

1 Introduced by Council Members Diamond, Ferraro and Carlucci & Co-
2 Sponsored by Council Members DeFoor and Cumber and amended by the
3 Neighborhoods, Community Services, Public Health and Safety
4 Committee:

5
6
7 **ORDINANCE 2021-761-E**

8 AN ORDINANCE REGARDING CHAPTER 118 (CITY
9 GRANTS), *ORDINANCE CODE*; CREATING A NEW SECTION
10 118.107 (NONPROFITS TO RECEIVE FUNDING THROUGH
11 A COMPETITIVE EVALUATED AWARD PROCESS), PART 1
12 (GENERAL PROVISIONS), TO CHAPTER 118 (CITY
13 GRANTS), *ORDINANCE CODE*; CREATING A NEW SECTION
14 602.413 (ADDITIONAL DISCLOSURE REQUIREMENTS FOR
15 COUNCIL MEMBERS, AND THEIR SPOUSE OR CHILDREN,
16 EMPLOYED BY NONPROFIT ORGANIZATIONS RECEIVING
17 FUNDING FROM CITY), PART 4 (CONFLICTS OF
18 INTEREST), CHAPTER 602 (JACKSONVILLE ETHICS
19 CODE), *ORDINANCE CODE*; PROVIDING A DIRECTIVE TO
20 THE COUNCIL DIRECTOR/SECRETARY; PROVIDING AN
21 EFFECTIVE DATE.

22
23 **WHEREAS**, the Council recognizes that the citizens of
24 Jacksonville have an expectation that the City of Jacksonville will
25 expend public funds in a fair and equitable manner and will follow
26 the processes set forth in the *Ordinance Code*; and

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

29 **WHEREAS**, the Council desires to enact requirements to ensure
30 that fairness and transparency in the allocation of City funding to
31 nonprofit organizations is standard for all such organizations; now

1 therefore

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

3 **Section 1. Creating new Section 118.107 (Nonprofits to**
4 **receive funding through a competitive evaluated award process), Part**
5 **1 (General Provisions), Chapter 118 (City Grants), Ordinance Code.**
6 Part 1 (General Provisions), Chapter 118 (City Grants), *Ordinance*
7 *Code*, is hereby amended to create a new Section 118.107 to read as
8 follows:

9 **CHAPTER 118. CITY GRANTS**

10 **PART 1. GENERAL PROVISIONS**

11 * * *

12 **Sec. 118.107. Nonprofits to receive funding through a**
13 **competitive evaluated award process.**

14 Except as provided for in Section 118.106 above, all City funds
15 appropriated to nonprofit organizations shall be subject to a
16 competitive evaluated award process under Chapters 118 or Chapter
17 126, *Ordinance Code*, as applicable. A "competitive evaluated award
18 process" means that funding shall be competitively procured under the
19 procedures set forth in Parts 6 or 8, Chapter 118, or Part 3, Chapter
20 126, *Ordinance Code*, via an evaluated bid process as outlined therein.
21 This provision is specifically not intended to prevent the use of
22 Section 126.107 (a), (b), (c), (d), (e), (f) or (h), *Ordinance Code*,
23 or single source procurement or noncompetitive purchases under
24 Sections 126.206 and 126.312, *Ordinance Code*. However, the use of
25 Section 126.107(g), *Ordinance Code*, to direct contract with
26 nonprofits would require a waiver of this Section 118.107 with a
27 detailed explanation as to why the direct contract with the nonprofit
28 is necessary.

29 * * *

30 **Section 2. Creating new Section 602.413. (Additional disclosure**
31 **requirements for council members, and their spouses or children,**

1 employed by nonprofit organizations receiving funding from City),
2 Part 4 (Conflicts of Interest), Chapter 602 (Jacksonville Ethics
3 Code), Ordinance Code. Part 4 (Conflicts of Interest), Chapter 602
4 (Jacksonville Ethics Code), Ordinance Code, is hereby amended to
5 create a new Section 602.413 to read as follows:

6 CHAPTER 602. JACKSONVILLE ETHICS CODE

7 * * *

8 PART 4. CONFLICTS OF INTEREST

9 SUBPART A. CONFLICTING RELATIONSHIPS

10 * * *

11 Sec. 602.413. Additional disclosure requirements for council
12 members, and their spouse or children, employed by nonprofit
13 organizations receiving funding from City.

