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MEMORANDUM

TO: The Honorable City Council Members

FROM: Cindy A. Laquidara, General Counsel

RE: Ordinances # 2012-212 and #2012-213; Responses to City Council Auditor Comments

DATE: April 23, 2012

The Office of General Counsel respectfully submits its responses to those issues raised in the Council Auditor's list of queries which are of legal consequence, as circulated prior to the Rules Committee meeting on Monday, April 16, 2012. For ease of reference, the Council Auditor questions are posed and reproduced in *italics*, followed by our respective answers, as set forth below. Please note that our responses here are pertinent to legal or non-policy based commentary. As you will note, policy-based questions are outside the scope of our Office's review and of course suitable for your further discussion and deliberation.

Ordinance 2012-212

(1) Council Auditor Commentary: *Page 3, Lines 21-23, Section 51.101*

Question: Where will the Office of Economic Development be housed? Mayor's Office? Auditor Recommended Amendment: Include statement in establishment section of MC which department the OED will be housed.

- **OGC Response:** Policy discussion.

(2) Council Auditor Commentary: *Page 3, Lines 24-31, Section 55.102*

Amend: Correct title of section to "Chief Operating Officer"; Concern: Qualifications for the Chief Operating Officer are not identified; Concern: Office of Economic Development Chief Operating Officer appointment does not require Council Approval. Auditor Recommended Amendment: Due to the number of responsibilities the Chief Operating Officer should be confirmed by Council.

- **OGC Response:** Policy discussion. See Ordinance 2011-732-E.

(3) Council Auditor Commentary: *Page 3, Line 28, Section 55.102*

Amend: insert "of" after "supervision"

- **OGC Response:** Agreed.

(4) Council Auditor Commentary: *Page 4, Line 22, Section 55.103*

Auditor Recommended Amendment: Assets transferred need to be assigned to the City not the OED. Request: Provide a list of assets that will be transferred from JEDC to OED; Question: Has JEDC ever issued bonds? Auditor Recommended Amendment: Delete reference to bonding responsibilities.

- **OGC Response:** The assets are and will remain City assets. JEDC was not a separate corporation capable of holding assets, and neither is OED as created. Unsure where the auditors are identifying the concern. This provision provides for third parties to understand that the present ordinance requires the City to issue the bonds, not the OED.

See Page 4, Lines 10 & 23. While the City is assuming the assets, the OED as an Office is undertaking duties and responsibilities for managing same. This language is necessary to assure bondholders of a smooth transition (un-impaired contracts) and so forth for Chapter 159 related bonds. The City can consider doing same for Chapter 163, Part III related bonds (DIA for downtown area; City Council for non-downtown area) to the extent any are issued. Only the City can issue bonds.

(5) Council Auditor Commentary: *Page 5, Lines 10-11, Section 55.201(c)*

Amend: Strike reference "operating as staff to the Council" and insert "providing support to the Council".

- **OGC Response:** Agreed.

(6) Council Auditor Commentary: *Page 5, Line 15, Section 55.201(d)*

Amend: Strike "Operating as staff" and insert "Providing support".

- **OGC Response:** Agreed.

(7) Council Auditor Commentary: *Page 5, Lines 23-25, Section 55.201(h) - (i)*

Concern: Appointment of Chief for listed responsibilities should be approved by Council.

- **OGC Response:** There is no precedence for the Mayor's staff to be approved by Council; To the extent that this person is a staff member of the Mayor, no confirmation is needed. Thus, this is a policy call.

(8) Council Auditor Commentary: *Page 6, Lines 1-13, Section 55.202*

Amend: Add the Ritz Theatre and Museum as a facility as they are included in the facilities manager RFP. Concern: In consideration of the passage of Resolution 2012-237-E does Council want OED to manage the Equestrian Facility?

- **OGC Response:** Policy discussion.

(9) Council Auditor Commentary: Page 6, Lines 14-22, Section 55.202(a)

Concern: Gives broad authority to execute agreements. Recommend Amendment: Clarify authority given by this provision and require compliance with Ch 126 Procurement Code. Question: Explain what is a "nominal gratuity system"? Question: Explain the staffing and maintaining of the restroom facilities.

