

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2023-205**

5 AN ORDINANCE APPROPRIATING \$107,693 IN FUND  
6 BALANCE FROM THE ENVIRONMENTAL PROTECTION FUND  
7 (THE "FUND") TO PROVIDE FUNDING FOR THE  
8 SIXTEENTH STATE OF THE RIVER REPORT FOR THE  
9 LOWER ST. JOHNS RIVER BASIN (THE "PROJECT"), AS  
10 INITIATED BY B.T. 23-062; PROVIDING FOR WAIVER  
11 OF SECTION 111.755 (ENVIRONMENTAL PROTECTION  
12 FUND), PART 7 (ENVIRONMENT AND CONSERVATION),  
13 CHAPTER 111 (SPECIAL REVENUE AND TRUST  
14 ACCOUNTS), *ORDINANCE CODE*, TO AUTHORIZE  
15 UTILIZATION OF FUNDS FROM THE FUND TO CONTINUE  
16 FUNDING THE ANNUAL STATE OF THE RIVER REPORT;  
17 PROVIDING FOR WAIVER OF SECTION 360.602 (USES OF  
18 FUND), PART 6 (ENVIRONMENTAL PROTECTION FUND),  
19 CHAPTER 360 (ENVIRONMENTAL REGULATION),  
20 *ORDINANCE CODE*, TO ALLOW FOR THE UTILIZATION OF  
21 FUNDS FROM THE FUND TO CONTINUE FUNDING THE  
22 ANNUAL STATE OF THE RIVER REPORT; APPROVING, AND  
23 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND THE  
24 CORPORATION SECRETARY TO EXECUTE AND DELIVER AN  
25 AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND  
26 JACKSONVILLE UNIVERSITY FOR THE PROJECT;  
27 INVOKING THE EXEMPTION IN 126.107(G)  
28 (EXEMPTIONS), PART 1 (GENERAL REGULATIONS),  
29 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*,  
30 TO DIRECT CONTRACT WITH JACKSONVILLE UNIVERSITY  
31 FOR THE PROJECT; WAIVING SECTION 118.107

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

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

15 **Section 1. Appropriation.** For the 2022-2023 fiscal year,  
16 within the City's budget, there are hereby appropriated the indicated  
17 sum(s) from the account(s) listed in subsection (a) to the account(s)  
18 listed in subsection (b):

19 (B.T. 23-062 attached hereto as **Exhibit 1** and incorporated herein by  
20 this reference)

21 (a) Appropriated from:

22 See B.T. 23-062 \$107,693

23 (b) Appropriated to:

24 See B.T. 23-062 \$107,693

25 (c) Explanation of Appropriation:

26 The appropriation above is fund balance from the  
27 Environmental Protection Trust Fund (the "Fund") to procure  
28 the professional services of Jacksonville University for  
29 preparation of the Sixteenth State of the River Report.

30 **Section 2. Purpose.** The purpose of the appropriation in  
31 Section 1 is to provide funding for preparation of the Sixteenth

1 State of the River Report which provides a comprehensive, scientific  
2 analysis of the health and condition of the Lower St. Johns River  
3 Basin (the "Project"). The State of the River Report has been  
4 published annually since 2008 and has been funded by the Board as one  
5 component of the River Accord, an initiative of various key  
6 stakeholders in the area designed to address the immediate needs of  
7 the River and to assure its long-term health.

8 In addition to writing and publishing the report, the Project  
9 entails producing a single-page brochure that summarizes the State  
10 of the River Report in a manner that is understandable and interesting  
11 to the general public. The Project is led by Jacksonville University  
12 in collaboration with Florida Southern College, University of North  
13 Florida, and West Chester University and is in keeping with the  
14 Board's overall mission to support studies and activities that address  
15 conservation and protection of the natural environment. During its  
16 meeting on January 17, 2023, the Jacksonville Environmental  
17 Protection Board (the "Board") approved this expenditure, as  
18 reflected in the Monthly Meeting Summary attached hereto as **Exhibit**  
19 **2** and incorporated herein by this reference.

20 **Section 3. Waiver of Section 111.755 (Environmental**  
21 **Protection Fund), Ordinance Code.** Section 111.755 (Environmental  
22 Protection Fund), Part 7 (Environment and Conservation), Chapter 111  
23 (Special Revenue and Trust Accounts), *Ordinance Code*, is hereby  
24 waived. Section 111.755 sets forth specific purposes for which the  
25 Fund must be used by the Board. Section 111.755 provides that any  
26 studies, surveys, tests and investigations funded from the Fund shall  
27 be special projects of a unique, onetime nature, and shall not be  
28 continuing. This waiver is necessary to allow the use of Fund dollars  
29 for continued funding of annual State of the River Reports. At its  
30 meeting on January 17, 2023, this waiver was approved by the Board  
31 as reflected in **Exhibit 2**.

1           **Section 4.           Waiver of Section 360.602 (Uses of Fund),**  
2 **Ordinance Code.** Section 360.602 (Uses of Fund), Part 6  
3 (Environmental Protection Fund), Chapter 360 (Environmental  
4 Regulation), *Ordinance Code*, is hereby waived. Section 360.602 sets  
5 forth specific purposes for which the Fund must be used by the Board.  
6 Section 360.602 provides that any studies, surveys, tests and  
7 investigations funded from the Fund shall be special projects of a  
8 unique, onetime nature, and shall not be continuing. This waiver is  
9 necessary to allow the use of Fund dollars for the continued funding  
10 of the State of the River Reports. At its meeting on January 17,  
11 2023, this waiver was approved by the Board as reflected in **Exhibit**  
12 **2.**

13           **Section 5.           Agreement Approved and Execution Authorized.**  
14 There is hereby approved, and the Mayor, or his designee, and the  
15 Corporation Secretary are hereby authorized to execute and deliver,  
16 the Agreement Between the City of Jacksonville and Jacksonville  
17 University for the Sixteenth State of the River Report for the Lower  
18 St. Johns River Basin, in substantially the same form placed **On File**  
19 with the Legislative Services Division and incorporated herein by  
20 this reference (the "Agreement"). The Agreement may include any  
21 extensions or amendments thereto as necessary and appropriate to  
22 effectuate the intent of this Ordinance; provided, however, no  
23 modifications to the Agreement may increase the financial obligations  
24 or the liability of the City to an amount in excess of the amount  
25 stated in the Agreement or decrease the duties and obligations of  
26 Jacksonville University as stated in the Agreement.

27           **Section 6.           Invoking the Exemption in Section 126.107(g),**  
28 **Ordinance Code.** The City is hereby authorized to procure the use of  
29 the professional services of Jacksonville University to conduct the  
30 Project. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General  
31 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such

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

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

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

29       **Section 9.       Oversight.** The Environmental Quality  
30 Division of the Neighborhoods Department shall provide oversight of  
31 the Agreement and Project described herein.

1           **Section 10.     Annual Reports.**     Jacksonville University is  
2 required to provide the Sixteenth State of the River Report to the  
3 Jacksonville Environmental Protection Board in September 2023 so that  
4 it can be released at the annual Environmental Symposium.

5           **Section 11.     Effective Date.**     This Ordinance shall become  
6 effective upon signature by the Mayor or upon becoming effective  
7 without the Mayor's signature.

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9 Form Approved:

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11 /s/ Mary E. Staffopoulos

12 Office of General Counsel

13 Legislation prepared by: Mary E. Staffopoulos

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