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JOHN A. DELANEY
GENERAL COUNSEL

OFFICE OF
GENERAL COUNSEL
CITY OF JACKSONVILLE
SUITE 715 TOWNCENTRE
421 WEST CHURCH STREET
JACKSONVILLE, FLORIDA 32202-4156

TEL (904) 630-4900
FAX (904) 630-4991

December 31, 1991

Mr. Steven C. Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

**ORIGINAL
FILE COPY**

Re: Okefenoke Rural Electric Membership Corporation
JEA Duval County Territorial Issues, Docket No. 911141-EU

Dear Mr. Tribble:

Enclosed are the original and seven copies of the Jacksonville Electric Authority's Motion to Dismiss. Only five copies of Exhibit "B", the map, are included.

Your staff has been most helpful in this matter.

Yours truly,

Bruce Page
Assistant General Counsel

BP/pl
Enclosures

DOCUMENT NUMBER-DATE
00029 JAN -2 1992
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Territorial Dispute between)
OKEFENOKE RURAL ELECTRIC MEMBERSHIP)
CORPORATION and THE JACKSONVILLE)
ELECTRIC AUTHORITY OF THE CITY OF)
JACKSONVILLE, IN DUVAL COUNTY)
_____)

DOCKET NO. 911141-EU
Filed: November 19, 1991

JACKSONVILLE ELECTRIC AUTHORITY'S
MOTION TO DISMISS AND REQUEST FOR OFFICIAL NOTICE

The Jacksonville Electric Authority ("JEA"), by and through its undersigned counsel, requests the Florida Public Service Commission ("Commission"), pursuant to Section 25-22.037, F.A.C., and Rule 1.140, Fla.R.Civ.P., to dismiss the Petition filed herein for lack of jurisdiction, and requests the Commission to take official notice of the Charter of the City of Jacksonville, relevant portions of which are attached to this motion as Exhibit "A". As grounds in support, the JEA states:

1. For purposes of this Motion to Dismiss, all relevant facts alleged in the Petition are accepted as true. Nunez v. Alford, 117 So.2d 208 (Fla. 2nd DCA 1960).

2. The area and customer which are the subjects of the Petition are located in Duval County, Florida. (¶¶ 1, 8: Petition.) Since October 1, 1968, the geographical area of Duval County has defined the incorporated city limits of the City of Jacksonville. (Applicable sections of Charter, City of Jacksonville, Exhibit "A".)

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3. The JEA is an electric utility operated by the City of Jacksonville and is entitled to the jurisdictional exclusions afforded an incorporated municipality and the express exclusion in § 366.04 which states:

No provision of this chapter shall be construed or applied to impede, prevent, or prohibit any municipally owned electric utility system from distributing at retail electrical energy within its corporate limits, as such corporate limits exist on July 1, 1974; however, existing territorial agreements shall not be altered or abridged hereby.

See also Amerson v. Jacksonville Electric Authority, 362 So.2d 433 (Fla. 1st DCA 1978). (The Commission's jurisdiction limited by Chapter 366, Fla. Stat.)

4. No territorial agreement between OREMC and the JEA approved by the Commission exists. (§ 7, Petition.) No contract, franchise or other agreement exists which would be dispositive in this matter concerning the Holiday Inn - Jacksonville Airport.

5. It is appropriate in this case for the Commission to officially recognize the applicable sections of the legislatively adopted Charter of the City of Jacksonville as it bears on the issues raised herein.

WHEREFORE, the JEA requests that the Commission enter an Order dismissing the Petition for lack of jurisdiction.

MEMORANDUM

The Commission may not apply Chapter 366, Fla. Stat., to prevent the JEA from serving a customer in Duval County.

a. OREMC seeks the aid of the Commission to prohibit the JEA from serving a retail customer within Jacksonville's corporate limits. OREMC is a rural electric cooperative. (Para. 2, Petition.) The Holiday Inn - Jacksonville Airport is located on land within the incorporated city limits of Jacksonville. Its location is not a "rural area" in law or in fact. (§ 425.03(1), Fla. Stat.) The site is an intensely, commercially developed area immediately west of Interstate 95 at the intersection of the road leading to the Jacksonville International Airport. A map showing the retail customers served by the JEA in the immediate area is attached as Exhibit "B".

In a Commission decision reviewed and upheld by the Florida Supreme Court, the statutory definition of "rural area" and the actual nature of the area were considered in determining that either the competing rural electric cooperative or the Gainesville-Alachua County Regional Utilities Board could properly serve an unincorporated area. Gainesville-Alachua, etc. v. Clay Elect. Co-op., 340 So.2d 1159, 1161 (Fla. 1976); rehearing denied 1977. In the present case, the area in dispute is within the incorporated municipal limits of the City of Jacksonville, and the nature of the area is far from "rural".

b. OREMC seeks to have the Commission invoke its jurisdiction pursuant to Chapter 366 of the Florida Statutes. Chapter 366 empowers the Commission to resolve territorial disputes involving service areas, to assure an adequate and reliable source of energy, and to avoid further uneconomic duplication of facilities. However, Chapter 366 also states:

No provision of this chapter shall be construed or applied to impede, prevent or prohibit any municipally owned electric utility system from distributing at retail electrical energy within its corporate limits, as such corporate limits exist on July 1, 1974; however, existing territorial agreements shall not be altered or abridged hereby.

OREMC, in its prayer for relief, asks that the Commission take jurisdiction and order that OREMC has the right to serve retail customers within the incorporated limits of Jacksonville. OREMC's request requires a contradictory statutory interpretation. OREMC urges the Commission to find that the legislatively granted power to resolve territorial disputes includes territories within municipalities (non-rural), even when these territories are not covered by a territorial agreement. OREMC also urges a similar interpretation of the Commission's powers to regulate and avoid duplication of facilities. Such interpretations are in conflict with the clear meaning of the above quoted statement concerning a municipally owned utility's authority within the incorporated city limits.

