

1 Introduced by Council Members Salem, Gay, Howland, Miller and White
2 and Co-Sponsored by Council Member Arias and substituted by the Rules
3 Committee:

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6 **ORDINANCE 2024-46-E**

7 AN ORDINANCE AMENDING SECTION 106.441
8 (ACCEPTANCE OF GIFTS, DONATIONS, ETC.), SUBPART
9 E (MISCELLANEOUS PROVISIONS), PART 4 (FISCAL
10 MANAGEMENT), CHAPTER 106 (BUDGET AND ACCOUNTING
11 CODE), *ORDINANCE CODE*; AMENDING SECTION 111.105
12 (SPECIAL EVENT AND PARKS, RECREATION AND
13 COMMUNITY SERVICES TRUST FUNDS), PART 1 (PARKS,
14 RECREATION, CULTURE AND ENTERTAINMENT), CHAPTER
15 111 (SPECIAL REVENUE AND TRUST ACCOUNTS),
16 *ORDINANCE CODE*; AMENDING SECTION 122.602
17 (DEFINITIONS), PART 6 (CAPITAL IMPROVEMENT
18 PLAN), CHAPTER 122 (PUBLIC PROPERTY), *ORDINANCE*
19 *CODE*; AMENDING SECTION 126.205 (INFORMAL
20 PURCHASES AND SALES TRANSACTIONS), PART 2
21 (SUPPLIES, CONTRACTUAL SERVICES AND CAPITAL
22 IMPROVEMENTS), CHAPTER 126 (PROCUREMENT CODE),
23 *ORDINANCE CODE*; CREATING A NEW PART 5 (IN-KIND
24 SERVICES DONATIONS), CHAPTER 113 (GIFTS TO
25 CITY), *ORDINANCE CODE*; CREATING A NEW SECTION
26 122.608 (IN-KIND SERVICES DONATIONS FOR CAPITAL
27 IMPROVEMENT PROJECTS; COUNCIL APPROVAL
28 REQUIRED), PART 6 (CAPITAL IMPROVEMENT PLAN),
29 CHAPTER 122 (PUBLIC PROPERTY), *ORDINANCE CODE*;
30 PROSPECTIVELY AMENDING SUBPART C (PROCUREMENT
31 METHODS AND PROCEDURES), PART 3 (PROCUREMENT

1 THRESHOLDS, MODES, METHODS, AND PROCEDURES),
2 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*;
3 ESTABLISHING A PROSPECTIVE DATE OF JULY 1, 2024,
4 FOR THE CODE AMENDMENTS CONTAINED IN SECTION 7
5 OF THIS ORDINANCE TO BECOME EFFECTIVE; PROVIDING
6 CODIFICATION INSTRUCTIONS; PROVIDING AN
7 EFFECTIVE DATE.

8
9 **BE IT ORDAINED** by the Council of the City of Jacksonville:

10 **Section 1. Amending Section 106.441 (Acceptance of Gifts,**
11 **Donations, Etc.), Subpart E (Miscellaneous Provisions), Part 4**
12 **(Fiscal Management), Chapter 106 (Budget and Accounting Code),**
13 **Ordinance Code.** Section 106.441 (Acceptance of Gifts, Donations,
14 Etc.), Subpart E (Miscellaneous Provisions), Part 4 (Fiscal
15 Management), Chapter 106 (Budget and Accounting Code), *Ordinance*
16 *Code*, is hereby amended to read as follows:

17 **CHAPTER 106 - BUDGET AND ACCOUNTING CODE**

18 * * *

19 **PART 4. - FISCAL MANAGEMENT**

20 * * *

21 **SUBPART E. - MISCELLANEOUS PROVISIONS**

22 **Sec. 106.441. - Acceptance of gifts, donations, etc.**

23 Unless otherwise provided in the Code, ~~The~~ the Mayor is
24 authorized to accept on behalf of the City, gifts, bequests, and
25 other donations, whether testamentary, charitable or otherwise, for
26 any purpose which the City has power under the Charter to perform,
27 and the Mayor and Corporation Secretary are empowered to execute
28 appropriate instruments of acceptance or receipt in connection
29 therewith. Notwithstanding the general authority granted by the first
30 sentence of this Section, the Mayor may not, without the approval of

1 the Council, accept any such gift, bequest, or other donation if the
2 same contains any condition, limitation, or restriction which:

3 (a) Would limit the general government in the exercise of its
4 governmental functions, or would have that effect.