• **OGC Response:** There is nothing exempting the DIA from Chapter 126 (Procurement Code) and thus it applies as an agency of the City. Their authority to execute documents is consistent with other independent agencies, such as the Children’s Commission, that has authority to execute documents. This is therefore a policy call on the execution issue, which should follow appropriately after the Council determines the final substantive attributes of this agency.

As for the nominal gratuity system – to our knowledge, it has been implemented within Special Events, and includes lunch and parking for volunteers. As to restroom facilities, dependent on the skill-set and number of the volunteers, maintaining the restroom facilities for a function is at times included by the volunteers as opposed to requiring the City’s contractor to perform it for a fee. See “Special Events” for a lead.

(10) Council Auditor Commentary: Page 6, Lines 23-26, Section 55.202(b)&(c)

Question: Should direct marketing of City sponsored events be a function of the OED or Special Events?

• **OGC Response:** Policy discussion.

(11) Council Auditor Commentary: Pages 6-7, Lines 30-31; 1-2, Section 55.202(d)

Question: What are "hospitality expenses" and list examples? Recommended Amendment: Require hospitality expenses to be specifically identified within the budget ordinance without transfer ability.

• **OGC Response:** To the extent that they include food and beverages, they would have to be specifically identified and approved in the budget year. This is intended to include hosting out-of-town businesses and typical social courtesies.

(12) Council Auditor Commentary: Page 7, Lines 9 & 23, Section 55.203

Amend: Strike "Jacksonville" in reference to the Economic Development Officer.

(13) Council Auditor Commentary: Page 8, Line 14, Section 55.205

Amend: Strike "Jacksonville" in reference to the Economic Development Officer.

(14) Council Auditor Commentary: Page 9, Lines 7-8, Section 55.206 (e)

Amend: Remove drafting note.

(15) Council Auditor Commentary: Page 9, Lines 14-16, Section 55.206(h)

Amend: Remove drafting note.

- **OGC Response:** Agreed (regarding items 12 through 15).

(16) Council Auditor Commentary: *Page 9, Lines 17-18, Section 55.206(i)*

Question: Is the DDRB dissolving? If so, MC sections 656.361.1 and 656.361.7, .8 and .9 will need to be amended. Concern: If the DDRB is to be dissolved where will the appeals be heard? Request: Diagram to explain what advisory boards will fall under OED.

- **OGC Response:** This issue was discussed with the Administration and our understanding is that the DDRB is intended to continue to exist (as currently set forth in Sec. 656.361.7 and .8, Zoning Code) and serve under the DIA (rather than under the JEDC as is currently the case). Accordingly, under this proposal, an amendment to proposed Sec. 55.308(f) (p. 18) would be advised, to clarify the DIA’s responsibility with respect to the Downtown Master Plan and Overlay Zone as delineated in Sec. 656.361.8, Zoning Code, and in carrying out such duties the DDRB would be positioned to “assist the DIA” in its specified functions. Under this proposal the JEDC would be replaced with the DIA throughout the Overlay with respect to DDRB/Overlay related matters.

It is advised that an addition to the Section 15 “Codification” (p. 30) and Section 17 “Technical Amendments” (p. 31) would be helpful with respect to identifying not just general JEDC to OED revisions, but JEDC to DIA ones in the DDRB/Overlay context. Lastly, with the OED being an office rather than a commission, the Council could consider replacing the JEDC with itself as governing body for purposes of appeals as set forth in 656.361.9(g), where applicable.

(17) Council Auditor Commentary: *Page 10, Lines 5-9, Section 55.304(a)*

Question: Does the City have the authority to create an independent agency?

- **OGC Response:** Yes.

Question: Will this authority have taxing ability and or will they be able to impose fees?

- **OGC Response:** No.

Question: Where will the funds come from to operate this agency?

- **OGC Response:** Annually appropriated funds, grants, and tax increment funding within the downtown CRAs -- to the extent that a development or downtown improvement falls within a City Council approved CRA plan. See Sec. 55.310 (p. 20).

Question: If the Authority is sued who would pay for the judgment?

- **OGC Response:** Unless they are created as a truly independent agency, the City. They are presently structured as a City agency.

