

1 Introduced by Council Members Freeman and Priestly Jackson and Co-
2 Sponsored by Council Members Clark-Murray, Gaffney, Jr., DeFoor,
3 Morgan, Carlucci, Salem, Boylan, Pittman, Newby, Cumber, Ferraro,
4 Carrico and White:

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7 **ORDINANCE 2023-342-E**

8 AN ORDINANCE APPROPRIATING \$8,100.00 FROM THE
9 SPECIAL COUNCIL CONTINGENCY RESERVE CONTINGENCY
10 ACCOUNT TO THE PARKS, RECREATION & COMMUNITY
11 SERVICES DEPARTMENT AQUATICS ACTIVITY TO PROVIDE
12 A DONATION TO THE SHAWN D. DELIFUS FOUNDATION,
13 INC. (THE "FOUNDATION"), TO SPONSOR AN
14 ADDITIONAL 150 APPLICANTS CURRENTLY ON THE
15 WAITLIST TO ATTEND THE FOUNDATION'S 2023 SWIM
16 PROGRAM; APPROVING AND AUTHORIZING THE MAYOR, OR
17 HIS DESIGNEE, AND THE CORPORATION SECRETARY TO
18 EXECUTE AND DELIVER ON BEHALF OF THE CITY, A
19 CITY FUNDING AGREEMENT BETWEEN THE CITY OF
20 JACKSONVILLE AND THE SHAWN D. DELIFUS
21 FOUNDATION, INC.; INVOKING THE EXEMPTION IN
22 SECTION 126.107(G) (EXEMPTIONS), PART 1 (GENERAL
23 REGULATIONS), CHAPTER 126 (PROCUREMENT CODE),
24 *ORDINANCE CODE*; WAIVING SECTION 118.107
25 (NONPROFITS TO RECEIVE FUNDING THROUGH A
26 COMPETITIVE EVALUATED AWARD PROCESS), *ORDINANCE*
27 *CODE*, TO ALLOW A DIRECT CONTRACT WITH THE
28 FOUNDATION; WAIVING SECTION 110.112 (ADVANCE OF
29 CITY FUNDS; PROHIBITION AGAINST), PART 1 (THE
30 CITY TREASURY), CHAPTER 110 (CITY TREASURY),
31 *ORDINANCE CODE*, TO ALLOW FOR ADVANCE PAYMENT BY

1 THE CITY; PROVIDING FOR OVERSIGHT BY THE PARKS,
2 RECREATION AND COMMUNITY SERVICES DEPARTMENT;
3 PROVIDING AN EFFECTIVE DATE.
4

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

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

10 (The account information is attached hereto as **Exhibit 1** and
11 incorporated herein by this reference)

12 (a) Appropriated from:

13 See **Exhibit 1** \$8,100.00

14 (b) Appropriated to:

15 See **Exhibit 1** \$8,100.00

16 (c) Explanation of Appropriation:

17 The funding above represents an appropriation from the
18 Special Council Reserve Contingency account to the Parks,
19 Recreation & Community Services Department Aquatics
20 activity to provide a donation to the Shawn D. Delifus
21 Foundation, Inc. (the "Foundation"), to sponsor an
22 additional 150 applicants currently on the waitlist for
23 the Foundation's 2023 summer swim program.

24 **Section 2. Purpose.** The purpose of the appropriation in
25 Section 1 above is to provide funding from the City of Jacksonville
26 to the Foundation to sponsor an additional 150 applicants currently
27 on the waitlist to attend the Foundation's 2023 summer swim program.
28 The swim program is an eight-week program that provides free swim
29 lessons and water safety training to underserved communities with a
30 commitment to closing the gap related to drowning prevention. This
31 funding will cover fees at the Johnson Family YMCA for each

1 participant (\$54.00 per participant).

2 **Section 3. Approval and Authorization.** There is hereby
3 approved, and the Mayor, or his designee, and the Corporation
4 Secretary are hereby authorized to execute and deliver on behalf of
5 the City, the City Funding Agreement between the City of Jacksonville
6 and the Shawn D. Delifus Foundation, Inc., in substantially the same
7 form attached hereto as **Exhibit 2** and incorporated herein by this
8 reference (the "Agreement").

9 **Section 4. Invoking the Exemption in Section 126.107(g),**
10 **Ordinance Code.** The City is hereby authorized to enter into a direct
11 contract with the Shawn D. Delifus Foundation, Inc., to provide a
12 donation for the purpose of sponsoring an additional 150 applicants
13 currently on the waitlist to attend the Foundation's 2023 summer swim
14 program. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General
15 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such
16 procurement is exempted from competitive solicitation because the
17 supplies or services are to be provided by those specifically
18 prescribed within authorizing legislation that appropriates the same.
19 With the exception of the foregoing, all other provisions of Chapter
20 126, *Ordinance Code*, shall remain in full force and effect.

21 **Section 5. Waiver of Section 118.107 (Nonprofits to receive**
22 **funding through a competitive evaluated award process), Part 1**
23 **(General Provisions), Chapter 118 (City Grants), Ordinance Code.** The
24 provisions of Section 118.107 (Nonprofits to receive funding through
25 a competitive evaluated award process), Part 1 (General Provisions),
26 Chapter 118 (City Grants), *Ordinance Code*, are hereby waived to allow
27 for a direct contract with the Shawn D. Delifus Foundation, Inc. The
28 City finds that this is a justified direct contract because the
29 Foundation is one of only a few local non-profit organizations that
30 provide a free swim program for underserved communities aimed at
31 closing the gap related to drowning prevention.

1 **Section 6. Waiving Section 110.112, Ordinance Code.**

2 Section 110.112 (Advance of City funds; prohibition against), Part 1
3 (The City Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is
4 hereby waived to allow for advance payment to the Foundation as
5 described in the Agreement.

6 **Section 7. Oversight Department.** The Parks, Recreation and
7 Community Services Department shall oversee the contract described
8 herein.

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

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13 Form Approved:

14
15 /s/ Mary E. Staffopoulos

16 Office of General Counsel

17 Legislation Prepared By: Mary E. Staffopoulos

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