

1 Introduced by Council Member Gulliford:
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4 **ORDINANCE 2019-400**

5 AN ORDINANCE APPROPRIATING \$6,449.39 FROM
6 COUNCIL DISTRICT 13 LOBLOLLY RECREATION/PARKS
7 ACCOUNT TO PROVIDE FUNDING TO THE JACKSONVILLE
8 BEACH ELEMENTARY PRESERVATION FUND, INC. TO
9 PROVIDE FUNDING FOR IMPROVEMENTS TO THE RHODA
10 L. MARTIN CULTURAL HERITAGE CENTER IN
11 JACKSONVILLE BEACH, LOCATED AT 376 4TH STREET
12 SOUTH, JACKSONVILLE BEACH, FL 32250; PROVIDING
13 FOR REVERTER LANGUAGE; FINDING A MUNICIPAL
14 PURPOSE; WAIVING THE REQUIREMENTS OF SECTION
15 111.780 (LOBLOLLY WETLANDS MITIGATION SPECIAL
16 REVENUE FUND) AND SECTION 106.315 (DISTRICT
17 COUNCIL EXPENDITURES), *ORDINANCE CODE*, THAT
18 FUNDS BE USED ON CITY PROPERTY AND BE OPEN TO
19 THE PUBLIC; WAIVING COMPLIANCE WITH SECTION
20 106.315 (DISTRICT COUNCIL EXPENDITURES) AS TO
21 PROCEDURES FOR APPROPRIATION OF DISTRICT
22 COUNCIL FUNDS; WAIVING THE RELEVANT PROVISIONS
23 OF CHAPTER 118 (MISCELLANEOUS APPROPRIATIONS),
24 *ORDINANCE CODE*, AS TO AUDITING AND COMPLIANCE
25 MEASURES FOR GRANTS FROM THE CITY SINCE THE
26 CONTRACT PROVIDES ADEQUATE COMPLIANCE;
27 AUTHORIZING THE MAYOR OR HIS DESIGNEE AND THE
28 CORPORATE SECRETARY TO EXECUTE A CONTRACT;
29 APPOINTING THE DEPARTMENT OF PARKS,
30 RECREATION, COMMUNITY SERVICES TO OVERSEE THE
31 PROJECT; PROVIDING FOR DIRECT PROCUREMENT OF

1 CONTRACTUAL SERVICES PURSUANT TO SECTION
2 126.107(G), ORDINANCE CODE; PROVIDING AN
3 EFFECTIVE DATE.
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5 **BE IT ORDAINED** by the Council of the City of Jacksonville:

6 **Section 1. Appropriation.** For the 2018-2019 fiscal year,
7 within the City's budget, there are hereby appropriated the
8 indicated sum(s) from the account(s) listed in subsection (a) to
9 the account(s) listed in subsection (b):

10 (The account information is attached hereto as **Exhibit 1** and
11 incorporated herein by this reference)

12 (a) Appropriated from:

13 See **Exhibit 1** \$6,449.39

14 (b) Appropriated to:

15 See **Exhibit 1** \$6,449.39

16 (c) Explanation of Appropriation:

17 The funding above is an appropriation of \$6,449.39 from
18 District 13 Loblolly funds to Subsidies and Contributions
19 to Private Organizations to make improvements to the
20 Rhoda L. Martin Cultural Heritage Center in Jacksonville
21 Beach.

22 **Section 2. Purpose.** The purpose of this appropriation is
23 to provide funding to Jacksonville Beach Elementary Preservation
24 Fund, Inc. for improvements (signs, flooring, and painting) to the
25 Rhoda L. Martin Cultural Heritage Center in Jacksonville Beach,
26 located at 376 4th Street South, Jacksonville Beach, FL 32250, as
27 more fully described in **Exhibit 2** attached hereto.

28 **Section 3. Finding of Public Purpose.** The City finds
29 that the Jacksonville Beach Elementary Preservation Fund, Inc.'s
30 use of City funds to provide improvements to the Rhoda L. Martin
31 Cultural Heritage Center is a valid municipal purpose for which

1 funds should be expended under the bonds.

2 **Section 4. Reverter.** If the property is not improved by
3 September 30, 2020, the Jacksonville Beach Elementary Preservation
4 Fund, Inc. shall return the funds in Section 1 to the City.

