

1 Introduced by Council Member Diamond and amended by the Finance
2 Committee:

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4
5 **ORDINANCE 2022-450-E**

6 AN ORDINANCE REGARDING CHAPTER 117 (GRANTS),
7 *ORDINANCE CODE*; AMENDING SECTIONS 117.101
8 (INTENT), 117.102 (APPLICATION), 117.105
9 (RECORDS), 117.108 (CASH OVMATCH ON GRANT TO
10 BE DISCLOSED), AND SECTION 117.109 (CENTRAL
11 REVIEW OF GRANT APPLICATIONS), *ORDINANCE CODE*,
12 TO INCLUDE DEFINITIONS AND PROVISIONS FOR
13 PRIVATE GRANTS AND CREATING NEW SECTIONS 117.111
14 (GRANT AWARDS TO FOLLOW UNIFORM FEDERAL OR STATE
15 PROCUREMENT RULES OR PROCUREMENT CODE) AND
16 117.112 (REPORTING), CHAPTER 117 (GRANTS),
17 *ORDINANCE CODE*; AMENDING SECTION 602.413
18 (ADDITIONAL DISCLOSURE REQUIREMENTS FOR COUNCIL
19 MEMBERS, AND THEIR SPOUSE OR CHILDREN, EMPLOYED
20 BY NONPROFIT ORGANIZATIONS RECEIVING FUNDING
21 FROM CITY), SUBPART A (CONFLICTING
22 RELATIONSHIPS), PART 4 (CONFLICTS OF INTEREST),
23 CHAPTER 602 (JACKSONVILLE ETHICS CODE),
24 *ORDINANCE CODE*, TO INCLUDE CHAPTER 117 GRANT
25 AWARDS TO DISCLOSURE REQUIREMENTS; PROVIDING AN
26 EFFECTIVE DATE.

27
28 **WHEREAS**, the Council recognizes that the citizens of
29 Jacksonville have an expectation that the City of Jacksonville will
30 expend public funds in a fair and equitable manner and will follow
31 the processes set forth in the *Ordinance Code*; and

1 **WHEREAS**, it is in the public interest to ensure that public
2 funds are distributed in a fair and transparent manner; and

3 **WHEREAS**, by Ordinance 2021-761-E, the Council approved changes
4 to Chapter 118 (City Grants) to require that nonprofits receiving
5 funding from the City participate in a competitive evaluated award
6 process; and

7 **WHEREAS**, the Council desires to amend Chapter 117 (Grants) to
8 clarify that grant awards must comply with State and Federal
9 requirements for funding received through federal or state grants,
10 including 2 CFR Part 200-Uniform Administrative Requirements, Costs
11 Principles, and Audit Requirements for Federal Awards (2 CFR 200) and
12 Chapter 126 (Procurement Code), *Ordinance Code*, where applicable; now
13 therefore

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

15 **Section 1. Amending Sections 117.101 (Intent), 117.102**
16 **(Application), 117.105 (Records), 117.108 (Cash overmatch on grant**
17 **to be disclosed), and Section 117.109 (Central review of grant**
18 **applications), *Ordinance Code*, and creating new Sections 117.111**
19 **(Grant awards to follow Uniform Federal or State Procurement Rules**
20 **or Procurement Code) and 117.112 (Reporting), *Ordinance Code*.**
21 Chapter 117 (Grants), *Ordinance Code*, is hereby amended to amend
22 Sections 117.101, 117.102, 117.105, and 117.108 and to create new
23 Sections 117.111 and 117.112 to read as follows:

24 **CHAPTER 117. GRANTS**

25 **Sec. 117.101. Definition and Intent.**

26 The term "application" as used in this Chapter shall mean an
27 electronic, digital, written or other form of application,
28 certification, entitlement, affidavit or other document required by
29 a federal, state, or other public or private entity to be submitted
30 to receive a grant from such entity.

31 The term "grant" or "grants" as used in this chapter shall

1 include any federal grants, state grants, or other public or private
2 grants that the City applies for pursuant to this Chapter.

3 The grants and projects generally described in the catalog for
4 Federal Domestic Assistance are in the best interests of the public.
5 The grants and projects that are from time to time made available to
6 the City by the State of Florida or other public or private entities
7 are in the best interest of the public. The City should undertake
8 available projects from grant sources in the furtherance of the public
9 health, welfare and recreation.

10 **Sec. 117.102. Application.**

11 The Mayor is authorized to make application and execute
12 necessary contracts and other documents in the form prescribed by the
13 United States Government for grants to be made to the City to assist
14 in defraying the costs of the projects generally described in the
15 catalog referred to in Section 117.101. The Mayor is further
16 authorized to make application and execute necessary contracts and
17 other documents in the form prescribed by the State of Florida or
18 other public or private entities for grants to be made to the City
19 to assist in defraying the cost of projects for the furtherance of
20 the public health, welfare and recreation as may be available from
21 the State of Florida or other public or private entities from time
22 to time. The Mayor is authorized to (i) execute grant applications
23 electronically and digitally as required by the entity providing a
24 grant to the City; and (ii) delegate any authority granted under this
25 Chapter in accordance with Section 20.107, Ordinance Code.

26 * * *

27 **Sec. 117.105. Records.**

28 If the grants are made, the City, as directed by the Mayor,
29 shall maintain such records as are necessary and furnish such
30 information, data and documents as are required by the ~~appropriate~~
31 United States, ~~or~~ State of Florida, or other public or private

1 entities, agency under the applicable federal or state laws or other
2 grant regulations to support implementation of the projects generally
3 described in the application.

