

1 Introduced by the Council President at the Request of the Mayor:
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4 **ORDINANCE 2020-412**

5 AN ORDINANCE MAKING CERTAIN FINDINGS AND
6 APPROPRIATING \$3,451,837.90 IN CARES ACT FUNDS
7 PREVIOUSLY PLACED IN A CONTINGENCY ACCOUNT AND
8 \$3,781,650.41 OF CARES ACT FUNDS PREVIOUSLY
9 PLACED IN A MISCELLANEOUS GRANTS AND AIDS
10 ACCOUNT TO BE PLACED IN THE SUBSIDIES AND
11 CONTRIBUTIONS TO PRIVATE ORGANIZATIONS ACCOUNT
12 TO BE USED FOR BUSINESS RELIEF GRANTS TO THOSE
13 BUSINESSES WHO SUFFERED NEGATIVE IMPACTS DUE
14 TO COVID-19, AS INITIATED BY B.T. 20-103;
15 AUTHORIZING DISBURSEMENT OF \$7,233,488.31 OF
16 BUSINESS RELIEF GRANT FUNDS TO THOSE
17 BUSINESSES AND IN SUCH AMOUNTS AS SET FORTH ON
18 EXHIBIT 1 ATTACHED HERETO, \$3,451,837.90 FROM
19 THE \$20,000,000 IN CARES ACT GRANT FUNDING
20 PREVIOUSLY APPROPRIATED BY ORDINANCE 2020-235-
21 E (THE "BUSINESS RELIEF GRANT FUNDS"), AND
22 \$3,781,650.41 FROM THE \$26,500,000 PREVIOUSLY
23 APPROPRIATED BY ORDINANCE 2020-201-E AND
24 ORDINANCE 2020-235-E (THE "COVID-19 SMALL
25 BUSINESS RELIEF AND EMPLOYEE RETENTION GRANT
26 PROGRAM") TO PROVIDE ADDITIONAL FUNDING TO
27 FOR-PROFIT AND NON-PROFIT BUSINESSES WITHIN
28 DUVAL COUNTY NEGATIVELY IMPACTED BY COVID-19
29 RESPONSE MEASURES; AUTHORIZING THE CITY TO
30 ENTER INTO GRANT AGREEMENTS WITH RECIPIENTS;
31 INVOKING THE EXCEPTION OF 126.107(G)

1 (EXEMPTIONS), CHAPTER 126 (PROCUREMENT CODE),
2 ORDINANCE CODE, TO DIRECT CONTRACT WITH GRANT
3 RECIPIENTS; REQUESTING THAT THE FINANCE AND
4 ADMINISTRATION DEPARTMENT AND OFFICE OF
5 ECONOMIC DEVELOPMENT OVERSEE THE COVID-19
6 BUSINESS RELIEF GRANT PROGRAM; REQUESTING ONE-
7 CYCLE EMERGENCY PASSAGE; PROVIDING AN
8 EFFECTIVE DATE.

9
10 **WHEREAS**, the Novel Coronavirus Disease 2019 ("COVID-19") is a
11 severe, acute respiratory illness that can spread among humans
12 through respiratory transmission and presents with symptoms similar
13 to those of influenza; and

14 **WHEREAS**, the World Health Organization previously declared
15 COVID-19 a public health emergency of international concern; and

16 **WHEREAS**, on March 9, 2020 the Governor of the State of Florida
17 declared a state of emergency exists in the State of Florida in
18 regard of COVID-19; and

19 **WHEREAS**, on March 13, 2020, Mayor Lenny Curry of the City of
20 Jacksonville proclaimed and declared a state of emergency exists in
21 Duval County associated with COVID-19; and

22 **WHEREAS**, also on March 13, 2020, President Donald J. Trump
23 declared a national emergency to combat COVID-19; and

