

Citizens Oversight Committee (COC)
Meeting Minutes
November 10, 2005

Chairman Ron Salem called the meeting to order at 6:05 p.m.

Chairman Salem specifically welcomed all the new members to the committee. Everyone in attendance introduce themselves.

Upon his arrival, Mayor Peyton thanked all members for their participation in the COC, and briefly explained the history of The Better Jacksonville Plan (BJP) and the purpose of the COC. He stated the COC members lend credibility to the BJP and act as ambassadors to the community for the program.

Mayor Peyton reminded the group of the new Main Library grand opening on Saturday, November 12, and continued to say that the Main Library would be the crown jewel of Jacksonville and the BJP.

The Mayor emphasized to the group that the BJP should be thought of as a success, despite the challenges that have arisen over the last five years, particularly the enormous cost escalations. He said the public has a low tolerance for government going over budget, but that the inflation of construction materials and labor have been experienced industry-wide – anyone who has tried to build anything recently has been subject to the same escalation.

He continued to say that the BJP leadership team, including members of his office, Public Works and JTA, have worked hard to get a handle on the escalations and their impacts to the remaining projects/programs, most notably the courthouse and road program.

COURTHOUSE UPDATE:

Mayor Peyton is meeting with each judge individually in an effort to reach a consensus on how to move forward with the courthouse project. The issue, which has made for great fodder for the press, essentially revolves around the fact that two branches of government – the judicial and executive – do not agree on the management of a publicly unpopular project.

It has long been established that there is not enough money to build an entire court facility now. They tried to value engineer the Cannon Design concept, but it was still well over budget and cost more than the public was willing to accept. However, there were some valuable lessons learned through the first courthouse attempt, which will be applied as the project moves forward.

The proposal put forth by the Mayor's Office would allow for the design/build of a criminal court facility on the existing LaVilla property, with a master plan to be developed that would account for a future civil court facility adjacent to the criminal court. However, the judges want full veto power over the project's development. The Mayor is not willing to relinquish total control of the project, and the Office of General Counsel questioned the legality of letting that occur.

The Mayor contends that the judiciary will have the option to engage City Council should the judges disapprove of the project, and that as the users of the facility, the judges would be involved in the project's development.

Ultimately, the executive branch will be held publicly accountable for the project, so control must remain there – specifically in the Public Works department, which is responsible for overseeing construction of all other public facilities. The Mayor stated that the judges have confidence in Alan Mosley and the Public Works staff currently working on the project, and that he is hopeful all parties will reach an agreement soon.

The Mayor then took questions about the courthouse:

Part of the argument for including the courthouse project in the BJP was that a new one was required. Is that not the case?

It is not a set requirement. The chief judge does have the ability to officially say that he cannot satisfactorily administer justice in his current facility. The county is responsible for providing court facilities to meet the needs of the judiciary.

Do you really intend to have just one company to do the design/build?

One of the lessons learned from the previous experience is that we cannot choose the facility we're going to build based on a beauty contest, with little emphasis on staying within a budget. We need to choose a credible architect based on qualifications to meet our need to stay within the budget we have.

Does the Council get to approve the firm?

The Executive Branch would make the selection based on competitive bid.

Didn't the voters mandate the construction of a new courthouse when BJP passed? What is the sticking point in meeting that mandate?

Again, the judges want to maintain veto power. It is our intention to build a new court facility at some point; the Office of General Counsel has not reviewed the implications of holding the money until a later time. If we were to use the money for something other than a court facility, we would go back to the voters.

How will you handle this situation if it lasts until the elections? Would it be better not to do anything at all until then?

There is political liability no matter which way we go. If we started today, we wouldn't be able to actually turn dirt for at least a year, so there's no way to get around the election. What makes it so important for us to reach an agreement and move forward is that prices continue to go up. The escalation of material prices far outpaces any interest we would earn on the money if we waited.

Could there be middle ground in using the old City Hall Annex?

Using the Annex is an option, however, we would have to do work on it to make it more usable.

Won't you, as Mayor, have the final say?

