

1 Introduced by Council Member Gulliford and amended by the
2 Neighborhoods, Community Services, Public Health & Safety
3 Committee:

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6 **ORDINANCE 2019-400-E**

7 AN ORDINANCE APPROPRIATING \$6,449.39 FROM
8 COUNCIL DISTRICT 13 LOBLOLLY RECREATION/PARKS
9 ACCOUNT TO PROVIDE FUNDING TO THE JACKSONVILLE
10 BEACH ELEMENTARY PRESERVATION FUND, INC. TO
11 PROVIDE FUNDING FOR IMPROVEMENTS TO THE RHODA
12 L. MARTIN CULTURAL HERITAGE CENTER IN
13 JACKSONVILLE BEACH, LOCATED AT 376 4TH STREET
14 SOUTH, JACKSONVILLE BEACH, FL 32250; PROVIDING
15 FOR REVERTER LANGUAGE; FINDING A MUNICIPAL
16 PURPOSE; WAIVING THE REQUIREMENTS OF SECTION
17 111.780 (LOBLOLLY WETLANDS MITIGATION SPECIAL
18 REVENUE FUND) AND SECTION 106.315 (DISTRICT
19 COUNCIL EXPENDITURES), *ORDINANCE CODE*, THAT
20 FUNDS BE USED ON CITY PROPERTY AND BE OPEN TO
21 THE PUBLIC; WAIVING COMPLIANCE WITH SECTION
22 106.315 (DISTRICT COUNCIL EXPENDITURES) AS TO
23 PROCEDURES FOR APPROPRIATION OF DISTRICT
24 COUNCIL FUNDS; WAIVING PARTS TWO AND THREE OF
25 CHAPTER 118 (CITY GRANTS), *ORDINANCE CODE*, AS
26 TO AUDITING AND COMPLIANCE MEASURES FOR GRANTS
27 FROM THE CITY SINCE THE CONTRACT PROVIDES
28 ADEQUATE COMPLIANCE; AUTHORIZING THE MAYOR OR
29 HIS DESIGNEE AND THE CORPORATE SECRETARY TO
30 EXECUTE A CONTRACT; APPOINTING THE DEPARTMENT

1 OF PARKS, RECREATION, AND COMMUNITY SERVICES
2 TO OVERSEE THE PROJECT; PROVIDING FOR DIRECT
3 PROCUREMENT OF CONTRACTUAL SERVICES PURSUANT
4 TO SECTION 126.107(G), ORDINANCE CODE;
5 PROVIDING AN EFFECTIVE DATE.
6

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

8 **Section 1. Appropriation.** For the 2018-2019 fiscal year,
9 within the City's budget, there are hereby appropriated the
10 indicated sum(s) from the account(s) listed in subsection (a) to
11 the account(s) listed in subsection (b):

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

14 (a) Appropriated from:

15 See **Exhibit 1** \$6,449.39

16 (b) Appropriated to:

17 See **Exhibit 1** \$6,449.39

18 (c) Explanation of Appropriation:

19 The funding above is an appropriation of \$6,449.39 from
20 District 13 Loblolly funds to Subsidies and Contributions
21 to Private Organizations to make improvements to the
22 Rhoda L. Martin Cultural Heritage Center in Jacksonville
23 Beach.

24 **Section 2. Purpose.** The purpose of this appropriation is
25 to provide funding to Jacksonville Beach Elementary Preservation
26 Fund, Inc. for improvements (signs and flooring) to the Rhoda L.
27 Martin Cultural Heritage Center in Jacksonville Beach, located at
28 376 4th Street South, Jacksonville Beach, FL 32250, as more fully
29 described in **Exhibit 2** attached hereto.

30 **Section 3. Finding of Public Purpose.** The City finds
31 that the Jacksonville Beach Elementary Preservation Fund, Inc.'s

1 use of City funds to provide improvements to the Rhoda L. Martin
2 Cultural Heritage Center is a valid municipal purpose for which
3 funds should be expended.

4 **Section 4. Reverter.** If the property is not improved by
5 September 30, 2020, the Jacksonville Beach Elementary Preservation
6 Fund, Inc. shall return the funds in Section 1 to the City.