24 **WHEREAS**, as elsewhere in the country, the citizens and
25 businesses of Duval County are suffering severe economic impacts
26 stemming in part from national, state and local measures closing
27 certain businesses, public schools, public beaches, imposing
28 emergency work-at-home requirements and limiting public gatherings
29 (the "Emergency Measures") in an effort to slow the infection rate
30 of COVID-19; and

31 **WHEREAS**, as a result of COVID-19 and the resulting Emergency

1 Measures, the City also desires to appropriate and authorize
2 disbursement of \$3,451,837.90 of Cares Act funding previously
3 appropriated by Ordinance 2020-235-E and \$3,781,650.41 of Cares Act
4 funding previously appropriated by Ordinance 2020-201-E and
5 Ordinance 2020-235-E to those business entities located in the City
6 of Jacksonville that have suffered economic harm as a result of
7 COVID-19, in such amounts as set forth on **Exhibit 1** attached
8 hereto; and

9 **WHEREAS**, disbursement of the Business Relief Grant funds is
10 intended to lessen the severe economic impacts of COVID-19 to
11 businesses located in Duval County, to partially reimburse costs of
12 business interruption and assist in the economic recovery in Duval
13 County from the impacts of COVID-19; now therefore

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

15 **Section 1. Findings.** It is hereby ascertained,
16 determined, found and declared as follows:

17 (a) The recitals set forth herein are true and correct.

18 (b) By incentivizing job creation and retention of employees
19 the grant program authorized hereby is designed to benefit both
20 individuals and businesses and will promote and further the public
21 and municipal purposes of the City and serve to limit the severe
22 economic impacts of COVID-19.

23 (c) The Business Relief Grants are designed to provide rapid
24 economic relief to businesses in the City in order to maintain the
25 viability of such businesses and the employment of individuals
26 thereof, thus maintaining the City's tax base and revenues, and
27 provide economic assistance to individuals financially harmed from
28 the impacts of COVID-19 and are necessary expenditures incurred due
29 to the public health emergency with respect to COVID-19.

30 (d) Enhancement of the City's tax base and revenues, are
31 matters of State and City policy and State and City concern in

1 order that the State and its counties and municipalities, including
2 the City, shall not continue to be endangered by unemployment,
3 underemployment, economic recession, poverty, crime and disease,
4 and consume an excessive proportion of the State and City revenues
5 because of the extra services required for police, fire, accident,
6 health care, elderly care, charity care, hospitalization, public
7 housing and housing assistance, and other forms of public
8 protection, services and facilities.

9 (e) The grants authorized hereby will provide economic relief
10 to businesses located in the City of Jacksonville, thus encouraging
11 ongoing compliance with the Emergency Measures and benefitting the
12 health, safety and welfare of the citizens of Duval County.

13 (f) The provision of the City's assistance as set forth
14 herein is necessary and appropriate, and the City's assistance is
15 reasonable and not excessive, taking into account the extent of the
16 public benefits expected to be derived from the grants authorized
17 hereby, and taking into account all other forms of assistance
18 available.

19 (g) The authorizations provided by this Ordinance are for
20 public uses and purposes for which the City may use its powers as a
21 county, municipality and as a political subdivision of the State of
22 Florida and may expend public funds, and the necessity in the
23 public interest for the provisions herein enacted is hereby
24 declared as a matter of legislative determination.

25 (h) This Ordinance is adopted pursuant to the provisions of
26 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
27 Charter, and other applicable provisions of law.

1 **Section 2. Appropriation.** For the 2019-2020 fiscal year,
2 within the City's budget, there are hereby appropriated the
3 indicated sum(s) from the account(s) listed in subsection (a) to
4 the account(s) listed in subsection (b):

5 (B.T. 20-103 is attached hereto as **Exhibit 2** and incorporated
6 herein by this reference)

7 (a) Appropriated from:

8 See attached **Exhibit 2** \$7,233,488.31

9 (b) Appropriated to:

10 See attached **Exhibit 2** \$7,233,488.31

11 (c) **Explanation of Appropriation:**

12 \$3,451,837.90 of the funding above is from CARES Act
13 funds placed in a Contingency account to be placed in the
14 Subsidies and Contributions to Private Organizations
15 account, and \$3,781,650.41 of the funding above is from
16 Cares Act funds place in the COVID-19 Small Business
17 Relief Grant Program/Miscellaneous Grants and Aids
18 account to be placed in the Subsidies and Contributions
19 to Private Organizations account to be used for business
20 relief grants to those businesses who suffered negative
21 impacts due to COVID-19.

