

1 Introduced by the Council President at the Request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee:

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6 **ORDINANCE 2021-463-E**

7 AN ORDINANCE MAKING CERTAIN FINDINGS AND
8 APPROPRIATING \$26,000,000 IN CORONAVIRUS
9 RELIEF, FISCAL RECOVERY, AND CRITICAL CAPITAL
10 PROJECTS FUNDS FROM THE U.S. DEPARTMENT OF
11 TREASURY IN ACCORDANCE WITH THE AMERICAN
12 RESCUE PLAN ACT OF 2021 (THE "ARP ACT") TO
13 SUPPORT CONTINUED COVID-19 RESPONSE EFFORTS
14 AND IMMEDIATE ECONOMIC STABILIZATION AND TO
15 REPLACE LOST PUBLIC SECTOR REVENUE, AS
16 INITIATED BY REVISED B.T. 21-094; AUTHORIZING
17 VARIOUS DISBURSEMENTS OF ARP ACT FUNDING
18 INCLUDING: (1) \$4,000,000 TO THE JACKSONVILLE
19 PORT AUTHORITY ("JAXPORT") TO OFFSET ECONOMIC
20 HARM AND LOST REVENUE FROM BUSINESS
21 INTERRUPTION DUE TO COVID-19; (2) \$8,300,000
22 TO THE CITY'S CITYWIDE SPECIAL RECREATION
23 FACILITIES ACCOUNT TO OFFSET ECONOMIC HARM AND
24 LOST REVENUE FROM BUSINESS INTERRUPTION DUE TO
25 COVID-19 AT THE CITY-OWNED SPORTS AND
26 ENTERTAINMENT FACILITIES MANAGED BY ASM GLOBAL
27 ENTERPRISES, INC. ("ASM"); (3) \$6,200,000 TO
28 BE DIVIDED AMONG THE CITIES OF JACKSONVILLE
29 BEACH, ATLANTIC BEACH AND NEPTUNE BEACH AND
30 THE TOWN OF BALDWIN, AS PROVIDED HEREIN, TO

1 OFFSET ECONOMIC HARM AND LOST REVENUE DUE TO
2 COVID-19 AND ELIGIBLE EXPENSES UNDER THE ARP
3 ACT; (4) \$1,000,000 TO EDWARD WATERS
4 UNIVERSITY, INC. FOR COVID-19 VACCINATION
5 EDUCATION AND OUTREACH SERVICES; (5)
6 \$6,500,000 TO BE PLACED IN A CONTINGENCY FUND
7 FOR FUTURE APPROPRIATION IN ACCORDANCE WITH
8 THE ARP ACT; APPROVING AND AUTHORIZING THE
9 MAYOR, OR HIS DESIGNEE, AND THE CORPORATION
10 SECRETARY TO EXECUTE AND DELIVER THE
11 FOLLOWING: (1) AN INTERLOCAL AGREEMENT WITH
12 JAXPORT, (2) AN AMENDMENT TO THE FACILITIES
13 MANAGEMENT CONTRACT WITH ASM, (3) INTERLOCAL
14 AGREEMENTS WITH THE CITIES OF JACKSONVILLE
15 BEACH, ATLANTIC BEACH AND NEPTUNE BEACH AND
16 THE TOWN OF BALDWIN, AND (4) AN AGREEMENT WITH
17 EDWARD WATERS UNIVERSITY, INC.; INVOKING THE
18 EXCEPTION OF SECTION 126.107(G) (EXEMPTIONS),
19 PART 1 (GENERAL REGULATIONS), CHAPTER 126
20 (PROCUREMENT CODE), *ORDINANCE CODE*, TO ALLOW
21 FOR A DIRECT CONTRACT WITH EDWARD WATERS
22 UNIVERSITY, INC.; PROVIDING FOR OVERSIGHT BY
23 THE FINANCE AND ADMINISTRATION DEPARTMENT;
24 PROVIDING A CARRYOVER OF FUNDS FROM YEAR TO
25 YEAR UNTIL SUCH ARP ACT FUNDS ARE EXPENDED OR
26 LAPSE, AND PROVIDING THAT ANY ARP ACT GRANT
27 FUNDING NOT EXPENDED PURSUANT TO THIS
28 ORDINANCE BY SEPTEMBER 30, 2022 SHALL REVERT
29 TO THE FUND OF ORIGIN FOR RE-APPROPRIATION FOR
30 AUTHORIZED EXPENDITURES UNDER THE TERMS OF THE
31 ARP ACT; PROVIDING FOR COMPLIANCE WITH

