

1 Introduced by the Council President at the Request of the Mayor:
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4 **ORDINANCE 2021-354**

5 AN ORDINANCE MAKING CERTAIN FINDINGS AND
6 APPROPRIATING \$19,900,000.00 IN CORONAVIRUS
7 AID, RELIEF, AND ECONOMIC SECURITY ("CARES")
8 ACT FUNDING, AS INITIATED BY B.T. 21-082;
9 AUTHORIZING DISBURSEMENT OF \$16,833,586.69 TO
10 PROVIDE FUNDING TO OFFSET OVERTIME AND
11 PAYROLL-RELATED EXPENSES INCURRED BY THE
12 JACKSONVILLE SHERIFF'S OFFICE ("JSO") AND THE
13 JACKSONVILLE FIRE AND RESCUE DEPARTMENT
14 ("JFRD") SINCE MARCH 2020 AS A DIRECT RESULT
15 OF COVID-19, \$488,016.67 TO PROCURE EMERGENCY
16 OPERATIONS CENTER/JFRD EMERGENCY RESPONSE
17 SYSTEMS AND EQUIPMENT UPGRADES, \$250,000.00 TO
18 THE STATE OF FLORIDA DEPARTMENT OF HEALTH,
19 DUVAL COUNTY HEALTH DEPARTMENT ("DOH") FOR
20 VACCINATIONS AND VARIOUS OTHER HEALTH RELATED
21 SERVICES IN RESPONSE TO COVID-19,
22 \$1,000,000.00 IN BUSINESS RELIEF GRANT FUNDS
23 TO THE JACKSONVILLE SYMPHONY ASSOCIATION, INC.
24 TO COVER ECONOMIC LOSSES FROM CONTINUED
25 BUSINESS INTERRUPTION DUE TO COVID-19,
26 \$50,000.00 IN BUSINESS RELIEF GRANT FUNDS TO
27 CATHEDRAL DISTRICT-JAX, INC. TO COVER ECONOMIC
28 LOSSES FROM BUSINESS INTERRUPTION DUE TO
29 COVID-19, AND \$1,278,396.64 TO BE ALLOCATED BY
30 THE CITY COUNCIL FOR OTHER CARES ACT
31 QUALIFYING EXPENDITURES; PURPOSE OF

1 APPROPRIATION; PROVIDING A CARRYOVER OF FUNDS
2 FROM YEAR TO YEAR UNTIL SUCH FUNDS ARE
3 EXPENDED OR LAPSE, AND PROVIDING THAT ANY
4 CARES ACT GRANT FUNDING NOT EXPENDED PURSUANT
5 TO THIS ORDINANCE BY NOVEMBER 30, 2021 SHALL
6 REVERT TO THE FUND OF ORIGIN FOR
7 REAPPROPRIATION FOR AUTHORIZED EXPENDITURES
8 UNDER THE TERMS OF THE CARES ACT GRANT;
9 APPROVING, AND AUTHORIZING THE MAYOR, OR HIS
10 DESIGNEE, AND THE CORPORATION SECRETARY TO
11 EXECUTE AND DELIVER AN AGREEMENT WITH THE
12 STATE OF FLORIDA DEPARTMENT OF HEALTH, DUVAL
13 COUNTY HEALTH DEPARTMENT FOR THE PROVISION OF
14 VACCINATIONS AND VARIOUS OTHER HEALTH RELATED
15 SERVICES IN RESPONSE TO COVID-19; INVOKING THE
16 EXCEPTION OF SECTION 126.107(G) (EXEMPTIONS),
17 PART 1 (GENERAL REGULATIONS), CHAPTER 126
18 (PROCUREMENT CODE), *ORDINANCE CODE*, TO ALLOW
19 FOR A DIRECT CONTRACT WITH THE STATE OF
20 FLORIDA DEPARTMENT OF HEALTH, DUVAL COUNTY
21 HEALTH DEPARTMENT; APPROVING, AND AUTHORIZING
22 THE CITY TO ENTER INTO, A COVID-19 BUSINESS
23 GRANT AGREEMENT WITH JACKSONVILLE SYMPHONY
24 ASSOCIATION, INC.; APPROVING, AND AUTHORIZING
25 THE CITY TO ENTER INTO, A COVID-19 BUSINESS
26 GRANT AGREEMENT WITH CATHEDRAL DISTRICT-JAX,
27 INC.; INVOKING THE EXCEPTION OF 126.107(G)
28 (EXEMPTIONS), CHAPTER 126 (PROCUREMENT CODE),
29 *ORDINANCE CODE*, TO DIRECT CONTRACT WITH
30 JACKSONVILLE SYMPHONY ASSOCIATION, INC. AND
31 CATHEDRAL DISTRICT-JAX, INC.; AUTHORIZING THE

