

1 Introduced by Council President Newby:
2
3

4 **ORDINANCE 2021-511**

5 AN ORDINANCE APPROPRIATING \$28,779,956 FROM
6 SPECIAL COUNCIL CONTINGENCY - KHA TO THE KIDS
7 HOPE ALLIANCE (KHA); PROVIDING FOR THE KIDS HOPE
8 ALLIANCE BOARD COMPREHENSIVE BUDGET TRANSFER
9 POWERS; PROVIDING FOR WAIVER OF SECTION 77.113
10 (ANNUAL OPERATING BUDGET; BUDGET TRANSFERS),
11 CHAPTER 77 (KIDS HOPE ALLIANCE), *ORDINANCE CODE*,
12 AND SECTION 106.304 (MAYOR'S TRANSFER POWER),
13 CHAPTER 106 (BUDGET AND ACCOUNTING CODE),
14 *ORDINANCE CODE*, TO ALLOW FOR BUDGET TRANSFERS
15 WITHIN THE PLAN; APPROVING AND AUTHORIZING
16 EXECUTION OF DOCUMENTS BY THE MAYOR OR HIS
17 DESIGNEE AND CORPORATION SECRETARY; AUTHORIZING
18 APPROVAL OF TECHNICAL AMENDMENTS BY THE CHIEF
19 EXECUTIVE OFFICER OF THE KHA; AUTHORIZING THE
20 OFFICE OF GENERAL COUNSEL AND THE COUNCIL
21 AUDITOR'S OFFICE TO MAKE ALL CHANGES NECESSARY
22 TO EFFECTUATE THE COUNCIL'S ACTION; PROVIDING AN
23 EFFECTIVE DATE.
24

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

26 **Section 1. Appropriation.** For the 2021-2022 fiscal year,
27 within the City's budget, there are hereby appropriated the indicated
28 sum(s) from the account(s) listed in subsection (a) to the account(s)
29 listed in subsection (b):

30 (Account information is attached hereto as **Exhibit 1** and incorporated
31 herein by this reference)

1 (a) Appropriated from:
2 See **Exhibit 1** \$28,779,956

3 (b) Appropriated to:
4 See **Exhibit 1** \$28,779,956

5 (c) **Explanation of Appropriation:** the appropriation above
6 is appropriating \$28,779,956 from Special Council
7 Contingency - KHA to the Kids Hope Alliance for
8 subsidies and contributions to private organizations.

9 **Section 2. Kids Hope Alliance Board Comprehensive Budget**
10 **Transfer Powers.** The Kids Hope Alliance Board fiscal year 2021-2022
11 budget of \$28,779,956 for subsidies and contributions to private
12 organizations comprised of federal, state, City and private funding,
13 is herein appropriated as provided below:

14 (a) **Grants Received by Kids Hope Alliance.** The Kids Hope
15 Alliance is authorized and directed to follow the grant approval
16 process as outlined in Section 1.3 (e)(1)&(2) in the City Budget
17 Ordinance, 2021-504-E.

18 (b) **Kids Hope Alliance Board transfer authority within the**
19 **Plan.** The Kids Hope Alliance Board is authorized to transfer,
20 through a transfer directive approved by the Mayor's Budget Review
21 Committee, (i) appropriations within each of the Essential Services
22 Plan Categories; and (ii) appropriations between Essential Services
23 Plan Categories, provided that cumulative transfers out of an
24 Essential Service Category do not exceed 25% of the individual
25 Essential Services Category budget from which the funds are being
26 transferred. Any transfer out of an Essential Services Category that
27 results in more than 25% of an individual Essential Services Category
28 budget being transferred out shall require City Council approval. In
29 addition to the transfer authority provided in the preceding sentences
30 of this subsection (b), the Kids Hope Alliance Board is authorized
31 to transfer to any Essential Services Category, through a transfer

1 directive approved by the Mayor's Budget Review Committee, excess
2 funds remaining after completion of a contract for children's
3 services. Such transfers of excess funds shall not be included in
4 the calculation of, and shall not be subject to, the 25% limitation
5 provided in this section (b). There shall be provided to the Council
6 Auditor, the Council Finance Committee, and the Mayor's Budget Review
7 Committee at the end of each month a report detailing all transfers
8 made during that month.

