

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Rules Committee:

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5 **ORDINANCE 2023-205-E**

6 AN ORDINANCE APPROPRIATING \$107,693 IN FUND
7 BALANCE FROM THE ENVIRONMENTAL PROTECTION FUND
8 (THE "FUND") TO PROVIDE FUNDING FOR THE
9 SIXTEENTH STATE OF THE RIVER REPORT FOR THE
10 LOWER ST. JOHNS RIVER BASIN (THE "PROJECT"), AS
11 INITIATED BY REVISED B.T. 23-062; PROVIDING FOR
12 WAIVER OF SECTION 111.755 (ENVIRONMENTAL
13 PROTECTION FUND), PART 7 (ENVIRONMENT AND
14 CONSERVATION), CHAPTER 111 (SPECIAL REVENUE AND
15 TRUST ACCOUNTS), *ORDINANCE CODE*, TO AUTHORIZE
16 UTILIZATION OF FUNDS FROM THE FUND TO CONTINUE
17 FUNDING THE ANNUAL STATE OF THE RIVER REPORT;
18 PROVIDING FOR WAIVER OF SECTION 360.602 (USES OF
19 FUND), PART 6 (ENVIRONMENTAL PROTECTION FUND),
20 CHAPTER 360 (ENVIRONMENTAL REGULATION),
21 *ORDINANCE CODE*, TO ALLOW FOR THE UTILIZATION OF
22 FUNDS FROM THE FUND TO CONTINUE FUNDING THE
23 ANNUAL STATE OF THE RIVER REPORT; APPROVING, AND
24 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND THE
25 CORPORATION SECRETARY TO EXECUTE AND DELIVER AN
26 AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND
27 JACKSONVILLE UNIVERSITY FOR THE PROJECT;
28 INVOKING THE EXEMPTION IN 126.107(G)
29 (EXEMPTIONS), PART 1 (GENERAL REGULATIONS),
30 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*,
31 TO DIRECT CONTRACT WITH JACKSONVILLE UNIVERSITY

1 FOR THE PROJECT; WAIVING SECTION 118.107
 2 (NONPROFITS TO RECEIVE FUNDING THROUGH A
 3 COMPETITIVE EVALUATED AWARD PROCESS), PART 1
 4 (GENERAL PROVISIONS), CHAPTER 118 (CITY GRANTS),
 5 *ORDINANCE CODE*, TO ALLOW A DIRECT CONTRACT WITH
 6 JACKSONVILLE UNIVERSITY; WAIVING SECTION
 7 110.112 (ADVANCE OF CITY FUNDS; PROHIBITION
 8 AGAINST), PART 1 (THE CITY TREASURY), CHAPTER
 9 110 (CITY TREASURY), *ORDINANCE CODE*, TO ALLOW
 10 FOR ADVANCE PAYMENT BY THE CITY; PROVIDING FOR
 11 OVERSIGHT BY THE NEIGHBORHOODS DEPARTMENT,
 12 ENVIRONMENTAL QUALITY DIVISION; REQUIRING
 13 ANNUAL REPORTS; PROVIDING AN EFFECTIVE DATE.

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

16 **Section 1. Appropriation.** For the 2022-2023 fiscal year,
17 within the City's budget, there are hereby appropriated the indicated
18 sum(s) from the account(s) listed in subsection (a) to the account(s)
19 listed in subsection (b):

20 (Revised B.T. 23-062 attached hereto as **Revised Exhibit 1**, labeled
21 as "Revised Exhibit 1, Rev B.T. 23-062, April 17, 2023 - Rules" and
22 incorporated herein by this reference)

23 (a) Appropriated from:

24	See Revised B.T. 23-062	\$107,693
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25 (b) Appropriated to:

26	See Revised B.T. 23-062	\$107,693
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27 (c) Explanation of Appropriation:

28 The appropriation above is fund balance from the
 29 Environmental Protection Trust Fund (the "Fund") to procure
 30 the professional services of Jacksonville University for
 31 preparation of the Sixteenth State of the River Report.

1 **Section 2. Purpose.** The purpose of the appropriation in
2 Section 1 is to provide funding for preparation of the Sixteenth
3 State of the River Report which provides a comprehensive, scientific
4 analysis of the health and condition of the Lower St. Johns River
5 Basin (the "Project"). The State of the River Report has been
6 published annually since 2008 and has been funded by the Board as one
7 component of the River Accord, an initiative of various key
8 stakeholders in the area designed to address the immediate needs of
9 the River and to assure its long-term health.

10 In addition to writing and publishing the report, the Project
11 entails producing a single-page brochure that summarizes the State
12 of the River Report in a manner that is understandable and interesting
13 to the general public. The Project is led by Jacksonville University
14 in collaboration with Florida Southern College, University of North
15 Florida, and West Chester University and is in keeping with the
16 Board's overall mission to support studies and activities that address
17 conservation and protection of the natural environment. During its
18 meeting on January 17, 2023, the Jacksonville Environmental
19 Protection Board (the "Board") approved this expenditure, as
20 reflected in the Monthly Meeting Summary attached hereto as **Exhibit**
21 **2** and incorporated herein by this reference.