Question: Why should the Authority need to adopt a corporate seal?

- **OGC Response:** If they are a separate corporation, they would need it. Compare JEA with the Library. Whichever structure the Council agrees to will ultimately define the need for this.

Question: Will the DIA manage City employees? If so, then how is the DIA an independent agency?

• **OGC Response:** The two questions have no legal import. City employees are managed by the independent Constitutional Officers, for example.

Question: What is the role of Downtown Vision Inc's?

• **OGC Response:** Its role is what the City Council has determined it to be in separate legislation. See, for example, Ordinance 1999-1175-E which authorized a contract with Downtown Vision, Inc., for certain community enhancements within the downtown area.

Also see: <http://downtownjacksonville.org/DowntownVisionInc/WhoWeAre.aspx>

As for this general set of questions, they once again involve a policy discussion which revolves around the fundamental question of: How independent do you want the DIA to be?

(18) Council Auditor Commentary: Page 12, Lines 4-26, Section 55.306

Question: Where did the definition of public facilities come from? Why is it so broad of a definition?

• **OGC Response:** This is a standard definition based on common usage. The remainder of the question is difficult to answer as it is more philosophical. If there is an element included that the Council as a matter of policy has determined it did not want to include, or vice versa, then it can be changed by the Council.

Question: Why should the DIA have the authority to issue bonds?

• **OGC Response:** This is a City function. City Council is charged with authorizing the issuance of revenue bonds. See FS 163.358, and Sec. 104.203, Ord Code.

Question: Why is the definition of "project" so broad? What is the intent?

Question: Will the DIA be constructing roads?

Question: On line 14 what is "works road"?

Question: Clarify the definition of "public body"?

• **OGC Response:** Regarding the "project" definition, same answer applies as to the "public facilities" question above. With respect to constructing roads, please see Sec. 55.308(x) (p. 20) which includes "as subject to applicable laws." Regarding "works road" that is a typo which can be stricken. Much like the other identified terms, the definition of "public body" is defined, to which the question then becomes, what part of the definition is concerning or in need of clarity? Certainly a discussion for the Council to consider.

(19) Council Auditor Commentary: Page 13, Lines 9-29, Section 55.306

Question: Is it the intent of DIA to be performing the work or giving out incentives?

- **OGC Response:** As with any other CRA, they will sometimes engage a contractor to perform work (think of landscaping, for example) and will sometimes reach agreements with incoming businesses.

Question: What is the intent of DIA regarding Real Property?

- **OGC Response:** As presently drafted, the DIA would manage those City real properties downtown that are leaseable. See Sections 55.308(u)-(w).

Question: Explain the reference to "Obligee".

- **OGC Response:** "Obligee" is defined and pertinent in the bond issuance context – the obligee is person in whose favor the bond/obligation is created (remember that Council approves authorization for bond issuance).

(20) Council Auditor Commentary: *Page 14, Line 13, Section 55.307(b)(1)*

Amend: Strike "Chapter" and insert "Section".

- **OGC Response:** Agreed.

(21) Council Auditor Commentary: *Page 14, Lines 29-31, Section 55.307(b)(4)*

Question: Who deems the board members' office vacant?

- **OGC Response:** By operation of law. See Chapter 50, Ordinance Code.

(22) Council Auditor Commentary: *Page 15, Lines 6-7, Section 55.307(b)(4)*

Amend: Strike the last sentence it is duplicative.

- **OGC Response:** Will review.

(23) Council Auditor Commentary: *Page 15, Lines 17 & 20, Section 55.307(b)(5)(1)*

Amend: Strike "Chairman" and insert "Chair".

- **OGC Response:** Too colloquial for formal legislation although often used when someone finds the historically-applied "Chairman" to be offensive in some way; Chairman applies to members of both sexes who are acting as presiding officers. Prefer to maintain the use of Chairman.

(24) Council Auditor Commentary: *Page 16, Line 26, Section 55.307(b)(5)(8)*

Amend: Strike the "s" from "Chapters".

- **OGC Response:** Agreed.