1 APPLICABLE ARP ACT GRANT FUNDING REQUIREMENTS;
2 PROVIDING AN EFFECTIVE DATE.

3
4 **WHEREAS**, the Novel Coronavirus Disease 2019 (“COVID-19”) was
5 first discovered in the United States in January 2020 and since
6 that time this severe, acute respiratory illness has infected over
7 32 million and killed over 610,000 Americans; and

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

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

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

27 **WHEREAS**, the ARP Act provides that these funds may be used for
28 various projects and purposes that include: (1) efforts to respond
29 to the COVID-19 public health emergency and its negative economic
30 impacts, including assistance to households, small businesses, and
31 non-profits, (2) providing premium pay to eligible government

1 workers performing essential work during the COVID-19 public health
2 emergency, (3) offsetting the costs of providing government
3 services to the extent of the reduction in revenue experienced due
4 to the COVID-19 public health emergency, and (4) making necessary
5 improvements to water, sewer, or broadband infrastructure; and

6 **WHEREAS**, the City of Jacksonville (the "City") recognizes that
7 quick and efficient distribution of these ARP Act funds will
8 further bolster the City's efforts to rebuild and recover the local
9 economy; and

10 **WHEREAS**, the City desires to appropriate and authorize
11 disbursement of \$26,000,000 in local fiscal recovery funds in
12 accordance with the ARP Act for the various purposes and to various
13 recipients as more fully set forth herein; now therefore

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

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

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

18 (b) The grants and actions authorized hereby will provide
19 economic relief that encourages recovery of the local economy and
20 benefits the health, safety and welfare of the citizens of Duval
21 County.

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

28 (d) The authorizations provided by this Ordinance are for
29 public uses and purposes for which the City may use its powers as a
30 county, municipality and as a political subdivision of the State of
31 Florida to expend public funds, and the necessity in the public

1 interest for the provisions herein enacted is hereby declared as a
2 matter of legislative determination.

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

6 **Section 2. Appropriation.** For the 2020-2021 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 (Revised B.T. 21-094 is attached hereto as **Revised Exhibit 1**,
11 labeled as "Revised Exhibit 1, Rev B.T. 21-094, August 16, 2021 -
12 NCSPHS" and incorporated herein by this reference)

13 (a) Appropriated from:

14 See attached **Revised Exhibit 1**, labeled as "Revised
15 Exhibit 1, Rev B.T. 21-094, August 16, 2021 - NCSPHS"

16 \$26,000,000

17 (b) Appropriated to:

18 See attached **Revised Exhibit 1**, labeled as "Revised
19 Exhibit 1, Rev B.T. 21-094, August 16, 2021 - NCSPHS"

20 \$26,000,000

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

22 The funding appropriated above represents \$26,000,000 in
23 Coronavirus relief, fiscal recovery, and critical capital
24 projects funds received by the City from the federal
25 government pursuant to the ARP Act. These funds will be
26 used to support continued COVID-19 response efforts and
27 will provide a vital infusion of funds to assist with
28 immediate economic recovery and stabilization efforts
29 through replacement of lost public sector revenue and by
30 providing funding for public infrastructure improvements
31 and other eligible expenses under the ARP Act.