7 **Section 5. Waiving provisions of Sections 111.780**
8 **(Loblolly Wetlands Mitigation Special Revenue Fund) and 106.315**
9 **(District Council expenditures), Ordinance Code.** The provisions of
10 Sections 111.780 (Loblolly Wetlands Mitigation Special Revenue
11 Fund) and 106.315 (District Council expenditures), *Ordinance Code*,
12 requiring that the loblolly funds be used on City property for
13 capital improvements to Parks, and open to the public, is hereby
14 waived. The waiver is necessary because the Rhoda L. Martin
15 Cultural Heritage Center is not a park on City property, but is a
16 museum open to the public and is a museum set in a segregation-era
17 elementary school.

18 **Section 6. Waiving Compliance with Section 106.315**
19 **(District Council Expenditures), Ordinance Code, as to Procedures**
20 **for Appropriation of District Council Funds.** The provisions of
21 Section 106.315, *Ordinance Code*, and Ordinance 2015-631-E requiring
22 use of funds at City owned properties and specifically City parks
23 are hereby waived as the Rhoda L. Martin Cultural Heritage Center
24 is not located on public land in the city of Jacksonville but is
25 owned by the Jacksonville Beach Elementary Preservation Fund, Inc.,
26 a registered 501(c)(3) organization, and located in Jacksonville
27 Beach. The Rhoda L. Martin Cultural Heritage Center operates a
28 museum on the property that is open to the public and free of
29 charge. The provisions of Section 106.315(a), *Ordinance Code*,
30 requiring the expenditure of funds of less than \$100,000 pursuant
31 to an administrative process as stated therein is hereby waived as

1 the District Council funds are being appropriated directly by this
2 legislation and subject to an agreement with adequate compliance
3 and auditing requirements, attached hereto as **Exhibit 3**, and so
4 strict compliance with Section 106.315(a) is not necessary.

5 **Section 7. Waiving the Relevant Provisions of Chapter 118**
6 **(City Grants), Ordinance Code, as to Auditing and Compliance**
7 **Measures for Grants from the City.** Recognizing the amount of the
8 contribution to Jacksonville Beach Elementary Preservation Fund,
9 Inc. (which is less than \$6,500 total) and that the auditing and
10 compliance provisions of Chapter 118 would be cumbersome to the
11 acceptance of a grant of the size herein, and further recognizing
12 that the contract attached hereto as **Exhibit 3** provides adequate
13 auditing and compliance requirements for the expenditure of funds
14 (including requiring sufficient evidence of payment for the work, a
15 final report detailing how the funds were spent and audit rights
16 for the Council Auditor), Parts 2 and 3 of Chapter 118 (City
17 Grants), *Ordinance Code*, concerning grants from the City are hereby
18 waived as adequate protection to the City will be afforded by the
19 agreement that will be executed substantially in the form attached
20 hereto as **Exhibit 3**.

21 **Section 8. Authorizing the execution of the Contract.** The
22 Mayor, his designee and Corporation Secretary are hereby authorized
23 to execute the Agreement between the City of Jacksonville and
24 Jacksonville Beach Elementary Preservation Fund, Inc. for
25 improvements to the Rhoda L. Martin Cultural Heritage Center, in
26 substantially the form attached hereto as **Exhibit 3**, and such
27 insurance provisions as the City of Jacksonville Risk Management
28 Division may provide, and incorporated herein by this reference,
29 for the project described in Section 2.

30 **Section 9. Oversight.** The Mayor is requested to appoint
31 the Department of Parks, Recreation, and Community Services to

1 insure compliance with the agreement and all other appropriate
2 laws.

3 **Section 10. Procurement of Contractual Services.** The City
4 is hereby authorized to procure the services of Jacksonville Beach
5 Elementary Preservation Fund, Inc. to purchase the equipment and
6 material specified in **Exhibit 2**. Pursuant to Section 126.107(g),
7 *Ordinance Code*, such procurement is exempt from competitive
8 solicitation. With the exception of the foregoing, all other
9 provisions of Chapter 126, *Ordinance Code*, shall remain in full
10 force and effect.

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

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15 Form Approved:

16
17 /s/ Paige Hobbs Johnston

18 Office of General Counsel

19 Legislation Prepared By: Margaret M. Sidman

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