

1 Introduced by Council President Wilson:
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4 **ORDINANCE 2019-511**

5 AN ORDINANCE APPROPRIATING \$28,044,770 FROM
6 SPECIAL COUNCIL CONTINGENCY - KHA TO THE KIDS
7 HOPE ALLIANCE (KHA); PROVIDING FOR THE KIDS
8 HOPE ALLIANCE BOARD COMPREHENSIVE BUDGET
9 TRANSFER POWERS; PROVIDING FOR WAIVER OF
10 SECTION 77.113 (ANNUAL OPERATING BUDGET;
11 BUDGET TRANSFERS), CHAPTER 77 (KIDS HOPE
12 ALLIANCE), *ORDINANCE CODE*, TO ALLOW FOR BUDGET
13 TRANSFERS WITHIN THE ESSENTIAL SERVICE PLAN
14 CATEGORIES; APPROVING AND AUTHORIZING
15 EXECUTION OF DOCUMENTS BY THE MAYOR OR HIS
16 DESIGNEE AND CORPORATION SECRETARY;
17 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS
18 BY THE EXECUTIVE DIRECTOR OF THE KHA;
19 AUTHORIZING THE OFFICE OF GENERAL COUNSEL AND
20 THE COUNCIL AUDITOR'S OFFICE TO MAKE ALL
21 CHANGES NECESSARY TO EFFECTUATE THE COUNCIL'S
22 ACTION; PROVIDING AN EFFECTIVE DATE.
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24 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

29 (Account information is attached hereto as **Exhibit 1** and
30 incorporated herein by this reference)
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1 (a) Appropriated from:
2 See **Exhibit 1** \$28,044,770

3 (b) Appropriated to:
4 See **Exhibit 1** \$28,044,770

5 (c) **Explanation of Appropriation:** the appropriation
6 above is appropriating \$28,044,770 from Special
7 Council Contingency - KHA to the Kids Hope Alliance
8 for subsidies and contributions to private
9 organizations.

10 **Section 2. Kids Hope Alliance Board Comprehensive Budget**
11 **Transfer Powers.**

12 The Kids Hope Alliance Board fiscal year 2019-2020 budget of
13 \$28,044,770 for subsidies and contributions to private
14 organizations comprised of federal, state, City and private
15 funding, is herein appropriated, with the provision that the Kids
16 Hope Alliance Board must return to City Council to obtain the
17 Council's approval as provided below:

18 **(a) Grants Received by Kids Hope Alliance.**

19 The Kids Hope Alliance is authorized and directed to follow
20 the grant approval process as outlined in Section 1.3 (e)(1)&(2) in
21 the City Budget Ordinance, 2019-504-E.

22 **(b) Kids Hope Alliance Board transfer within the Essential**
23 **Services Plan (the "Plan"), as defined in §77.107, Ordinance Code.**

24 In accordance with the Mayor's transfer policy, the Kids Hope
25 Alliance Board is authorized to transfer, through a transfer
26 directive, (i) appropriations within each of the Essential Services
27 Plan Categories; and (ii) appropriations between Essential Services
28 Plan Categories, provided that cumulative transfers out of an
29 Essential Service Category do not exceed 10% of the individual
30 Essential Services Category budget from which the funds are being
31 transferred. Any transfer out of an Essential Services Category

1 that results in more than 10% of an individual Essential Services
2 Category budget being transferred out shall require City Council
3 approval. There shall be provided to the Council Auditor at the end
4 of each quarter a copy or a summary of the written documentation of
5 all transfers made without City Council approval.

6 **(c) Approval and Authorization to execute agreements and**
7 **Invoking the exception to Section 126.107(g), Ordinance Code, for**
8 **named Grant Recipients.**

9 Subject to the authorization terms in Grant Agreements, the
10 Mayor, or his designee, and the Corporation Secretary and/or the
11 Chief Executive Officer of the Kids Hope Alliance ("CEO") are
12 hereby authorized to contract directly with the entities listed in
13 the grant awards for the following grants received: Department of
14 Health & Human Services (SAMHSA) - Grant; and Criminal Justice
15 Reinvestment Grant, as shown in Schedule M attached hereto as
16 **Exhibit 2** and incorporated herein by this reference. Pursuant to
17 Section 126.107(g) (Exemptions), Part 1 (General Regulations),
18 Chapter 126 (Procurement Code), *Ordinance Code*, such services are
19 exempted from competitive solicitation because the services to be
20 provided are being approved via authorizing legislation pursuant to
21 this ordinance.

22 **(d) Approval and authorization to execute agreements and**
23 **invoking the exception to Section 126.107(g), Ordinance Code, for**
24 **Full Service School Providers.**

25 The Mayor, or his designee, the Corporation Secretary, and/or
26 the Chief Executive Officer of the Kids Hope Alliance ("CEO") are
27 hereby authorized to execute contract extensions with the special
28 needs program providers: Jewish Family & Community Services, Inc.,
29 Children's Home Society of Florida, Inc., Child Guidance Center,
30 Inc., and Daniel Memorial, Inc., as shown in Schedule M attached
31 hereto as **Exhibit 2** and incorporated herein by this

1 reference. The special needs program services contract extensions
2 shall be from October 1, 2019 through September 30, 2020, and
3 subject to the same terms and conditions of the existing contracts.
4 Pursuant to Section 126.107(g) (Exemptions), Part 1 (General
5 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such
6 services are exempted from competitive solicitation because the
7 services to be provided are being approved via authorizing
8 legislation pursuant to this ordinance.

