

1 Introduced by the Council President at the Request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee and Twice amended on the Floor of Council:

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6 **ORDINANCE 2021-354-E**

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

1 FROM BUSINESS INTERRUPTION DUE TO COVID-19,
2 \$306,120.64 TO BE ALLOCATED BY THE CITY
3 COUNCIL FOR OTHER CARES ACT QUALIFYING
4 EXPENDITURES, \$172,276.00 IN NONPROFIT
5 BUSINESS RELIEF GRANT FUNDS TO THE BEACHES
6 EMERGENCY ASSISTANCE MINISTRY, INC. AND
7 \$800,000.00 IN NONPROFIT BUSINESS RELIEF GRANT
8 FUNDS TO THE CULTURAL COUNCIL OF GREATER
9 JACKSONVILLE, INC. TO COVER ECONOMIC LOSSES
10 FROM BUSINESS INTERRUPTION TO COVID-19;
11 PROVIDING A CARRYOVER OF FUNDS FROM YEAR TO
12 YEAR UNTIL SUCH FUNDS ARE EXPENDED OR LAPSE,
13 AND PROVIDING THAT ANY CARES ACT GRANT FUNDING
14 NOT EXPENDED PURSUANT TO THIS ORDINANCE BY
15 NOVEMBER 30, 2021 SHALL REVERT TO THE FUND OF
16 ORIGIN FOR REAPPROPRIATION FOR AUTHORIZED
17 EXPENDITURES UNDER THE TERMS OF THE CARES ACT
18 GRANT; APPROVING, AND AUTHORIZING THE MAYOR,
19 OR HIS DESIGNEE, AND THE CORPORATION SECRETARY
20 TO EXECUTE AND DELIVER AN AGREEMENT WITH THE
21 STATE OF FLORIDA DEPARTMENT OF HEALTH, DUVAL
22 COUNTY HEALTH DEPARTMENT FOR THE PROVISION OF
23 VACCINATIONS AND VARIOUS OTHER HEALTH RELATED
24 SERVICES IN RESPONSE TO COVID-19; INVOKING THE
25 EXCEPTION OF SECTION 126.107(G) (EXEMPTIONS),
26 PART 1 (GENERAL REGULATIONS), CHAPTER 126
27 (PROCUREMENT CODE), *ORDINANCE CODE*, TO ALLOW
28 FOR A DIRECT CONTRACT WITH THE STATE OF
29 FLORIDA DEPARTMENT OF HEALTH, DUVAL COUNTY
30 HEALTH DEPARTMENT; APPROVING, AND AUTHORIZING

1 THE CITY TO ENTER INTO, A COVID-19 BUSINESS
2 GRANT AGREEMENT WITH JACKSONVILLE SYMPHONY
3 ASSOCIATION, INC.; APPROVING, AND AUTHORIZING
4 THE CITY TO ENTER INTO, A COVID-19 BUSINESS
5 GRANT AGREEMENT WITH CATHEDRAL DISTRICT-JAX,
6 INC.; APPROVING, AND AUTHORIZING THE CITY TO
7 ENTER INTO, A COVID-19 NONPROFIT BUSINESS
8 RELIEF GRANT AGREEMENT WITH THE BEACHES
9 EMERGENCY ASSISTANCE MINISTRY, INC.;
10 APPROVING, AND AUTHORIZING THE CITY TO ENTER
11 INTO, A COVID-19 NONPROFIT BUSINESS RELIEF
12 GRANT AGREEMENT WITH THE CULTURAL COUNCIL OF
13 GREATER JACKSONVILLE, INC.; INVOKING THE
14 EXCEPTION OF 126.107(G) (EXEMPTIONS), CHAPTER
15 126 (PROCUREMENT CODE), *ORDINANCE CODE*, TO
16 DIRECT CONTRACT WITH JACKSONVILLE SYMPHONY
17 ASSOCIATION, INC., CATHEDRAL DISTRICT-JAX,
18 INC., THE BEACHES EMERGENCY ASSISTANCE
19 MINISTRY, INC. AND THE CULTURAL COUNCIL OF
20 GREATER JACKSONVILLE, INC.; AUTHORIZING THE
21 CITY TO ENTER INTO AMENDMENTS TO EXISTING
22 AGREEMENTS WITH CARES ACT FUNDING RECIPIENTS
23 AS NECESSARY TO REAPPROPRIATE CARES ACT GRANT
24 FUNDS AS SET FORTH HEREIN; PROVIDING FOR
25 OVERSIGHT BY THE FINANCE AND ADMINISTRATION
26 DEPARTMENT; PROVIDING FOR COMPLIANCE WITH
27 APPLICABLE CARES ACT GRANT FUNDING
28 REQUIREMENTS; REQUESTING ONE CYCLE EMERGENCY
29 PASSAGE; PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, pursuant to Ordinances 2020-235-E and 2020-378-E, the
2 City appropriated approximately \$167,120,861.00 of CARES Act grant
3 funding from the U.S. Department of Treasury to fund various grants
4 and other programs designed to provide economic relief and
5 assistance to individuals and businesses throughout Duval County,
6 Florida; and

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

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

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

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

19 (b) The grants and actions authorized hereby will provide
20 economic relief to individuals and businesses located in Duval
21 County, Florida, thus benefitting the health, safety and welfare of
22 the citizens of Duval County.