When given a reasonable and proper construction, the potentially conflicting provisions of Chapter 366 can be

harmonized. All provisions of Chapter 366 are given effect when certain Commission powers concerning rural areas and municipal areas covered by territorial agreements are not imposed within a city's boundaries. The law in Florida states that when a statute can be interpreted to give meaning and effect to possibly conflicting provisions, it must be so construed.

The rule of construction in such cases is that if courts can, by any fair, strict, or liberal construction, find for the two provisions a reasonable field of operation, without destroying their evident intent and meaning, preserving the force of both, and construing them together in harmony with the whole course of legislation upon the subject, it is their duty to do so.

State Ex Rel. School Board of Martin County v. Department of Education, 317 So.2d 68, 73 (citations omitted). See also Carawan v. State, 515 So.2d 161 (Fla. 1987), and Palm Harbor Sp. Fire Control Dist. v. Kelly, 516 So.2d 246 (Fla. 1987).

The legislatively adopted Charter of the City of Jacksonville grants the JEA the power to furnish electricity to all public and private persons and entities in any part of the city. Section 21.04, Powers, Charter. The legislature confirms that power in Chapter 366 when it declares that the chapter may not be construed to "impede" prevent or prohibit" the JEA from serving retail customers in Jacksonville. OREMC urges a statutory construction in direct conflict with the Charter and a reasonable and proper interpretation of Chapter 366.

The Commission should deny OREMC's Petition for lack of jurisdiction.

Respectfully submitted:

JOHN A. DELANEY
GENERAL COUNSEL



BRUCE PAGE
ASSISTANT GENERAL COUNSEL
Florida Bar No. 651389

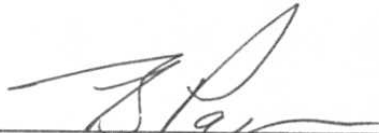
Office of General Counsel
Suite 715, Towncentre
421 West Church Street
Jacksonville, FL 32202
(904) 630-4900
ATTORNEYS FOR RESPONDENT JEA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished to the following, by U.S. Mail, this 31 day of December, 1991.

James Harold Thompson, Esquire
Ausley, McMullen, McGehee,
Carothers & Proctor
P. O. Box 391
Tallahassee, FL 32302

Robert V. Elias, Esquire
Mary Anne Birchfield, Esquire
Staff Counsel
Florida Public Service Commission
Fletcher Building - Room 226
101 East Gaines Street
Tallahassee, FL 32399-0863



Attorney

PART A. CHARTER LAWS

CHARTER OF THE CITY OF JACKSONVILLE, FLORIDA

The Charter of the City of Jacksonville is Chapter 67-1320, Laws of Florida, adopted by the Legislature of the State of Florida at its regular session in 1967. The first legal step to consolidated city-county government for Jacksonville occurred in 1934 when the Florida Constitution was amended to permit merger of Duval County and all of its cities. That government matured only after a legislative-directed study commission drafted the new Charter and a widespread public approval which adopted the new Charter in 1967. The government was not the metropolitan form of Miami-Dade County, which had retained the county government, nor was it the chartered-county form later permitted by the Florida Constitution when it was revised in 1968. It essentially eliminated two governments (city and county) and replaced it with one.

Smaller communities in Duval County—the three beaches cities and the town of Baldwin—were reconstituted as urban services districts: they were permitted elements of local control but they henceforth would look to the new City of Jacksonville for the former functions of county government, and could draw on essential urban services such as police and fire from the central government. Through judicial and legislative action, these communities were restored to their municipal status: today the City of Jacksonville stands in the relationship of a county government to them, and they continue to function as municipal governments.

To conform to the traditional organization of Florida state government, Jacksonville retained the offices of Sheriff, Property Appraiser, Tax Collector, Supervisor of Elections and Clerk of the Circuit Court. But these officers are now considered not only as county officers but as officers of the Consolidated Government, and as such play an important role in its operation. Certain special functions were allotted to independent agencies appointed by the Mayor or Governor, while a measure of centralized control was held by the City through approval of their budgets and by requiring their use of the central services of the City. Consistent with the Charter's home rule objectives, the Council was permitted to modify this requirement for use of central services.

Through the years, legislation by both the Legislature and the Council have added to and subtracted from the Charter, in an attempt to achieve both aims of the Consolidated Government: government by the broadest representation of its citizens (exercising their home rule powers under the Florida Constitution) and the efficient response to urban problems.

A section without history notes indicates that it remains unchanged since the original enactment of the section. Subsequent changes are indicated by history notes appended to the section. The indexes appearing at the beginning of each article, notes appearing at the end of various sections or at the beginning of an article or chapter and section and subsection headings enclosed in brackets are added editorially.

ARTICLE 1. GOVERNMENT

Section 1.01. Consolidated government.
 Section 1.02. Cities of Jacksonville Beach, At-

lantic Beach and Neptune Beach
 and town of Baldwin.

Section 1.01. Consolidated government.—

(a) The county government of Duval County, the municipal government of the city of Jacksonville, the Duval county air improvement authority, the east Duval county mosquito control district, the northeast Duval county mosquito control district and all boards, bodies and officers thereof were and are consolidated into a single body politic and corporate pursuant to the power granted by former section 9 of Article VIII of the Constitution of 1885, as amended, of the State of Florida, which section was continued by and remains in full force and effect under section 6(e) of Article VIII of the Constitution of the State of Florida. The name of the consolidated government is city of Jacksonville (herein called "city" or "consolidated government"). The consolidated government succeeds to and possesses all the properties (of whatever nature), rights, capacities, privileges, powers, franchises, immunities, liabilities, obligations and duties of the former governments and former special districts named in the first sentence of this subsection, without including or affecting the existence, properties, rights, capacities, privileges, powers, franchises, immunities, liabilities, obligations and duties of the cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the town of Baldwin. The consolidated government shall have perpetual existence and shall have only such officers, departments and other agencies as are provided in this charter or as may be established by the council.

(b) The consolidated government has and shall have jurisdiction as a chartered county government and extend territorially throughout Duval county, and has and shall have jurisdiction as a municipality throughout Duval county except in the cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the town of Baldwin.

History.—Laws of Fla., Ch. 78-536, §1.