(25) Council Auditor Commentary: *Page 16, Lines 28-29, Section 55.308*

Amend: Revise language to read as follows - "The Board shall have the power, subject to appropriated funds, to do the following as to the Downtown:"

- **OGC Response:** Agreed.

(26) Council Auditor Commentary: Page 17, Lines 1-10, Section 55.308(a)

Recommended Amendment: Board should not be authorized to approve a contract with any employee that binds the City longer than one fiscal year.

- **OGC Response:** This is a key policy issue. One-year agreements are of little or no value to a CRA.

Question: What are the qualifications of the Chief Executive Officer appointed by the DIA?

- **OGC Response:** This is a policy issue.

(27) Council Auditor Commentary: Page 15, Lines 17-20, Section 55.308(c) - (x)

*Recommended Amendment: All of the powers and duties should be subject to Council Approval
Major Concern: Powers given to the DIA are very broad with little or no oversight.*

- **OGC Response:** Policy discussion. These powers are akin to other independent agencies.

(28) Council Auditor Commentary: Page 17, Line 24, Section 55.308(c)(1)

Amend: Include the title of the document and Ordinance number 2012-212.

- **OGC Response:** Agreed.

(29) Council Auditor Commentary: Page 17, Lines 25-27, Section 55.308(c)(2)

Amend: Include the title of the document and Ordinance number 2012-212.

Question: What property will be leased?

Concern: The leasing of property is a function of the City Real Estate Office and requires Council approval.

- **OGC Response:** Agreed as to amending the title. Leasing property is approved if the attached lease is acceptable to the Council. This is again a policy call.

(30) Council Auditor Commentary: Page 17, Line 28, Section 55.308(d)

Question: Explain reference to "Administer and manage the downtown tax increment finances".

- **OGC Response:** This is in accordance with long-established Florida law for a CRA. They are the designated CRA for the downtown. They devise a plan (subject to Council approval) and then execute that plan accordingly.

(31) Council Auditor Commentary: Page 18, Lines 9-10, Section 55.308(h)

Question: Explain the intent to allow the DIA to receive, dispose of and bond (subject to City approval) all authorized revenue?

- **OGC Response:** Self-evident as a CRA and under the legislation. See Chapter 163, Part III, FS.

(32) Council Auditor Commentary: Page 18, Lines 19-23, Section 55.308(l)

Question: Should the City allow someone besides the Mayor or designee be authorized to execute contracts and other documents?

- **OGC Response:** Policy discussion. The City already does this, for example, having passed such authority to the Jacksonville Children’s Commission, to name one entity.

(33) Council Auditor Commentary: Page 19, Lines 3-9, Section 55.308(p)

Question: Why should DIA be given such broad authority over public facilities without Council review and approval?

- **OGC Response:** Policy discussion.

(34) Council Auditor Commentary: Page 19, Line 13, Section 55.308(q)

Question: When would outside private counsel be employed?

Recommended Amendment: Specify conditions that outside counsel would be allowed to be employed on a temporary basis.

- **OGC Response:** Same as any other independent authority. See Sec. 108.505, Ord. Code.

(35) Council Auditor Commentary: Page 19, Line 18, Section 55.308(t)

Amend: Insert "non-financial" before agreements.

- **OGC Response:** Policy discussion at the core of the new agency.

(36) Council Auditor Commentary: Page 19, Lines 21-30, Section 55.308(u)

Concern: The Acquisition of property should be required to be approved by Council.

Question: What is the intent in allowing DIA broad real estate authorization?

Recommended Amendment: Require Real Estate transaction to be approved by Council and limit DIA requested real estate transactions to the downtown boundaries.

- **OGC Response:** Policy discussion. In Sec. 55.308(u) (p. 19), remove reference that would allow the DIA to operate outside of the downtown boundaries. The intent is to allow the DIA to operate as an independent agency and to buy and sell real estate with appropriated funds.

(37) Council Auditor Commentary: Page 20, Lines 1-6, Section 55.308(v)

Question: What is the intent in allowing DIA to dispose of assets and properties?

- **OGC Response:** The intent is to have an independent agency with these attributes, subject to appropriation by Council. This is a policy discussion.

(38) Council Auditor Commentary: Page 20, Lines 7-12, Section 55.308(w)

Concern: Listed items are a function and responsibility of the Real Estate Office.