1 CITY TO ENTER INTO AMENDMENTS TO EXISTING
2 AGREEMENTS WITH CARES ACT FUNDING RECIPIENTS
3 AS NECESSARY TO REAPPROPRIATE CARES ACT GRANT
4 FUNDS AS SET FORTH HEREIN; PROVIDING FOR
5 OVERSIGHT BY THE FINANCE AND ADMINISTRATION
6 DEPARTMENT; PROVIDING FOR COMPLIANCE WITH
7 APPLICABLE CARES ACT GRANT FUNDING
8 REQUIREMENTS; REQUESTING ONE CYCLE EMERGENCY
9 PASSAGE; PROVIDING AN EFFECTIVE DATE.

10
11 **WHEREAS**, pursuant to Ordinances 2020-235-E and 2020-378-E, the
12 City appropriated approximately \$167,120,861.00 of CARES Act grant
13 funding from the U.S. Department of Treasury to fund various grants
14 and other programs designed to provide economic relief and
15 assistance to individuals and businesses throughout Duval County,
16 Florida; and

17 **WHEREAS**, recognizing the CARES Act, as subsequently amended by
18 the Consolidated Appropriations Act (2021), requires that all
19 eligible costs be incurred on or before December 31, 2021, the City
20 desires to appropriate and authorize disbursement of \$19,900,000.00
21 in unexpended CARES Act grant funds previously appropriated to
22 various grant and relief programs established by the City to
23 provide funding for other eligible expenses as more fully set forth
24 herein; now therefore

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

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

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

29 (b) The grants and actions authorized hereby will provide
30 economic relief to individuals and businesses located in Duval
31 County, Florida, thus benefitting the health, safety and welfare of

1 the citizens of Duval County.

2 (c) The provision of the City's assistance as set forth
3 herein is necessary and appropriate, and the City's assistance is
4 reasonable and not excessive, taking into account the extent of the
5 public benefits expected to be derived from the grants and other
6 relief authorized hereby, and taking into account all other forms
7 of assistance available.

8 (d) The authorizations provided by this Ordinance are for
9 public uses and purposes for which the City may use its powers as a
10 county, municipality and as a political subdivision of the State of
11 Florida and may expend public funds, and the necessity in the
12 public interest for the provisions herein enacted is hereby
13 declared as a matter of legislative determination.

14 (e) This Ordinance is adopted pursuant to the provisions of
15 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
16 Charter, and other applicable provisions of law.

17 **Section 2. Appropriation.** For the 2020-2021 fiscal year,
18 within the City's budget, there are hereby appropriated the
19 indicated sum(s) from the account(s) listed in subsection (a) to
20 the account(s) listed in subsection (b):

21 (B.T. 21-082 attached hereto as **Exhibit 1** and incorporated herein
22 by this reference):

23 (a) Appropriated from:

24 See B.T. 21-082 \$19,900,000.00

25 (b) Appropriated to:

26 See B.T. 21-082 \$19,900,000.00

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

28 The funding appropriated above is a transfer of
29 \$19,900,000.00 of unexpended Coronavirus Aid, Relief, and
30 Economic Security Act grant funds as follows: (1)
31 \$12,500,000.00 from the City's COVID-19 Federal Emergency

1 Management Agency ("FEMA") non-reimbursable expenses
2 contingency fund, (2) \$4,600,000.00 from the VyStar
3 COVID-19 Small Business Relief and Employee Retention
4 Grant Program created by Ordinance 2020-201-E, and (3)
5 \$2,800,000.00 from the Eviction and Foreclosure
6 Prevention Program created by Ordinance 2020-673-E. This
7 re-allocation of funds will be used to offset the costs
8 for JSO and JFRD overtime and payroll-related expenses
9 incurred since March 2020 as a direct result of COVID-19,
10 to fund the procurement of Emergency Operations
11 Center/JFRD emergency response systems and equipment
12 upgrades, to provide for vaccinations and various other
13 health-related services from the DOH in response to
14 COVID-19, and to provide financial assistance to
15 individuals and businesses suffering from the continued
16 economic impact of COVID-19.