Section 1.02. Cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and town of Baldwin.—

(a) The territories of the cities of Jacksonville Beach, Atlantic Beach and Neptune Beach

and the town of Baldwin were and are also consolidated into the territory of the consolidated government. The cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the town of Baldwin shall each continue to exist [exist] and have and retain the same local governmental structure, boards, bodies, officers, laws, municipal charters and special acts which existed in those areas on September 30, 1968, unless changed in accordance with law. The persons who were officers and members of boards and bodies of the cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the town of Baldwin on September 30, 1968, continued after that date to occupy the same position and were entitled to the same compensation therefor, unless changed in accordance with law. All such boards, bodies and officers continue since October 1, 1968, to be elected at the times, in the manner and for the terms which were provided under their respective municipal charters and continue to have the same powers and duties which they had under those charters, unless changed in accordance with law. All municipal charters and special and general laws which applied to the cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the town of Baldwin on September 30, 1968, continue to apply to the respective governments, boards, bodies and officers unless changed in accordance with law. These cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the town of Baldwin each continue to be entitled to own, acquire, encumber and transfer property in its own name, by the duly authorized action of its boards, bodies and officers. The cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the town of Baldwin are continued as municipalities having all governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and shall be treated, considered and dealt with as municipalities under the constitution and laws of the State of Florida and shall be entitled to exercise the same functions, powers and duties granted to mu-

ARTICLE 3. POWERS OF CONSOLIDATED GOVERNMENT*

Section 3.01. General powers.

Section 3.01. General powers.—The consolidated government:

(a) Shall have and may exercise any and all powers which counties and municipalities are or may hereafter be authorized or required to exercise under the constitution and the general laws of the State of Florida, including but not limited to all powers of local self-government and home rule not inconsistent with general law conferred upon counties operating under county charters by subsection (g) of section 1 of Article VIII of the State Constitution; conferred upon municipalities by subsection (b) of section 2 of Article VIII of the State Constitution; conferred upon consolidated governments of counties and municipalities by section 3 of Article VIII of the State Constitution; conferred upon counties by sections 125.85 and 125.86, Florida Statutes; and conferred upon municipalities by sections 166.021, 166.031 and 166.042, Florida Statutes; all as fully and completely as though the powers were specifically enumerated herein.

(b) With respect to Duval county, except as expressly prohibited by the constitution or general laws of the State of Florida, may enact or adopt any legislation concerning any subject matter upon which the Legislature of Florida might act; may enact or adopt any legislation that the council deems necessary and proper for the good government of the county or necessary for the health, safety and welfare of the people; may exercise all governmental, corporate and proprietary powers to enable the city of Jacksonville to conduct county and municipal functions, render county and municipal services and exercise all other powers of local self-government; all as authorized by the constitutional provisions mentioned in subsection (a) of this section and by sections 125.86(2), (7) and (8) and 166.021(1) and (3), Florida Statutes.

(c) May engage in any activity in which the State of Florida or any of its political subdivisions

Section 3.02. Construction.

may engage and may exercise any power which may be exercised by the State of Florida or any of its political subdivisions within Duval county, not expressly prohibited by the constitution or general laws of the State of Florida, as authorized by section 166.021(1), Florida Statutes.

(d) Shall have and may exercise any and all powers which any of the former governments and former special districts possessed on September 30, 1968.

(e) May repeal or amend any provision of this charter, and adopt other provisions of this charter, by ordinance, to the same extent as could be done by the Legislature of the State of Florida, except that:

(1) The following subjects may not be so acted upon:

(i) Municipal annexation of unincorporated territory, merger of municipalities and exercise of extraterritorial powers by municipalities,

(ii) Any subject expressly prohibited by the constitution of the State of Florida,

(iii) Any subject expressly preempted to state government by the constitution or general laws of Florida,

(iv) Any subject affecting the powers, rights, duties and abilities of the cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the town of Baldwin, and

(2) Any change in this charter made by ordinance which affects the creation or existence of a municipality, the terms of elected officers and the manner of their election, the distribution of powers among elected officers, matters prescribed by the charter relating to appointive boards, [matters prescribed by the charter relating to the Office of General Counsel,] matters prescribed by the charter relating to the Council Auditor's Office, the form of government

*Editor's note.—Section 4 of Ch. 78-536, Laws of Fla., amended Art. 3 to read as herein set out. Prior to enactment of this legislation, former Art. 3, §§3.01-3.03, pertained to similar subject matter and was derived from Laws of Fla., Ch. 67-1320, as amended by Laws of Fla., Chs. 71-707, 72-572, 75-404 and 77-575.

or any rights of municipal employees cannot become effective without approval by referendum of the electors as provided in section 166.031, Florida Statutes. For the purposes of this paragraph (2), "municipality" includes the county and municipality of the City of Jacksonville but excludes the cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the Town of Baldwin.

(f) May not exercise any municipal power within the cities of Jacksonville Beach, Atlantic Beach or Neptune Beach or the town of Baldwin, notwithstanding the provisions of subsections (a), (b) and (c) of this section, but may exercise any county power throughout Duval county.

(g) In addition to any other construction, reconstruction, repair, or renovation projects, authorized by general or special law, may order the construction, reconstruction, repair, and renovation of sanitary sewer force mains and lift stations, all or any part of the costs of which may be paid levying and collecting special assessments on the abutting, adjoining, contiguous, or other properties specially benefitted by such improvements. Such special assessments shall be levied and collected pursuant to procedures provided in chapter 170, Florida Statutes.

History.—Laws of Fla., Ch. 78-536, §4; Laws of Fla., Ch. 85-435, §2; Laws of Fla., Ch. 86-399, §1; Laws of Fla., Ch. 89-554, §1.

Section 3.02. Construction.—The powers of the consolidated government shall be construed liberally in favor of the consolidated government. The specific mention of, or failure to mention, particular powers in this charter shall not be construed as limiting in any way the general powers of the consolidated government as stated in section 3.01. It is the intent of this article to grant to the consolidated government full power and right to exercise all governmental authority necessary for the effective operation and conduct of the government of the city of Jacksonville and all of the affairs of the consolidated government and to secure to the consolidated government the fullest extent of county and municipal home rule consistent with the constitution and general laws of the State of Florida. The consolidated government may not exercise any municipal power within the cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the town of Baldwin, but it may exercise any county power throughout Duval county.