- **OGC Response:** The intent is for the new agency to focus on real estate downtown, with whatever assistance they need from the City or legal counsel. This is a policy discussion.

(39) Council Auditor Commentary: Page 20, Lines 13-15, Section 55.308(x)

Question: What is the intent of allowing DIA to plan or modify streets and roads? Isn't this a Public Works function?

- **OGC Response:** The intent is to allow modifications and landscaping, and the like subject to the Council's ordinances and State law in order to accommodate new businesses where needed downtown. This is a policy discussion.

(40) Council Auditor Commentary: Page 20, Lines 16-23, Section 55.309

Recommended Amendment: Require Council approval of budget.

Amend: "Officer" should be changed to CEO of DIA.

- **OGC Response:** The Council approves all budgets under the Charter and State law. This reference is in many agency ordinances, including the independent agencies, making clear that their budgets are given to the Mayor for input and inclusion in the City's budget. Nothing here excludes the Council; it includes the Mayor's office in the process, which has always incorporated those budgets into its submission to Council. Name changes are policy issues.

(41) Council Auditor Commentary: Pages 20-21, Section 55.310

Recommended Amendment: All Financial transactions should be in accordance with the Municipal Code regarding Budgeting, Procurement, Budgeting and Council Approval.

- **OGC Response:** Do not know what this broad policy statement means. The Code has not been waived unless there is an express authorization in this legislation. If there is a specific audit, or legal question that I have missed, just let me know.

(42) Council Auditor Commentary: Page 21, Lines 13-26, Section 55.312

Recommended Amendment: Delete Authorization for Eminent Domain in its entirety.

- **OGC Response:** The request has to start somewhere; with a CRA it starts with a request from the CRA. This is always subject to City Council approval. Both in the Ordinance Code, and in FS 163.358 for CRA purposes. The proposed ordinance recognizes this in Section 55.312, particularly lines 13-14 on page 21.

(43) Council Auditor Commentary: Page 21, Line 27

*Amend: Remove the ****

- **OGC Response:** Agreed.

(44) Council Auditor Commentary: Page 23, Line 28, Section 111.640(a)

Question: What funds would be "deposited to" the redevelopment trust fund?

- **OGC Response:** The proposed ordinance intends for all funds received by the DIA as a CRA under Chapter 163, Part III, FS, to be deposited to the redevelopment trust fund.

(45) Council Auditor Commentary: Page 24, Line 7, Section 111.640(b)

Amend: Relocate the "," after City.

- **OGC Response:** Agreed.

(46) Council Auditor Commentary: Page 24, Lines 17-19, Section 111.640(d)

Amend: Require City Council Approval.

- **OGC Response:** The question of how and under what conditions the trust fund is expended is a policy discussion. Also, to the extent that funds are received in accordance with FS 163.387 pursuant to a redevelopment plan approved by the City Council, funds are expended by CRAs throughout the State under these same types of constraints.

(47) Council Auditor Commentary: Page 24, Lines 20-31, Section 111.645

Question: Should this section define how long jobs should be kept?

Recommended Amendment: Include reporting requirement, limitation on the type of project eligible, max amounts.

Concern: Will the meeting of the Mayor and Council for the purpose of distributing funds be a Sunshine Law issue?

- **OGC Response:** This is a policy discussion. To the extent that the Council President is making a decision with the Mayor, it would be subject to the Sunshine Law and would need to be noticed 24 hours in advance.

(48) Council Auditor Commentary: Page 25, Lines 14-20, Section 111.645(c)

*Amend: Strike paragraph (c) and ****

- **OGC Response:** Agreed.

(49) Council Auditor Commentary: Page 29, Line 7, Section 9

Amend: Define "technical amendments"

- **OGC Response:** Please insert whatever definition you have used in the past and with which you still agree, unless you are willing to accept a definition of non-substantive / non-material.

(50) Council Auditor Commentary: *New: Amend: Amend Municipal Code Sections 500.102 and 500.104 to declare that the DIA will be the governing body for the Downtown CRA, and Council will be the governing body for the JIA CRA and the Soutel/Moncrief CRA.*

- **OGC Response:** Agreed.

