

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2022-219**

5 AN ORDINANCE APPROPRIATING \$96,956.00 IN FUND  
6 BALANCE FROM THE ENVIRONMENTAL PROTECTION FUND  
7 (THE "FUND") TO PROVIDE FUNDING FOR THE  
8 FIFTEENTH STATE OF THE RIVER REPORT FOR THE  
9 LOWER ST. JOHNS RIVER BASIN (THE "PROJECT"), AS  
10 INITIATED BY B.T. 22-055; PURPOSE OF  
11 APPROPRIATION; PROVIDING FOR CARRYOVER OF FUNDS  
12 THROUGH SEPTEMBER 30, 2023; PROVIDING FOR WAIVER  
13 OF SECTION 111.755 (ENVIRONMENTAL PROTECTION  
14 FUND), PART 7 (ENVIRONMENT AND CONSERVATION),  
15 CHAPTER 111 (SPECIAL REVENUE AND TRUST  
16 ACCOUNTS), *ORDINANCE CODE*, TO AUTHORIZE  
17 UTILIZATION OF FUNDS FROM THE FUND TO CONTINUE  
18 FUNDING THE ANNUAL STATE OF THE RIVER REPORT;  
19 PROVIDING FOR WAIVER OF SECTION 360.602 (USES OF  
20 FUND), PART 6 (ENVIRONMENTAL PROTECTION FUND),  
21 CHAPTER 360 (ENVIRONMENTAL REGULATION),  
22 *ORDINANCE CODE*, TO ALLOW FOR THE UTILIZATION OF  
23 FUNDS FROM THE FUND TO CONTINUE FUNDING THE  
24 ANNUAL STATE OF THE RIVER REPORT; APPROVING, AND  
25 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND THE  
26 CORPORATION SECRETARY TO EXECUTE AND DELIVER AN  
27 AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND  
28 JACKSONVILLE UNIVERSITY FOR THE PROJECT;  
29 INVOKING THE EXCEPTION OF 126.107(G)  
30 (EXEMPTIONS), CHAPTER 126 (PROCUREMENT CODE),  
31 *ORDINANCE CODE*, TO DIRECT CONTRACT WITH

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

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

17 **Section 1. Appropriation.** For the 2021-2022 fiscal year,  
18 within the City's budget, there are hereby appropriated the indicated  
19 sum(s) from the account(s) listed in subsection (a) to the account(s)  
20 listed in subsection (b):

21 (B.T. 22-056 attached hereto as **Exhibit 1** and incorporated herein by  
22 this reference)

23 (a) Appropriated from:

24 See B.T. 22-056 \$96,956.00

25 (b) Appropriated to:

26 See B.T. 22-056 \$96,956.00

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 Fifteenth State of the River Report.

1           **Section 2.           Purpose.**   The purpose of the appropriation in  
2 Section 1 is to provide continued funding for preparation of the  
3 Fifteenth State of the River Report which provides a comprehensive,  
4 scientific analysis of the health and condition of the Lower St.  
5 Johns River Basin (the "Project"). The State of the River Report has  
6 been published annually since 2008 and has been funded by the Board  
7 as one 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 18, 2022, 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.           Carryover.**   The funds appropriated in this  
23 Ordinance shall not lapse but shall carryover through September 30,  
24 2023.

25           **Section 4.           Waiver of Section 111.755 (Environmental**  
26 **Protection Fund), Ordinance Code.**   Section 111.755 (Environmental  
27 Protection Fund), Part 7 (Environment and Conservation), Chapter 111  
28 (Special Revenue and Trust Accounts), *Ordinance Code*, is hereby  
29 waived. Section 111.755 sets forth specific purposes for which the  
30 Fund must be used by the Board. Section 111.755 provides that any  
31 studies, surveys, tests and investigations funded from the Fund shall

1 be special projects of a unique, onetime nature, and shall not be  
2 continuing. This waiver is necessary to allow the use of Fund dollars  
3 for continued funding of annual State of the River Reports. At its  
4 meeting on January 18, 2022, this waiver was approved by unanimous  
5 vote of the Board as reflected in **Exhibit 2**.

6 **Section 5. Waiver of Section 360.602 (Uses of Fund),**  
7 **Ordinance Code.** Section 360.602 (Uses of Fund), Part 6  
8 (Environmental Protection Fund), Chapter 360 (Environmental  
9 Regulation), *Ordinance Code*, is hereby waived. Section 360.602 sets  
10 forth specific purposes for which the Fund must be used by the Board.  
11 Section 360.602 provides that any studies, surveys, tests and  
12 investigations funded from the Fund shall be special projects of a  
13 unique, onetime nature, and shall not be continuing. This waiver is  
14 necessary to allow the use of Fund dollars for the continued funding  
15 of the State of the River Reports. At its meeting on January 18,  
16 2022, this waiver was approved by unanimous vote of the Board as  
17 reflected in **Exhibit 2**.

18 **Section 6. Agreement Approved and Execution Authorized.**  
19 There is hereby approved, and the Mayor, or his designee, and the  
20 Corporation Secretary are hereby authorized to execute and deliver,  
21 the Memorandum of Understanding between the City of Jacksonville  
22 Environmental Protection Board and the District, in substantially the  
23 same form as attached hereto as **Exhibit 3** and incorporated herein by  
24 this reference (the "Agreement"). The Agreement may include any  
25 respective extensions or amendments thereto as necessary and  
26 appropriate to effectuate the intent of this Ordinance; provided,  
27 however, no modifications to the Agreement may increase the financial  
28 obligations or or the liability of the City to an amount in excess  
29 of the amount stated in the Agreement or decrease the duties and  
30 obligations of Jacksonville University as stated in the Agreement.

31 **Section 7. Invoking the Exception to Section 126.107(g),**

1 **Ordinance Code.** The City is hereby authorized to procure the use of  
2 the professional services of Jacksonville University to conduct the  
3 Project. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General  
4 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such  
5 procurement is exempted from competitive solicitation because the  
6 supplies or services are to be provided by those specifically  
7 prescribed within authorizing legislation that appropriates the same.  
8 With the exception of the foregoing, all other provisions of Chapter  
9 126, *Ordinance Code*, shall remain in full force and effect.

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

25 **Section 9. Waiver of Section 110.112, Ordinance Code.**  
26 Section 110.112 (Advance of City funds; prohibition against), Part 1  
27 (The City Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is  
28 hereby waived to allow for advance payment to Jacksonville University  
29 as described in the Agreement.

30 **Section 10. Oversight.** The Environmental Quality  
31 Division of the Neighborhoods Department shall provide oversight of

1 the Agreement and Project described herein.

2       **Section 11. Annual Reports.** Jacksonville University is  
3 required to provide the Fifteenth State of the River Report to the  
4 Jacksonville Environmental Protection Board in September 2022 so that  
5 it can be released at the annual Environmental Symposium.

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

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10 Form Approved:

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12           /s/ Mary E. Staffopoulos          

13 Office of General Counsel

14 Legislation prepared by: Mary E. Staffopoulos

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