History.—Laws of Fla., Ch. 78-536, §4.

ARTICLE 4. DIVISION OF POWERS

Section 4.01. General.

Section 4.01. General.—The powers of the consolidated government shall be divided among the legislative, executive, and judicial branches of the consolidated government. No power belonging to one branch of the government shall be exercised by either of the other branches, except as expressly provided in this charter.

Section 4.02. Allocation of certain powers and duties.—Where the consolidated government has any power or duty and the responsibility for the exercise of such power or the performance of such duty is not fixed by this charter or by general or special law, the power or duty shall be

Section 4.02. Allocation of certain powers and duties.

exercised or performed as follows: All powers and duties of the consolidated government which are legislative in nature shall be exercised and performed by the council. All powers and duties which are executive in nature shall be exercised or performed by the Mayor or such other executive officer of the consolidated government as the mayor may designate, except as otherwise specifically provided herein. All powers and duties of the consolidated government which are judicial in nature shall be exercised and performed by the circuit court of the Fourth Judicial Circuit of Florida and such courts as are provided by this charter, the Constitution, and the general laws of state of

city, and shall pay for them on a cost accounted basis. The Authority may utilize such other services of the city as may be mutually agreed upon from time to time and may pay for them on a fair and reasonable basis. The authority shall purchase all supplies, contractual services, capital improvements, and professional services in compliance with the same ordinances and regulations which apply to the city when making such purchases.

History.—Laws of Fla., Ch. 82-311, §1; Ord. 84-1307-754, §24.

Section 20.08. Employees.—The Authority shall employ and fix the compensation of an executive director and provide for the employment of other employees. All employees of the Authority shall be employees of the city, shall be subject to Articles 16 and 17 of the charter of the city, except as otherwise provided by the council, and except that the executive director, professional employees and the heads of such departments as the Authority may establish shall not be within the

civil service system of the city. The Authority may also employ certified public accountants, consultants, and other special purpose employees not within the civil service system of the city.

History.—Laws of Fla., Ch. 82-311, §1; Ord. 84-1307-754, §24.

Section 20.09. Execution of instruments; examination of claims.—All instruments in writing necessary to be signed by the Authority shall be executed by the chairman and secretary, or by such officer, agent or employee of the Authority as it may by resolution designate. The Authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the Authority has funds on hand to make payment.

History.—Laws of Fla., Ch. 82-311, §1; Ord. 84-1307-754, §24.

ARTICLE 21. JACKSONVILLE ELECTRIC AUTHORITY*

- Section 21.01. Authority created and continued.
- Section 21.02. Definitions.
- Section 21.03. Composition; compensation; officers; meetings.
- Section 21.04. Powers.
- Section 21.05. Bonds eligible for legal investments.

- Section 21.06. Transfer of property by city.
- Section 21.07. Fiscal and budgetary functions.
- Section 21.08. Employee benefits.
- Section 21.09. Awards of contracts.
- Section 21.10. Execution of instruments; examination of claims; funding through revenue bonds.
- Section 21.11. Legislative authority of council.

Section 21.01. Authority created and continued.—There is hereby created and established a body politic and corporate to be known as the Jacksonville electric authority, which authority is authorized to own, manage and operate an electric utilities system in the City of Jacksonville and in any or all counties adjacent thereto. The authority created and established by this article is the same Jacksonville electric authority previously created and established by chapter 67-1569, Laws of Florida, as amended, and, except as otherwise provided or authorized by this article, said authority shall continue to function under this

article the same as it previously functioned under chapter 67-1569, Laws of Florida, as amended.

History.—Laws of Fla., Ch. 78-538, §1; Laws of Fla., Ch. 80-515, §1; Ord. 84-1307-754, §25.

Section 21.02. Definitions.—In the interpretation of this article, unless the context otherwise requires:

- (1) The term "authority" shall mean the Jacksonville electric authority.
- (2) The term "electric system" shall mean the electric utilities system of the city of Jacksonville.

*Editor's note.— For supplementary provisions relative to the Authority, see Part B, Art. 3.

(3) The term "member" shall mean a member of the authority.

(4) The term "managing director" shall mean the managing director of the authority.

History.—Laws of Fla., Ch. 78-538, §1; Laws of Fla., Ch. 80-515, §1; Ord. 84-1307-754, §25.

Section 21.03. Composition; compensation; officers; meetings.—

(1) The governing body of the authority shall consist of seven members, appointed by the mayor, subject to confirmation by the council, for a term of four years or until his successor has been appointed and has qualified. Each member of the authority shall have been a resident and elector of the city for at least six consecutive months prior to his appointment. No member of the authority shall hold any other public office or position. If at any time during his tenure on the authority, a member shall cease to possess the qualifications required for his membership on the authority, he shall cease to be a member and a vacancy shall exist on the authority. Any vacancy on the authority, however created, shall be filled for the unexpired term in the same manner as the position was originally filled, and the person filling the vacancy shall have and retain all the qualification[s] prescribed for membership on the authority. Any member appointed to the authority for two consecutive full terms shall not be eligible for the succeeding term. The members may be removed by the mayor at any time with or without cause, but a removal must be approved by a two-thirds vote of the council.

(2) The members of the authority shall not be entitled to compensation, pension or other retirement benefits on account of service on the authority, but members and employees shall be entitled to payment of reasonable expenses as provided by the council. Members of the authority shall be subject to the provisions of §286.012, Florida Statutes, relating to voting at meetings of the authority, and to the provisions of §§112.311–112.3175, inclusive, Florida Statutes, as from time to time amended, relating to financial disclosure and conflicts of interest.

(3) The authority shall elect a chairman, vice-chairman and secretary, each of whom shall serve for one year or until his successor is chosen. The authority shall hold regular meetings at least

monthly at such times and places as it may designate and may hold more frequent regular meetings. Special meetings may be held upon the call of the chairman or any three members of the authority. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one vote. The authority may adopt bylaws and make rules and regulations not inconsistent with this article or general law.