5 (b) Requires any public building or facility, whether existing,
6 under construction or proposed, to be named after any individual,
7 whether living or deceased.

8 (c) Obligates the City to provide specific governmental services
9 to specific individuals or to a specific class of individuals, when
10 such services are already available generally to the public.

11 (d) Involves the purchase or lease of real property not already
12 under public ownership or the disposition of public property contrary
13 to the provisions contained in Chapter 122.

14 (e) Requires an appropriation by the Council.

15 (f) Involves the alteration, relocation, demolition, or removal
16 of any portion of a statue, obelisk, or monument.

17 (g) Involves services for capital improvements as defined in
18 Chapter 126 of the Code, including, but not limited to, projects
19 identified on the Capital Improvement Plan.

20 The provisions of this Section are not to be construed as
21 conflicting with the provisions of Section 122.401. Nothing in this
22 Section shall be construed as an appropriation of any funds received
23 pursuant to a gift, bequest, or donation.

24 **Section 2. Amending Section 111.105 (Special Event and**
25 **Parks, Recreation and Community Services Trust Funds), Part 1 (Parks,**
26 **Recreation, Culture and Entertainment), Chapter 111 (Special Revenue**
27 **and Trust Accounts), Ordinance Code.** Section 111.105 (Special Event
28 and Parks, Recreation and Community Services Trust Funds), Part 1
29 (Parks, Recreation, Culture and Entertainment), Chapter 111 (Special
30 Revenue and Trust Accounts), *Ordinance Code*, is hereby amended to
31 read as follows:

1 **CHAPTER 111 - SPECIAL REVENUE AND TRUST ACCOUNTS**

2 **PART 1. - PARKS, RECREATION, CULTURE AND ENTERTAINMENT**

3 * * *

4 **Sec. 111.105. - Special Event and Parks, Recreation and Community**
5 **Services Trust Funds.**

6 * * *

7 (b) *Parks, Recreation and Community Services Trust Fund.* There is
8 created an account to be known as the *Parks, Recreation and Community*
9 *Services Trust Fund*, into which shall be deposited all funds
10 appropriated from time to time by the Council and all donations,
11 gifts, and fees which are charged by the City or given to the City
12 from nongovernmental sources, together with the interest thereon,
13 to enhance parks. Park enhancements can be for: (i) operating
14 purposes such as providing higher than normal levels of service
15 (e.g., more frequent grass mowing or enhanced programming); or (ii)
16 capital and other improvements (including the subsequent maintenance
17 thereof if installation is funded pursuant to this paragraph). No
18 funding deposited and appropriated pursuant to this Trust Fund or
19 in-kind services donation may be used for the demolition, alteration,
20 relocation, or removal of any portion of a statue, obelisk, or
21 monument in a park, unless approved by Council in advance of such
22 work being performed. The Director of Finance and Administration is
23 authorized and directed to make disbursements from this fund upon
24 the written requisition of the Director of the Parks, Recreation and
25 Community Services Department, or his designee (the "Director"). The
26 Director is authorized to negotiate and execute contracts and
27 agreements with for-profit and not-for-profit entities for the
28 benefit of an individual park or the park system as a whole;
29 provided, however, that the Director of Finance and Administration
30 shall certify on such contracts or agreements that there are current
31 funds available in this trust fund to fund the particular park

1 enhancement in question, and provided further, that the Office of
2 General Counsel shall approve such contracts and agreements before
3 said contracts or agreements are executed by the parties. No single
4 park enhancement, whether for improvements or enhanced programming,
5 may exceed \$100,000 without Council approval; any single expenditure
6 from this trust fund in excess of \$100,000 shall require prior
7 Council approval. The Director may accept into this trust fund
8 in-kind donations of labor and materials for the purposes set forth
9 herein and direct the use of such donations, but the use of any
10 in-kind donation having a value in excess of \$100,000 shall require
11 prior Council approval. No operating funds may be transferred into
12 this trust fund unless specifically approved by ~~City~~ Council. The
13 Director shall administer the rules and guidelines regarding
14 donations to this trust fund, which may include name recognition of
15 donors consistent with the schedule set forth in the rules and
16 guidelines. All monies and interest placed into this trust fund are
17 hereby appropriated for the purposes of this trust fund and such
18 appropriations shall not lapse at the close of any fiscal year, but
19 instead shall carry over to the next fiscal year.