9 **(e) Approval and authorization to execute direct contracts**
10 **with Early Learning Coalition of Duval, Inc. for Early Learning**
11 **Programs; Invoking the exception to Section 126.107(g), *Ordinance***
12 ***Code*.** The Kids Hope Alliance is hereby authorized to procure
13 children's services for early learning programs from Early Learning
14 Coalition of Duval, Inc. in the contract amounts as shown in
15 Schedule M attached hereto as **Exhibit 2** and incorporated herein by
16 this reference. Pursuant to Section 126.107(g) (Exemptions), Part 1
17 (General Regulations), Chapter 126 (Procurement Code), *Ordinance*
18 *Code*, such services are exempted from competitive solicitation
19 because the children's services to be provided by the specified
20 providers are being appropriated and approved in this authorizing
21 legislation. The Mayor, or his designee, the Corporation Secretary,
22 and/or the Chief Executive Officer of the Kids Hope Alliance
23 ("CEO") are hereby authorized to execute contracts with Early
24 Learning Coalition of Duval, Inc. for the children's services
25 programs as shown in Schedule M attached hereto as **Exhibit 2**.

26 **(f) Approval and authorization to execute direct contracts**
27 **with Communities in Schools of Jacksonville, Inc. and Young Men's**
28 **Christian Association of Florida's First Coast, Inc. for**
29 **Afterschool Programs; Invoking the exception to Section 126.107(g),**
30 ***Ordinance Code*.** The Kids Hope Alliance is hereby authorized to
31 procure children's services for afterschool programs from

1 Communities in Schools of Jacksonville, Inc. at DuPont Middle
2 School and from Young Men's Christian Association of Florida's
3 First Coast, Inc. at Southside Middle School and Windy Hill, Ramona
4 Boulevard and Jacksonville Heights Elementary Schools in the
5 contract amounts as shown in Schedule M attached hereto as **Exhibit**
6 **2** and incorporated herein by this reference. Pursuant to Section
7 126.107(g) (Exemptions), Part 1 (General Regulations), Chapter 126
8 (Procurement Code), *Ordinance Code*, such services are exempted from
9 competitive solicitation because the children's services to be
10 provided by the specified providers are being appropriated and
11 approved in this authorizing legislation. The Mayor, or his
12 designee, the Corporation Secretary, and/or the Chief Executive
13 Officer of the Kids Hope Alliance ("CEO") are hereby authorized to
14 execute contracts with Communities in Schools of Jacksonville, Inc.
15 and Young Men's Christian Association of Florida's First Coast,
16 Inc. for the afterschool children's services programs as shown in
17 Schedule M attached hereto as **Exhibit 2**.

18 **(g) Waiver of the provisions in Chapter 77 (Kids Hope**
19 **Alliance), Section 77.111(a) (Provider Contracts).** The City hereby
20 waives the provisions in Chapter 77 (Kids Hope Alliance), Section
21 77.111(a) (Provider Contracts) with respect to the contracts
22 approved and authorized herein. Section 77.111(a) requires
23 contracts for children's services to be competitively procured by
24 KHA via an evaluated bid process. The waiver is needed in order to
25 allow the Kids Hope Alliance to enter into direct contracts to
26 expeditiously provide these children's services without the delay
27 involved in a competitive procurement.

28 **Section 3. Waiver of Section 77.113 (Annual operating**
29 **budget; budget transfers), Chapter 77 (Kids Hope Alliance),**
30 **Ordinance Code.** Section 77.113 (Annual operating budget; budget
31 transfers), *Ordinance Code*, regarding the Kids Hope Alliance

1 budget transfer authority is hereby waived. The provisions for Kids
2 Hope Alliance budget transfers are permitted by compliance with
3 Section 2(b) herein of this ordinance.

4 **Section 4. Further Authorizations.** The Mayor, or his
5 designee, and the Corporation Secretary, are hereby authorized to
6 execute Agreements and all other contracts and documents and
7 otherwise take all necessary action in connection therewith and
8 herewith. The Kids Hope Alliance, as contract administrator, is
9 authorized to negotiate and execute all necessary changes and
10 amendments to the Agreement and other contracts and documents, to
11 effectuate the purposes of this Ordinance, without further Council
12 action, provided such changes and amendments are limited to
13 amendments that are technical in nature, and further provided that
14 all such amendments shall be subject to appropriate legal review
15 and approval by the General Counsel, or his or her designee, and
16 all other appropriate official action required by law. "Technical"
17 is herein defined as including, but not limited to, changes in
18 legal descriptions and surveys, descriptions of infrastructure
19 improvements and/or any road project, ingress and egress, easements
20 and rights of way, performance schedules (provided that no
21 performance schedule may be extended for more than one year without
22 Council approval) design standards, access and site plan, which
23 have no financial impact.

24 **Section 5. OGC and Council Auditor's Office**
25 **Authorization.** The Office of General Counsel and the Council
26 Auditor's Office are hereby authorized to make all changes to
27 titles, tables of content, Ordinance Code, journal entries,
28 schedules, attachments, editorial and text changes consistent with
29 the changes set forth herein to Ordinance 2019-504 and Ordinance
30 2019-511 to effectuate the Council's action.

31 **Section 6. Effective Date.** This ordinance shall

1 become effective upon signature by the Mayor or upon becoming
2 effective without the Mayor's signature.

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4 Form Approved:

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6 /s/ *Margaret M. Sidman*

7 Office of General Counsel

8 Legislation prepared by: Margaret M. Sidman

9 GC-#1299136-v1-2019-511_KHA

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