14 Pursuant to Section 118.107, Ordinance Code, all nonprofit
15 organizations receiving funds appropriated by the City pursuant to
16 Chapter 118 (City Grants) or Chapter 126 (Procurement Code) shall be
17 subject to a competitive evaluated award process. A "competitive
18 evaluated award process" means that funding shall be competitively
19 procured under the procedures set forth in Parts 6 or 8, Chapter 118,
20 or Part 3, Chapter 126, Ordinance Code, via an evaluated bid process
21 as outlined therein. In addition to the requirements of Sections
22 126.110 (Public official bid and contract disclosure and prohibition)
23 and 602.406 (Public official bid and contract disclosure), Ordinance
24 Code, in the event that a council member, and their spouse or
25 children, is employed by a nonprofit organization, the council member
26 shall complete and provide on or before the award application or
27 solicitation deadline submission date the following supplemental
28 information to the Office of Ethics, Compliance and Oversight:

- 29 1) a copy of the nonprofit organization's most recent annual
30 audit;
31 2) a copy of the nonprofit organization's most current IRS 990

1 or 990EZ form;

2 3) provide evidence that the council member, or their spouse or
3 child, is employed by the nonprofit organization, defined herein as
4 a registered tax-exempt organization under 501(c) of the Internal
5 Revenue Code, and a narrative explanation of the duties and services
6 that the council member provides for the nonprofit organization; and

7 4) an affidavit executed and completed by the council member,
8 or their spouse or child, that attests to the following: that

9 i) the council member, or their spouse or child, is an
10 employee of the nonprofit applying for funding and their employment
11 position;

12 ii) the nonprofit applying for funding is a 501(c) entity
13 under the Internal Revenue Code;

14 iii) the council member, or their spouse or child, is/is
15 not an officer, director, or board member of the nonprofit applying
16 for funding;

17 iv) the council member, or their spouse or child, will not
18 receive any direct or additional financial gain from the City's
19 funding of the nonprofit (in addition to their ordinary salary or
20 compensation as an employee of the nonprofit);

21 v) the council member has not in any way participated
22 directly or indirectly or been personally involved in the City's
23 decision to fund the nonprofit, and will continue to not participate
24 or be personally involved in the funding for the nonprofit.
25 Participating or being personally involved includes, but is not
26 limited to, participating in discussions at any City meetings or
27 communicating with officers or employees of the funding agency;

28 vi) that to the council member's knowledge, no funding
29 received by the nonprofit organization from the City will go to a
30 nonprofit to which the council member has a majority or controlling
31 interest; and

1 vii) the council member did not disclose or use any
2 confidential City information in the nonprofits' application for City
3 funding of the nonprofit organization.

4 The affidavit form shall be prepared by the Office of Ethics,
5 Compliance and Oversight in conjunction with the Office of General
6 Counsel. The affidavit form shall be provided and maintained by the
7 Office of Ethics, Compliance and Oversight. The supplemental
8 disclosure information provided pursuant to this section will be
9 maintained as a public record and available to the public for viewing
10 consistent with Chapter 119, *Florida Statutes*. The disclosure
11 requirements created herein do not negate the obligation of a council
12 member to determine whether a conflict of interest exists in any
13 individual circumstance under Chapter 112, *Florida Statutes*, and
14 Chapter 602, *Ordinance Code*, and to vet that potential conflict with
15 the Office of Ethics, Compliance and Oversight or the Office of
16 General Counsel.

17 * * *

18 **Section 3. Directive to Council Director/Secretary**
19 **regarding supplemental disclosure information.** The Council Director/
20 Secretary is directed to coordinate with the Office of Ethics,
21 Compliance and Oversight to receive copies of and publish the
22 supplemental disclosure information required by Section 602.413,
23 *Ordinance Code*, on the City Council website.

24 **Section 4. Effective Date.** This ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Paige H. Johnston

4 Office of General Counsel

5 Legislation Prepared By: Paige H. Johnston

6 GC-#1468243-v1-2021-761-E.docx