, the preserves, waterfront,
4 and park areas/facilities of the city.

5 (e) Delivery of human and social services to the City
6 including but not limited to mental health and welfare
7 services to seniors and victims.

8 The Department shall include the following Divisions:
9 Recreation and Community Programming, Senior Services, Social
10 Services and ~~Waterfront Management and Programming~~ Natural and
11 Marine Resource. Other functions and activities include the County
12 Extension Office (including the Canning Kitchen), ~~Grant Compliance,~~
13 ~~and the Ritz Theatre and LaVilla Museum~~. A liaison relationship is
14 established with the "Special Events" function and activities
15 within the Office of Economic Development (d/b/a Economic
16 Development Board).

17 **Section 28.102. Director.**

18 The Director of ~~Parks and Recreation~~ Parks, Recreation and
19 Community Services is the head of the Department. The Director
20 shall be appointed by the Mayor, subject to confirmation by the
21 Council, and shall serve at the pleasure of the Mayor. The Director
22 shall have a bachelor's degree or higher from an accredited college
23 or university in recreation management, sociology, psychology,
24 public/business administration, management or similar field and at
25 least five years of progressively responsible experience in a
26 management or executive position. Certification within field of
27 expertise is preferred.

28 **Section 28.103. Powers; functions and duties of Director.**

29 The Director of ~~Parks and Recreation~~ Parks, Recreation and
30 Community Services shall have the following powers, functions and
31 duties, and shall have a liaison relationship with the Executive

1 Director (a/k/a the Economic Development Officer) at the Office of
2 Economic Development (d/b/a Economic Development Board) to
3 effectuate such powers as needed:

4 (a) The Director, or designee, shall be responsible for the
5 operation and maintenance of the parks and preserves,
6 community (senior & recreation) recreations—centers, and
7 waterfront facilities (including Metropolitan Park, the
8 area formerly known as "Kids Kampus", the marina at
9 Metropolitan Park, Equestrian Center, Cecil Community
10 Center and Taye' Brown Regional Park), but excluding the
11 Convention Center, Veterans Memorial Arena, Baseball
12 Grounds of Jacksonville, EverBank Field, Times Union
13 Performing Arts Center), senior centers, and any other
14 facility or venue specifically assigned to the Economic
15 Development Board. The Director, or designee, may execute
16 agreements with sponsors, promoters, exhibitors,
17 performers and other persons for the use of the facility,
18 including agreements with renters of the facility to
19 staff and maintain restroom facilities at the facility
20 through contractual services, volunteers or through a
21 nominal gratuity system approved by the Director.

22 * * *

23 **Section 28.301. Recreation and Community Programming Division;**
24 **establishment; functions.**

25 There is created a Recreation and Community Programming
26 Division. The Division shall be responsible for administration and
27 operation of community-wide recreation and social service programs
28 for all populations and shall have a liaison relationship with the
29 Senior Services Division ~~within the Special Services Department.~~
30 The Division shall concentrate on the enhancement of existing
31 services and development of new services.

1 (a) The Division shall be responsible for the administration,
2 maintenance and operation of all community (recreation &
3 senior) centers, parks, tennis facilities, organized
4 athletics and swimming pools.

5 (b) The Division shall be responsible for administration and
6 operation of the lifeguard program for swimming pools and
7 waterparks, ~~oceanfront parks, and Kids Kampus.~~

8 (c) The Division shall be responsible for planning,
9 organizing and implementing programs at entertainment and
10 park areas/facilities under the control of the Department
11 including but not limited to after school programs, and
12 camps.

13 (d) The Division shall provide a liaison to any boards,
14 commissions, committees, or task force related to
15 Recreation and Senior Services.

16 (e) The Division shall be responsible for permitting of parks
17 and facilities for private events by the public.

18 **Section 28.302. Division Chief.**

19 The Chief of Recreation and Community Programming is the
20 Division Chief of the Recreation and Community Programming
21 Division. The Chief shall be appointed by the Mayor, subject to
22 confirmation by the Council, and shall serve at the pleasure of the
23 Mayor. The Chief shall have bachelor's degree or higher from an
24 accredited college or university in the recreation filed and at
25 least five years of progressive management experience in the
26 recreation field and be a Certified Park & Recreation Professional
27 or Certified Park & Recreation Executive.

28 * * *

29 **Section 28.305. Limitations upon Powers.**

30 * * *

31 (c) The Division Chief shall submit each agreement negotiated

1 pursuant to this part to the Director of ~~Parks and~~
2 ~~Recreation~~ Parks, Recreation and Community Services, who
3 shall review the same and either:

4 (1) Disapprove it and return it to the Division Chief
5 for renegotiation; or

6 (2) Approve it and execute it on behalf of the city.

7 (d) The Division Chief shall not negotiate any agreement that
8 will interfere with or impair any concession agreement
9 made by the city.

10 * * *

11 **Section 28.307. Appeals to Director of ~~Parks and Recreation~~**
12 **Parks, Recreation and Community Services.**

13 A rule made by the Division Chief may be appealed to the
14 Director of ~~Parks and Recreation~~ Parks, Recreation and Community
15 Services by a person aggrieved or affected thereby. The Director
16 shall hold a public hearing, at which the parties shall have the
17 right to be present in person, to be represented by counsel and to
18 present evidence. The hearing shall be conducted by the Director or
19 by a hearing officer designated by the Office of General Counsel,
20 at the discretion of the Director. The decision of the Director
21 shall be final. The appeal procedure specified in this Section
22 shall not apply during the course of a tournament, event or
23 contest; in these cases, the procedure specified in this part shall
24 apply.

25 **Section 11. Amending Part 4 (Waterfront Management and**
26 **Programming Division), Chapter 28 (Parks, Recreation and Community**
27 **Services), Ordinance Code, to rename Waterfront Management and**
28 **Programming Division to Natural and Marine Resource Division.**

29 Chapter 28 (Parks, Recreation and Community Services), Part 4
30 (Waterfront Management and Programming Division), *Ordinance Code*,
31 is hereby amended as follows:

1 Chapter 28. ~~Parks and Recreation~~ Parks, Recreation and
2 Community Services

3 * * *

4 Part 4. ~~Waterfront Management and Programming Division~~ Natural
5 and Marine Resource Division

6 Sec. 28.401. ~~Waterfront Management and Programming~~ Natural and
7 Marine Resource Division establishment; functions.

8 There is created a ~~Waterfront Management and Programming~~
9 Natural and Marine Resource Division. The Division shall be
10 responsible for administration and operation of community-wide
11 preservation lands and waterfront parks and facilities.

12 (a) The Division shall be responsible for operation of
13 waterfront parks and facilities, including but not
14 limited to City Marinas.

15 (b) The Division shall be responsible for property
16 acquisition to assist in protecting environmentally
17 sensitive and/or culturally significant lands.

18 (c) The Division shall be responsible for the resource
19 management of preservation properties and waterfront
20 parks/facilities including but not limited to fire
21 management, silviculture, hydrological and landscape
22 restoration and management, and ecosystem
23 restoration and management.

24 (d) The Division shall be responsible for the
25 preservation, enhancement, and interpretation of
26 preservation preserves and parks.

27 (e) The Division shall be responsible for planning,
28 organizing, and implementing environmental education
29 programs.

30 (f) The Division shall provide a liaison to any boards,
31 commissions, committees, or task forces related to

1 waterfront management and conservation programming.

2 **Sec. 28.402. Division Chief.**

3 The Chief of ~~Waterfront Management and Programming~~ Natural and
4 Marine Resource is the Division Chief of the ~~Waterfront Management~~
5 ~~and Programming~~ Natural and Marine Resource Division. The Chief
6 shall be appointed by the Mayor, subject to confirmation by the
7 Council, and shall serve at the pleasure of the Mayor. The Chief
8 shall have a bachelor's degree or higher from an accredited college
9 or university and at least five years of management or executive
10 experience in natural resource recreation.

