

1 Introduced by the Council President at the request of the Mayor &
2 Co-Sponsored by Council Members Ferraro and DeFoor and amended by
3 the Transportation, Energy & Utilities Committee:
4
5

6 **ORDINANCE 2021-461-E**

7 AN ORDINANCE APPROPRIATING \$125,392.00 IN FUND
8 BALANCE FROM THE ENVIRONMENTAL PROTECTION FUND
9 TO CONDUCT AN URBAN AREA ODOR STUDY (THE
10 "PROJECT") AS INITIATED BY B.T. 21-088;
11 PROVIDING A CARRYOVER OF FUNDS THROUGH
12 SEPTEMBER 30, 2023; APPROVING AND AUTHORIZING
13 THE MAYOR, OR HIS DESIGNEE, AND THE
14 CORPORATION SECRETARY TO EXECUTE AND DELIVER,
15 A FUNDING AGREEMENT BETWEEN THE CITY OF
16 JACKSONVILLE AND EMS BRUEL & KJAER, INC.
17 D/B/A/ ENVIROSUITE, INC. ("ENVIROSUITE");
18 INVOKING THE EXCEPTION OF SECTION 126.107(G),
19 *ORDINANCE CODE*, TO ALLOW DIRECT CONTRACT WITH
20 ENVIROSUITE TO PROVIDE SERVICES TO CONDUCT THE
21 STUDY; WAIVING SECTION 110.112, *ORDINANCE*
22 *CODE*, TO ALLOW FOR A PARTIAL ADVANCE PAYMENT
23 BY THE CITY; PROVIDING FOR CITY OVERSIGHT BY
24 THE NEIGHBORHOODS DEPARTMENT, ENVIRONMENTAL
25 QUALITY DIVISION; REQUIRING A FINAL REPORT TO
26 JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD;
27 PROVIDING AN EFFECTIVE DATE.
28

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

30 **Section 1. Appropriation.** For the 2020-2021 fiscal year,

1 within the City's budget, there are hereby appropriated the
2 indicated sum(s) from the account(s) listed in subsection (a) to
3 the account(s) listed in subsection (b):

4 (B.T. 21-088 is attached hereto as **Exhibit 1**, and incorporated
5 herein by this reference)

6 (a) Appropriated from:

7 See B.T. 21-088 \$125,392.00

8 (b) Appropriated to:

9 See B.T. 21-088 \$125,392.00

10 (c) **Explanation of appropriation** - The funding above is
11 appropriating fund balance from the Environmental
12 Protection Fund to fund an Urban Area Odor Study (the
13 "Project").

14 **Section 2. Carryover.** The funds appropriated in Section 1
15 of this ordinance shall not lapse but shall carryover into fiscal
16 year 2022-2023.

17 **Section 3. Purpose.** The purpose of the appropriation in
18 Section 1 is to provide funding to conduct an Urban Area Odor
19 Study, pursuant to the terms, conditions and scope of work more
20 particularly described in the Funding Agreement approved and
21 authorized in Section 4 below. The Environmental Protection Board
22 approved this expenditure of the Environmental Protection Fund at
23 its meeting on March 15, 2021.

24 **Section 4. Agreement approved and execution authorized.**
25 There is hereby approved, and the Mayor or his designee, and the
26 Corporation Secretary are hereby authorized, to execute and
27 deliver, the Funding Agreement between the City of Jacksonville and
28 EMS Bruel & Kjaer, Inc. d/b/a Envirosuite, Inc. substantially in
29 the form placed **Revised On File** with the Office of Legislative
30 Services and incorporated herein by this reference (the

1 "Agreement"). The Agreement may include any respective extension or
2 amendments thereto as necessary and appropriate to effectuate the
3 intent of this ordinance; provided, however, no modification to the
4 Agreement may increase the financial obligations or liability of
5 the City to an amount in excess of the amount stated in the
6 Agreement or decrease the duties and obligations of Envirosuite as
7 stated in the Agreement.

8 **Section 5. Invoking the exception pursuant to Section**
9 **126.107(g), Ordinance Code.** The City is hereby authorized to
10 procure the use of the professional services of Envirosuite, to
11 conduct the Project. Pursuant to Section 126.107(g) (Exemptions),
12 Part 1 (General Regulations), Chapter 126 (Procurement Code),
13 *Ordinance Code*, such procurement is exempted from competitive
14 solicitation because the supplies or services are to be provided by
15 those specifically prescribed within authorizing legislation that
16 appropriates the same. With the exception of the foregoing, all
17 other provisions of Chapter 126, *Ordinance Code*, shall remain in
18 full force and effect.

19 **Section 6. Waiving Section 110.112, Ordinance Cde.**
20 Section 110.112 (Advance of City funds; prohibition against), Part
21 1 (The City Treasury), Chapter 110 (City Treasury), *Ordinance Code*,
22 is hereby waived to allow for a partial advance payment as
23 described in the Agreement.

24 **Section 7. Oversight Department.** The Neighborhoods
25 Department, Environmental Quality Division, shall oversee the
26 Project.

27 **Section 8. Reports.** A Final Report shall be submitted by
28 Envirosuite to the City's Environmental Protection Board at the
29 conclusion of the Project.

30 **Section 9. Effective Date.** This ordinance shall become

1 effective upon signature by the Mayor or upon becoming effective
2 without the Mayor's signature.

3

4

5

6

7

8 Form Approved:

9

10 /s/ Margaret M. Sidman

11 Office of General Counsel

12 Legislation Prepared By: Kealey West

13 GC-#1449436-v1-2021-461-E.docx