

1 Introduced by Council Member Carlucci and Co-Sponsored by Council  
2 Member Clark-Murray and amended by the Neighborhoods, Community  
3 Services, Public Health and Safety Committee:  
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6 **ORDINANCE 2023-241-E**

7 AN ORDINANCE APPROPRIATING \$15,000 FROM THE JAX  
8 HAPPENINGS ACTIVITY WITHIN THE SPECIAL EVENTS  
9 FUND TO THE GENERAL FUND OFFICE OF SPORTS AND  
10 ENTERTAINMENT - SPECIAL EVENTS CENTER TO PROVIDE  
11 FUNDING FOR GREENSCAPE OF JACKSONVILLE, INC.  
12 ("GREENSCAPE") TO HOST VARIOUS EVENTS AND TO  
13 PROCURE SUPPLIES AND MATERIALS TO PROVIDE  
14 ADDITIONAL CARE AND MAINTENANCE FOR TREES  
15 RECENTLY PLANTED IN CERTAIN CITY PARKS;  
16 APPROVING, AND AUTHORIZING THE MAYOR, OR HIS  
17 DESIGNEE, AND THE CORPORATION SECRETARY TO  
18 EXECUTE AN AGREEMENT WITH GREENSCAPE; INVOKING  
19 THE EXEMPTION IN SECTION 126.107(G)  
20 (EXEMPTIONS), PART 1 (GENERAL REGULATIONS),  
21 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*,  
22 TO ALLOW A DIRECT CONTRACT WITH GREENSCAPE OF  
23 JACKSONVILLE, INC.; WAIVING SECTION 110.112  
24 (ADVANCE OF CITY FUNDS; PROHIBITION AGAINST),  
25 PART 1 (THE CITY TREASURY), CHAPTER 110 (CITY  
26 TREASURY), *ORDINANCE CODE*, TO AUTHORIZE ADVANCE  
27 PAYMENT OF \$15,000 TO GREENSCAPE UPON EXECUTION  
28 OF THE AGREEMENT; WAIVING SECTION 118.107  
29 (NONPROFITS TO RECEIVE FUNDING THROUGH A  
30 COMPETITIVE EVALUATED AWARD PROCESS), PART 1  
31 (GENERAL PROVISIONS), CHAPTER 118 (CITY GRANTS),

ORDINANCE CODE, TO ALLOW A DIRECT CONTRACT WITH GREENSCAPE; PROVIDING FOR OVERSIGHT BY THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

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

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

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

(a) Appropriated from:

See **Exhibit 1** \$15,000

(b) Appropriated to:

See **Exhibit 1** \$15,000

(c) Explanation of Appropriation:

The funding above represents an appropriation of \$15,000 to Greenscape of Jacksonville, Inc. ("Greenscape") for supplies and materials to provide additional care for trees recently planted in certain City parks. In addition, a portion of the funds will be used to host smaller events such as a tree planting activity for children and an educational session on the benefits of trees.

**Section 2. Purpose.** The purpose of the appropriation in Section 1 is to provide funding to Greenscape to provide additional care for trees that have been recently planted in Lem Merrett Park, Lew Brantley Park, Brentwood Golf Course, and at the S-Line Trailhead. Greenscape intends to provide these services with the assistance of volunteers and using Greenscape's own equipment. The funds appropriated herein will be used to purchase mulch, and volunteer

1 supplies and materials (e.g. gloves, grabbers, trash bags, tree care  
2 information pamphlets, etc.). In addition, a portion of the funds may  
3 be used to host a small tree planting event targeted to children, and  
4 to provide an educational session on the benefits of trees.

5       **Section 3. Approval and Authorization to Execute.** The  
6 Mayor, or his designee, and the Corporation Secretary are hereby  
7 authorized to execute and deliver an agreement between the City of  
8 Jacksonville and Greenscape of Jacksonville, Inc., in a not-to-exceed  
9 amount of \$15,000 providing the scope of services and terms and  
10 conditions for Greenscape's use of the City funds in accordance with  
11 the scope of services attached hereto as **Exhibit 2** and incorporated  
12 herein by this reference. The agreement may include such additions,  
13 deletions and changes as may be reasonable, necessary and incidental  
14 for carrying out the purposes thereof, as may be acceptable to the  
15 Mayor, or his designee, with such inclusion and acceptance being  
16 evidenced by execution of the agreement by the Mayor, or his designee;  
17 provided however, no modifications to the agreement may increase the  
18 financial obligations of the City to an amount in excess of the amount  
19 stated in the agreement or decrease the duties and obligations of  
20 Greenscape, and any such modifications shall be technical only and  
21 shall be subject to appropriate legal review and approval by the  
22 Office of General Counsel and the Office of Risk Management for  
23 appropriate insurance and indemnification terms. For the purposes of  
24 this Ordinance, the term "technical changes" is defined as those  
25 changes having no financial impact to the City and any other non-  
26 substantive changes that do not substantively increase the duties and  
27 responsibilities of the City under the provisions of the agreement.

28       **Section 4. Invoking the Exemption in Section 126.107(g)**  
29 **(Exemptions), Part 1 (General Regulations), Chapter 126 (Procurement**  
30 **Code), Ordinance Code.** The City is hereby authorized to procure the  
31 services of Greenscape of Jacksonville, Inc. for care and maintenance

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

9 **Section 5. Waiver of Section 110.112 (Advance of City**  
10 **funds; prohibition against), Part 1 (The City Treasury), Chapter 110**  
11 **(City Treasury), *Ordinance Code*.** The provisions of Section 110.112  
12 (Advance of City funds; prohibition against), Part 1 (The City  
13 Treasury), Chapter 110 (City Treasury), *Ordinance Code*, are hereby  
14 waived to allow for advance payment of \$15,000 to Greenscape upon  
15 execution of the agreement authorized herein.

16 **Section 6. Waiver of Section 118.107 (Nonprofits to receive**  
17 **funding through a competitive evaluated award process), Part 1**  
18 **(General Provisions), Chapter 118 (City Grants), *Ordinance Code*.** The  
19 provisions of Section 118.107 (Nonprofits to receive funding through  
20 a competitive evaluated award process), Part 1 (General Provisions),  
21 Chapter 118 (City Grants), *Ordinance Code*, are hereby waived to allow  
22 for a direct contract between Greenscape of Jacksonville, Inc. and  
23 the City of Jacksonville. The City finds that the direct contract  
24 approved herein is justified because Greenscape is uniquely situated  
25 to provide the services contemplated in **Exhibit 2**. Greenscape has  
26 provided similar services to the City over the years including  
27 providing maintenance and care for trees planted through the City's  
28 Tree Planting Program. In addition, Greenscape hosts a number of  
29 events each year including tree giveaways, educational sessions on  
30 the maintenance and care of trees, and discussions on the importance  
31 of maintaining a healthy tree canopy.

1           **Section 7.           Oversight Department.** The Parks, Recreation and  
2 Community Services Department shall oversee the agreement described  
3 herein.

4           **Section 8.           Effective Date.** This Ordinance shall become  
5 effective upon signature by the Mayor or upon becoming effective  
6 without the Mayor's signature.

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8 Form Approved:

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10           /s/ Mary E. Staffopoulos          

11 Office of General Counsel

12 Legislation Prepared By: Mary E. Staffopoulos

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