History.—Laws of Fla., Ch. 75-538, §1; Laws of Fla., Ch. 80-515, §1; Ord. 83-693-582, §1; Ord. 84-1307-754, §25.

Section 21.04. Powers.—The authority shall have the following powers, in addition to powers otherwise conferred:

(1) To construct, acquire, establish, improve, extend, enlarge, reconstruct, reequip, maintain, repair and operate the electric system of the city.

(2) To acquire for the use of the electric system by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange or in any other manner, all property real or personal, or any estate or interest therein, and to sell or otherwise transfer, with or without consideration, any such property when in the authority's discretion it is no longer needed or useful, all upon such terms and conditions as the authority shall by resolution fix and determine. The right of eminent domain conferred herein shall be exercised by the authority in the manner provided by law. If the authority leases any real property to another agency, firm, corporation, or individual, it shall cause said lease or leases to be recorded with the clerk of the circuit court as a matter of public record. The authority shall not sell real property for less than the appraised value as recorded by the property appraiser for Duval County, unless approved by the council. If there is no recorded appraised value, then the authority shall request the property appraiser for Duval County to provide an appraisal prior to the sale of the real property.

(3) To furnish electricity to private persons, firms and corporations, the city, and any other public or private body, organization or unit, in any part of the city or in any adjacent county and for said purposes shall have the right to construct and maintain electric lines in and along all

public highways and streets throughout the city and said adjacent counties.

(4) To the extent permitted by law, to fix, regulate and collect rates and charges for the services furnished by the electric system, only after the authority shall have given notice of and held a public hearing in Duval County. The notice shall be published not less than one week in advance in at least one newspaper of general circulation in the county. Said notice shall be at least one-fourth page in size, inviting the public to be present and heard. The authority shall have the power to impose sanctions to enforce compliance with any rule or regulation which the authority may adopt in the management and operation of, or the sale or use of electricity from the electric system. The city and other public bodies shall be required to pay for electricity upon the same basis as other users.

(5) To sue and be sued, implead and to be impleaded, complain and defend in all courts; to adopt and use a corporate seal; to make and enter into all contracts, agreements, and leases and to do and perform all other acts and deeds necessary and incidental to the performance of its duties and the exercise of its powers.

(6) To make or cause to be made such surveys, investigations, studies, borings, maps, drawings and estimates of cost and revenues as it may deem necessary, and to prepare and adopt a comprehensive plan or plans for the location, relocation, construction, improvement, revision and development of the electric system.

(7) (a) To issue revenue bonds of the authority for the purpose of paying all or part of the cost of any one or more enlargements, expansions, developments or replacements or modernizations of the electric system, whether the property used therefor has been previously acquired or not, for the purpose of paying all or part of the cost of removing, relocating or reconstructing at another location any portion of the electric system which in the opinion of the authority constitutes an obstruction or hazard to the safe or efficient operation of the system, and for the purpose of paying off and retiring any bond issued or assumed under this act, and for any combination of one or more such purposes in any single issue of revenue bonds.

(b) The bonds of each issue shall be authorized by resolution of the authority and

shall be dated, shall bear interest at such rate or rates as are currently established by §215.685, Florida Statutes, or according to said section as it may from time to time amended, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The resolution authorizing the issuance of the bonds shall contain such provisions relating to the use of the proceeds from the sale of bonds and for the protection and security of holders of the bonds, including their rights and remedies, and the rights, powers, privileges, duties and obligations of the authority with respect to the same, as shall be determined by the authority. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or registered form or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law.

(c) Prior to any public sale of bonds the authority shall cause notice to be given by publication in some daily newspaper published and having a general circulation in the city that the authority will receive bids for the purchase of

the bonds at the office of the authority in the city. Said notice shall be published once, not less than fifteen days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale and shall state that the bids shall be sealed bids, shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate or rates of interest and invite bids thereon.

(d) Except as otherwise provided in this subsection (7)(d), bonds and refunding bonds issued pursuant to this act shall be sold at public sale and shall be awarded to the bidder whose bid produces the lowest true interest cost to the authority. The authority shall reserve the right to reject any or all bids. Notwithstanding the foregoing, bonds and refunding bonds issued pursuant to this act may be sold at private sale at such price or prices as the authority shall determine to be in its best interest; provided, however, that any price less than 100 percent of par value shall be subject to s. 215.84, Florida Statutes, as it may be amended from time to time. In no event shall said bonds be sold at a net interest cost to the authority in excess of the legal limit, as established by s. 215.84, Florida Statutes, or according to said section as it may be from time to time amended. The net interest cost of bonds shall be determined by taking the aggregate amount of interest at the rate or rates specified in the bonds, computed from the date of the bonds to the date of the various stated maturities thereof, and deducting therefrom the amount of any premium offered in excess of the par value of the bonds or adding thereto the amount of any discount offered below the par value of the bonds with interest computed on a three-hundred-sixty-day basis. Pending the preparation of definitive bonds, interim bonds may be issued to the purchaser or purchasers of such bonds, and may contain such terms and conditions as the authority may determine.

(e) The authority shall require all bidders for said bonds to be sold at public sale to enclose a certified or bank cashier's check, in the amount of two percent of the total par value of the bonds offered for sale, drawn on an incorporated

bank or trust company payable unconditionally to the order of the authority as a guarantee of good faith in the performance of each bid; the checks of the unsuccessful bidders shall be returned immediately upon the award of the bonds and the check of the successful bidder shall be retained by the authority and credited against the full purchase price of the bonds at the time of delivery [delivery] or retained as and for liquidated damages in case of the failure of such bidder to fulfill the terms of his bid.

(f) In no event shall general obligation bonds be issued hereunder.

(g) Bonds or revenue certificates may be issued by the authority only upon approval by ordinance of the council.

(8) To borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of this act and to refund the same; to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds.