11 * * *

12 **Section 12. Creating a new Section 32.104 (Operations**
13 **Director), Chapter 32 (Public Works Department), Ordinance Code.**

14 A new Section 32.104 (Operations Director), Chapter 32 (Public
15 Works Department), *Ordinance Code*, is hereby created to read as
16 follows:

17 **Chapter 32. Public Works Department**

18 * * *

19 **Part 1. In General**

20 **Sec. 32.104. Operations Director.**

21 There is hereby established one position of Operations
22 Director within the Department of Public Works. This position shall
23 be appointed by the Mayor, subject to confirmation by the Council,
24 and shall serve at the pleasure of the Mayor. The Operations
25 Director shall be registered by the State of Florida as a
26 Professional Engineer and have at least five (5) years of
27 management or executive experience. The Operations Director shall
28 report to the director and shall be responsible for such
29 management, duties and responsibilities as are assigned by the
30 director. The Operations Director shall have direct oversight for
31 the Right-of-way and Storm Water Maintenance, Mowing and Landscape

1 Maintenance, Public Building and Solid Waste Divisions.

2 * * *

3 **Section 13. Repealing Part 3 (Right of Way Grounds**
4 **Maintenance Division), Chapter 32 (Public Works Department),**
5 **Ordinance Code.**

6 Sections 32.301, and 32.302, *Ordinance Code*, a copy of which
7 is **attached hereto as Exhibit 4** and comprising the entirety of Part
8 3 (Right Of Way Grounds Maintenance Division), Chapter 32 (Public
9 Works Department), *Ordinance Code*, are hereby repealed. For
10 purposes of this section, Chapter 32, Part 3 is being incorporated
11 into the new Chapter 32 (Public Works Department), Part 3 (Division
12 of Infrastructure), *Ordinance Code*.

13 **Section 14. Creating a new Part 3 (Division of Right-of-Way**
14 **and Stormwater Maintenance), Chapter 32 (Public Works Department),**
15 **Ordinance Code.**

16 A new Part 3 (Division of Right-of-Way and Stormwater
17 Maintenance), Chapter 32 (Public Works Department), *Ordinance Code*,
18 is hereby created to read as follows:

19 **Chapter 32. Public Works**

20 * * *

21 **Part 3. Division of Right-of-Way and Stormwater Maintenance**

22 **Sec. 32.301. Division of Right-of-Way and Stormwater**
23 **Maintenance; establishment; functions.**

24 There is created an Right-of-Way and Stormwater Maintenance
25 Division. The Division shall be responsible for general maintenance
26 of all public buildings including the responsibility for all
27 security, custodial and maintenance employees as well as
28 maintenance of parks, buildings and centers, lighting and other
29 electrical elements; planning, building and maintaining the
30 streets, highways and drainage facilities; traffic signals and
31 other traffic-control devices, including railroad crossing signals.

1 The division shall also be responsible for coordinating the efforts
2 of various government agencies concerned with streets and highways
3 in Duval County.

4 **Sec. 32.302. Division Chief of Right-of-Way and Stormwater**
5 **Maintenance**

6 There shall be a division chief of Right-of-Way and Stormwater
7 Maintenance who shall be appointed by the Mayor and confirmed by
8 the Council. The Division Chief shall have a four-year degree in
9 engineering, construction, or construction management, be a
10 registered professional engineer with a license in the State of
11 Florida, and a minimum of 5 years experience in managing buildings
12 or working in the fields of building management, traffic
13 engineering, or roadway and drainage design and maintenance.

14 **Section 15. Repealing Part 5 (Public Buildings Division),**
15 **Chapter 32 (Public Works Department), Ordinance Code.**

16 Sections 32.501, and 32.502, *Ordinance Code*, a copy of which
17 is **attached hereto as Exhibit 5** and comprising the entirety of Part
18 5 (Public Buildings Division), Chapter 32 (Public Works
19 Department), *Ordinance Code*, are hereby repealed. For purposes of
20 this section, Chapter 32, Part 5 is being incorporated into the new
21 Chapter 32 (Public Works Department), Part 3 (Division of
22 Infrastructure), *Ordinance Code*.

23 **Section 16. Amending Part 1 (General), Chapter 35**
24 **(Neighborhoods Department), Ordinance Code, to rename Neighborhoods**
25 **Department to Regulatory Compliance Department.**

26 Chapter 35 (Neighborhoods Department), Part 1 (General),
27 *Ordinance Code*, is hereby amended as follows:

28 **Chapter 35. ~~Neighborhoods Department~~ Regulatory Compliance**
29 **Department**

30 **Part 1. General**

31 **Section 35.101. Establishment; Director.**

1 (a) There is created an executive department to be known as
2 the ~~Neighborhoods~~ Department Regulatory Compliance
3 Department. The Department shall be responsible for:

4 (1) Administration, operation and enforcement of
5 environmental, air and water resources management
6 activities of the City;

7 (2) Administration and operation of Animal Care and
8 Protective Services;

9 (3) Administration and operation of the Mosquito Control
10 activities of the Consolidated Government;

11 (4) Administration and operation of municipal code
12 compliance activities;

13 ~~(5) Administration, operation, and implementation of~~
14 ~~affordable housing and community development~~
15 ~~activities; and~~

16 ~~(6) Having a liaison relationship with the Jacksonville~~
17 ~~Public Library.~~

18 (b) The Director ~~of Neighborhoods~~ shall be the head of the
19 Department. The Director shall be appointed by the Mayor,
20 subject to confirmation by the Council, and shall serve
21 at the pleasure of the Mayor. The Director shall have a
22 bachelor's degree or higher in an accredited college or
23 university and at least five years of management
24 experience in environmental regulation, ~~affordable~~
25 ~~housing or community development, or in government.~~
26 Experience in governmental environmental regulation is
27 preferred. The Director shall be responsible for the
28 regulation and enforcement of environmental, air and
29 water quality matters, the operation of the Mosquito
30 Control, Environmental Quality, Animal Care and
31 Protective Services, ~~Housing and Community Development,~~

1 and the Municipal Code Compliance Divisions, ~~and have a~~
2 liaison relationship with the Jacksonville Public
3 Library.

4 **Section 17. Repealing Part 7 (Housing and Community**
5 **Development Division), Chapter 35 (Neighborhoods Department),**
6 **Ordinance Code.**

7 Sections 35.701, 35.702, 35.703, 35.704, and 35.705, *Ordinance*
8 *Code*, a copy of which is **attached hereto as Exhibit 6** and
9 comprising the entirety of Part 7 (Housing and Community
10 Development Division), Chapter 35 (Neighborhoods Department),
11 *Ordinance Code*, are hereby repealed. For purposes of this section,
12 Chapter 35, Part 7 is being incorporated into the new Chapter 30
13 (Planning and Development Department), Part 7 (Housing and
14 Community Development Division), *Ordinance Code*.

15 **Section 18. Creating a new Part 7 (Housing and Community**
16 **Development Division), Chapter 30 (Planning and Development**
17 **Department), Ordinance Code.**

18 A new Part 7 (Housing and Community Development Division),
19 Chapter 30 (Planning and Development Department), *Ordinance Code*,
20 is hereby created to read as follows:

21 **Chapter 30. Planning and Development Department**

22 * * *

23 **Part 7. Housing and Community Development Division**

24 **Sec. 30.701 Establishment; functions.**

25 There is hereby created a division within the executive branch
26 of the City to be known as the Housing and Community Development
27 Division. The Division shall be responsible for:

28 (a) Housing services, including but not limited to:

- 29 (1) Affordable Housing Coordinator. The Affordable
30 Housing Coordinator shall have a bachelor's degree
31 from an accredited institution and at least five

1 years' experience in housing development. The
2 Affordable Housing Coordinator shall:

3 i. Serve as a central resource of information
4 regarding all processes required to bring an
5 affordable or workforce housing development to
6 completion; and

7 ii. Proactively assist developers of affordable
8 and workforce housing developments with the
9 different processes required to bring an
10 affordable or workforce housing development to
11 completion; and

12 iii. Communicate with other City Departments to
13 ensure that affordable and workforce housing
14 developments are not delayed within processes
15 managed by other City Departments; and

16 iv. Where appropriate, act as a liaison between
17 developers of affordable and workforce housing
18 developments and all permitting agencies to
19 expedite the permitting processes; and

20 v. Provide other necessary support to ensure that
21 affordable and workforce housing developments
22 are completed to meet the housing needs of the
23 citizens of Jacksonville.

24 (2) administration and operation of affordable housing
25 program(s) to preserve and enhance the supply of
26 affordable housing within Duval County. With the
27 exception of those matters that are the
28 responsibility of the Jacksonville Housing
29 Authority, the Housing and Community Development
30 Division is hereby designated as the City agency for
31 housing initiatives and all matters relating to

1 affordable housing,

2 (b) Community development (including Community Development
3 Block Grant funds, town center initiatives, and the
4 administration of the Northwest Quadrant Economic
5 Development Fund); including but not limited to:

6 (1) To serve as a liaison to the Office of Economic
7 Development (d/b/a Economic Development Board).

8 (2) To provide a program for the relocation of displaced
9 persons.

10 (3) To effectively provide for the rehabilitation,
11 conservation and redevelopment of slums and blighted
12 areas in the city.