4 * * *

5 **Sec. 117.108. Cash Overmatch on grant to be disclosed.**

6 If the Council is requested to appropriate City funds as a match
7 for federal, ~~or state,~~ or other public or private grant funds and the
8 amount requested to be appropriated exceeds the amount that is
9 required by federal, ~~or state,~~ or other public or private regulations
10 to be made available for match, this fact shall be disclosed by the
11 Mayor to the Council at the time the appropriation is requested.

12 **Sec. 117.109. Central review of grant applications.**

13 No independent agency, organizational unit of the City or any
14 other person, firm or corporation receiving appropriations from the
15 Council shall transmit any grant applications ~~to any state or federal~~
16 ~~agency until after the expiration of 30 days from the date the~~
17 ~~application is filed with the Mayor for review or until after the~~
18 ~~Mayor has completed his review of the application, whichever is first.~~
19 The Mayor shall prescribe rules for the filing and review of grant
20 applications, and the review may contain comments by the Mayor, or
21 his designee, which shall be furnished to the agency, unit or person
22 filing the application.

23 * * *

24 **Sec. 117.111. Grant awards to follow Uniform Federal or State**
25 **Procurement Rules or Procurement Code.**

26 Consistent with Section 126.113, Ordinance Code, and as
27 applicable, the City must comply with federal and/or state procurement
28 requirements, including 2 CFR Part 200-Uniform Administrative
29 Requirements, Costs Principles, and Audit Requirements for Federal
30 Awards (2 CFR 200), but may enact more stringent requirements than
31 state or federal law imposes. Where applicable, grant applications

1 submitted on behalf of the City shall include vendors who have been
2 reviewed by the Office of Grants and Contract Compliance and
3 determined by the Office of Grants and Contract Compliance to meet
4 the vendor eligibility requirements established by the agency issuing
5 the grant funding. Where feasible, the City shall utilize a
6 competitive procurement process pursuant to Chapter 126 (Procurement
7 Code) to allocate and disburse funding received from grants to
8 nonprofits or other third parties.

9 **Sec. 117.112. Reporting.**

10 Beginning on October 1, 2022, and occurring on April 1 and
11 October 1 of each year thereafter, the Office of Grants and Contract
12 Compliance shall submit a comprehensive written report to the Council
13 which includes grant awards received by all departments, boards and
14 commissions subject to Chapter 117 for the six-month time period
15 immediately preceding the reporting date. For grant awards managed
16 by other departments, boards or commissions, those departments,
17 boards or commissions are required to submit their grant award
18 information for the same time period to the Office of Grants and
19 Contract Compliance by September 1 and March 1 of that same year so
20 that the Office of Grants and Contract Compliance can compile the
21 reporting information into one comprehensive report. Such written
22 report shall contain at a minimum the following information regarding
23 grants which have been awarded in the six-month time period
24 immediately preceding:Vendor name;

25 (a) Award amount;

26 (b) Awarding agency;

27 (c) Description of use of funding;

28 (d) Description of the procurement method used (e.g., invitation
29 to bid, request for proposal, or single-source); and

30 (e) Whether the award was an emergency award.

31 * * *

1 **Section 2. Amending Section 602.413 (Additional disclosure**
2 **requirements for council members, and their spouse or children,**
3 **employed by nonprofit organizations receiving funding from City),**
4 **subpart A (Conflicting Relationships), Part 4 (Conflicts of Interest),**
5 **Chapter 602 (Jacksonville Ethics Code), Ordinance Code.** Section
6 602.413 (Additional disclosure requirements for council members, and
7 their spouse or children, employed by nonprofit organizations
8 receiving funding from City), subpart A (Conflicting Relationships),
9 Part 4 (Conflicts of Interest), Chapter 602 (Jacksonville Ethics
10 Code), *Ordinance Code*, is hereby amended to read as follows:

11 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

12 * * *

13 **PART 4. CONFLICTS OF INTEREST**

14 **SUBPART A. - CONFLICTING RELATIONSHIPS**

15 * * *

16 **Sec. 602.413. Additional disclosure requirements for council**
17 **members, and their spouse or children, employed by nonprofit**
18 **organizations receiving funding from City.**

19 * * *

20 (4) An affidavit executed and completed by the council member,
21 or their spouse or child, that attests to the following:
22 that

23 * * *

24 g. The council member did not disclose or use any
25 confidential City information in the nonprofits'
26 application for City funding of the nonprofit
27 organization.

28 This section shall also apply to applications and grants subject
29 to Chapter 117 (Grants), Ordinance Code, so that if a council member,
30 or their spouse or children, is employed by a nonprofit organization
31 that is seeking a grant award or making a joint application with the

1 City pursuant to Chapter 117, the council member shall complete the
2 affidavit above and provide to the Office of Ethics, Compliance and
3 Oversight on or before the application deadline submission date as
4 designated by the appropriate City department, board or commission.

5 * * *

6 **Section 3. Effective Date.** This ordinance shall become
7 effective upon signature by the Mayor or upon becoming effective
8 without the Mayor's signature.

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10 Form Approved:

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12
13 /s/ Paige H. Johnston

14 Office of General Counsel

15 Legislation Prepared By: Paige H. Johnston

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