

1 Introduced by Council Members Freeman and Priestly Jackson:
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4 **ORDINANCE 2023-342**

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

1 funding will cover fees at the Johnson Family YMCA for each
2 participant (\$54.00 per participant).

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

10 **Section 4. Invoking the Exemption in Section 126.107(g),**
11 **Ordinance Code.** The City is hereby authorized to enter into a direct
12 contract with the Shawn D. Delifus Foundation, Inc., to provide a
13 donation for the purpose of sponsoring an additional 150 applicants
14 currently on the waitlist to attend the Foundation's 2023 summer swim
15 program. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General
16 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such
17 procurement is exempted from competitive solicitation because the
18 supplies or services are to be provided by those specifically
19 prescribed within authorizing legislation that appropriates the same.
20 With the exception of the foregoing, all other provisions of Chapter
21 126, *Ordinance Code*, shall remain in full force and effect.

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

1 closing the gap related to drowning prevention.

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

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

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

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

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14 Form Approved:

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16 /s/ Mary E. Staffopoulos

17 Office of General Counsel

18 Legislation Prepared By: Mary E. Staffopoulos

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