17 **Section 3. Purpose.** The purpose of the appropriation in
18 Section 2 is to reappropriate CARES Act grant funding to provide:
19 (1) \$16,833,586.69 to offset overtime and payroll-related expenses
20 incurred by JSO and JFRD since March 2020 as a direct result of
21 COVID-19; (2) \$488,016.67 to procure emergency operations
22 center/JFRD emergency response systems and equipment upgrades; (3)
23 \$250,000.00 to the DOH for the provision of vaccinations and
24 various other health related services in response to COVID-19; (4)
25 \$1,000,000.00 in business relief grant funds to Jacksonville
26 Symphony Association, Inc. to cover economic losses from continued
27 business interruption due to COVID-19; (5) \$50,000.00 in business
28 relief grant funds to Cathedral District-Jax, Inc. to cover
29 economic losses from business interruption due to COVID-19; and (6)
30 \$1,278,396.64 to be allocated by the City Council for other CARES
31 Act qualifying expenditures.

1 **Section 4. Carryover.** The funds appropriated herein
2 shall not lapse but shall carryover as appropriated from year to
3 year until such funds are expended or lapse according to the terms
4 of the CARES Act. Funds appropriated in this Ordinance must be
5 disbursed before November 30, 2021. Failure to do so will cause
6 said funds to revert to accounts of origin for reappropriation for
7 authorized expenditures under the terms of the CARES Act, subject
8 to future Council approval.

9 **Section 5. Approval and Authorization to Execute an**
10 **Agreement Between the City and the State of Florida Department of**
11 **Health, Duval County Health Department ("DOH").** The Mayor, or his
12 designee, and the Corporation Secretary are hereby authorized to
13 execute and deliver on behalf of the City an agreement with the
14 State of Florida Department of Health, Duval County Health
15 Department, in an amount not-to-exceed \$250,000.00, subject to the
16 Scope of Services more particularly described in **Exhibit 2,**
17 attached hereto and incorporated herein by this reference, and all
18 other contracts and documents, including extensions, renewals and
19 amendments to the agreement, and otherwise take all action
20 necessary to effectuate the intent of this Ordinance, subject to
21 appropriate legal review and approval by the Office of General
22 Counsel and the City's Risk Management Division for appropriate
23 insurance and indemnification requirements in accordance with
24 Section 128.601, *Ordinance Code*.

25 **Section 6. Invoking the Exception to Section 126.107(g),**
26 **Ordinance Code.** The City is hereby authorized to directly procure
27 the use of the professional services of the DOH for the provision
28 of vaccinations and various other health related services in
29 response to COVID-19. Pursuant to Section 126.107(g) (Exemptions),
30 Part 1 (General Regulations), Chapter 126 (Procurement Code),
31 *Ordinance Code*, such procurement is exempted from competitive

1 solicitation because the supplies or services are to be provided by
2 those specifically prescribed within authorizing legislation that
3 appropriates the same. With the exception of the foregoing, all
4 other provisions of Chapter 126, *Ordinance Code*, shall remain in
5 full force and effect. The Scope of Services more particularly
6 described in Exhibit 2 designates the specific services to be
7 performed by the DOH as a subrecipient of the City. The Scope of
8 Services may include such additions, deletions and changes as may
9 be reasonable, necessary and incidental for carrying out the
10 purposes thereof, as may be acceptable to the Mayor, or his
11 designee; provided however, such modifications shall be technical
12 only, subject to appropriate legal review and approval by the
13 Office of General Counsel, and shall be undertaken in compliance
14 with any applicable requirements of the CARES Act, consistent with
15 the intent of this Ordinance. For the purposes of this Ordinance,
16 the term "technical changes" is defined as those having no
17 financial impact to the City and any other non-substantive changes.
18 The failure of the DOH to enter into the applicable agreement with
19 the City shall render the DOH ineligible to receive the grant funds
20 authorized hereby.

21 **Section 7. Approval and Authorization to Execute a COVID-**
22 **19 Business Grant Agreement Between the City and Jacksonville**
23 **Symphony Association, Inc. ("Symphony").** There is hereby approved,
24 and the Mayor, or his designee, and the Corporation Secretary are
25 hereby authorized to execute a COVID-19 Business Grant Agreement
26 with Jacksonville Symphony Association, Inc. in a not-to-exceed
27 amount of \$1,000,000.00 (the "Symphony Agreement"), in
28 substantially the same form as is attached hereto as **Exhibit 3** and
29 incorporated herein by this reference, to be used to offset
30 business interruption expenses and economic losses of Symphony due
31 to COVID-19, subject to the terms and restrictions of the CARES

1 Act. The Symphony Agreement may include such additions, deletions
2 and changes as may be reasonable, necessary and incidental for
3 carrying out the purposes set forth in this Ordinance, as may be
4 acceptable to the Mayor, or his designee, with such inclusion and
5 acceptance being evidenced by execution of the Agreement by the
6 Mayor, or his designee; provided however, such modifications shall
7 be technical only, subject to appropriate legal review and approval
8 by the Office of General Counsel, and shall be undertaken in
9 compliance with any applicable requirements of the CARES Act,
10 consistent with the intent of this Ordinance. For the purposes of
11 this Ordinance, the term "technical changes" is defined as those
12 having no financial impact to the City and any other non-
13 substantive changes.