23 (c) The provision of the City's assistance as set forth
24 herein is necessary and appropriate, and the City's assistance is
25 reasonable and not excessive, taking into account the extent of the
26 public benefits expected to be derived from the grants and other
27 relief authorized hereby, and taking into account all other forms
28 of assistance available.

29 (d) The authorizations provided by this Ordinance are for
30 public uses and purposes for which the City may use its powers as a

1 county, municipality and as a political subdivision of the State of
2 Florida and may expend public funds, and the necessity in the
3 public interest for the provisions herein enacted is hereby
4 declared as a matter of legislative determination.

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

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

12 (Third Revised B.T. 21-082 attached hereto as **Third Revised Exhibit**
13 **1**, labeled as "Third Revised Exhibit 1, Third Revised B.T. 21-087,
14 June 22, 2021 - Floor and incorporated herein by this reference):

15 (a) Appropriated from:

16 See Third Revised B.T. 21-082 \$19,900,000.00

17 (b) Appropriated to:

18 See Third Revised B.T. 21-082 \$19,900,000.00

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

20 The funding appropriated above is a transfer of
21 \$19,900,000.00 of unexpended Coronavirus Aid, Relief, and
22 Economic Security Act grant funds as follows: (1)
23 \$12,500,000.00 from the City's COVID-19 Federal Emergency
24 Management Agency ("FEMA") non-reimbursable expenses
25 contingency fund, (2) \$4,600,000.00 from the VyStar
26 COVID-19 Small Business Relief and Employee Retention
27 Grant Program created by Ordinance 2020-201-E, and (3)
28 \$2,800,000.00 from the Eviction and Foreclosure
29 Prevention Program created by Ordinance 2020-673-E. This
30 re-allocation of funds will be used to offset the costs

1 for JSO and JFRD overtime and payroll-related expenses
2 incurred since March 2020 as a direct result of COVID-19,
3 to fund the procurement of Emergency Operations
4 Center/JFRD emergency response systems and equipment
5 upgrades, to provide for vaccinations and various other
6 health-related services from the DOH in response to
7 COVID-19, and to provide financial assistance to
8 individuals and businesses suffering from the continued
9 economic impact of COVID-19.

10 **Section 3. Purpose.** The purpose of the appropriation in
11 Section 2 is to reappropriate CARES Act grant funding to provide:
12 (1) \$16,833,586.69 to offset overtime and payroll-related expenses
13 incurred by JSO and JFRD since March 2020 as a direct result of
14 COVID-19; (2) \$488,016.67 to procure emergency operations
15 center/JFRD emergency response systems and equipment upgrades; (3)
16 \$250,000.00 to the DOH for the provision of vaccinations and
17 various other health related services in response to COVID-19; (4)
18 \$1,000,000.00 in business relief grant funds to Jacksonville
19 Symphony Association, Inc. to cover economic losses from continued
20 business interruption due to COVID-19; (5) \$50,000.00 in business
21 relief grant funds to Cathedral District-Jax, Inc. to cover
22 economic losses from business interruption due to COVID-19; (6)
23 \$306,102.64 to be allocated by the City Council for other CARES Act
24 qualifying expenditures; (7) \$172,276.00 to Beaches Emergency
25 Assistance Ministry, Inc. to cover economic losses from business
26 interruption and increased need for services due to COVID-19.; and
27 (8) \$800,000.00 to the Cultural Council of Greater Jacksonville,
28 Inc. to cover economic losses from business interruption and
29 increased need for services due to COVID-19.

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),

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

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

1 business interruption expenses and economic losses of Symphony due
2 to COVID-19, subject to the terms and restrictions of the CARES
3 Act. The Symphony Agreement may include such additions, deletions
4 and changes as may be reasonable, necessary and incidental for
5 carrying out the purposes set forth in this Ordinance, as may be
6 acceptable to the Mayor, or his designee, with such inclusion and
7 acceptance being evidenced by execution of the Agreement by the
8 Mayor, or his designee; provided however, such modifications shall
9 be technical only, subject to appropriate legal review and approval
10 by the Office of General Counsel, and shall be undertaken in
11 compliance with any applicable requirements of the CARES Act,
12 consistent with the intent of this Ordinance. For the purposes of
13 this Ordinance, the term "technical changes" is defined as those
14 having no financial impact to the City and any other non-
15 substantive changes.

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

1 the Agreement by the Mayor, or his designee; provided however, such
2 modifications shall be technical only, subject to appropriate legal
3 review and approval by the Office of General Counsel, and shall be
4 undertaken in compliance with any applicable requirements of the
5 CARES Act, consistent with the intent of this Ordinance. For the
6 purposes of this Ordinance, the term "technical changes" is defined
7 as those having no financial impact to the City and any other non-
8 substantive changes.

