

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2024-622**

5 AN ORDINANCE APPROPRIATING \$113,609.00 IN FUND
6 BALANCE FROM THE ENVIRONMENTAL PROTECTION FUND
7 (THE "FUND") TO PROVIDE FUNDING FOR THE
8 SEVENTEENTH STATE OF THE RIVER REPORT FOR THE
9 LOWER ST. JOHNS RIVER BASIN (THE "PROJECT"), AS
10 INITIATED BY B.T. 24-130; 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 HER 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; PROVIDING FOR
6 OVERSIGHT BY THE NEIGHBORHOODS DEPARTMENT,
7 ENVIRONMENTAL QUALITY DIVISION; REQUIRING
8 ANNUAL REPORTS; PROVIDING AN EFFECTIVE DATE.
9

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

11 **Section 1. Appropriation.** For the 2023-2024 fiscal year,
12 within the City's budget, there are hereby appropriated the indicated
13 sum(s) from the account(s) listed in subsection (a) to the account(s)
14 listed in subsection (b):

15 (B.T. 24-130 attached hereto as **Exhibit 1**, and incorporated herein
16 by this reference)

17 (a) Appropriated from:

18 See B.T. 24-130 \$113,609.00

19 (b) Appropriated to:

20 See B.T. 24-130 \$113,609.00

21 (c) Explanation of Appropriation:

22 The appropriation above is fund balance from the
23 Environmental Protection Fund (the "Fund") to procure the
24 professional services of Jacksonville University for
25 preparation of the Seventeenth State of the River Report.

26 **Section 2. Purpose.** The purpose of the appropriation in
27 Section 1 is to provide funding for preparation of the Seventeenth
28 State of the River Report which provides a comprehensive, scientific
29 analysis of the health and condition of the Lower St. Johns River
30 Basin (the "Project"). The State of the River Report has been
31 published annually since 2008 and has been funded by the Board as one

1 component of the River Accord, an initiative of various key
2 stakeholders in the area designed to address the immediate needs of
3 the River and to assure its long-term health.

4 In addition to writing and publishing the report, the Project
5 entails producing a single-page brochure that summarizes the State
6 of the River Report in a manner that is understandable and interesting
7 to the general public. The Project is led by Jacksonville University
8 in collaboration with Penn State Berks and University of North Florida
9 and is in keeping with the Board's overall mission to support studies
10 and activities that address conservation and protection of the natural
11 environment. During its meeting on February 20, 2024, the
12 Jacksonville Environmental Protection Board (the "Board") approved
13 this expenditure, as reflected in the Monthly Meeting Summary attached
14 hereto as **Exhibit 2** and incorporated herein by this reference.

15 **Section 3. Waiver of Section 111.755 (Environmental**
16 **Protection Fund), Ordinance Code.** Section 111.755 (Environmental
17 Protection Fund), Part 7 (Environment and Conservation), Chapter 111
18 (Special Revenue and Trust Accounts), *Ordinance Code*, is hereby
19 waived. Section 111.755 sets forth specific purposes for which the
20 Fund must be used by the Board. Section 111.755 provides that any
21 studies, surveys, tests and investigations funded from the Fund shall
22 be special projects of a unique, onetime nature, and shall not be
23 continuing. This waiver is necessary to allow the use of Fund dollars
24 for continued funding of annual State of the River Reports. At its
25 meeting on February 20, 2024, this waiver was approved by the Board
26 as reflected in **Exhibit 2**.

27 **Section 4. Waiver of Section 360.602 (Uses of Fund),**
28 **Ordinance Code.** Section 360.602 (Uses of Fund), Part 6
29 (Environmental Protection Fund), Chapter 360 (Environmental
30 Regulation), *Ordinance Code*, is hereby waived. Section 360.602 sets
31 forth specific purposes for which the Fund must be used by the Board.

1 Section 360.602 provides that any studies, surveys, tests and
2 investigations funded from the Fund shall be special projects of a
3 unique, onetime nature, and shall not be continuing. This waiver is
4 necessary to allow the use of Fund dollars for the continued funding
5 of the State of the River Reports. At its meeting on February 20,
6 2024, this waiver was approved by the Board as reflected in **Exhibit**
7 **2.**

8 **Section 5. Agreement Approved and Execution Authorized.**

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

22 **Section 6. Invoking the Exemption in Section 126.107(g),**
23 **Ordinance Code.** The City is hereby authorized to procure the use of
24 the professional services of Jacksonville University to conduct the
25 Project. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General
26 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such
27 procurement is exempted from competitive solicitation because the
28 supplies or services are to be provided by those specifically
29 prescribed within authorizing legislation that appropriates the same.
30 With the exception of the foregoing, all other provisions of Chapter
31 126, *Ordinance Code*, shall remain in full force and effect.

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

18 **Section 8. Oversight.** The Environmental Quality Division
19 of the Neighborhoods Department shall provide oversight of the
20 Agreement and Project described herein.

21 **Section 9. Annual Reports.** Jacksonville University is
22 required to provide the Seventeenth State of the River Report to the
23 Jacksonville Environmental Protection Board in September 2024 so that
24 it can be released at the annual Environmental Symposium.

25 **Section 10. Effective Date.** This Ordinance shall become
26 effective upon signature by the Mayor or upon becoming effective
27 without the Mayor's signature.

1 Form Approved:

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3 /s/Joelle J. Dillard

4 Office of General Counsel

5 Legislation Prepared By: Joelle J. Dillard

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