14 **Section 8. Approval and Authorization to Execute a COVID-**
15 **19 Business Grant Agreement Between the City and Cathedral**
16 **District-Jax, Inc. ("Cathedral").** There is hereby approved, and
17 the Mayor, or his designee, and the Corporation Secretary are
18 hereby authorized to execute a COVID-19 Business Grant Agreement
19 with Cathedral, in substantially the same form as is attached
20 hereto as **Exhibit 4** and incorporated herein by this reference (the
21 "Cathedral Agreement"), in a not-to-exceed amount of \$50,000.00, to
22 be used to offset business interruption expenses and economic
23 losses of Cathedral due to COVID-19, subject to the terms and
24 restrictions of the CARES Act. The Cathedral Agreement may include
25 such additions, deletions and changes as may be reasonable,
26 necessary and incidental for carrying out the purposes set forth in
27 this Ordinance, as may be acceptable to the Mayor, or his designee,
28 with such inclusion and acceptance being evidenced by execution of
29 the Agreement by the Mayor, or his designee; provided however, such
30 modifications shall be technical only, subject to appropriate legal
31 review and approval by the Office of General Counsel, and shall be

1 undertaken in compliance with any applicable requirements of the
2 CARES Act, consistent with the intent of this Ordinance. For the
3 purposes of this Ordinance, the term "technical changes" is defined
4 as those having no financial impact to the City and any other non-
5 substantive changes.

6 **Section 9. Invoking the Exception to Section 126.107(g),**
7 **Ordinance Code.** The City is hereby authorized to enter into direct
8 agreements, as authorized herein, with the Jacksonville Symphony
9 Association, Inc. and Cathedral District-Jax, Inc. for the purposes
10 of providing COVID-19 relief and assistance as more fully set forth
11 herein. Pursuant to Section 126.107(g) (Exemptions), Part 1
12 (General Regulations), Chapter 126 (Procurement Code), *Ordinance*
13 *Code*, such procurement is exempted from competitive solicitation
14 because the supplies or services are to be provided by those
15 specifically prescribed within authorizing legislation that
16 appropriates the same. With the exception of the foregoing, all
17 other provisions of Chapter 126, *Ordinance Code*, shall remain in
18 full force and effect. The failure of any entity identified herein
19 to enter into the applicable agreement with the City shall render
20 such entity ineligible to receive the grant funds authorized
21 hereby.

22 **Section 10. Amendments to Existing Agreements Approved and**
23 **Execution Authorized.** There is hereby approved, and the Mayor, or
24 his designee, and the Corporation Secretary are hereby authorized
25 to execute and deliver any and all amendments to existing
26 agreements with various recipients of CARES Act funding from the
27 City to withdraw any funds not already incurred and/or to reduce
28 the maximum indebtedness of the City as necessary to reappropriate
29 said CARES Act funds to various subrecipients, programs and other
30 relief efforts as more fully set forth herein.

31 **Section 11. Oversight Department.** The Finance and

1 Administration Department shall provide oversight for all
2 contracts, contract amendments, and expenditures authorized
3 hereunder.

4 **Section 12. Compliance with Applicable CARES Act Grant**
5 **Funding Requirements.** The State of Florida Department of Health,
6 Duval County Health Department, Jacksonville Symphony Association,
7 Inc., and Cathedral District-Jax, Inc. shall comply with all
8 applicable CARES Act grant requirements in their respective
9 management and use of the CARES Act funds provided pursuant to this
10 Ordinance, including but not limited to, the audit requirements
11 attached hereto as **Exhibit 5.**

12 **Section 13. Requesting One Cycle Emergency Passage**
13 **Pursuant to Council Rule 4.901 Emergency.** One cycle emergency
14 passage of this legislation is requested. The nature of the
15 emergency is that the CARES Act requires that all eligible costs
16 and expenses be incurred on or before December 31, 2021.

17 **Section 14. Effective Date.** This Ordinance shall become
18 effective upon signature by the Mayor or upon becoming effective
19 without the Mayor's signature.

20
21 Form Approved:

22
23 _____ /s/ Mary E. Staffopoulos

24 Office of General Counsel

25 Legislation prepared by: Mary E. Staffopoulos

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