1 **Section 3. Purpose.** The purpose of the appropriation in
2 Section 2 is to disburse the ARP Act local fiscal recovery funds as
3 follows: (1) \$4,000,000 to JAXPORT to offset economic harm and lost
4 revenue due to COVID-19; (2) \$8,300,000 to be deposited in the
5 City's Citywide Special Recreation Facilities account to offset
6 economic harm and lost revenue due to COVID-19 at City-owned sports
7 and entertainment facilities managed by ASM; (3) \$6,200,000 to
8 local government entities located within Duval County to include:
9 (a) \$3,000,000 to the City of Jacksonville Beach, (b) \$2,000,000 to
10 the City of Atlantic Beach, (c) \$1,000,000 to the City of Neptune
11 Beach, and (d) \$200,000 to the Town of Baldwin to offset lost
12 revenues arising from COVID-19 and to cover eligible expenses under
13 the ARP Act; (4) \$1,000,000 to Edward Waters University, Inc. for
14 COVID-19 vaccination education and outreach services; and (5)
15 \$6,500,000 to be placed in a contingency fund for future
16 appropriation in accordance with the ARP Act.

17 **Section 4. Approval and authorization to execute an**
18 **interlocal agreement between the City and JAXPORT.** The Mayor, or
19 his designee, and the Corporation Secretary are hereby authorized
20 to execute and deliver, on behalf of the City, an interlocal
21 agreement with JAXPORT, in an amount not to exceed \$4,000,000, that
22 provides the terms and conditions for JAXPORT's receipt and
23 expenditure of the ARP Act funds consistent with the purpose of
24 this Ordinance and subject to applicable requirements under the ARP
25 Act, and all other contracts, memorandums of understanding and
26 documents, including renewals or amendments thereto, and to
27 otherwise take all action necessary to effectuate the intent of
28 this Ordinance, subject to appropriate legal review and approval by
29 the Office of General Counsel and the City's Risk Management
30 Division for appropriate insurance and indemnification requirements
31 in accordance with Section 128.601, *Ordinance Code*.

1 **Section 5. Authorizing the City to enter into an**
2 **Amendment to the Facilities Management Contract with ASM Global**
3 **Enterprises, Inc. (formerly SMG) ("ASM").** The City is hereby
4 authorized to enter into an Amendment to the Facilities Management
5 Contract dated July 31, 2017, between the City and ASM in a not-to-
6 exceed amount of \$8,300,000 to offset economic harm and lost
7 revenues stemming from the COVID-19 pandemic at the various City
8 sports and entertainment facilities managed by ASM, that provides
9 the terms and conditions for ASM's receipt and expenditure of the
10 ARP Act funds consistent with the purpose of this Ordinance and
11 subject to applicable requirements under the ARP Act, and all other
12 contracts, memorandums of understanding and documents, including
13 renewals or amendments thereto, and to otherwise take all action
14 necessary to effectuate the intent of this Ordinance, subject to
15 appropriate legal review and approval by the Office of General
16 Counsel and the City's Risk Management Division for appropriate
17 insurance and indemnification requirements in accordance with
18 Section 128.601, *Ordinance Code*. ASM experienced a loss of revenue
19 for fiscal year 2019/2020. By acceptance of the funds appropriated
20 herein, ASM acknowledges and confirms satisfaction of any city
21 contractual obligation regarding loss of revenue.

22 **Section 6. Approval and authorization to execute**
23 **interlocal agreements with the Cities of Jacksonville Beach,**
24 **Atlantic Beach, and Neptune Beach and the Town of Baldwin.** The
25 Mayor, or his designee, and the Corporation Secretary are hereby
26 authorized to execute and deliver, on behalf of the City,
27 interlocal agreements that provide the terms and conditions for
28 each local government subrecipient's receipt and expenditure of ARP
29 Act funds consistent with the purpose of this Ordinance and subject
30 to applicable requirements under the ARP Act as follows: (i) an
31 amount not to exceed \$3,000,000 to the City of Jacksonville Beach,

1 (ii) an amount not to exceed \$2,000,000 to the City of Atlantic
2 Beach, (iii) an amount not to exceed \$1,000,000 to the City of
3 Neptune Beach, and (iv) an amount not to exceed \$200,000 to the
4 Town of Baldwin, and all other contracts, memorandums of
5 understanding and documents, including renewals or amendments
6 thereto, and to otherwise take all action necessary to effectuate
7 the intent of this Ordinance, subject to appropriate legal review
8 and approval by the Office of General Counsel and the City's Risk
9 Management Division for appropriate insurance and indemnification
10 requirements in accordance with Section 128.601, *Ordinance Code*.

