

1 Introduced by Council President Newby:

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3
4 **ORDINANCE 2021-764-E**

5 AN ORDINANCE MAKING CERTAIN FINDINGS AND
6 APPROPRIATING \$4,600,000 IN CORONAVIRUS RELIEF,
7 FISCAL RECOVERY, AND CRITICAL CAPITAL PROJECTS
8 FUNDS FROM THE U.S. DEPARTMENT OF TREASURY IN
9 ACCORDANCE WITH THE AMERICAN RESCUE PLAN ACT OF
10 2021 (THE "ARP ACT") TO SUPPORT CONTINUED COVID-
11 19 RESPONSE EFFORTS AND IMMEDIATE ECONOMIC
12 STABILIZATION AND TO REPLACE LOST REVENUE;
13 AUTHORIZING AND AWARDING VARIOUS DISBURSEMENTS
14 OF ARP ACT FUNDING RECOMMENDED BY EACH OF THE 19
15 COUNCIL MEMBERS, TO ELIGIBLE ORGANIZATIONS OF
16 THEIR CHOICE, PROVIDING THESE ORGANIZATIONS MEET
17 THE ELIGIBILITY CRITERIA OF THE ARP ACT;
18 PROVIDING FOR OVERSIGHT BY THE FINANCE AND
19 ADMINISTRATION DEPARTMENT; PROVIDING THAT ANY
20 ARP ACT GRANT FUNDING NOT EXPENDED PURSUANT TO
21 THIS ORDINANCE BY SEPTEMBER 30, 2022 SHALL
22 REVERT TO THE FUND OF ORIGIN; PROVIDING FOR
23 COMPLIANCE WITH APPLICABLE ARP ACT GRANT FUNDING
24 REQUIREMENTS; AUTHORIZING THE CITY TO ENTER INTO
25 COVID-19 ARP ACT SUBRECIPIENT GRANT AGREEMENTS
26 WITH VARIOUS GRANT RECIPIENTS; INVOKING THE
27 EXCEPTION OF 126.107(G) (EXEMPTIONS), CHAPTER
28 126 (PROCUREMENT CODE), *ORDINANCE CODE*, TO
29 DIRECT CONTRACT WITH GRANT RECIPIENTS;
30 REQUESTING EMERGENCY PASSAGE UPON INTRODUCTION;
31 PROVIDING AN EFFECTIVE DATE.

1
2 **WHEREAS**, the Novel Coronavirus Disease 2019 (“COVID-19”) was
3 first discovered in the United States in January 2020 and since that
4 time this severe, acute respiratory illness has infected over 32
5 million and killed over 610,000 Americans; and

6 **WHEREAS**, the impacts of the COVID-19 pandemic have been severe
7 and far-reaching, affecting all facets of the American economy and
8 daily life, resulting in the highest national unemployment rates in
9 over seventy years, creating food and housing insecurity for a
10 significant portion of the population, and leading to economic harm
11 and disruption to businesses and organizations of all sizes and to
12 governments at all levels; and

13 **WHEREAS**, the United States federal government recognizes that
14 state, territorial, tribal and local governments have been called on
15 to respond to COVID-19 at an immense scale, including efforts to
16 prevent and address spread of the disease, while also launching major
17 efforts to address the economic impacts of the pandemic as efficiently
18 as possible in a manner that is tailored to meet the specific needs
19 of each community; and

20 **WHEREAS**, on March 11, 2021, the American Rescue Plan Act (the
21 “ARP Act”) was signed into law and provided for the distribution of
22 Coronavirus relief, fiscal recovery, and critical capital projects
23 funds to state, territorial, tribal and local governments of the
24 United States; and

25 **WHEREAS**, the ARP Act provides that these funds may be used for
26 various projects and purposes that include: (1) small business
27 economic assistance, (2) aid to nonprofit organizations, and (3) aid
28 to social determinants of health programs; and

29 **WHEREAS**, the City of Jacksonville (the “City”) recognizes that
30 quick and efficient distribution of these ARP Act funds will further
31 bolster the City’s efforts to rebuild and recover the local economy;

1 and

2 **WHEREAS,** the City desires to authorize disbursement of
3 \$4,675,000 in local fiscal recovery funds in accordance with the ARP
4 Act to those eligible organizations located in the City of
5 Jacksonville that have suffered economic harm as a result of COVID-
6 19, in such amounts as more fully set forth herein on **Exhibit 1**; now
7 therefore

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

9 **Section 1. Findings.** It is hereby ascertained, determined,
10 found and declared as follows:

11 (a) The recitals set forth herein are true and correct.

12 (b) The grants and actions authorized hereby will provide
13 economic relief that encourages recovery of the local economy and
14 benefits the health, safety and welfare of the citizens of Duval
15 County.

16 (c) The distribution of ARP Act funds as set forth herein is
17 necessary and appropriate, and is reasonable and not excessive, taking
18 into account the extent of the public benefits expected to be derived
19 from the grants and other relief authorized hereby, and taking into
20 account all other forms of economic assistance available.

21 (d) The authorizations provided by this Ordinance are for
22 public uses and purposes for which the City may use its powers as a
23 county, municipality and as a political subdivision of the State of
24 Florida to expend public funds, and the necessity in the public
25 interest for the provisions herein enacted is hereby declared as a
26 matter of legislative determination.

27 (e) This Ordinance is adopted pursuant to the provisions of
28 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
29 Charter, and other applicable provisions of law.