20 **Section 3. Amending Section 122.602 (Definitions), Part 6**
21 **(Capital Improvement Plan), Chapter 122 (Public Property), Ordinance**
22 **Code.** Section 122.602 (Definitions), Part 6 (Capital Improvement
23 Plan), Chapter 122 (Public Property), *Ordinance Code*, is hereby
24 amended to read as follows:

25 **CHAPTER 122 - PUBLIC PROPERTY**

26 * * *

27 **PART 6. - CAPITAL IMPROVEMENT PLAN**

28 * * *

29 **Sec. 122.602. - Definitions.**

30 As used in this Part 6, the following terms shall have the
31 following meanings:

1 (a) *Capital Improvement Project*. Excluded from the term and
2 definition of Capital Improvement shall be all Community
3 Redevelopment Area Projects. "Capital Improvement Project" means a
4 planned undertaking of the City or an independent agency that leads
5 to the acquisition, construction, removal, alteration, demolition,
6 rehabilitation, or extension of the useful life of capital assets.
7 Capital assets include things such as land, buildings, parks,
8 streets, utilities, and other items of value from which the community
9 derives benefit. To constitute a capital improvement project, the
10 project must:

- 11 1. Have a total cost greater than \$100,000 and a useful life
12 of more than ten years.
- 13 2. Be a one-time outlay, which is non-recurring in nature.
- 14 3. Add to, enhance the value of, or extend the life of the
15 City's physical assets.
- 16 4. Major equipment purchases must be associated with a Capital
17 Improvement Project and must meet the criteria in item 1 above
18 in order to be included as a Capital Improvement Project.

19 Any project which meets the definition of a Capital Improvement
20 Project must be included in the Capital Improvement Plan, regardless
21 of funding source.

22 * * *

23 **Section 4. Amending Section 126.205 (Informal purchases and**
24 **sales transactions), Part 2 (Supplies, Contractual Services and**
25 **Capital Improvements), Chapter 126 (Procurement Code), Ordinance**
26 **Code.** Section 126.205 (Informal purchases and sales transactions),
27 Part 2 (Supplies, Contractual Services and Capital Improvements),
28 Chapter 126 (Procurement Code), *Ordinance Code*, is hereby amended to
29 read as follows:

30 **CHAPTER 126 - PROCUREMENT CODE**

31 * * *

PART 2. - SUPPLIES, CONTRACTUAL SERVICES AND CAPITAL IMPROVEMENTS

* * *

Sec.126.205. - Informal purchases and sales transactions.

Purchases and sales other than those defined in Section 126.102(f), hereof, shall be made in accordance with regulations established by the Chief and approved by the Mayor. Prior City Council approval shall be required for in-kind services awards or contracts that require City Council approval pursuant to Section 106.441 and Chapter 113, Part 5 of the Code.

* * *

Section 5. Creating a new Part 5 (In-Kind Services Donations), Chapter 113 (Gifts to City), Ordinance Code. A new Part 5 (In-Kind Services Donations), Chapter 113 (Gifts to City), Ordinance Code, is hereby created to read as follows:

CHAPTER 113 - GIFTS TO CITY

* * *

PART 5. - IN-KIND SERVICES DONATIONS

Sec. 113.501. - Scope.

This part establishes procedures for the receipt of in-kind services donations.

Sec. 113.502. - Acceptance.

Unless otherwise provided in the Code, all in-kind services donations may be accepted by the Mayor except that the following in-kind services donations shall require City Council approval prior to acceptance:

- (a) In-kind services for any capital improvement;
- (b) In-kind services that include the demolition, alteration, relocation, or removal of any portion of a statue, obelisk, or monument; or
- (c) In-kind services with a monetary value exceeding \$100,000.