11 **Section 7. Approval and authorization to execute an**
12 **agreement between the City and Edward Waters University, Inc.** The
13 Mayor, or his designee, and the Corporation Secretary are hereby
14 authorized to execute and deliver, on behalf of the City, an
15 agreement with Edward Waters University, Inc. ("EWU") in accordance
16 with the terms and restrictions of the ARP Act, in an amount not to
17 exceed \$1,000,000.00, subject to the Scope of Services more
18 particularly described in **Exhibit 2** attached hereto and
19 incorporated herein by this reference, and all other contracts and
20 documents, including renewals and amendments to the agreement, and
21 otherwise take all action necessary to effectuate the intent of
22 this Ordinance, subject to appropriate legal review and approval by
23 the Office of General Counsel and the City's Risk Management
24 Division for appropriate insurance and indemnification requirements
25 in accordance with Section 128.601, *Ordinance Code*.

26 The Scope of Services designates the specific services to be
27 performed by EWU as a subrecipient/subcontractor for the City. The
28 Scope of Services may include such additions, deletions and changes
29 as may be reasonable, necessary and incidental for carrying out the
30 purposes thereof, as may be acceptable to the Mayor, or his
31 designee; provided, however, that such modifications shall be

1 technical only, subject to appropriate legal review and approval by
2 the Office of General Counsel, and shall be undertaken in
3 compliance with any applicable requirements of the ARP Act and
4 related laws, consistent with the intent of this Ordinance. For
5 the purposes of this Ordinance, the term "technical changes" is
6 defined as those changes having no financial impact to the City and
7 any other non-substantive changes.

8 **Section 8. Invoking the exception to Section 126.107(g),**
9 **Ordinance Code.** The City is hereby authorized to directly procure
10 the use of the professional services of Edward Waters University,
11 Inc. to provide vaccination education and outreach services to low-
12 income, vaccine-hesitant populations within underserved communities
13 in Duval County, Florida, as more particularly described in Exhibit
14 2. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General
15 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such
16 procurement is exempted from competitive solicitation because the
17 supplies or services are to be provided by those specifically
18 prescribed within the authorizing legislation that appropriates the
19 same. With the exception of the foregoing, all other provisions of
20 Chapter 126, *Ordinance Code*, shall remain in full force and effect.

21 **Section 9. Oversight Department.** The Finance and
22 Administration Department shall provide oversight for all
23 contracts, contract amendments, and expenditures authorized
24 hereunder.

25 **Section 10. Carryover.** The funds appropriated herein
26 shall not lapse but shall carryover as appropriated from year to
27 year until such funds are expended or lapse. Funds appropriated in
28 this Ordinance must be spent before September 30, 2022, failure to
29 do so will cause said funds to revert to accounts of origin for re-
30 appropriation for authorized expenditures under the terms of the
31 ARP Act, subject to future Council approval.

1 **Section 11. Compliance with applicable American Rescue**
2 **Plan Act grant funding requirements.** JAXPORT, the Cities of
3 Jacksonville Beach, Atlantic Beach, and Neptune Beach, the Town of
4 Baldwin, and Edward Waters University, Inc. shall comply with all
5 applicable ARP Act grant requirements in their respective use and
6 expenditure of the ARP Act funds provided pursuant to this
7 Ordinance including, but not limited to, the audit requirements
8 attached hereto as **Revised Exhibit 3**, labeled as "Revised Exhibit
9 3, Rev Audit Rqmts, August 16, 2021 - NCSPHS".

10 **Section 12. Effective Date.** This Ordinance shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without the Mayor's signature.

13
14 Form Approved:

15
16 /s/ Paige H. Johnston

17 Office of General Counsel

18 Legislation prepared by: Mary E. Staffopoulos

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