

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-242**

5 AN ORDINANCE APPROPRIATING \$100,000.00 IN FUND
6 BALANCE FROM THE ENVIRONMENTAL PROTECTION FUND
7 TO ASSIST IN THE ECOLOGICAL RESTORATION OF
8 HOGANS CREEK BY PROVIDING FUNDING TO
9 GROUNDWORK JACKSONVILLE, INC. FOR PRELIMINARY
10 DESIGN AND FEASIBILITY ASSESSMENT OF THE
11 ECOLOGICAL RESTORATION OF HOGANS CREEK, AS
12 INITIATED BY B.T. 21-067; PROVIDING A
13 CARRYOVER OF FUNDS THROUGH SEPTEMBER 30, 2023;
14 INVOKING THE EXCEPTION OF SECTION 126.107(G)
15 (EXEMPTIONS), CHAPTER 126 (PROCUREMENT CODE),
16 *ORDINANCE CODE*, TO DIRECT CONTRACT WITH
17 GROUNDWORK JACKSONVILLE, INC.; APPROVING AND
18 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND
19 THE CORPORATION SECRETARY TO EXECUTE AND
20 DELIVER THAT CERTAIN FUNDING AGREEMENT BETWEEN
21 THE CITY OF JACKSONVILLE AND GROUNDWORK
22 JACKSONVILLE, INC.; WAIVING SECTION 110.112
23 (ADVANCE OF CITY FUNDS; PROHIBITION AGAINST),
24 PART 1 (THE CITY TREASURY), CHAPTER 110 (CITY
25 TREASURY), *ORDINANCE CODE*, TO ALLOW FOR A
26 PARTIAL ADVANCE PAYMENT BY THE CITY; PROVIDING
27 FOR CITY OVERSIGHT BY THE NEIGHBORHOODS
28 DEPARTMENT, ENVIRONMENTAL QUALITY DIVISION;
29 REQUIRING ANNUAL REPORTS AND A FINAL REPORT TO
30 JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD;
31 PROVIDING AN EFFECTIVE DATE.

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

3 **Section 1. Appropriation.** For the 2020-2021 fiscal
4 year, within the City's budget, there are hereby appropriated the
5 indicated sum(s) from the account(s) listed in subsection (a) to
6 the account(s) listed in subsection (b):

7 (B.T. 21-067 attached hereto as **Exhibit 1** and incorporated herein
8 by this reference)

9 (a) Appropriated from:

10 See B.T. 21-067 \$100,000.00

11 (b) Appropriated to:

12 See B.T. 21-067 \$100,000.00

13 (c) Explanation of appropriation

14 The funding above is appropriating fund balance from the
15 Environmental Protection Fund to fund a portion of the
16 preliminary design and feasibility assessment of the
17 ecological restoration of Hogans Creek (the "Project").

18 **Section 2. Carryover.** The funds appropriated in Section
19 1 of this ordinance shall not lapse but shall carryover into fiscal
20 year 2022-2023.

21 **Section 3. Purpose.** The purpose of the appropriation in
22 Section 1 is to provide funding to Groundwork Jacksonville, Inc.
23 ("Groundwork") for the Project which shall be completed pursuant
24 to the terms, conditions and scope of work more particularly
25 described in that certain Funding Agreement between the City of
26 Jacksonville and Groundwork Jacksonville, Inc., as approved and
27 authorized in Section 5 below. The Environmental Protection Board
28 approved this expenditure of the Environmental Protection Fund at
29 its meeting on January 19, 2021.

30 **Section 4. Invoking the exception pursuant to Section**
31 **126.107(g), Ordinance Code.** The City is hereby authorized to enter

1 into the Agreement authorized in Section 3 above. 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 of 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. Approval and Authorizing the Agreement.** There
10 is hereby approved, and the Mayor or his designee, and the Corporation
11 Secretary are hereby authorized, to execute and deliver, for and on
12 behalf of the City, that certain Funding Agreement between the City
13 of Jacksonville and Groundwork Jacksonville, Inc. (the "Agreement"),
14 substantially in the form placed **On File** with the Office of
15 Legislative Services, and any respective extension or amendments
16 thereto as necessary and appropriate to effectuate the intent of this
17 ordinance.

18 **Section 6. Waiving Section 110.112, Ordinance Cde.** Section
19 110.112 (Advance of City funds; prohibition against), Part 1 (The
20 City Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is hereby
21 waived to allow for a partial advance payment as described in the
22 Agreement.

23 **Section 7. Oversight Department.** The Neighborhoods
24 Department, Environmental Quality Division, shall oversee the
25 Project.

26 **Section 8. Reports.** Annual reports shall be submitted by
27 Groundwork to the City's Environmental Protection Board on September
28 15th of each year through September 30, 2023. A final report shall
29 be submitted at the conclusion of the Project.

30 **Section 9. Effective Date.** This ordinance shall
31 become effective upon signature by the Mayor or upon becoming

1 effective without the Mayor's signature.

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3 Form Approved:

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5 /s/ Kealey A. West

6 Office of General Counsel

7 Legislation Prepared By: Kealey West

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