5 **Section 5. Waiving the Requirements that funds be used on**
6 **City Property.** The provisions of Sections 111.780 (Loblolly
7 Wetlands Mitigation Special Revenue Fund) and 106.315 (District
8 Council expenditures), *Ordinance Code*, requiring that the loblolly
9 funds be used on City property for capital improvements to Parks,
10 and open to the public, is hereby waived. The waiver is necessary
11 because the Rhoda L. Martin Cultural Heritage Center is not a park
12 on City property, but is a museum open to the public and is a
13 museum set in a segregation-era elementary school.

14 **Section 6. Waiving Compliance with Section 106.315**
15 **(District Council Expenditures), Ordinance Code, as to Procedures**
16 **for Appropriation of District Council Funds.** The provisions of
17 Section 106.315, *Ordinance Code*, and Ordinance 2015-631-E requiring
18 use of funds at City owned properties and specifically City parks
19 are hereby waived as the Rhoda L. Martin Cultural Heritage Center
20 is not located on public land in the city of Jacksonville but is
21 owned by the Jacksonville Beach Elementary Preservation Fund, Inc.,
22 a registered 501(c)(3) organization, and located in Jacksonville
23 Beach. The Rhoda L. Martin Cultural Heritage Center operates a
24 museum on the property that is open to the public and free of
25 charge. The provisions of Section 106.315(a), *Ordinance Code*,
26 requiring the expenditure of funds of less than \$100,000 pursuant
27 to an administrative process as stated therein is hereby waived as
28 the District Council funds are being appropriated directly by this
29 legislation and subject to an agreement with adequate compliance
30 and auditing requirements, attached hereto as **Exhibit 3**, and so
31 strict compliance with Section 106.315(a) is not necessary.

1 **Section 7. Waiving the Relevant Provisions of Chapter 118**
2 **(Miscellaneous Appropriations), Ordinance Code, as to Auditing and**
3 **Compliance Measures for Grants from the City.** Recognizing the
4 amount of the contribution to Jacksonville Beach Elementary
5 Preservation Fund, Inc. (which is less than \$6,500 total) and that
6 the auditing and compliance provisions of Chapter 118 would be
7 cumbersome to the acceptance of a grant of the size herein, and
8 further recognizing that the contract attached hereto as **Exhibit 3**
9 provides adequate auditing and compliance requirements for the
10 expenditure of funds (including requiring sufficient evidence of
11 payment for the work, evidence that any contractor liens have been
12 satisfied, a final report detailing how the funds were spent and
13 audit rights for the Council Auditor), the relevant provisions of
14 Chapter 118 (Miscellaneous Appropriations), *Ordinance Code*,
15 concerning grants from the City are hereby waived as adequate
16 protection to the City will be afforded by the agreement that will
17 be executed substantially in the form attached hereto as **Exhibit 3**.

18 **Section 8. Authorizing the execution of the Contract.** The
19 Mayor, his designee and Corporation Secretary are hereby authorized
20 to execute the Agreement between the City of Jacksonville and
21 Jacksonville Beach Elementary Preservation Fund, Inc. for
22 improvements to the Rhoda L. Martin Cultural Heritage Center, in
23 substantially the form attached hereto as **Exhibit 3**, and such
24 insurance provisions as the City of Jacksonville Risk Management
25 Division may provide, and incorporated herein by this reference,
26 for the project described in Section 2.

27 **Section 9. Oversight.** The Mayor is requested to appoint
28 the Department of Parks, Recreation, and Community Services to
29 insure compliance with the agreement and all other appropriate
30 laws.

31 **Section 10. Procurement of Contractual Services.** The City

1 is hereby authorized to procure the services of Jacksonville Beach
2 Elementary Preservation Fund, Inc. to purchase the equipment and
3 material specified in **Exhibit 2**. Pursuant to Section 126.107(g),
4 *Ordinance Code*, such procurement is exempt from competitive
5 solicitation. With the exception of the foregoing, all other
6 provisions of Chapter 126, *Ordinance Code*, shall remain in full
7 force and effect.

8 **Section 11. Effective Date.** This ordinance shall
9 become effective upon signature by the Mayor or upon becoming
10 effective without the Mayor's signature.

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12 Form Approved:

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14 /s/ Paige H. Johnston

15 Office of General Counsel

16 Legislation Prepared By: Margaret M. Sidman

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