

1 Introduced by Council President Newby:  
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4 **ORDINANCE 2021-849**

5 AN ORDINANCE APPROPRIATING \$500,000.00  
6 (\$250,000 FROM COUNCIL PRESIDENT CONTINGENCY  
7 EXPENSE ACCOUNT AND \$250,000 FROM CONTINGENCY  
8 FIND MATCH) FOR FUNDING TO EDWARD WATERS  
9 UNIVERSITY TO PROVIDE A COMMUNITY WELLNESS AND  
10 FITNESS CENTER; PROVIDING FOR CARRYOVER OF FUNDS  
11 TO FISCAL YEAR 2022-2023; APPROVING AND  
12 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND THE  
13 CORPORATION SECRETARY TO EXECUTE AND DELIVER AN  
14 AGREEMENT WITH EDWARD WATERS UNIVERSITY, INC.;  
15 INVOKING THE EXCEPTION OF SECTION 126.107(G)  
16 (EXEMPTIONS), PART 1 (GENERAL REGULATIONS,  
17 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*,  
18 TO DIRECT CONTRACT EDWARD WATERS UNIVERSITY,  
19 INC., FOR THE PROVISION OF SERVICES RELATED TO  
20 THE COMMUNITY WELLNESS AND FITNESS CENTER, AS  
21 MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING  
22 FOR OVERSIGHT BY THE DEPARTMENT OF PUBLIC WORKS;  
23 PROVIDING AN EFFECTIVE DATE.  
24

25 **WHEREAS**, Edward Waters University (EWU) intends and commits for  
26 the EWU Community Wellness and Fitness Center to be available for  
27 community/public use through its existing Schell-Sweet Community  
28 Resource Center and Center for Health Disparities which has a  
29 longstanding years-long history of continued public service to  
30 Jacksonville citizens and particularly seniors and families who  
31 reside in the New Town and NW Jacksonville community; and

1           **WHEREAS**, the Center will also be dually used by EWU students,  
2 faculty, and staff. Collectively, New Town and NW Jacksonville  
3 citizens as well and members of the EWU community lack proximate  
4 access to adequate health and wellness facilities; and

5           **WHEREAS**, as a public service to quell the proliferation of  
6 persistent health disparities plaguing this low-income, aging, and  
7 largely minority community (i.e., New Town and NW Jacksonville  
8 community) as well as to primarily serve its largely minority and low  
9 income student community (where nearly 86% of students are pell-  
10 eligible-low income), EWU seeks to provide access to a geographically  
11 accessible, safe, and modernly equipped wellness and fitness facility  
12 to Jacksonville citizens and its students to further advance and  
13 augment the aforementioned existing health/wellness education  
14 opportunities being offered by the university; and

15           **WHEREAS**, for the foregoing reasons, the City Council determines  
16 that the Community Wellness and Fitness Center serves a public  
17 purpose; now therefore

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

19           **Section 1. Appropriation.** For the 2021-2022 fiscal year,  
20 within the City's budget, there is hereby appropriated the indicated  
21 sum(s) from the account(s) listed in subsection (a) to the account(s)  
22 listed in subsection (b):

23 (attached hereto as **Exhibit 1** and incorporated herein by this  
24 reference)

25           (a) Appropriated from:

26                         See Exhibit 1   \$500,000.00

27           (b) Appropriated to:

28                         See Exhibit 1   \$500,000.00

29           (c) Explanation of Appropriation:

30                         The funding is provided by \$250,000 from the Council  
31                         President Contingency account appropriated in Ordinance

1           2021-504-E and \$250,000 from unused Contingency for matches  
2           for the FIND Grants.

3           **Section 2.           Purpose.**   The purpose of the appropriation in  
4 Section 1 is to provide funding to Edward Waters University to support  
5 a Community Wellness and Fitness Center, and equip the center with  
6 fitness equipment, as more fully described in **Exhibit 2, attached**  
7 **hereto.**

8           **Section 3.           Carryover.**   The funds appropriated in this  
9 Ordinance shall not lapse but shall carryover to fiscal year 2022-  
10 2023.

11           **Section 4.           Approval and authorization to execute an**  
12 **agreement between the City and Edward Waters University, Inc. ("EWU").**

13 The Mayor, or his designee, and the Corporation Secretary are hereby  
14 authorized to execute and deliver an agreement in a form approved by  
15 the Office of General Counsel between the City of Jacksonville and  
16 Edward Waters University, Inc. in a not to exceed amount of  
17 \$500,000.00, for the Community Health and Fitness Center, as more  
18 particularly described in **Exhibit 2**, attached hereto and incorporated  
19 herein by this reference. The agreement may include such extensions,  
20 renewals, additions, deletions and changes as may be reasonable,  
21 necessary and incidental for carrying out the purposes thereof, as  
22 may be acceptable to the Mayor, or his designee, with such inclusion  
23 and acceptance being evidenced by execution of the agreement by the  
24 Mayor, or his designee; provided however, no modifications to the  
25 agreement may increase the financial obligations or liability of the  
26 City to an amount in excess of the amount stated in the agreement or  
27 decrease the duties and obligations of EWU, and any such modifications  
28 shall be technical only and shall be subject to appropriate legal  
29 review and approval by the Office of General Counsel and the Office  
30 of Risk Management for appropriate insurance and indemnification  
31 terms. For the purposes of this Ordinance, the term "technical

1 changes" is defined as those changes having no financial impact to  
2 the City and any other non-substantive changes that do not  
3 substantively increase the duties and responsibilities of the City  
4 under the provisions of the agreement.

5 **Section 5. Invoking the exception to Section 126.107(g),**  
6 **Ordinance Code.** The City is hereby authorized to enter direct  
7 agreements or amendments to agreements, as authorized herein, with  
8 Edward Waters University, Inc., for the purposes of providing services  
9 for the Program. Pursuant to Section 126.107(g) (Exemptions), Part  
10 1 (General Regulations), Chapter 126 (Procurement Code), *Ordinance*  
11 *Code*, such procurement is exempted from competitive solicitation  
12 because the supplies or services are to be provided by those  
13 specifically described in the authorizing legislation that  
14 appropriates the same. With the exception of the foregoing, all  
15 other provisions of Chapter 126, *Ordinance Code*, shall remain in full  
16 force and effect. The failure of any entity identified herein to  
17 enter into the applicable agreement or amendment to the agreement  
18 with the City shall render such entity ineligible to receive the  
19 Grant funds authorized hereby.

20 **Section 6. Oversight Department.** The Department of Public  
21 Works shall oversee administration of the Agreement referenced  
22 herein.

23 **Section 7. Effective Date.** This Ordinance shall become  
24 effective upon signature by the Mayor or upon becoming effective  
25 without the Mayor's signature.

26 Form Approved:

27  
28           /s/ Margaret M. Sidman          

29 Office of General Counsel

30 Legislation prepared by: Margaret M. Sidman