(9) To borrow money from the city, for any period not to exceed one year, to provide the authority with working capital to meet routine or emergency cash requirements and to maintain an adequate fuel inventory, at such interest rates and upon such conditions concerning the method of borrowing, the time and manner of payment and the maximum amount that may be on loan at any time, as are determined by ordinance of the council; and to borrow money from lending institutions, including borrowing as part of a tax-exempt commercial paper or other short-term note financing program, for any period not to exceed one year, which may include provision for payment upon demand by the purchaser or purchasers, as authorized by resolution of the authority. When authorized by resolution of the authority such notes, including renewals, may be sold by officers of the authority at public or private sale and delivered by such officers to the purchaser or purchasers thereof within the limitations and restrictions contained in such resolution. Such borrowings from lending institutions, including borrowing as part of a tax-exempt commercial paper or other short-term note financing program, will not require the approval of the Council.

(10) To enter into contracts for a term of more than one year but not exceeding twenty years for the purchase of fuel for the generation of electricity; provided, except as to initial nuclear [fuel] loadings, that any such contract shall provide that the funds with which the authority agrees to pay for the fuel purchased under the authority herein granted shall be payable from the revenues derived from the operation of the authority's electric system; and further provided, with the exception of contracts for natural gas (fuel), which may be entered into for a term of up to twenty years, without council approval, that no such contract shall be entered into for a term of more than four years except after prior approval by the council, and contracts exceeding ten years shall require a two-thirds affirmative vote of the council.

(11) To enter into joint project agreements with one or more electric utilities for the purpose of purchase, construction or restructuring of electric power generating and distribution systems as provided by Part II of chapter 361, Florida Statutes. Any such agreement shall be subject to the prior consent and approval by two-thirds of the membership of the Council, except that no such approval shall be required for the amendment of any such agreement. Notwithstanding the foregoing, the Authority may not execute any material amendment to such agreement or contract until it shall have been submitted to the Council and the Mayor for their consideration; the Council and the Mayor may consider the proposed material amendment for a period of up to thirty (30) days and may forward their comments, if any, to the Authority and the Authority may not formally execute such a proposed amendment until after this thirty (30) day period shall have expired. Should both the Mayor and the Council desire to waive this thirty (30) day requirement with regard to any particular amendment after having received it, then they may communicate this desire to waive comment in writing to the Authority which may proceed to execute the amendment so long as such waiver has been received from both the Mayor and the Council.

(12) To enter into agreements with one or more other electric utilities, public or private, and related contracts with respect to joint electric power projects as provided in Section 2 of Chapter 80-513, Laws of Florida, as amended. The provi-

sions of said Chapter 80-513 shall govern and control the authority in all respects in the carrying out of a joint electric power project authorized thereunder notwithstanding any provision of the Charter or of the Ordinance Code of the City of Jacksonville which may be in conflict therewith.

(13) To transfer, sell, or otherwise provide services or products, developed or used by the authority incident to the exercise of the power conferred by Section 21.04(1), including but not limited to the testing and maintenance of customer owned electric facilities such as transformers, etc.; the temporary leasing of authority facilities such as oil storage tanks; the provision of specially conditioned power on the premises of customers and the provision of services or products to build, transfer, finance, operate or sell cogeneration facilities, small power producers and dispersed generation, to other electric utilities both within and without the state or to any customers of the authority, upon such terms and conditions as the authority shall by resolution fix and determine; provided, however, that the authority will not enter into any activity pursuant to this section in addition to those activities listed herein without first providing written notice of such activities to the council auditor no less than thirty (30) days before the commencement of such activity.

(14) To voluntarily collect from customers and ratepayers the sum of one dollar or more per month to be deposited into an elderly and/or handicapped or low income customer emergency trust fund administered by the authority. The proceeds of such trust fund may be expended periodically by the authority for the purpose of providing financial assistance to elderly and/or handicapped or otherwise needy low income residents of Duval County for the payment of their energy needs. The method of administration of such trust fund, including the collection and distribution thereof, shall be as provided by ordinance of the council.

History.—Laws of Fla., Ch. 78-538, §1; Laws of Fla., Ch. 80-515, §1; Laws of Fla., Ch. 82-312, §15; Ord. 84-1307-754, §25; Ord. 86-164-454, § 1; Ord. 86-1458-879, § 1.

Section 21.05. Bonds eligible for legal investments.—Notwithstanding any provisions of any other law or laws to the contrary, all revenue bonds including refunding bonds, issued pursuant

to this article shall constitute legal investments for savings banks, trust companies, executors, administrators, trustees, guardians, and other fiduciaries, and for any board, body, agency or instrumentality of the State of Florida, or of any county, municipality, or other political subdivision of the State of Florida; and shall be eligible as security for deposits of state, county, municipal and other public funds.

History.—Laws of Fla., Ch. 78-538, §1; Laws of Fla., Ch. 80-515, §1; Ord. 84-1307-754, §25.

Section 21.06. Transfer of property by city.—The city shall transfer to the authority the physical properties, cash, accounts receivables, and all other assets relating to the electric system in existence on the date of transfer, and the authority shall assume all of the obligations of the city relating to the electric system on such date, including bonded indebtedness. Such transfers shall take effect as of October 1, 1968.

History.—Laws of Fla., Ch. 78-538, §1; Laws of Fla., Ch. 80-515, §1; Ord. 84-1307-754, §25.

Section 21.07. Fiscal and budgetary functions.—The authority shall have fiscal and budgetary functions, subject to the limitations herein expressed:

(1) The fiscal year of the authority shall commence on October 1 of each year and end on the following September 30.

(2) The authority shall prepare and submit its budget for the ensuing year to the city on or before July 1 of each year, setting forth its estimated gross revenues, and estimated requirements for operations and maintenance expenses, debt service, and depreciation and reserve account. The council and the mayor shall approve or disapprove such budget in the manner provided in Article 14 for budgets of independent agencies.

(3) The council shall have the power to appropriate up to thirty percent of the estimated gross revenues of the authority for the uses and purposes of the city, and the authority shall pay over to the city such portions of the funds actually appropriated by the council at such time as the council may request, but not in advance of collection. The authority shall submit monthly accountings to the council of its actual gross revenues, and appropriations of the council shall be ad-

justed to reflect increases or decreases in actual gross revenues from estimated gross revenues.