In all fairness, the judges are the users and should be heavily involved in the project's development – not to please them, but to take advantage of their expertise in how a court facility should function.

Is there no way we could afford a courthouse that everyone could be happy with?

We're planning to build only a criminal courthouse, which is affordable and is actually the most expensive part. The goal is to have a master plan that will ultimately incorporate both the civil and criminal courts in the same building. We'll build the criminal court, then lay the foundation for the civil court. One argument of the judges, with which I agree, is that we will lose efficiency by keeping the two separate.

If the criminal court is built, what will become of the civil court?

It will stay in the current courthouse. We will allocate money to make the current courthouse usable for a time. There is a notion that if we wait, we will never build a civil court, but I disagree. We need to move government off the riverfront and put that property back on the tax rolls.

The judges' knowledge is law – how is it they want control of a building project when they should be focusing on cases?

The Executive Branch builds projects. The judges have their job. We have the people who know how to build a building – but not necessarily the detailed expertise to build a courthouse. That is why we need and would value the judiciary's input.

Following the courthouse Q&A, Mayor Peyton said he believed the community was teetering on the edge of having a bad opinion of the BJP due to the disappointments with the courthouse and the roads, even though those problems were caused by environmental and market forces beyond our control. Florida is taking in 1100 new residents a day – there will be a time in 20 to 30 years for another Better Jacksonville Plan to further our investment in our infrastructure. He encouraged the members to spread the word that Jacksonville is better because of the visionary accomplishments of the BJP.

Prior to the Mayor's departure, member Marcella Lowe commended the JTA and its contractor for completing the Merrill/Southside intersection work two weeks ahead of schedule.

Following a brief discussion of the projects outlined in the quarterly report, Public Works director Alan Mosley provided an update on the BJP road program:

Over the last eight to nine months, Public Works and JTA have been devising a plan to correct the budget problems that have become apparent in the BJP road program. The initial estimates for the projects were done in 2000; since then, market prices have spiked dramatically, beyond what anyone could have predicted. The cost escalations of materials, labor and property are being experienced industry-wide.

It is believed that the spike will level off, which is the assumption under which we have been developing our new cost estimates. As it stands, we are \$800 million short program-wide. In our workshops with JTA, we determined that of all the

projects in the program, the local roads should be the priority for the funds available. While the BJP tried to advance several state projects, the city is solely responsible for paying for local roads. The state roads in the program are eligible – and highly likely – to receive additional state and federal funds.

With that in mind, the reorganized road program focuses dollars first to the local roads that have not yet been constructed. Once those are fully funded, we are left with approximately \$240 million to put toward a new State Partnership Program (SPP) that consists of about 31 projects worth approximately \$800 million.

Additional funds from fair share, tree mitigation credits and a 2011 JTA bond will bring the total funds available for the SPP projects to \$546 million. The balance will need to come from FDOT, which we are aggressively pursuing.

A Q&A for the road program followed:

Any projects on the list that will be in total decay before FDOT gets to them?

The level of service will certainly deteriorate on some roads; we've tried to prioritize the SPP projects to avoid that as much as possible.

Any change to the status of the Mathews Bridge?

As it stands, the money we'll have available for the SPP will fund through project #19 on the priority list. The Mathews Bridge is #30. The cost for the entire Mathews Bridge project is roughly \$700 million, so the BJP money originally allocated for the project was only a small drop in the bucket. It will be several years before that project is a reality.

There is a prioritized listing of projects? Is it just as heavily concentrated in the southeast as the original list?

There is a priority list – Council has had their input, and we have tried to represent all areas. Most of the southeast projects were interchanges, and many of those have been canceled.

The US 17/Timuquana interchange was supposed to be moved to Roosevelt, but the BJP report still refers to the Timuquana.

The interchange will be moved to Roosevelt, but we cannot formally say that until Council passes the legislation.

A member requested that the next meeting feature a greater discussion of the history of the COC and its role and responsibilities. Chairman Salem requested that a new membership list, as well as the COC Executive Order, be mailed to all the members.

The meeting was adjourned.