13 (4) To prevent the growth and recurrence of slums and
14 blighted areas in the city.

15 (c) All other matters related thereto, including but not
16 limited to the planning, development, supervision, and
17 implementation of programs and projects funded by State
18 of Florida funds (including but not limited State Housing
19 Initiatives Partnership funds), and funded by Housing and
20 Urban Development funds (including but not limited to
21 Emergency Shelter Grant funds, Housing Opportunities for
22 Persons with Aids funds, HOME Investment Partnership
23 Program funds, Community Development Block Grant funds,
24 and Neighborhood Stabilization Program funds). It is the
25 intent of Council that the funding and utilization of
26 these program funds should be consistent with past
27 practices and subject to applicable law.

28 (d) The Division shall also serve as the liaison for the
29 Jacksonville Human Rights Commission (with respect to
30 housing matters only).

31 (e) Advise on and facilitate the creation of neighborhood

1 organizations.

2 (f) Compile and continually update an inventory of all
3 officially-recognized neighborhood organizations
4 operating in the community. In order to qualify as an
5 officially-recognized neighborhood organization, such
6 organization should be incorporated in the State of
7 Florida and hold an IRS 501(c)(3) or 501(c)(9) tax exempt
8 status.

9 (g) Establish an awards program for various categories of
10 neighborhood organizations that demonstrate outstanding
11 progress in increasing their effectiveness as advocates
12 for neighborhood interests, as service delivery
13 mechanisms, as information resources, and in other areas.

14 (h) Act as a clearinghouse for all information intended for
15 dissemination to neighborhoods and citizens, and as a
16 one-stop resource for neighborhood organizations seeking
17 information or City assistance with regard to common
18 neighborhood activities such as establishment of a
19 Neighborhood Watch, temporary street closures,
20 organization of block parties, cleanup campaigns, etc.

21 (i) Serve as a communications channel with the neighborhood
22 organizations to enable them to better communicate with
23 the City government, including serving as staff to and
24 coordinating with the Citizens Advisory Committees.

25 (j) Effective October 1, 2011, and applicable to Town Center
26 projects whose design and construction have been approved
27 by the City and completed by July 1, 2011, and whose
28 maintenance has not been provided for by a signed
29 maintenance agreement, the City of Jacksonville, through
30 its appropriate department, shall be responsible for the
31 continued landscape and hardscape maintenance of such

1 Town Center projects, the cost of which may be
2 supplemented or offset with such private assistance as
3 may be secured.

4 **Sec. 30.702. Chief of the Housing and Community Development**

5 **Division.**

6 There shall be a Chief of the Housing and Community
7 Development Division. The Chief shall:

8 (a) Have a bachelor's degree or higher from an accredited
9 college or university and at least five years of
10 experience in affordable housing or in community
11 planning, and have proven administrative experience;

12 (b) Be appointed by the Mayor, subject to confirmation by the
13 Council, and shall serve at the pleasure of the Mayor;
14 and

15 (c) Manage all operations of the Housing and Community
16 Development Division.

17 **Sec. 30.703. Jacksonville Housing and Community Development**

18 **Commission; Commission Members.**

19 (a) There is hereby established a Commission to be known as
20 the "Jacksonville Housing and Community Development
21 Commission," which shall be comprised of 11 members, all
22 of whom shall be residents of Duval County. It is hereby
23 determined that all persons serving on the Jacksonville
24 Housing and Community Development Commission prior to the
25 effective date of this chapter have continued in their
26 offices notwithstanding this ordinance code transfer. Six
27 members shall be appointed by the Mayor and confirmed by
28 Council, and five members shall be appointed by the
29 Council. Pursuant to the requirements of section
30 420.9076, Florida Statutes (as amended from time to time)
31 the Commission shall be deemed the "advisory committee"

1 as required by state law. The Commission membership shall
2 consist of the following persons (each of whom is
3 actively engaged in her/her respective activity): (1)
4 residential home building industry in connection with
5 affordable housing; (2) banking or mortgage banking
6 industry in connection with affordable housing; (3) areas
7 of labor in home building in connection with affordable
8 housing; (4) advocacy for low-income persons in
9 connection with affordable housing; (5) for-profit
10 provider of affordable housing; (6) not-for-profit
11 provider of affordable housing; and (7) real estate
12 professional in connection with affordable housing. With
13 respect to the foregoing specific requirement in any of
14 the above seven activities of an affordable housing
15 connection, if a finding is made regarding the presence
16 of a conflict of interest or other reasonable factor that
17 would result in an appointment not otherwise being made,
18 then a member may nonetheless be appointed in that
19 activity without the specific requirement of the
20 affordable housing connection. The Commission shall also
21 consist of the following additional persons: (1) a
22 representative also actively serving on the local
23 planning agency pursuant to section 163.3174, Florida
24 Statute, and if the local planning agency is comprised of
25 the governing board of the municipality, then the
26 appointment of a person knowledgeable in the local
27 planning process; (2) a representative of employers in
28 Duval County; and (3) a representative of essential
29 services personnel (as defined in the Local Housing
30 Assistance Plan as adopted from time to time). The only
31 statutory qualification for the last Commission member is

1 residency in Duval County. Each member shall serve a term
2 of four years; provided, however the initial appointments
3 shall be as follows: four (4) members shall serve terms
4 of four (4) years each, four (4) members shall serve
5 terms of three (3) years each, and three (3) members
6 shall serve terms of two (2) years each. Thereafter, all
7 members appointed to the Commission shall serve terms of
8 four (4) years. Commencing with the effective date of
9 this chapter, no member may serve for more than two
10 consecutive terms. Members shall serve for the term of
11 their respective offices until they are reappointed and
12 confirmed, or until their qualified successors have been
13 appointed and confirmed, or such member resigns,
14 whichever occurs first. The Mayor shall appoint the
15 Chairman from the eleven member board, for a term of two
16 years of the Commission, and the Commission members shall
17 elect the remaining officers.

18 (b) A quorum for the Commission shall consist of a simple
19 majority of appointed members.

20 (c) The Chairman may create such committees as he deems
21 necessary.

22 (d) The Commission, acting as the advisory committee, shall
23 conduct any required public hearings, undertake the
24 review, take any and all required actions for compliance,
25 and make recommendations to the Council for adoption (and
26 authorize the transmittal) as required by section
27 420.9076, Florida Statutes.

28 (e) The Commission shall conduct any required public
29 hearings, undertake the review, take any and all required
30 actions for compliance, and recommend to the Council for
31 adoption (and authorize the transmittal) a "Consolidated

1 Plan" as required by 24 CFR Part 91

2 **Sec. 30.704. Jacksonville Housing Finance Authority.**

3 The Council finds, pursuant to F.S. § 159.604, that there is a
4 need for a housing finance authority, as there is a need to
5 alleviate a shortage of housing and capital investment for the
6 people of Duval County. Accordingly, there is hereby created within
7 the Housing and Community Development Division a separate board to
8 be known as the Jacksonville Housing Finance Authority ("JHFA").
9 The JHFA is authorized to function throughout all of the
10 territorial limits of the City. The JHFA shall operate with all the
11 powers and authority of a housing finance authority, and shall
12 ensure compliance with the provisions of F.S. § 159.601, et seq.
13 The JHFA shall preserve outstanding debt, issue new debt and shall
14 shield the City from financial liability. The JHFA shall be
15 comprised of five board members, three of whom shall be members
16 appointed by the Mayor and confirmed by Council, and two of whom
17 shall be appointed by Council. It is hereby determined that all
18 persons serving on the Jacksonville Housing Financing Authority
19 prior to the effective date of this chapter have continued in their
20 offices notwithstanding this ordinance code transfer. Each member
21 shall serve a term of four years; provided, however that to provide
22 for staggered terms, of the members first appointed, two (2)
23 members shall serve terms of four (4) years each, two (2) members
24 shall serve terms of three (3) years each, and one (1) member shall
25 serve a term of two (2) years. Thereafter, all members appointed to
26 the Commission shall serve terms of four (4) years. Commencing with
27 the effective date of this chapter, no member may serve for more
28 than two consecutive terms, and members shall serve for the term of
29 their respective offices until they are reappointed and confirmed,
30 or until their qualified successors have been appointed and
31 confirmed, or such member resigns, whichever occurs first. It is

1 the intent that the existence of the JHFA as a legal entity
2 continues without lapse, termination or interruption as the JHFA
3 existed prior to the enactment of this chapter. A quorum for the
4 JHFA shall consist of three members present. The Mayor shall
5 appoint the Chairman of the JHFA from the five member board, for a
6 term of two years, and the JHFA members shall elect the remaining
7 officers. The Mayor is authorized to take all necessary actions in
8 structuring this five-member board to ensure compliance with state
9 law. At least three of the five members shall represent one of the
10 following organizations: labor, finance or commerce.