9 **Section 9. Approval and Authorization to Execute a COVID-**
10 **19 Nonprofit Business Relief Grant Agreement Between the City and**
11 **Beaches Emergency Assistance Ministry, Inc. ("BEAM").**

12 There is hereby approved, and the Mayor, or his designee,
13 and the Corporation Secretary are hereby authorized to execute a
14 COVID-19 Business Grant Agreement with BEAM, in substantially the
15 same form as is attached hereto as **Exhibit 6** and incorporated
16 herein by this reference the ("BEAM Agreement"), in a not-to-exceed
17 amount of \$172,276.00, to be used to offset business interruption
18 expenses and economic losses of BEAM due to COVID-19, subject to
19 the terms and restrictions of the CARES Act. The BEAM Agreement may
20 include such additions, deletions and changes as may be reasonable,
21 necessary and incidental for carrying out the purposes set forth in
22 this Ordinance, as may be acceptable to the Mayor, or his designee,
23 with such inclusion and acceptance being evidenced by execution of
24 the Agreement by the Mayor, or his designee; provided however, such
25 modifications shall be technical only, subject to appropriate legal
26 review and approval by the Office of General Counsel, and shall be
27 undertaken in compliance with any applicable requirements of the
28 CARES Act, consistent with the intent of this Ordinance. For the
29 purposes of this Ordinance, the term "technical changes" is defined

1 as those having no financial impact to the City and any other non-
2 substantive changes.

3 **Section 10. Approval and Authorization to Execute a COVID-**
4 **19 Nonprofit Business Relief Grant Agreement Between the City and**
5 **the Cultural Council of Greater Jacksonville, Inc. ("CCGJ").**

6 There is hereby approved, and the Mayor, or his designee, and
7 the Corporation Secretary are hereby authorized to execute a COVID-
8 19 CARES Act Subrecipient Agreement with CCGJ, in substantially the
9 same form as is attached hereto as **Exhibit 7** and incorporated
10 herein by this reference the ("CCGJ Agreement"), in a not-to-exceed
11 amount of \$800,000.00, to be used to offset business interruption
12 expenses and economic losses of CCGJ due to COVID-19, subject to
13 the terms and restrictions of the CARES Act. The CCGJ Agreement may
14 include such additions, deletions and changes as may be reasonable,
15 necessary and incidental for carrying out the purposes set forth in
16 this Ordinance, as may be acceptable to the Mayor, or his designee,
17 with such inclusion and acceptance being evidenced by execution of
18 the Agreement by the Mayor, or his designee; provided however, such
19 modifications shall be technical only, subject to appropriate legal
20 review and approval by the Office of General Counsel, and shall be
21 undertaken in compliance with any applicable requirements of the
22 CARES Act, consistent with the intent of this Ordinance. For the
23 purposes of this Ordinance, the term "technical changes" is defined
24 as those having no financial impact to the City and any other non-
25 substantive changes.

26 **Section 11. Invoking the Exception to Section 126.107(g),**
27 **Ordinance Code.** The City is hereby authorized to enter into direct
28 agreements, as authorized herein, with the Jacksonville Symphony
29 Association, Inc., Cathedral District-Jax, Inc., Beaches Emergency
30 Assistance Ministry, Inc. and the Cultural Council of Greater

1 Jacksonville, Inc. for the purposes of providing COVID-19 relief
2 and assistance as more fully set forth herein. Pursuant to Section
3 126.107(g) (Exemptions), Part 1 (General Regulations), Chapter 126
4 (Procurement Code), *Ordinance Code*, such procurement is exempted
5 from competitive solicitation because the supplies or services are
6 to be provided by those specifically prescribed within authorizing
7 legislation that appropriates the same. With the exception of the
8 foregoing, all other provisions of Chapter 126, *Ordinance Code*,
9 shall remain in full force and effect. The failure of any entity
10 identified herein to enter into the applicable agreement with the
11 City shall render such entity ineligible to receive the grant funds
12 authorized hereby.

13 **Section 12. Amendments to Existing Agreements Approved and**
14 **Execution Authorized.** There is hereby approved, and the Mayor, or
15 his designee, and the Corporation Secretary are hereby authorized
16 to execute and deliver any and all amendments to existing
17 agreements with various recipients of CARES Act funding from the
18 City to withdraw any funds not already incurred and/or to reduce
19 the maximum indebtedness of the City as necessary to reappropriate
20 said CARES Act funds to various subrecipients, programs and other
21 relief efforts as more fully set forth herein.

22 **Section 13. Oversight Department.** The Finance and
23 Administration Department shall provide oversight for all
24 contracts, contract amendments, and expenditures authorized
25 hereunder.

26 **Section 14. Compliance with Applicable CARES Act Grant**
27 **Funding Requirements.** The State of Florida Department of Health,
28 Duval County Health Department, Jacksonville Symphony Association,
29 Inc., and Cathedral District-Jax, Inc. shall comply with all
30 applicable CARES Act grant requirements in their respective

1 management and use of the CARES Act funds provided pursuant to this
2 Ordinance, including but not limited to, the audit requirements
3 attached hereto as **Exhibit 5**.

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

9 **Section 16. 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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14 Form Approved:

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16 /s/ Paige H. Johnston

17 Office of General Counsel

18 Legislation prepared by: Mary E. Staffopoulos

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