22 **Section 3. Waiver of Section 111.755 (Environmental**
23 **Protection Fund), Ordinance Code.** Section 111.755 (Environmental
24 Protection Fund), Part 7 (Environment and Conservation), Chapter 111
25 (Special Revenue and Trust Accounts), *Ordinance Code*, is hereby
26 waived. Section 111.755 sets forth specific purposes for which the
27 Fund must be used by the Board. Section 111.755 provides that any
28 studies, surveys, tests and investigations funded from the Fund shall
29 be special projects of a unique, onetime nature, and shall not be
30 continuing. This waiver is necessary to allow the use of Fund dollars
31 for continued funding of annual State of the River Reports. At its

1 meeting on January 17, 2023, this waiver was approved by the Board
2 as reflected in **Exhibit 2**.

3 **Section 4. Waiver of Section 360.602 (Uses of Fund),**
4 **Ordinance Code.** Section 360.602 (Uses of Fund), Part 6
5 (Environmental Protection Fund), Chapter 360 (Environmental
6 Regulation), *Ordinance Code*, is hereby waived. Section 360.602 sets
7 forth specific purposes for which the Fund must be used by the Board.
8 Section 360.602 provides that any studies, surveys, tests and
9 investigations funded from the Fund shall be special projects of a
10 unique, onetime nature, and shall not be continuing. This waiver is
11 necessary to allow the use of Fund dollars for the continued funding
12 of the State of the River Reports. At its meeting on January 17,
13 2023, this waiver was approved by the Board as reflected in **Exhibit**
14 **2**.

15 **Section 5. Agreement Approved and Execution Authorized.**
16 There is hereby approved, and the Mayor, or his designee, and the
17 Corporation Secretary are hereby authorized to execute and deliver,
18 the Agreement Between the City of Jacksonville and Jacksonville
19 University for the Sixteenth State of the River Report for the Lower
20 St. Johns River Basin, in substantially the same form placed **Revised**
21 **On File** with the Legislative Services Division and incorporated herein
22 by this reference (the "Agreement"). The Agreement may include any
23 extensions or amendments thereto as necessary and appropriate to
24 effectuate the intent of this Ordinance; provided, however, no
25 modifications to the Agreement may increase the financial obligations
26 or the liability of the City to an amount in excess of the amount
27 stated in the Agreement or decrease the duties and obligations of
28 Jacksonville University as stated in the Agreement.

29 **Section 6. Invoking the Exemption in Section 126.107(g),**
30 **Ordinance Code.** The City is hereby authorized to procure the use of
31 the professional services of Jacksonville University to conduct the

1 Project. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General
2 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such
3 procurement is exempted from competitive solicitation because the
4 supplies or services are to be provided by those specifically
5 prescribed within authorizing legislation that appropriates the same.
6 With the exception of the foregoing, all other provisions of Chapter
7 126, *Ordinance Code*, shall remain in full force and effect.

8 **Section 7. Waiver of Section 118.107 (Nonprofits to receive**
9 **funding through a competitive evaluated award process), *Ordinance***
10 ***Code*.** The provisions of Section 118.107 (Nonprofits to receive
11 funding through a competitive evaluated award process), Part 1
12 (General Provisions), Chapter 118 (City Grants), *Ordinance Code*, are
13 hereby waived to allow for a direct contract between the City of
14 Jacksonville and Jacksonville University for the Project. The City
15 finds that this is a justified direct contract because Jacksonville
16 University is the principal investigator for the annual State of the
17 River Report. This is the Sixteenth Edition of the report, with this
18 being Jacksonville University's fourth year as principal
19 investigator. Jacksonville University partners with several
20 institutions for the Project and no other entities have access to the
21 data or website produced for and with the State of the River Reports.
22 This direct contract will allow the City to continue funding the
23 annual State of the River Reports, which have been integral in
24 tracking the health of the Lower St. Johns River Basin.

25 **Section 8. Waiver of Section 110.112 (Advance of City**
26 **funds; prohibition against), *Ordinance Code*.** Section 110.112
27 (Advance of City funds; prohibition against), Part 1 (The City
28 Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is hereby
29 waived to allow for advance payment to Jacksonville University as
30 described in the Agreement.

31 **Section 9. Oversight.** The Environmental Quality Division

1 of the Neighborhoods Department shall provide oversight of the
2 Agreement and Project described herein.

3 **Section 10. Annual Reports.** Jacksonville University is
4 required to provide the Sixteenth State of the River Report to the
5 Jacksonville Environmental Protection Board in September 2023 so that
6 it can be released at the annual Environmental Symposium.

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

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11 Form Approved:

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13 _____ /s/ Mary E. Staffopoulos

14 Office of General Counsel

15 Legislation Prepared By: Mary E. Staffopoulos

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