11 **Sec. 30.705. Execution of instruments.**

12 Except as may otherwise be specifically set forth in Section
13 111.620, Ordinance Code, all instruments in writing to be signed by
14 the Housing and Community Development Division shall be executed by
15 the Mayor or his designee.

16 **Section 19. Amending Section 30.401 (Community Planning**
17 **Division; Establishment; Responsibilities), Part 4 (Community**
18 **Planning Division), Chapter 30 (Planning and Development**
19 **Department), Ordinance Code, to remove the transportation**
20 **responsibilities from the Division.**

21 Section 30.401 (Community Planning Division; Establishment;
22 Responsibilities), Part 4 (Community Planning Division, Chapter 30
23 (Planning and Development Department), *Ordinance Code*, is hereby
24 amended to read as follows:

25 **Chapter 30. Planning and Development Department**

26 * * *

27 **Part 4. Community Planning Division**

28 **Sec. 30.401. Community Planning Division; Establishment;**
29 **Responsibilities.**

30 There is established within the Department a Community
31 Planning Division, which shall be responsible for:

- 1 (a) Preparation, evaluation and review of the
2 comprehensive plan for the City, including the
3 required five-year Evaluation and Appraisal Report
4 (EAR), and amendments and modifications thereto, as
5 required by Chapter 650
- 6 (b) Preparation, maintenance and updating of short and
7 long-range plans relating to land use, community
8 facilities, utilities and environmental systems and
9 for compiling and updating socioeconomic data used
10 by the Department;
- 11 (c) Capital Improvement and facilities planning;
- 12 (d) Land use regulation matters, including environmental
13 and historic preservation matters related to land
14 use;
- 15 (e) Preparing historic studies, designations, tax
16 abatement requests, certificates of appropriateness;
- 17 (f) Providing staff support to the Historic Preservation
18 Commission;
- 19 (g) Parks Planning;
- 20 (h) Reviewing and monitoring all Developments of
21 Regional Impact;
- 22 (i) Preparation and implementation, as required, of
23 special planning studies including but not limited
24 to Neighborhood Action Plans, District Plans,
25 Special Study Areas, etc.;
- 26 ~~(j) Preparation, review and updating of all short and~~
27 ~~long term transportation plans for all modes,~~
28 ~~including congestion management plans;~~
- 29 ~~(k) Traffic and transit testing for concurrency and~~
30 ~~proportionate fair share assessments;~~
- 31 ~~(l) Coordination and review with Public Works of all~~

1 ~~Proportionate Fair Share Capital Improvement~~
2 ~~Projects;~~

3 ~~(m) Preparation of all transportation monitoring reports~~
4 ~~(i.e. F.S. Ch. 163, Agreements for proportionate~~
5 ~~fair share, development agreements, etc.);~~

6 ~~(n)~~(j) Review of site plans for transportation
7 issues;

8 ~~(o)~~ (k) Review of access management issues;

9 ~~(p) Review of Developments of Regional Impact, Regional~~
10 ~~Activity Centers and all rezonings for~~
11 ~~transportation impacts;~~

12 ~~(q)~~ (l) Preparation and/or participation in planning
13 studies such as corridor studies, district
14 plans, and neighborhood action plans;

15 ~~(r) Coordination with the First Coast MPO in all~~
16 ~~its activities; and~~

17 ~~(s)~~ (m) Any other activities as may be assigned by the
18 Director.

19 **Section 20. Creating a new Part 8 (Transportation Planning**
20 **Division), Chapter 30 (Planning and Development Department),**
21 **Ordinance Code.**

22 A new Part 8 (Transportation Planning Division), Chapter 30
23 (Planning and Development Department), *Ordinance Code*, is hereby
24 created to read as follows:

25 **Chapter 30. Planning and Development Department**

26 * * *

27 **Part 8. Transportation Planning Division**

28 **Sec. 30.801. Establishment; responsibilities.**

29 There is established within the Department a Transportation
30 Planning Division, which shall be responsible for:

31 (a) Preparation, review and updating of all short and

1 long term transportation plans for all modes,
2 including congestion management plans;

3 (b) Traffic and transit testing for concurrency and/or
4 mobility and proportionate fair share assessments;

5 (c) Coordination and review with Public Works of all
6 Proportionate Fair Share Capital Improvement
7 Projects or mobility;

8 (d) Preparation of all transportation monitoring reports
9 (i.e. F.S. Ch. 163, Agreements for proportionate
10 fair share, development agreements, etc.);

11 (e) Review of Developments of Regional Impact, Regional
12 Activity Centers and all rezonings for
13 transportation impacts;

14 (f) Bicycle and Pedestrian Coordinator;

15 (g) Coordination with FDOT and the regional metropolitan
16 planning organization, known as the North Florida
17 Transportation Planning Organization, on
18 transportation issues;

19 (h) Coordination with JTA on Mass Transit issues;

20 (i) Developing CIP on transportation projects; and

21 (j) Other duties as assigned by the director.

22 **Sec. 30.802. Division Chief.**

23 The Division Chief of the Transportation Planning Division
24 shall be the Chief, Transportation Planning Division. The
25 Transportation Planning Chief shall have a college degree in urban
26 planning or urban design or related field and at least 10 years'
27 experience in urban design and management experience, or at least
28 five years of experience with a master's degree in any of the
29 listed fields, or commensurate training and experience, and shall
30 have proven administrative experience. The Chief shall be appointed
31 by the Mayor and confirmed by the Council and shall serve at the

1 pleasure of the Mayor.

2 **Section 21. Amending Section 55.201 (Economic**
3 **Development), Part 2 (Functions and Activities), Chapter 55**
4 **(Economic Development), Ordinance Code, to remove the function of**
5 **the Equal Business Opportunity Office.**

6 Section 55.201 (Economic Development), Part 2 (Functions and
7 Activities), Chapter 55 (Economic Development), *Ordinance Code*, is
8 hereby amended to read as follows:

9 **Chapter 55. Economic Development**

10 * * *

11 **Part 2. Functions and Activities**

12 **Section 55.201. Economic Development.**

13 The functions and activities of the Office of Economic
14 Development shall include, but not be limited to:

15 * * *

16 (h) Operating the ~~Equal Business Opportunity Office~~ access to
17 capital program as defined in Section 126.602;

18 (i) Operating the Office of Public Parking;

19 (j) Operating the Office of Special Events; and

20 (k) Operating the Office of Public/Private Partnerships

21 * * *

22 **Section 22. Repealing Section 55.203 (Equal Business**
23 **Opportunity Office), Part 2 (Functions and activities), Chapter 55**
24 **(Economic Development), Ordinance Code.**

25 Section 55.203, Ordinance Code a copy of which is **attached**
26 **hereto as Exhibit 7**, Part 2 (Functions and activities), Chapter 55
27 (Economic Development), *Ordinance Code*, is hereby repealed and
28 reserved. For purposes of this section, Section 55.203 is moving to
29 the new Chapter 23 (Intra-Governmental Services Department), Part 9
30 (Equal Business Opportunity Office), *Ordinance Code*.

31 **Section 23. Amending Chapter 126 (Procurement Code), Part**

1 6A (Small Business Capital, Bonding, and Outreach Program)
2 **Ordinance Code.** Chapter 126 (Procurement Code), Part 6A (Small
3 Business Capital, Bonding, and Outreach Program), *Ordinance Code*,
4 is hereby amended as follows:

5 **Chapter 126. Procurement Code**

6 * * *

7 **Part 6A. Small Business Capital, Bonding, and Outreach Program**

8 * * *

9 **Sec. 126.602. Access to capital.**

10 (a) The City shall create a pool of resources, in conjunction
11 with lending institutions² to assist ~~MBEs and~~ JSEBs with
12 obtaining access to capital (the "AC Program"). ~~JEDCO or a~~
13 ~~similar~~ A private entity approved by the lending institutions
14 shall manage the distribution of said funds, in accordance
15 with guidelines adopted by the lenders and approved by the
16 City in order to ensure proper administration and monitoring
17 and to ensure continuity for the program.

18 (1) The City's Office of the Director of Economic
19 Development (OED) and the Office of the Ombudsman, set
20 forth in section 126.619, shall work ~~closely with the~~
21 ~~existing business specialist and other key Ch.A.S.E.~~
22 ~~members or similar private entity~~ to ensure that
23 certified JSEBs are receiving recommended assistance.