22 **Section 3. Purpose.** The purpose of the appropriation in
23 Section 2 is to provide funding to be used for business relief
24 grants to those businesses who suffered negative impacts due to
25 COVID-19 as identified in **Exhibit 1** attached hereto and
26 incorporated herein by reference.

27 **Section 4. Business Relief Program grants approved.** By
28 this Ordinance, the City is authorized and directed to provide
29 Business Relief Grants to those Duval County businesses
30 (collectively, the "Grant Recipients") and in such amounts as set
31 forth on **Exhibit 1** attached hereto and incorporated herein by

1 reference.

2 **Section 5. Agreement approved and execution authorized.**

3 There is hereby approved, and the Mayor, or his designee, and
4 Corporation Secretary are hereby authorized to execute and deliver,
5 grant agreements between the City of Jacksonville and the Grant
6 Recipients in substantially the form attached hereto as **Exhibit 3**.
7 Each Agreement provides for Cares Act grants funds in such amounts
8 as set forth in **Exhibit 1**. The Agreements may include such
9 additions, deletions and changes as may be reasonable, necessary
10 and incidental for carrying out the purposes thereof, as may be
11 acceptable to the Mayor, or his designee, with such inclusion and
12 acceptance being evidenced by execution of the Agreement by the
13 Mayor, or his designee; provided however, no modification to the
14 Agreement may increase the financial obligations or liability of
15 the City to an amount in excess of the amount stated in the
16 Agreement or decrease the duties and obligations of the Grant
17 Recipients as stated in the Agreement, and any such modification
18 shall be technical only and shall be subject to appropriate legal
19 review and approval by the Office of General Counsel. For the
20 purposes of this Ordinance, the term "technical changes" is defined
21 as those changes having no financial impact to the City and any
22 other non-substantive changes that do not substantively increase
23 the duties and responsibilities of the City under the provisions of
24 the Agreement, including any amendments deemed necessary to comply
25 with Federal law applicable to the grant funds authorized by the
26 Agreements.

27 **Section 6. Invoking the exception to Section 126.107(g),**
28 **Ordinance Code.** The City is hereby authorized to enter into grant
29 agreements with the grant recipients set forth on **Exhibit 1** for the
30 purposes of providing non-faith based services to the citizens of
31 Duval County. Pursuant to Section 126.107(g) (Exemptions), Part 1

1 (General Regulations), Chapter 126 (Procurement Code), Ordinance
2 Code, such procurement is exempted from competitive solicitation
3 because the supplies or services are to be provided by those
4 specifically prescribed within authorizing legislation that
5 appropriates the same. With the exception of the foregoing, all
6 other provisions of Chapter 126, Ordinance Code, shall remain in
7 full force and effect. The failure of a grant recipient to enter
8 into the applicable grant agreement shall render such entity
9 ineligible for the grant funds authorized hereby.

10 **Section 7. Oversight Department.** The Finance and
11 Administration Department and Office of Economic Development shall
12 provide oversight for the Program.

13 **Section 8. Requesting one cycle emergency passage**
14 **pursuant to Council Rule 4.901 Emergency.** Once cycle emergency
15 passage of this legislation is requested. The nature of the
16 emergency is that the negative health and economic impacts of
17 COVID-19 are ongoing and immediate economic assistance will assist
18 in maintaining the viability of businesses and financial needs of
19 the citizens of Duval County impacted by the COVID-19 pandemic.

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.

23
24 Form Approved:

25
26 /s/ John Sawyer

27 Office of General Counsel

28 Legislation prepared by: John Sawyer

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