

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 2019-882-E**

7 AN ORDINANCE APPROPRIATING \$50,000.00 IN FUND
8 BALANCE FROM THE ENVIRONMENTAL PROTECTION
9 TRUST FUND (THE "FUND") TO PROVIDE FUNDING TO
10 SUPPORT ADDITIONAL DEPTH DREDGING AND THE
11 SUBSEQUENT REMOVAL AND DISPOSAL OF
12 CONTAMINATED SOILS FROM MILLERS CREEK (THE
13 "PROJECT"), AS INITIATED BY REVISED B.T. 20-
14 032; PROVIDING FOR WAIVER OF SECTION 111.755
15 (ENVIRONMENTAL PROTECTION FUND), PART 7
16 (ENVIRONMENT AND CONSERVATION), CHAPTER 111
17 (SPECIAL REVENUE AND TRUST ACCOUNTS),
18 *ORDINANCE CODE*, TO AUTHORIZE THE BOARD TO
19 UTILIZE FUNDS FROM THE FUND FOR THE PROJECT;
20 PROVIDING FOR WAIVER OF SECTION 360.602 (USES
21 OF FUND), PART 6 (ENVIRONMENTAL PROTECTION
22 FUND), CHAPTER 360 (ENVIRONMENTAL REGULATION),
23 *ORDINANCE CODE*, TO AUTHORIZE THE BOARD TO
24 UTILIZE FUNDS FROM THE FUND FOR THE PROJECT;
25 INVOKING THE EXCEPTION OF SECTION 126.107(G)
26 (EXEMPTIONS), CHAPTER 126 (PROCUREMENT CODE),
27 *ORDINANCE CODE*, TO DIRECT CONTRACT MILLERS
28 CREEK SPECIAL DISTRICT FOR THE PROJECT;
29 APPROVING AND AUTHORIZING THE MAYOR, OR HIS
30 DESIGNEE, AND THE CORPORATION SECRETARY TO
31 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE

1 CITY, THE FUNDING AGREEMENT FOR MILLERS CREEK
2 SPECIAL DISTRICT ECOLOGICAL RESTORATION
3 BETWEEN THE CITY OF JACKSONVILLE AND MILLERS
4 CREEK SPECIAL DISTRICT FOR THE PROJECT;
5 PROVIDING FOR CITY OVERSIGHT BY THE
6 ENVIRONMENTAL QUALITY DIVISION; REQUIRING
7 REPORT; PROVIDING AN EFFECTIVE DATE.

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

10 **Section 1. Appropriation.** For the 2019-2020 fiscal year,
11 within the City's budget, there is hereby appropriated the
12 indicated sum(s) from the account(s) listed in subsection (a) to
13 the account(s) listed in subsection (b):

14 (Revised B.T. 20-032, attached hereto as **Revised Exhibit 1**, labeled
15 as "Revised Exhibit 1, Revised B.T. 20-032, January 21, 2020 -
16 NCSPHS" and incorporated herein by this reference)

17 (a) Appropriated from:

18 See Revised B.T. 20-032 \$50,000.00

19 (b) Appropriated to:

20 See Revised B.T. 20-032 \$50,000.00

21 (c) Explanation of Appropriation

22 The appropriation above is fund balance from the
23 Environmental Protection Trust Fund to support additional
24 depth dredging and the subsequent removal and disposal of
25 contaminated soils from Millers Creek.

26 **Section 2. Purpose.** The purpose of the appropriation in
27 Section 1 is to provide funding to support and assist Millers Creek
28 Special District (the "District") with the ongoing ecological
29 restoration project in the southern section of the channel of
30 Millers Creek (the "Project"). The funding will allow additional
31 depth dredging and the subsequent removal and disposal of

1 contaminated soil in Zone A-1.

2 **Section 3. Waiver of Section 111.755 (Environmental**
3 **Protection Fund), Ordinance Code.** Section 111.755 (Environmental
4 Protection Fund), Part 7 (Environment and Conservation), Chapter
5 111 (Special Revenue and Trust Accounts) is hereby waived. Section
6 111.755 sets forth specific purposes for which the Environmental
7 Protection Fund (the "Fund") must be used by the Environmental
8 Protection Board (the "Board"). Section 111.755 does not list
9 dredging and the removal and disposal of contaminated soil as one
10 of the purposes for which the Fund may be used and the waiver is
11 thus necessary to authorize the Board to utilize funds from the
12 Fund for the Project. At its public hearing on August 19, 2019,
13 the Board determined that funding of the Project is a worthwhile
14 and beneficial use of the Fund and such Code waivers were approved
15 by a unanimous vote of the Board. A copy of the minutes of the
16 Board meeting of August 19, 2019, is attached hereto as **Exhibit 2**
17 and incorporated herein by this reference.

18 **Section 4. Waiver of Section 360.602 (Uses of Fund),**
19 **Ordinance Code.** Section 360.602 (Uses of Fund), Part 6
20 (Environmental Protection Fund), Chapter 360 (Environmental
21 Regulation), *Ordinance Code*, is hereby waived. Section 360.602 sets
22 forth specific purposes for which the Fund must be used by the
23 Board. Section 360.602 does not list dredging and the removal and
24 disposal of contaminated soil as one of the purposes for which the
25 Fund may be used and the waiver is thus necessary to authorize the
26 Board to utilize funds from the Fund for the Project.

27 **Section 5. Invoking the exception pursuant to Section**
28 **126.107(g), Ordinance Code.** The City is hereby authorized to
29 procure the use of the services of the District for the purposes
30 described in Section 2. Pursuant to Section 126.107(g)
31 (Exemptions), Part 1 (General Regulations), Chapter 126

1 (Procurement Code), *Ordinance Code*, such procurement is exempted
2 from competitive solicitation because the supplies or services are
3 to be provided by those specifically prescribed within authorizing
4 legislation that appropriates the same. With the exception of the
5 foregoing, all other provisions of Chapter 126, *Ordinance Code*,
6 shall remain in full force and effect.

7 **Section 6. Funding Agreement approved and execution**
8 **authorized.** There is hereby approved, and the Mayor, or his
9 designee, and Corporation Secretary are hereby authorized to
10 execute and deliver, for and on behalf of the City, the Funding
11 Agreement for Millers Creek Special District Ecological Restoration
12 between the City Of Jacksonville and Millers Creek Special District
13 for the Project, attached hereto as **Revised Exhibit 3**, labeled as
14 "Revised Exhibit 3, Revised Funding Agmt, January 21, 2020 -
15 NCSPHS" and incorporated herein by this reference.

16 **Section 7. Oversight Department.** The Environmental
17 Quality Division shall oversee the Project.

18 **Section 8. Final Report.** A report shall be provided by
19 the District to the Board at the conclusion of the Project.

20 **Section 9. Effective Date.** This ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

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24 Form Approved:

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26 /s/ Paige H. Johnston

27 Office of General Counsel

28 Legislation prepared by: James R. McCain, Jr.

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