24 (2) The Office of the Ombudsman, ~~working with the Small~~
25 ~~Business Center at Gateway ("SBCC") and the First Coast~~
26 ~~African American Chamber of Commerce ("FCAACC") or~~
27 ~~similar private entities~~ shall gather information on all
28 available programs for access to capital, including but
29 not limited to local bank liaisons and programs, SBA
30 programs, ~~BBIC, JEDCO, OED~~ and any other program which
31 assists small and or minority businesses to obtain

1 capital.

2 (3)The OED Director shall provide biannual reports to the
3 Mayor, with a copy to City Council Auditor Committee,
4 identifying the size and number of businesses assisted in
5 the two preceding quarters. Said reports shall include
6 the nature of the service or product provided; the
7 program ~~(whether JSEB, MBE, or Majority)~~; the nature of
8 the contracts awarded and the dollar value of each
9 contract awarded).

10 (4) The OED Director ~~and Ombudsman~~, working with the
11 SBCG and the FCAACC shall also hold biannual open houses
12 or workshops to showcase available assets and obtain
13 information from JSEBs ~~and MBEs~~ on available programs.

14 (b)The ~~Ombudsman~~ OED Director or his designee shall staff
15 a series of meetings initiated by the Mayor between the
16 City and any Financial Institutions with offices in
17 Jacksonville who wish to participate in the creation of
18 JSEBs banking managers who will assist JSEBs in obtaining
19 credit. ~~The Ombudsman may be directed or staff, as may be~~
20 ~~required, to support applications for various City,~~
21 ~~state, or federally funded programs including New Market~~
22 ~~Tax Credits.~~

23 **Sec. 126.603. Continuing education and mentoring programs**

24 (a) The City shall engage ~~FCCJ~~ the Florida State College at
25 Jacksonville (FSCJ) and Edward Waters College and other
26 educational institutions to advise and implement continuing
27 education, training and mentoring programs, including but not
28 limited to training on doing business with the City,
29 subcontracting documentation requirements, accounting for the
30 small business, and related matters for construction related
31 contractors and subcontractors, including technology, bidding,

1 and bonding, and project management. The UNF Small Business
2 Development Center ("UNF/SBDC") and the SBCG shall provide
3 non-construction related small emerging businesses with
4 continuing education and training and mentoring programs,
5 including key management issues such as cash-flow management,
6 business planning, marketing, accounting, and record keeping,
7 human resources management, and other related business
8 development education. ~~FCCJ~~ FSCJ and Edward Waters College
9 shall hold an initial summit, to inventory existing programs,
10 which provide continuing education, apprentice or mentoring
11 programs and to hear from the community and experts on what
12 further programs or educational assistance may be needed.
13 Thereafter, ~~FCCJ~~ FSCJ and Edward Waters College shall hold a
14 small business program workshop, to design and suggest the
15 requisite needs, including the formation of a scholarship
16 program for assistance to JSEBs. Funds appropriated for these
17 activities are inclusive of scholarships.

18 (b) ~~FCCJ~~, FSCJ, Edward Waters College, and UNF/SBDC, ~~SBCG~~ and
19 ~~the FCAACC~~ shall report their findings back to the Mayor
20 within 180 days from the effective date of this ordinance ~~FCCJ~~
21 FSCJ and Edward Waters College shall engage such private firms
22 as may be necessary to provide such training.

23 **Section 24. Repeal Section 126.604 and renumber each Section**
24 **thereafter.**

25 ~~Sec. 126.604. Accounting Grant Program for Certified JSEBs and~~
26 ~~MBEs.~~

27 ~~The City shall establish an Accounting Grant Program which~~
28 ~~shall either (1) provide for up to one \$500 reimbursement in~~
29 ~~matching funds for each certified JSEB and MBE, to procure~~
30 ~~accounting services from a Certified Public Accountant, which~~
31 ~~will include the provision of a book value for the business;~~

1 or (2) provide all but \$25 of a fee charged by the UNF/SBDC
2 program for a Fiscal Physical, which will include the
3 provision of a book value for the business.

4 (~~Ord. 2004-602-E, § 4~~)

5 **Sec. 126.605 604. Semi-monthly payments to certified JSEBs.**

6 The City shall pay certified JSEBs semi-monthly, upon proper
7 payment application to the applicable City Department. City
8 Departments are to perform all necessary inspections and
9 otherwise endeavor to ensure that prompt review and as
10 applicable approval of certified JSEB work is completed within
11 four days of receipt of invoice. The City shall pay all
12 approved invoices from certified JSEBs within three business
13 days of receipt by the Finance Department. City Departments
14 shall provide monthly statements to the Director identifying
15 the timing of JSEB payments for contracts within their
16 departments. These statements are to be organized and provided
17 to the Mayor, with a copy to the City's Chief ~~Operating~~
18 Administrative Officer (~~"COO"~~) CAO, quarterly by the Director.
19 Prime contractors shall be obligated to pay subcontractors
20 within three days of receipt from the City of funds, and must
21 confirm payment to the City. Subcontractors will be notified
22 by the City when a payment application from a prime contractor
23 has been submitted reflecting work performed by a
24 subcontractor.

25 * * *

26 **Sec. 126.606 605. Insurance program review.**

27 The Risk Manager for the City shall prepare a report on
28 available insurance programs for Florida small businesses, and
29 make recommendations regarding methods or programs to assist
30 certified JSEBs in obtaining requisite insurance. Said report
31 shall be provided to the ~~Mayor~~ Director of the Intra-

1 Governmental Services Department, with a copy to ~~Council~~ the
2 JSEB Administrator, on or before January 15, ~~2005~~ 2014 and
3 thereafter shall be prepared and submitted biannually, with a
4 copy being sent to JSEBs.

5 **Sec. 126.~~607~~606. Collecting data to evaluate the Program.**

6 ~~(a) The City shall issue an RFP within 60 days of the~~
7 ~~effective date of this ordinance to engage a consultant to~~
8 ~~develop and use measures to quantify and categorize the~~
9 ~~contracts being awarded to all contractors and consultants,~~
10 ~~including JSEBs. Said consultant shall submit the format for~~
11 ~~its work to the Mayor, with a copy to the COO, Director and~~
12 ~~the Council within 60 days of the award of the RFP.~~

13 ~~(b) Thereafter the consultant shall prepare quarterly reports~~
14 ~~in the format filed as described in Section (a) above and~~
15 ~~shall include data on prime contractors and subcontractors~~
16 ~~bidding on and awarded City projects, including at a minimum~~
17 ~~without limitation: the race, gender, or nationality of the~~
18 ~~contractor or consultant, along with the scope of services,~~
19 ~~SOIC code, size of contracts awarded in the categories used by~~
20 ~~Fla. Stat. Section 287.017 and 255.0525. The Director shall~~
21 ~~report on a quarterly and an annual basis to the Mayor and the~~
22 ~~Council on the number and value of contracts awarded, by~~
23 ~~category or work, contract size, characteristic of company~~
24 ~~(i.e., African American, Hispanic, Native American, Asian,~~
25 ~~Women, and Majority) and whether certified or not.~~

26 ~~(c)~~ (a) There is established a JSEB Monitoring Committee, to
27 review the status of the goals of this Program, including the
28 number and dollar value of contracts awarded, the training,
29 capital, and bonding programs, and difficulties or
30 accomplishments of the Program, along with a comparison of the
31 achievements under the Program compared with the goals. This

1 Committee shall meet with the Director quarterly, who shall
2 generate a report for the Mayor with a copy to the ~~COO~~ CAO and
3 the Council ~~within~~ no later than 14 days ~~of~~ after each
4 quarterly meeting. The Mayor shall appoint three members of
5 the Committee, and the City Council shall appoint two members.
6 The Committee shall be comprised of two non-JSEB contractors,
7 one appointed by each of the Mayor and the Council, two JSEB
8 contractors, one appointed by each of the Mayor and the
9 Council, and one private citizen for three-year staggered
10 terms. The Mayor shall appoint a Chair and the Chair shall
11 serve until such a time as another Chair shall be appointed by
12 the Mayor. The Mayor and Council shall strive to reflect the
13 diversity of Duval County in its appointments; each of the
14 five members shall be confirmed by Council. The JSEB Committee
15 shall be governed by Chapter 50 (Boards and Commissions).