(4) The authority shall be required to set aside each year in a depreciation and reserve account an amount equal to not less than ten percent of its annual net revenues for the previous year. For such purpose, "annual net revenue" shall mean annual gross revenues reduced by expenses for operation and maintenance and debt service. Funds set aside in said depreciation and reserve account shall be used exclusively for enlargements, extensions, improvements and replacements of capital assets of the electric system.

(5) Except as the council may provide, the authority shall utilize on a cost-accounted basis the services of the central services department of the city, and shall pay therefor. The authority shall be required to use the legal services of the city, except in those cases when the chief legal officer of the city determines that the city legal staff cannot provide legal services in the required legal area.

(6) Unless otherwise provided by the council, all revenues and service charges receivable by the authority as payment for the sale of electricity shall be collected and received by the tax collector. The tax collector shall deposit to the account of or otherwise turn over to the authority such funds at such times and in such manner as the authority may from time to time designate by resolution. The council may provide for the collection of such revenues and service charges directly by the authority. The council may also require the authority to collect revenues and charges receivable by the city for water and sewer services on a cost-accounted basis and any public service tax imposed on the purchase of sewer services and electric services and provide for the method of remitting such collections to the city.

(7) The authority shall employ and fix the compensation of the managing director, who shall manage the affairs of the electric system under the supervision of the authority. The managing director shall devote his entire working time to the performance of his duties and have no outside employment or business. The managing director shall be a graduate of an accredited college or university, or have at least ten year's [years'] managerial experience in a consumer-oriented industry or comparable enterprise. The authority

may appoint and fix the compensation of twelve staff assistants to the managing director, to serve at the pleasure of the authority. The authority shall employ and fix the compensation of the department heads, deputy directors of departments, division chiefs and assistant division chiefs of the electric system. The managing director, department heads, deputy directors of departments, staff assistants, division chiefs and assistant division chiefs shall not be included within the civil service system of the city. The authority may employ such certified public accountants, consultants and other employees for special purposes, not within the civil service system, as it may require, and fix and pay their compensation.

History.—Laws of Fla., Ch. 78-538, §1; Laws of Fla., Ch. 80-515, §1; Ord. 81-921-490, §1; Ord. 89-1001-632, §1; Ord. 84-1307-754, §25.

Section 21.08. Employee benefits.—All employees of the electric system shall be employees of the city and shall be subject to Articles 16 and 17 unless otherwise provided by council. The authority, at its expense, shall provide accidental death benefits for all employees engaged in hazardous duty, in the amount of \$20,000.00 payable to the beneficiary named by the employee, or as otherwise provided, in the event said employee dies as a result of an accident occurring to any employee in the course of his employment.

History.—Laws of Fla., Ch. 78-538, §1; Laws of Fla., Ch. 80-515, §1; Ord. 84-1307-754, § 25; Ord. 87-203-345, § 1.

Section 21.09. Awards of contracts.—

(1) All construction, reconstruction, repairs or work of any nature made by the authority, where the entire costs, value or amount of such construction, reconstruction, repairs or work, including the labor and materials shall exceed the dollar limit set forth in Section 126.203, Ordinance Code of the City of Jacksonville, except construction, reconstruction, repairs or work done by employees of the authority, or by labor supplied under agreement with federal government or state government, with supplies and material purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder or lowest responsible bidders if the authority determines that simultaneous contracts for variable portions or all of particular work will be accomplished

more responsibly commensurate with the lawful purposes of the authority than if performed by one bidder or that such work is incapable of performance by one bidder, upon proper terms, after due public notice has been given asking for competitive bids as hereinafter provided. The authority shall keep a current list of responsible bidders and whenever there shall be an award of contracts, the bidder must come from this list. No contract shall be entered into for construction, or improvement, or repair of the electric system, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by authority, and in an amount fixed by the authority, for the faithful performance of the contract. All such contracts shall provide among other things that the person or corporation entering into such contract with the authority will pay for all materials furnished and services rendered for the performance of the contract, and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation was named therein, provided the action is brought within one year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of authority to construct, repair or improve the electric system, or any part thereof, or any addition, betterment or extension thereto, directly by the officers, agents and employees of the authority, or otherwise than by contract.

(2) All supplies, equipment, machinery and materials costing more than the dollar limit set forth in Section 126.203, Ordinance Code of the City of Jacksonville, shall be purchased only after due advertisement as provided hereinafter. The authority shall accept the lowest bid or bids, kind, quality and materials being equal, but the authority shall have the right to reject any or all bids or select a single item from any bid. The authority may accept dissimilar lowest bids as to cost or quantity, or both, kind, quality, and material being equal, if the authority determines that simultaneous acceptance of such bids for variable portions or all of particular supplies, equipment, machinery, or other material will thereby be procured more responsibly commensurate [commensurate] with the lawful purposes of the authority

than if procured by the acceptance of lowest bid or that such material is incapable of being supplied by one bidder, but the authority shall have the right to reject any or all bids or select any single items from any bid. The provisions as to bidding shall not apply to the purchase of (I) patented and manufactured products offered for sale in a non-competitive market or solely by a manufacturer's authorized dealers, (II) fuel for the generation of electricity when reasonably procurable only through negotiation, (III) fuel for the generation of electricity purchased in the spot market, provided the purchase price is less than the most recent contract price of the authority, (IV) supplies, equipment and necessary installation thereof, materials and services costing \$250,000 or more necessary for operation, maintenance and expansion of the electric system when the authority determines that same may be procurable more responsibly commensurate with the lawful purposes of the authority through a negotiated bid procedure, or (V) materials and supplies purchased from electric utilities provided purchase price for each item is less than the most recent contract price of the authority. For purposes of paragraphs (II), (III), (IV) and (V) hereof, any purchase must be approved by the chief purchasing officer of the city. For purposes of paragraph (III) hereof, purchase in the spot market means the purchase of less than 1,000,000 barrels of residual oil or 6,300,000 million BTU of natural gas to be delivered within 120 days of the date of the contract for purchase. For purposes of paragraph (II) hereof, reasonable procurability only through negotiation may be demonstrated by a lack of responsive bids after advertisement.

