

1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Rules Committee:

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5 **ORDINANCE 2022-219-E**

6 AN ORDINANCE APPROPRIATING \$105,756.00 IN FUND  
7 BALANCE FROM THE ENVIRONMENTAL PROTECTION FUND  
8 (THE "FUND") TO PROVIDE FUNDING FOR THE  
9 FIFTEENTH STATE OF THE RIVER REPORT FOR THE  
10 LOWER ST. JOHNS RIVER BASIN (THE "PROJECT"), AS  
11 INITIATED BY REVISED B.T. 22-056; PURPOSE OF  
12 APPROPRIATION; PROVIDING FOR WAIVER OF SECTION  
13 111.755 (ENVIRONMENTAL PROTECTION FUND), PART 7  
14 (ENVIRONMENT AND CONSERVATION), CHAPTER 111  
15 (SPECIAL REVENUE AND TRUST ACCOUNTS), *ORDINANCE*  
16 *CODE*, TO AUTHORIZE UTILIZATION OF FUNDS FROM THE  
17 FUND TO CONTINUE FUNDING THE ANNUAL STATE OF THE  
18 RIVER REPORT; PROVIDING FOR WAIVER OF SECTION  
19 360.602 (USES OF FUND), PART 6 (ENVIRONMENTAL  
20 PROTECTION FUND), CHAPTER 360 (ENVIRONMENTAL  
21 REGULATION), *ORDINANCE CODE*, TO ALLOW FOR THE  
22 UTILIZATION OF FUNDS FROM THE FUND TO CONTINUE  
23 FUNDING THE ANNUAL STATE OF THE RIVER REPORT;  
24 APPROVING, AND AUTHORIZING THE MAYOR, OR HIS  
25 DESIGNEE, AND THE CORPORATION SECRETARY TO  
26 EXECUTE AND DELIVER AN AGREEMENT BETWEEN THE  
27 CITY OF JACKSONVILLE AND JACKSONVILLE UNIVERSITY  
28 FOR THE PROJECT; INVOKING THE EXCEPTION OF  
29 126.107(G) (EXEMPTIONS), CHAPTER 126  
30 (PROCUREMENT CODE), *ORDINANCE CODE*, TO DIRECT  
31 CONTRACT WITH JACKSONVILLE UNIVERSITY FOR THE

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

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

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

20 (Revised B.T. 22-056 attached hereto as **Revised Exhibit 1**, labeled  
 21 as "Revised Exhibit 1, Revised B.T. 22-056, April 19, 2022 - Rules"  
 22 and incorporated herein by this reference)

23 (a) Appropriated from:

24 See Revised B.T. 22-056 \$105,756.00

25 (b) Appropriated to:

26 See Revised B.T. 22-056 \$105,756.00

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 funding for preparation of the Fifteenth  
3 State of the River Report which provides a comprehensive, scientific  
4 analysis of the health and condition of the Lower St. Johns River  
5 Basin (the "Project").   The State of the River Report has been  
6 published annually since 2008 and has been funded by the Board as one  
7 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 meetings on January 18, 2022 and April 18, 2022, the Jacksonville  
19 Environmental Protection Board (the "Board") approved this  
20 expenditure, as reflected in the Monthly Meeting Summaries attached  
21 hereto as **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Revised  
22 Summary, April 19, 2022 - Rules" and incorporated herein by this  
23 reference.

24           **Section 3.           Waiver of Section 111.755 (Environmental**  
25 **Protection Fund), Ordinance Code.**   Section 111.755 (Environmental  
26 Protection Fund), Part 7 (Environment and Conservation), Chapter 111  
27 (Special Revenue and Trust Accounts), *Ordinance Code*, is hereby  
28 waived.   Section 111.755 sets forth specific purposes for which the  
29 Fund must be used by the Board.   Section 111.755 provides that any  
30 studies, surveys, tests and investigations funded from the Fund shall  
31 be special projects of a unique, onetime nature, and shall not be

1 continuing. This waiver is necessary to allow the use of Fund dollars  
2 for continued funding of annual State of the River Reports. At its  
3 meeting on January 18, 2022, this waiver was approved by unanimous  
4 vote of the Board as reflected in **Revised Exhibit 2**, labeled as  
5 "Revised Exhibit 2, Revised Summary, April 19, 2022 - Rules".

6 **Section 4. 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 **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Revised  
18 Summary, April 19, 2022 - Rules".

19 **Section 5. Agreement Approved and Execution Authorized.**  
20 There is hereby approved, and the Mayor, or his designee, and the  
21 Corporation Secretary are hereby authorized to execute and deliver,  
22 the Agreement between the City of Jacksonville Environmental  
23 Protection Board and Jacksonville University, in substantially the  
24 same form as attached hereto as **Revised Exhibit 3**, labeled as "Revised  
25 Exhibit 3, Revised Agmt, April 19, 2022 - Rules" and incorporated  
26 herein by this reference (the "Agreement"). The Agreement may include  
27 any respective extensions or amendments thereto as necessary and  
28 appropriate to effectuate the intent of this Ordinance; provided,  
29 however, no modifications to the Agreement may increase the financial  
30 obligations or or the liability of the City to an amount in excess  
31 of the amount stated in the Agreement or decrease the duties and

1 obligations of Jacksonville University as stated in the Agreement.

2       **Section 6.       Invoking the Exception to Section 126.107(g),**  
3 **Ordinance Code.** The City is hereby authorized to procure the use of  
4 the professional services of Jacksonville University to conduct the  
5 Project. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General  
6 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such  
7 procurement is exempted from competitive solicitation because the  
8 supplies or services are to be provided by those specifically  
9 prescribed within authorizing legislation that appropriates the same.  
10 With the exception of the foregoing, all other provisions of Chapter  
11 126, *Ordinance Code*, shall remain in full force and effect.

12       **Section 7.       Waiver of Section 118.107, Ordinance Code.** The  
13 provisions of Section 118.107 (Nonprofits to receive funding through  
14 a competitive evaluated award process), Part 1 (General Provisions),  
15 Chapter 118 (City Grants), *Ordinance Code*, are hereby waived to allow  
16 for a direct contract between the City of Jacksonville and  
17 Jacksonville University for the Project. The City finds that this  
18 is a justified direct contract because Jacksonville University is the  
19 principal investigator for the annual State of the River Report. This  
20 is the Fifteenth Edition of the report, with this being Jacksonville  
21 University's third year as principal investigator. Jacksonville  
22 University partners with several institutions for the Project and no  
23 other entities have access to the data or website produced for and  
24 with the State of the River Reports. This direct contract will allow  
25 the City to continue funding the Project, which has been integral in  
26 tracking the health of the Lower St. Johns River Basin.

27       **Section 8.       Waiver of Section 110.112, Ordinance Code.**  
28 Section 110.112 (Advance of City funds; prohibition against), Part 1  
29 (The City Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is  
30 hereby waived to allow for advance payment to Jacksonville University  
31 as described in the Agreement.

1           **Section 9.       Oversight.**       The       Environmental       Quality  
2 Division of the Neighborhoods Department shall provide oversight of  
3 the Agreement and Project described herein.

4           **Section 10.       Annual Reports.**       Jacksonville University is  
5 required to provide the Fifteenth State of the River Report to the  
6 Jacksonville Environmental Protection Board in September 2022 so that  
7 it can be released at the annual Environmental Symposium.

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

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12 Form Approved:

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14                     /s/ Paige H. Johnston          

15 Office of General Counsel

16 Legislation prepared by: Mary E. Staffopoulos

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