16 **Section 25. Amending Chapter 126 (Procurement Code), Part**
17 **6B (Jacksonville Small Emerging Business Program) Ordinance Code**
18 Chapter 126 (Procurement Code), Part 6B (Jacksonville Small
19 Emerging Business Program), *Ordinance Code*, is hereby amended as
20 follows:

21 **Chapter 126. Procurement Code**

22 * * *

23 **PART 6B. JACKSONVILLE SMALL EMERGING BUSINESS PROGRAM**

24 Sec. 126.~~608~~607. [Percentage of work to be accomplished by
25 JSEBs.]

26 ~~(a) The City shall identify at least 20 percent of its work in~~
27 ~~its CIP program during the annual budget submission which~~
28 ~~shall be accomplished with JSEBs, using set-asides, prime~~
29 ~~contracting opportunities and subcontracting goals. The City,~~
30 through each Department head shall commit in its budget to
31 award at least 20 percent of its contracts for services, and

1 non-construction contracts to JSEBs, provided, however, that
2 such awards shall comply with local, state, and federal law
3 and that there exist certified JSEBs to perform the work.

4 (b) In implementing the Program, the Director of Intra-
5 Governmental Services shall first provide opportunities for
6 direct or prime contracting. Such opportunities should be
7 created by breaking procurement packages into smaller
8 components, and separating work that requires licenses from
9 that which does not in separate bid or proposal requests where
10 feasible.

11 * * *

12 **Sec. 126.609608. Jacksonville Small Emerging Businesses**
13 **defined.**

14 * * *

15 (b) Certifications granted after July 1, 2004 are valid for
16 one year; provided however, that a certification, once
17 granted, can be extended for up to four one-year terms upon
18 the submission of an affidavit, under penalty of perjury,
19 confirming the continued accuracy of the original
20 certification, or identifying changes thereto; and provided
21 further however that the JSEBs must submit the above affidavit
22 no sooner than 60 days before certification expires, in the
23 form created by the Procurement ~~Department~~ Division. Deceptive
24 or fraudulent affidavits will result in the owner being barred
25 from the program for three years, subject to the appeals
26 process set forth in Section 126.623, below; and provided,
27 further, that to remain or become certified after July 1,
28 2005, the JSEB must ~~have participated in either the accounting~~
29 ~~grant program or the Fiscal Physical or~~ provide audited
30 financial statements by a Certified Public Accountant and one
31 or more training, education, or mentoring programs during each

1 12-month period and provide evidence of such to the ~~Director~~
2 JSEB Administrator. For the initial certification, such
3 evidence may be provided in arrears, but must be provided on
4 or before the submission of the second year certification
5 affidavit.

6 (c) To be certified as a JSEB, an individual owner must meet
7 the following criteria:

8 * * *

9 (2) Have a personal net worth less than \$605,000, excluding
10 personal residence, including but not limited to business
11 value and assets (measured as book value), ownership in other
12 businesses and all other assets personally owned, held in
13 trust for the individual owner's benefit, or held by a spouse;
14 provided, however, that, notwithstanding personal net worth,
15 certification hereunder shall require that annual gross
16 receipts, averaged over the immediately preceding three-year
17 period, not exceed \$6,000,000. This annual gross receipts
18 threshold amount shall be subject to annual analysis by the
19 ~~Director~~ JSEB Administrator, who may recommend to the City
20 Council Committee responsible for Audit review for
21 consideration by the City Council an amount that may be more
22 appropriate;

23 * * *

24 (d) Only a firm that is managed and controlled by a JSEB ~~or~~
25 ~~MBE~~ person(s) may be certified under this Program. The JSEB
26 ~~and~~ ~~MBE~~ owner(s) must actually exercise control over the
27 firm's operations, work, management and policy. Indicia of
28 such control are set forth below.

29 (1) A firm must not be subject to any formal or informal
30 restrictions that limit the customary discretion of such
31 owner(s). There can be no restrictions through corporate

1 charter provisions, by-law provisions, contracts or any other
2 formal or informal devices that prevent the JSEB ~~or MBE~~
3 owner(s), without the cooperation or vote of a non-qualifying
4 person or entity from making any business decision of the
5 firm.

6 (2)The JSEB ~~or MBE~~ owner(s) may delegate various areas of the
7 management or daily operations of the firm to persons who
8 would not qualify to be JSEBs ~~or MBEs~~ only if such delegation
9 is typical in the industry for such businesses. Such
10 delegations of authority must be revocable, and the JSEB ~~or~~
11 ~~MBE~~ must retain the power to hire and fire any such person.
12 The JSEB ~~or MBE~~ owner must have an overall understanding of,
13 and managerial and technical competence, experience and
14 expertise, directly related to the firm's operations and work.

15 (3)The JSEB ~~or MBE~~ owner cannot engage in outside employment
16 or other business interests that conflicts with the management
17 of the firm or prevents the owner from devoting sufficient
18 time and attention to the affairs of the firm to manage and
19 control its activities unless such activities would be
20 appropriate with commensurate businesses, in order to avoid
21 sham or fraudulent certifications.

22 (e) Only an independent firm may be certified as a JSEB. An
23 independent firm is one whose viability does not depend on its
24 relationship with another firm. Recognition of an applicant as
25 a separate entity for tax or corporate purposes is not
26 necessarily sufficient to demonstrate that a firm is
27 independent. In determining whether an applicant is an
28 independent business, the ~~Director~~ JSEB Administrator will:

29 (1) Scrutinize relationships with non-JSEBs in such areas as
30 personnel, facilities, equipment, financial and/or bonding
31 support, and other resources.

1 (2) Consider whether present or recent family, or
2 employer/employee relationships between the JSEBs owner(s) of
3 the applicant compromise the applicant's independence.

4 (3) Examine the applicant's relationships with non-JSEB prime
5 contractors to determine whether a pattern of exclusive or
6 primary dealings with a prime contractor compromises the
7 applicant's independence.

8 (4) Consider the consistency of relationships between the
9 applicant and non-JSEBs with normal industry practices.

10 (5) An owner shall be certified only for specific types of work
11 for which the owner(s) has the ability and expertise to manage
12 and control the firm's operations and work.

13 ~~(f) To be certified as an MBE, an individual must meet the~~
14 ~~following criteria:~~

15 ~~(1) Own a business certified as a JSEB;~~

16 ~~(2) And be an individual who is a member of one of the~~
17 ~~following categories:~~

18 ~~(i) Blacks/African Americans, which includes persons having~~
19 ~~origins in any of the Black racial groups of Africa;~~

20 ~~(ii) Hispanic Americans, which includes persons of Mexican,~~
21 ~~Puerto Rican, Cuban, Dominican, Central or South American, or~~
22 ~~other Spanish or Portuguese culture or origin, regardless of~~
23 ~~race;~~

24 ~~(iii) Native Americans, which includes persons who are~~
25 ~~American Indians, Eskimos, Aleuts, or Native Hawaiians;~~

26 ~~(iv) Asian Americans (persons whose origins are in any of the~~
27 ~~original peoples of the Far East, Southeast Asia, the islands~~
28 ~~of the Pacific or the Northern Marianas, or the Indian~~
29 ~~Subcontinent); or (v) Women.~~

30
31 **Sec. 126.610609. JSEB Program administration.**

1 (a) The ~~Director~~ JSEB Administrator shall manage the Program,
2 including:

3 (1) Implementing and enforcing rules and regulations hereunder
4 and, implementation and monitoring of the Program.

5 (2) Breaking larger contracts into smaller components where
6 such actions will facilitate competition and provide
7 opportunities under the Program.

8 (3) Providing information and assistance to ~~MBES~~ and JSEBs
9 relating to City procurement opportunities, practices and
10 procedures, and bid and proposal specifications, requirements
11 and prerequisites.

12 (4) Certifying businesses as ~~MBEs~~ and JSEBs, maintaining
13 certification records, and ensuring that such information is
14 available on the City's Procurement website identifying all
15 such certified entities.

16 (5) Establishing Project Specific Goals after ensuring that
17 adequate ~~MBES~~ and JSEBs are available to do the work.

18 (6) Evaluating contractors' achievement of Project Specific
19 Goals or Good Faith Efforts to meet Project Specific Goals.

20 (7) Working with City departments to ensure prompt, timely,
21 payments to JSEBs for work performed in accordance with
22 126.605 herein.

23 (8) Receiving, reviewing, and acting upon complaints and
24 suggestions concerning the Program. The ~~Director~~ JSEB
25 Administrator shall create a complaint form as part of this
26 process that identifies both parties.

27 * * *

28 (12) As appropriate, advertising all pre-bid conferences in
29 applicable JSEB and ~~MBE~~ newspapers, direct-mail or e-mail
30 notices to certified JSEBs, and otherwise seek to increase the
31 interest of all JSEBs certified in the scopes of work of the

1 contract.