1 For purposes of this section the term "capital improvement" shall
2 have the meaning defined in Chapter 126 of the Code.

3 **Sec. 113.503. - Authorization and execution.**

4 The Mayor and Corporation Secretary are authorized to execute
5 appropriate instruments, including contracts and agreements, in
6 connection with the acceptance or receipt of in-kind services
7 donations under this Part, except for those in-kind services donations
8 in this Chapter that require prior City Council approval.

9 **Sec. 113.504. - Recognition.**

10 It is the policy of the City to nurture and welcome all
11 donations of in-kind services to the City. Therefore, it is the
12 policy of the City that the Mayor appropriately recognize all donors
13 in any reasonable and practicable manner that is otherwise consistent
14 with the Code.

15 * * *

16 **Section 6. Creating a new Section 122.608 (In-Kind Services**
17 **Donations for Capital Improvement Projects; Council Approval**
18 **Required), Part 6 (Capital Improvement Plan), Chapter 122 (Public**
19 **Property), Ordinance Code.** A new Section 122.608 (In-Kind Services
20 Donations for Capital Improvement Projects; Council Approval
21 Required), Part 6 (Capital Improvement Plan), Chapter 122 (Public
22 Property), *Ordinance Code*, is hereby created to read as follows:

23 **CHAPTER 122 - PUBLIC PROPERTY**

24 * * *

25 **PART 6. - CAPITAL IMPROVEMENT PLAN**

26 * * *

27 **Sec. 122.608. - In-Kind Services Donations for Capital Improvement**
28 **Projects; Council Approval Required.**

29 In-kind services donations for a Capital Improvement Project
30 shall require a donation agreement between the City and the donor
31 approved by City Council prior to the Mayor's acceptance and donor's

1 commencement of the in-kind services.

2 **Section 7. Prospectively Amending Subpart C (Procurement**
3 **Methods and Procedures), Part 3 (Procurement Thresholds, Modes,**
4 **Methods, and Procedures), Chapter 126 (Procurement Code), Ordinance**
5 **Code.** Effective July 1, 2024, Subpart C (Procurement Methods and
6 Procedures), Part 3 (Procurement Thresholds, Modes, Methods, and
7 Procedures), Chapter 126 (Procurement Code), *Ordinance Code*, is
8 hereby amended to read as follows:

9 **CHAPTER 126 - PROCUREMENT CODE**

10 * * *

11 **PART 3. - PROCUREMENT THRESHOLDS, MODES, METHODS**
12 **AND PROCEDURES**

13 * * *

14 **SUBPART C. - PROCUREMENT METHODS AND PROCEDURES**

15 * * *

16 **Sec. 126.312. - Required contract provisions.**

17 All contracts made pursuant to this Chapter shall include any
18 contract provisions required by law. The Chief shall detail in the
19 Procurement Operating Manual all such required contract provisions
20 to be included in contracts executed pursuant to this Chapter.

21 **Sec. 126.313. - Informal purchases and sales transactions for in-kind**
22 **services.**

23 Prior City Council approval shall be required under this
24 Chapter for in-kind services awards or contracts that require City
25 Council approval pursuant to Section 106.441 and Chapter 113, Part
26 5 of the Code.

27 **Section 8. Establishment of prospective date of July 1,**
28 **2024, for the Code amendments contained in Section 7 of this Ordinance**
29 **to become effective.** Consistent with Ordinance 2023-20-E, the Code
30 amendments contained in Section 7 of this Ordinance shall not become
31 effective until July 1, 2024.

1 **Section 9. Codification Instructions.** The Codifier and the
2 Office of General Counsel are authorized to make all chapter and
3 division "table of contents" consistent with the changes set forth
4 herein. Such editorial changes and any other necessary to make the
5 *Ordinance Code* consistent with the intent of this legislation are
6 approved and directed herein, and the changes to the *Ordinance Code*
7 shall be made forthwith and when inconsistencies are discovered.

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

11
12 Form Approved:

13
14 /s/ Mary E. Staffopoulos

15 Office of General Counsel

16 Legislation Prepared By: Lawsikia J. Hodges

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