For purposes of paragraph (IV) hereof, such negotiated bid procedure shall include but not be limited to the following requirements: prior to the time of bid opening, each bidder shall submit a bid consisting of a technical proposal and a cost proposal, each in separate sealed envelopes. At the time of bid opening, the envelope containing the technical proposal of each bidder shall be opened and the envelope containing the cost proposal of each bidder shall remain sealed. Thereafter, negotiations shall commence with each bidder to accept, reject or modify any exceptions, clarifications or the like contained in its technical proposal, including but not limited to any plus or

minus price adjustments resulting from or in connection therewith. After such negotiations are concluded and the results of each negotiation are set forth in writing, the cost proposal of each bidder shall be opened and the applicable plus or minus price adjustments thereto shall be made. The award, if any, of a negotiated bid shall be made to the lowest and most responsive bidder.

Paragraph (IV) hereof and the preceding procedures set forth above for such negotiated bids shall terminate upon the expiration of four (4) years after the effective date of this ordinance [May 16, 1980].

(3) The term "advertisement" or "due public notice" wherever used in this section shall mean a notice published at least once a week for two consecutive weeks before the award of any contract, in a daily newspaper published and having a general circulation in the city, and in such other newspapers or publications as the authority shall deem advisable.

(4) No member of the authority or officer or employee thereof shall either directly or indirectly be a party to, or be in any manner interested in, any contract or agreement with the authority for any matter, cause or thing whatsoever in which such member shall have a financial interest or by reason whereof any liability or indebtedness shall in any way be created against such authority. If any contract or agreement shall be made in violation of the provisions of this section the same shall be null and void and no action shall be maintained thereon against the authority.

(5) Subject to the aforesaid provisions the authority may (but without intending by this provision to limit any powers of the authority), enter into and carry out such contract, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any construction project, or portion thereof, as the authority may deem desirable; provided, that the provisions of this section shall not apply to any contract or agreement between the authority and any engineers, architects, attorneys, or for other professional services, or to any contract or agreement relating to fiscal advisors, fiscal agents, or investment bankers, relating to the financing of projects herein authorized.

History.—Laws of Fla., Ch. 78-538, §1; Laws of Fla., Ch. 80-515, §1; Ord. 80-113-169, §1; Ord. 81-921-490, §2; Ord. 84-

1307-754, § 25; Ord. 84-229-307, § 1; Ord. 86-1475-875, § 1; Ord. 88-989-705, § 1.

Section 21.10. Execution of instruments; examination of claims; funding through revenue bonds.—All instruments in writing necessary to be signed by the authority shall be executed by the chairman and secretary, or by such officer, agent or employee of the authority as it may by resolution designate. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment. Funds on hand to make payment shall be deemed to have been provided when revenue bonds of the authority to finance the acquisition and construction of nuclear power or other generating plants and facilities for the production of electricity costing in excess of ten million dollars have been duly authorized as provided in this act and validated in a court of competent jurisdiction, whereupon the authority may enter into instruments in writing for the acquisition and construction of such plants and facilities and may sell such revenue bonds in

the manner provided in this act in installments to provide funds as obligations of the authority until such instruments in writing become due.

History.—Laws of Fla., Ch. 78-538, §1; Laws of Fla., Ch. 80-515, §1; Ord. 84-1307-754, §25.

Section 21.11. Legislative authority of council.—Notwithstanding any provision of this charter to the contrary, the council may repeal or amend any portion of this article, by two-thirds vote of the membership of the council. A public hearing on the adoption of the ordinance shall be advertised in substantially the same manner as the council is required to advertise its intention pursuant to §200.065, Florida Statutes, and held not earlier than thirty days after the introduction of the ordinance into the council. The council shall take final action on the ordinance only after the expiration of sixty days after the advertised public hearing, and no ordinance shall be enacted except by a two-thirds vote of the entire council. If the mayor disapproves the ordinance, the council may enact it notwithstanding such disapproval only by a four-fifths vote of the entire council.

History.—Laws of Fla., Ch. 78-538, §1; Laws of Fla., Ch. 80-515, §1; Ord. 84-1307-754, §25.

APPENDIX 1. COUNCIL DISTRICTS*

COUNCIL DISTRICT 1

Starting at the northeast corner of the district at the mouth of Newcastle Creek; thence south along Newcastle Creek to Fort Caroline Road; thence east along Fort Caroline Road to Townsend Boulevard; thence south on Townsend Boulevard to Merrill Road; thence east on Merrill Road to Wedgefield Boulevard; thence south on Wedgefield Boulevard to Arble Drive; thence east on Arble Drive to Mill Creek Road; thence south along Mill Creek Road to the Arlington Expressway; thence west along the Arlington Expressway to the Matthews Toll Bridge; thence west from the Matthews Toll Bridge to the shipping channel of the St. Johns River; thence north along the channel; thence northeast to Back River; thence southeasterly along Back River to a northeasterly extension of New Castle Creek between

Fip Island and Pauline Island; thence southwesterly along said extension to the mouth of Newcastle Creek.

COUNCIL DISTRICT 2

Starting in the northeast corner of the district at a northwesterly extension of St. Johns Creek and the St. Johns River; thence southeast along said extension and the creek to Ft. Caroline Road; thence southwest along Ft. Caroline Road to Monument Road; thence south and southwest along Monument Road to St. Johns Bluff Road; thence south along St. Johns Bluff Road to Beach Boulevard; thence west along Beach Boulevard to Big Pottsburg Creek; thence north and west and north following Big Pottsburg Creek to Atlantic Boulevard; thence west on Atlantic Boulevard to the Commodore Point Expressway; thence north

***Editor's note.**—This appendix was amended by Ord. 82-360-192, § 1, enacted June 2, 1982, in accordance with Jacksonville Ordinance Code, Ch. 18.