30 **Section 2. Appropriation.** For the 2021-2022 fiscal year,
31 within the City's budget, there are hereby appropriated the indicated

1 sum(s) from the account(s) listed in subsection (a) to the account(s)
2 listed in subsection (b):
3 (attached hereto as **Exhibit 2** and incorporated herein by this
4 reference)

5 (a) Appropriated from:

6 See attached **Exhibit 2** \$4,600,000

7 (b) Appropriated to:

8 See attached **Exhibit 2** \$4,600,000

9 (c) **Explanation of Appropriation:**

10 The funding above represents an appropriation of \$4,600,000
11 from the designated contingency for Council identified
12 priorities established by Ordinance 2021-463-E, consisting
13 of Coronavirus relief, fiscal recovery, and critical
14 capital projects funds received by the City from the
15 federal government pursuant to the ARP Act, to subsidies
16 and contributions to private organizations. These funds
17 will be used to provide grants to the recipients identified
18 in **Exhibit 1**.

19 **Section 3. Purpose.** The purpose of the appropriation in
20 Section 2 is to authorize various disbursements of ARP ACT contingency
21 funding, awarding varied amounts to eligible organizations
22 recommended by each of the 19 council members, providing these
23 organizations meet the eligibility criteria of the ARP ACT. The
24 funding will support continued COVID-19 response efforts and will
25 provide a vital infusion of funds to assist with immediate economic
26 recovery and stabilization efforts through eligible expenses under
27 the ARP Act.

28 In addition to the \$4,600,000 appropriated in Section 2 above,
29 \$75,000 that was previously appropriated in Ordinance 2021-669-E is
30 being reallocated as part of this legislation. A previously awarded
31 organization has declined the award and therefore, those dollars are

1 being reallocated as reflected in Exhibit 1.

2 **Section 4. Oversight Department.** The Finance and
3 Administration Department shall provide oversight for all contracts,
4 contract amendments, and expenditures authorized hereunder.

5 **Section 5. Reverter.** Funds appropriated in this Ordinance
6 must be spent before September 30, 2022, failure to do so will cause
7 said funds to revert to accounts of origin, subject to future Council
8 approval.

9 **Section 6. Compliance with applicable American Rescue Plan**
10 **Act grant funding requirements.** The awarded organization selected
11 by the respective council member shall comply with all applicable ARP
12 Act grant requirements in their respective use and expenditure of the
13 ARP Act funds provided pursuant to this Ordinance including, but not
14 limited to, the audit requirements attached hereto as **Exhibit 3.**

15 **Section 7. Approval and authorization to execute COVID-19**
16 **ARP Act Subrecipient Grant Agreement.** There is hereby approved, and
17 the Mayor, or his designee, and the Corporation Secretary are hereby
18 authorized to execute and deliver standard COVID-19 ARP Act
19 Subrecipient Grant Agreements (the "Agreements") between the City of
20 Jacksonville and the grant recipients in the form attached hereto as
21 **Exhibit 4.** Distribution of grant funds to the grant recipients are
22 contingent upon (1) grant recipients' completion of the Agreements
23 and (2) review and approval of the same by the City. The Agreements
24 may include such additions, deletions and changes as may be
25 reasonable, necessary and incidental for carrying out the purposes
26 set forth in this ordinance, including any amendments deemed necessary
27 to comply with federal law applicable to the grant funds authorized
28 by the Agreements, as may be acceptable to the Mayor, or his designee,
29 with such inclusion and acceptance being evidenced by execution of
30 an Agreement with the respective grant recipient by the Mayor, or his
31 designee; provided however, no modifications to the Agreements may

1 increase the financial obligations or liability of the City, and any
2 such modifications shall be subject to appropriate legal review and
3 approval by the Office of General Counsel.

4 **Section 8. Invoking the Exception to Section**
5 **126.107(g), Ordinance Code.** The City is hereby authorized to enter
6 into direct agreements, as authorized herein, with the Entities for
7 the purposes of providing COVID-19 relief and assistance as more
8 fully set forth herein. Pursuant to Section 126.107(g) (Exemptions),
9 Part 1 (General Regulations), Chapter 126 (Procurement Code),
10 *Ordinance Code*, such procurement is exempted from competitive
11 solicitation because the supplies or services are to be provided by
12 those specifically prescribed within authorizing legislation that
13 appropriates the same. With the exception of the foregoing, all
14 other provisions of Chapter 126, *Ordinance Code*, shall remain in full
15 force and effect. The failure of any entity identified herein to
16 enter into the applicable agreement with the City shall render such
17 entity ineligible to receive the grant funds authorized hereby.

18 **Section 9. Requesting emergency passage upon introduction**
19 **pursuant to Council Rule 4.901 Emergency.** Emergency passage upon
20 introduction of this legislation is requested. The nature of the
21 emergency is that the ARP Act funds must be spent by September 30,
22 2022, and the ongoing effects of the global pandemic are immediately
23 impacting small businesses, nonprofit organizations, and public
24 health sectors of Jacksonville and urgent action is needed to
25 appropriate the ARP Act funding to these organizations.

26 **Section 10. Effective Date.** This Ordinance shall
27 become effective upon signature by the Mayor or upon becoming
28 effective without the Mayor's signature.

1 Form Approved:

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3 /s/ Margaret M. Sidman

4 Office of General Counsel

5 Legislation prepared by: Margaret M. Sidman

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