(51) Council Auditor Commentary: *New: Recommended Amendment: Identify and state who will be responsible for the preparation of the preliminary statement of intent and review of Industrial Development Revenue Bonds.*

- **OGC Response:** This is intended to be the OED; Agreed.

(52) Council Auditor Commentary: Exhibit 4

Page 11 of 41, Section 5.2(d)

Recommend Amendment: Companies should comply with all requirements of the MC Section instead of Ord 2002-395.

- **OGC Response:** Agreed.

Page 12 of 41, Section 6.1

Recommended Amendment: Limit incentives to just Duval County.

- **OGC Response:** Policy call.

Page 21 of 41, Section 14.1

Recommended Amendment: Require annual job verification by State Records of Unemployment Forms.

- **OGC Response:** Policy call. Also, I believe compliance is to be handled in accordance with a report being delivered in May by the existing commission that is reviewing these matters.

Page 24 of 41, Section 16.1

Amend: Delete the provision concerning the Duval County Job Opportunity Bank.

- **OGC Response:** Policy call.

Page 25 of 41, Section 17.1

Recommended Amendment: Require supporting documentation necessary to verify base year and required investments.

- **OGC Response:** Agreed.

(53) Council Auditor Commentary: Exhibit 5

Page 2 of 55, Section 1.1.13

Question: Explain "Development Fees"?

- **OGC Response:** Includes Tenant improvement costs included in approved budget. Can further elaborate with former JEDC personnel / as to be housed in OED.

(54) Council Auditor Commentary: Exhibit 6

Amend: Attach executed BT

- **OGC Response:** Agreed.

(55) Council Auditor Commentary: Exhibit 7

Amend: Attach Organizational Chart

- **OGC Response:** Agreed.

(56) Council Auditor Commentary: Overall Questions and Needs

(1) How many employees will be under the Office of Economic Development?

- **OGC Response:** This is subject to the appropriate budget allocation. The current proposal is to transfer what exists in JEDC today through the end of this fiscal year. New budgets are submitted as of July 1, 2012.

(2) Provide a list of assets that will be transferred to the DIA.

- **OGC Response:** This list will need to be identified. You can require it but not include the actual list in the legislation. Need to check with current JEDC personnel and Administration.

(3) Provide an organizational chart.

- **OGC Response:** Answered with respect to Exhibit 7 above. Agreed.

(4) Provide a list of Counties where research was performed.

- **OGC Response:** This can be provided by former JEDC staff as housed in OED.

(5) Provide a list of current accounts and balances for:

*Trust Funds
Incentive Funds
CRAs
TIFs*

- **OGC Response:** The Finance Department can provide this.

Ordinance 2012-213

(1) Council Auditor Commentary: *Page 3, Lines 4-7, Section 5.08*

Amend: Criteria regarding the number of readings required for legislation is addressed within the Council Rules therefore strike "Economic Development Incentives Policy" and insert "Council Rules".

- **OGC Response:** Agreed.

(2) Council Auditor Commentary: *Page 3, Lines 13-15, Section 2*

Amend: Include reference to the creation of Rule 3.306.

- **OGC Response:** Agreed.

(3) Council Auditor Commentary: *Page 3, Line 28, Section 3.101(a)*

Amend: Strike "Economic Development Investment Policy" and insert "Council Rules" and specifically identify which agreements/incentives will fall under this policy or criteria.

- **OGC Response:** Changing “Economic Development Investment Policy” to “Council Rules” is acceptable. See Rule 3.101(b) regarding the identification of which agreements this impacts.

(4) Council Auditor Commentary: *Page 4, Lines 5-8, Section 3.101(b)*

Amend: Strike "City's Economic Development Investment Policy".

Amend: Identify specifically which agreements/incentives fall under this policy or criteria.

- **OGC Response:** All economic development agreements would be approved by Resolution (see page 9 of the Economic Development Investment Policy). Listing each individual incentive program would unnecessarily duplicate the program descriptions in the Policy on file with Legislative Services. The language in question could be simplified as follows:

Proposed new language on page 4, lines 5-8:

“, or an approval of economic development agreements, including any appropriations relating to such agreements.”