2 * * *

3 (14)The Director shall maintain a list of certified MBEs and
4 JSEBs, shall have copies available for distribution and shall
5 post such information on the City's Procurement website.

6 (15)The Director shall be allowed to adjust the annual gross
7 receipts for good cause shown. An appeal of the decision of
8 the director may be appealed pursuant to 126.616

9 (b)Each City department shall identify to the Director the
10 person with the responsibility of ensuring JSEB and ~~MBE~~
11 participation; said person shall receive diversity training
12 and shall prepare quarterly reports to the Director
13 identifying the extent of non-JSEB, JSEB and ~~MBE~~ participation
14 in any procurement within their Department that month.

15 **Section 26. Repeal Section 126.611 and renumber each Section**
16 **thereafter.**

17 * * *

18 **Sec. 126.613 612. Contract pre-award compliance procedures.**

19 (a) For all solicitations, the bidder/proposer shall submit a
20 Schedule of Participation detailing all JSEB, ~~MBE~~, and non-
21 JSEB subcontractors from which the bidder/proposer solicited
22 bids or quotations. The entities comprising the JSEB goal of
23 at least 20 percent, or the ~~MBE~~ goals as set forth supra,
24 shall be identified, or the basis for a waiver for good faith
25 efforts shall be provided with the bid or proposal. The lists
26 of JSEBs ~~or MBEs~~ posted on the City's website establishes the
27 group from which a bidder/proposer must solicit subcontractors
28 under this program. The Schedule of Participation shall be due
29 at the time set out in the solicitation documents.

30 (b) Any agreement between a bidder/proposer that prevents a
31 JSEB ~~or MBE~~ from providing quotations to other

1 bidders/proposers is prohibited.

2 (c) Joint ventures shall only be allowed under this Program in
3 cases that demonstrate legitimate, detailed JSEB partnerships
4 with non-JSEBs, proof of which shall be provided to the
5 Director.

6 (d) Where the bidder/proposer cannot achieve the Project
7 Specific Goal(s), the Director will determine whether Good
8 Faith Efforts have been made. In making this determination,
9 the Director will consider, at a minimum, a matrix to
10 determine the bidder/proposer's efforts to:

11 (1) Solicit certified subcontractors in the scopes of work of
12 the contract. The bidder/proposer shall provide interested
13 JSEBs ~~or~~ ~~MBEs~~ with timely, adequate information about the
14 plans, specifications, and other such requirements of the
15 contract to facilitate their quotation. The bidder/proposer
16 must follow up initial solicitations with interested JSEBs ~~and~~
17 ~~MBEs~~.

18 (2) Identify a portion of the work available to JSEBs ~~and~~ ~~MBEs~~
19 consistent with their availability.

20 (3) Negotiate in good faith with interested JSEBs ~~and~~ ~~MBEs~~.
21 Price sharing is prohibited in negotiations. Evidence of such
22 negotiation includes the names, addresses, and telephone
23 numbers of JSEBs ~~and~~ ~~MBEs~~ that were contacted; a description
24 of the information provided regarding the plans and
25 specifications for the work selected for subcontracting; and
26 why agreements could not be reached with them. The ability or
27 desire of a bidder/proposer to perform the work of a contract
28 with its own organization does not relieve it of the
29 responsibility to make Good Faith Efforts on all scopes of
30 work subject to subcontracting.

31 (4) Facilitate the leasing of equipment supplies or equipment

1 when they are of such a specialized nature that the JSEB ~~or~~
2 ~~MBE~~ could not readily and economically obtain them in the
3 marketplace, where feasible.

4 **Sec. 126.614613. Good faith efforts in lieu of meeting Program**
5 **goals.**

6 For a contract with ~~MBE or~~ JSEB subcontracting goals, a
7 contractor must comply by either meeting the goal or
8 demonstrating Good Faith Efforts to achieve it that are
9 consistent with the requirements set forth in this Chapter. In
10 determining whether a bidder/proposer has made Good Faith
11 Efforts, in lieu of achieving the stated goals, the Director
12 shall consider all relevant factors, which include:

13 * * *

14 (b) For contracts other than for construction related
15 professional services, a signed letter of intent from all
16 listed JSEBs ~~and MBEs~~ describing the work, materials,
17 equipment or services to be performed or provided by the JSEBs
18 ~~and MBEs~~ and the agreed upon dollar value shall be due with
19 the bid documents but in no event before the expiration of 48
20 hours after the submission of the bid.

21 (c) For construction related professional services contracts,
22 the highest ranked proposer must deliver at the time of fee
23 and contract negotiations signed letters of intent between
24 itself and the JSEBs ~~and MBEs~~(s) to be utilized.

25 If the Director finds that a bidder/proposer did not make
26 sufficient Good Faith Efforts, the Director shall communicate
27 this finding to the User Department and recommend that the
28 bid/proposal be rejected. A bidder/proposer may protest this
29 determination pursuant to the City's bid protest procedures.

30
31 **Sec. 126.615. Continuing obligations of JSEBs ~~and MBEs~~ and**

1 **graduation.**

2 The certification status of all JSEBs ~~and MBEs~~ shall be
3 reviewed annually by the Director through re-certification
4 application. Failure of the firm to seek re-certification by
5 filing the necessary documentation with the Department within
6 90~~60~~ days from the date of receipt of written notification
7 from Department may result in de-certification.

8 (a) It is the responsibility of the JSEB ~~or MBE~~ to notify the
9 Department of any change in its circumstances affecting its
10 continued eligibility for the Program. Failure to do so may
11 result in the firm's de-certification and preclusion from
12 future participation.

13 (b) The JSEB ~~or MBE~~ that no longer meets certification may be
14 decertified at any time.

15 (c) A firm, or qualifying individuals, who have participated
16 in the JSEB program for a total of 15 years shall graduate
17 from the Program.

18
19 **Sec. 126.~~616~~615. De-certification, Denial and appeal**
20 **procedure.**

21 (a) The Director may move to decertify a JSEB ~~or MBE~~ that
22 repeatedly fails to honor quotations in good faith, or
23 otherwise comply with Program requirements.

24 * * *

25
26 **Sec. 126.~~617~~616. Project goals.**

27 (a) The Director shall establish Project Specific Goal(s)
28 based on the availability of at least normal industry
29 practice, as determined in consultation with the User
30 Department, the availability of at least two JSEBs ~~or MBEs~~ to
31 perform the functions of those individual contracts and the

1 City's utilization of such to date. Project Specific Goal(s)
2 may be set for African Americans, Hispanic, Asian, and Native-
3 American or in an aggregation of groups of such individuals,
4 or for such individuals as a whole.

5 (b) Project Specific Goal(s) shall not be set on emergency
6 contracts as defined by City Code or for purchases made in
7 conjunction with the State although JSEBs and ~~MBEs~~ shall be
8 considered for such sole-source or emergency procurements if
9 qualified.

10
11 **Sec. 126.~~618~~617. Pre-award review of compliance with numerical**
12 **goals, including good faith efforts.**

13 (a) The Director shall timely review the Schedule of
14 Participation prior to award, including the scope of work and
15 the letters of intent from JSEBs ~~or MBEs~~. The Director may
16 request clarification in writing of items listed in the
17 Schedule of Participation, provided such clarification shall
18 not include the opportunity to augment listed JSEBs ~~or MBEs~~
19 participation or Good Faith Efforts. The Director shall review
20 all submittals and document the participation of each
21 submittal.

22 * * *

23 **Sec. 126.~~619~~618. Contract performance compliance procedures.**

24 * * *

25 (b)The contractor shall provide a listing of all JSEBs,~~MBEs~~
26 and any other subcontractors to be used in the performance of
27 the contract, and subcontractor payment information to the
28 City with each request for payment submitted to the City. The
29 Director and the User Department shall monitor subcontractor
30 participation during the course of the contract and shall have
31 reasonable access to all contract-related documentation held

1 by the contractor.

2 (c) The contractor cannot make changes to the Schedule of
3 Participation or substitute subcontractors named in the
4 Schedule of Participation without the prior written approval
5 of the Director upon recommendation of the Ombudsman.
6 Unauthorized changes or substitutions shall be a violation of
7 this chapter, and may constitute grounds for rejection of the
8 bid or proposal or cause termination of the executed contract
9 for breach, the withholding of payment and/or subject the
10 contractor to contract penalties or other sanctions.