9 **(c) Approval and Authorization to execute agreements and**
10 **invoking the exception to Section 126.107(g), Ordinance Code, for**
11 **named Grant Recipient.** Subject to the authorization terms in Grant
12 Agreements, the Mayor, or his designee, and the Corporation Secretary
13 and/or the Chief Executive Officer of the Kids Hope Alliance ("CEO")
14 are hereby authorized to contract directly with the entities listed
15 in the grant awards for grants received from the Department of Health
16 & Human Services (SAMHSA) and the Department of Justice- Comprehensive
17 Anti-Gang Program for Youth grant, as shown in **Schedule M** attached
18 hereto as **Exhibit 2** and incorporated herein by this reference, and
19 to extend or renew such contracts to the extent that the underlying
20 grant is extended or renewed. Pursuant to Section 126.107(g)
21 (Exemptions), Part 1 (General Regulations), Chapter 126 (Procurement
22 Code), *Ordinance Code*, such services are exempted from competitive
23 solicitation because the services to be provided are being approved
24 via authorizing legislation pursuant to this ordinance.

25 **(d) Waiver of the provisions in Chapter 77 (Kids Hope Alliance),**
26 **Section 77.111(a) (Provider Contracts).** The City hereby waives the
27 provisions in Chapter 77 (Kids Hope Alliance), Section
28 77.111(a) (Provider Contracts) with respect to: (i) the contracts
29 approved and authorized herein in Section 2 (c) through (i) above;
30 and (ii) any contracts entered into by Kids Hope Alliance that are
31 exempt from competitive solicitation pursuant to Section 126.107,

1 Ordinance Code. Section 77.111(a) requires contracts for children's
2 services to be competitively procured by Kids Hope Alliance via an
3 evaluated bid process. The waiver is needed in order to (i) allow the
4 Kids Hope Alliance to enter into direct contracts with these providers
5 because each provider is uniquely qualified to provide the children's
6 services programming procured under the applicable contract; and (ii)
7 use the competitive solicitation exemptions contained in Section
8 126.107, Ordinance Code, as needed.

9 **Section 3. Waiver of Section 77.113 (Annual operating**
10 **budget; budget transfers), Chapter 77 (Kids Hope Alliance), Ordinance**
11 **Code, and Section 106.304 (Mayor's Transfer Power), Chapter 106**
12 **(Budget and Accounting Code), Ordinance Code.** Section 77.113 (Annual
13 operating budget; budget transfers), *Ordinance Code*, regarding the
14 Kids Hope Alliance budget transfer authority and Section 106.304
15 (Mayor's Transfer Power), Chapter 106 (Budget and Accounting Code),
16 *Ordinance Code*, regarding the Mayor's transfer authority are hereby
17 waived. The provisions for Kids Hope Alliance budget transfers are
18 permitted by compliance with Section 2(b) herein of this ordinance.

19 **Section 4. OGC and Council Auditor's Office Authorization.**
20 The Office of General Counsel and the Council Auditor's Office are
21 hereby authorized to make all changes to titles, tables of content,
22 Ordinance Code, journal entries, schedules, attachments, editorial
23 and text changes consistent with the changes set forth herein to
24 Ordinance 2021-504 and Ordinance 2021-511 to effectuate the Council's
25 action.

26 **Section 5. Effective Date.** This ordinance shall become
27 effective upon signature by the Mayor or upon becoming effective
28 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Margaret M. Sidman

4 Office of General Counsel

5 Legislation prepared by:

6 GC-#1436212-v5-2021-511_KHA.docx

7

8

9

10

11

12

13