(5) Council Auditor Commentary: *Page 4, Lines 18-31, Section 3.305(c)*

Amend: Strike "City's Economic Development Investment Policy" and identify which agreements/incentives fall under this policy or criteria.

- **OGC Response:** The only criteria for the two reading process (see page 9 of the Policy) is that the project is an economic development project approved by the Economic Development Officer and Mayor. Thus, any economic development agreement would qualify if the EDO and Mayor approve. The language in question could be simplified as follows:

Proposed new language on page 4, lines 18-25:

“A resolution approving an economic development investment incentive that has been approved by the Economic Development Officer and Mayor shall only require two readings, so long as the procedural requirements of...”

(6) Council Auditor Commentary: *Page 4, Lines 18-31, Section 3.305(c)*

Recommended Amendment: Identify the Council's Economic Development Investment Committee as the Finance Committee.

- **OGC Response:** Policy discussion.

(7) Council Auditor Commentary: *Page 5, Lines 1-12, Section 3.306*

Amend: Strike "City's Economic Development Investment Policy" and identify what incentives will fall under this rule.

- **OGC Response:** Agreed and the proposed new language is as follows:

Proposed new language on page 5, lines 1-6:

“A resolution approving an economic development investment incentive (i) for which the maximum City provided investment from all sources is no more than \$300,000, and (ii) which meets the requirements of the Economic Development Investment Policy without need for a waiver of the policy, shall only require one reading so long as ...”

(8) Council Auditor Commentary: *Page 5, Lines 1-12, Section 3.306*

Recommend Amendment: Upon filing of any economic development bill which allows for one or two readings with the Legislative Services Division require Legislative Services Division to post the proposed legislation on their website within 24 hours.

- **OGC Response:** Policy discussion.

(9) Council Auditor Commentary: *Page 4, Line 10, Section New*

*Recommended Amendment: Strike *** and then insert a new Section (i) to Rule 3.102 Preparation of Bills which requires a separate section within any legislation requesting one or two readings stating reason why shorten cycle is required.*

- **OGC Response:** Policy discussion.

(10) Council Auditor Commentary: *Page 4, Line 10, Section New*

Recommend Amendment: Amend Council Rule 4.301 Order of Business to require economic development legislation on a shortened cycle be taken up after Public Comment and include an unadvertised Public Hearing.

- **OGC Response:** Policy discussion.

(11) Council Auditor Commentary: *Page 4, Line 10, Section New*

Recommended Amendment: Require all new economic development filed requesting a reduced cycle be posted on the City main website, clearly identifying the bill as a one or two step bill and include a link to the bill at Legislative Services.

- **OGC Response:** Policy discussion.

(12) Council Auditor Commentary: *On File Document, Page 5 of 34*

Question - Why wouldn't the requirements or restrictions in the policy apply to DIA?

- **OGC Response:** The DIA will be a separate entity with the authority to make these decisions on its own, limited only by the funds appropriated by Council for DIA's budget.

(13) Council Auditor Commentary: *On File Document, Page 6 of 34*

Question - If contributions to the Duval County Job Opportunity Bank are to be eliminated then why is it in the Policy?

- **OGC Response:** The Job Opportunity Bank section could be eliminated from the Policy.

(14) Council Auditor Commentary: *On File Document, Page 8 of 34*

Question - What is meant by "surrounding contiguous census tracts may also be considered to determine eligibility" under objective IV?

- **OGC Response:** The intention is to increase the area that can be considered when determining whether a project should receive points for locating in an economically distressed area.

(15) Council Auditor Commentary: *On File Document, Page 10 of 34*

Question - What other areas are eligible for the Downtown Historic Preservation and Revitalization Trust Fund?

- **OGC Response:** Pursuant to the language in the Policy, the trust fund only applies to downtown projects.

(16) Council Auditor Commentary: *On File Document, Page 24 of 34*

Recommended Amendment - Add criteria for distribution of Closing Fund funds and add reporting requirement.

- **OGC Response:** Policy discussion.

We trust that this memo answers the legal-related inquiries offered by the City Council Auditors. Please let us know of any other questions or concerns.