11 (1) All requests for changes or substitutions of the
12 subcontractors named in the Schedule of Participation shall be
13 made to the Ombudsman with a copy to the Director in writing,
14 and shall clearly and fully set forth the basis for the
15 request. A contractor shall not substitute a subcontractor or
16 perform the work designated for a subcontractor with its own
17 forces unless and until the Director approves such
18 substitution in writing. A contractor shall not allow a
19 substituted subcontractor to begin work until both the
20 Director and the City's project manager have approved the
21 substitution.

22 (2) The facts supporting the request must not have been known
23 nor reasonably should have been known by either party prior to
24 the submission of the Schedule of Participation. Bid shopping
25 is prohibited. The contractor must bring this dispute to the
26 Ombudsman for resolution.

27 (3) The Director's final decision whether to permit or deny
28 the proposed substitution, and the basis therefore, will be
29 communicated to the parties in writing by the Director, with a
30 copy to the ~~COO~~CAO.

31 (4) If the City requires the substitution of a subcontractor

1 listed in the Schedule of Participation, the contractor shall
2 undertake Good Faith Efforts to fulfill the Schedule of
3 Participation if the Project Specific Goals would not
4 otherwise be met. If the Goal(s) cannot be reached and Good
5 Faith Efforts have been made, the contractor may substitute
6 with a non-JSEBs ~~or MBEs~~.

7 (d) If a Contractor plans to hire a subcontractor on any scope
8 of work that was not previously disclosed in the Schedule of
9 Participation, the contractor shall obtain the approval of the
10 Director to modify the Schedule of Participation and must make
11 Good Faith Efforts to ensure that JSEBs ~~or MBEs~~ have a fair
12 opportunity to bid on the new scope of work.

13 * * *

14 **Sec. 126.621620. JSEB and Program eligibility.**

15 (a) Only businesses that meet the criteria of JSEBs ~~and MBEs~~
16 may be certified for participation in the Program. The
17 applicant has the burden of persuasion.

18 * * *

19 (c) The certification status of all JSEBs ~~and MBEs~~ shall be
20 reviewed annually by the Department. Failure of the firm to
21 seek re-certification by filing the necessary documentation
22 with the Department within 60 days from the date of receipt of
23 written notification from the Department may result in de-
24 certification.

25 (d) It is the responsibility of the JSEBs ~~and MBEs~~ to notify
26 the Department of any change in its circumstances affecting
27 its continued eligibility for the Program. Failure to do so
28 may result in the firm's de-certification.

29 (e) The Director shall decertify a firm that does not meet the
30 eligibility criteria.

31 (f) A JSEB ~~or MBE~~ may receive no more than five prime

1 contracts set aside per year or an aggregate total prime
2 contracts set aside per year in the amount of \$4,000,000,
3 which ever is greater.

4 * * *

5 **Sec. 126.622621. Counting subcontracting participation of**
6 **JSEBs and ~~MBEs~~.**

7 (a) The entire amount of that portion of a construction
8 subcontract that is performed by the JSEBs and ~~MBEs~~ own forces
9 shall be counted, including the cost of supplies and materials
10 obtained by the JSEBs and ~~MBEs~~ for the work of the
11 subcontract, and supplies purchased or equipment leased by the
12 JSEBs and ~~MBEs~~. Supplies and equipment the JSEBs and ~~MBEs~~
13 purchases or leases from the prime contractor or its Affiliate
14 shall not count as JSEB or ~~MBE~~ participation.

15 (b) The entire amount of fees or commissions charged by a
16 JSEBs and ~~MBEs~~ for providing a bona fide service, such as
17 professional, technical, consultant or managerial services, or
18 for providing bonds or insurance specifically required for the
19 performance of a contract shall be counted, provided the fee
20 is reasonable and not excessive as compared with fees
21 customarily charged for similar services.

22 (c) If a firm ceases to be a certified JSEBs and ~~MBEs~~ during a
23 contract, the dollar value of work performed under a contract
24 with that firm after it has ceased to be certified shall be
25 counted in the City's internal accounting. No contractor shall
26 be penalized in any way as a result of the failure of a
27 project to achieve its Project Specific Goals because of the
28 operation of this Section.

29 (d) In determining achievement of a Subcontracting
30 Participation Goal, the participation of a JSEB or ~~MBE~~ shall
31 not be counted until the amount being counted has been paid to

1 that entity.

2 * * *

3 **Sec. 126.623622. Acts which may result in expulsion from the**
4 **JSEB program; fines, and criminal offenses.**

5 (a) The following violations of this chapter are unlawful and
6 may be prosecuted in Municipal Court as Class D offenses:

7 (1) Providing information to the City in connection with an
8 application for or challenge to certification, re-
9 certification or de-certification as JSEBs ~~or MBEs~~ that the
10 providing party knew or should have known to be false or
11 misleading.

12 * * *

13 (4) Substituting JSEBs ~~or MBEs~~ subcontractors without first
14 receiving approval for such substitutions.

15 * * *

16 **Sec. 126.624623. Annual Budget Appropriation.**

17 The JSEB ~~and MBE~~ programs, as provided for in this Chapter,
18 shall be funded at a minimum of \$500,000 or greater excluding
19 staff.

20 **Section 27. Organizational Chart.** For informational
21 purposes only for this legislation, an organizational chart is
22 attached hereto as **Exhibit 8**.

23 **Section 28. Transition.** The Mayor or designee is
24 authorized to effect the transition and implementation required by
25 this ordinance through the transfer or other disposition of the
26 records, property, and personnel (those not confirmed by Council)
27 affected by this legislation.

28 **Section 29. Codification.** All references in the *Ordinance*
29 *Codes* shall be adjusted accordingly as to these department changes,
30 respectively.

31 **Section 30. Codification Instructions.**

1 The Codifier is authorized to make all chapter and division
2 "tables of contents" consistent with the changes set forth herein.
3 Furthermore, the Office of General Counsel, working together with
4 and through the contracted codifier of the City Ordinance Code, is
5 hereby authorized and directed to make such editorial changes
6 throughout the Ordinance Code to reflect the name changes,
7 including but not limited to: (1) Parks and Recreation to Parks,
8 Recreation and Community Services, (2) the Waterfront Management
9 and Programming Division to the Natural and Marine Resource
10 Division, (3) the Neighborhoods Department to the Regulatory
11 Compliance Department therein, in regard to all to departments,
12 divisions and sub-titles therein, and to reflect such changes in
13 duties, functions and responsibilities throughout the *Ordinance*
14 *Code* resulting from the reorganization and the restructuring of the
15 Executive Branch of the City government as set forth herein. Such
16 editorial changes, and any others necessary to make the *Ordinance*
17 *Code* consistent with this reorganization, and any past
18 reorganization are approved and directed herein, and changes to the
19 *Ordinance Code* shall be made forthwith and when inconsistencies are
20 discovered.

21 **Section 31. Authorizing the Council Auditor's and General**
22 **Counsel's Office to make "Technical Amendments".** The Council
23 Auditors and the General Counsel's Offices are authorized to take
24 all necessary action in connection with this legislation, to
25 execute the finalization and codification of the legislation to
26 effectuate the purposes of this Ordinance as recommended by the
27 Council Committees and enacted by Council, without further Council
28 action, provided such changes and amendments are limited to
29 "technical amendments" including updating division, and
30 departmental name changes throughout the code, and do not change
31 the fiscal impact and, further provided, that all such amendments

1 shall be subject to appropriate legal review and approval by the
2 General Counsel, or designee, and all other appropriate official
3 action required by law.

4 **Section 32. Liberal Construction.** The provisions of
5 this act shall be liberally construed to effect its purposes and
6 shall be deemed cumulative, supplemental and alternative for the
7 exercise of the powers provided herein.

8 **Section 33. Severability.** If any section, clause,
9 sentence, or provision of this act or the application of such
10 section, clause, sentence, or provision to any person or bodies or
11 under any circumstances shall be held to be inoperative, invalid,
12 or unconstitutional, the invalidity of such section, clause,
13 sentence, or provision shall not be deemed, held, or taken to
14 affect the validity or constitutionality of any of the remaining
15 parts of this act, or the application of any of the provisions of
16 this act to persons, bodies, or in circumstances other than those
17 as to which it or any part thereof shall have been inoperative,
18 invalid, or unconstitutional, and it is intended that this act
19 shall be construed and applied as if any section, clause, sentence,
20 or provision held inoperative, invalid, or unconstitutional had not
21 been included in this act.

22 **Section 34. Effective Date.** This ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

25
26 Form Approved:

27
28 _____
29 Office of General Counsel

30 Legislation prepared by: Margaret M. Sidman