

1 Introduced by the Council President at the request of the Mayor and  
2 Co-Sponsored by Council Member Johnson and amended by the Rules  
3 Committee:

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6 **ORDINANCE 2024-622-E**

7 AN ORDINANCE APPROPRIATING \$113,609.00 IN FUND  
8 BALANCE FROM THE ENVIRONMENTAL PROTECTION FUND  
9 (THE "FUND") TO PROVIDE FUNDING FOR THE  
10 SEVENTEENTH STATE OF THE RIVER REPORT FOR THE  
11 LOWER ST. JOHNS RIVER BASIN (THE "PROJECT"), AS  
12 INITIATED BY REVISED B.T. 24-130; PROVIDING FOR  
13 WAIVER OF SECTION 111.755 (ENVIRONMENTAL  
14 PROTECTION FUND), PART 7 (ENVIRONMENT AND  
15 CONSERVATION), CHAPTER 111 (SPECIAL REVENUE AND  
16 TRUST ACCOUNTS), *ORDINANCE CODE*, TO AUTHORIZE  
17 UTILIZATION OF FUNDS FROM THE FUND TO CONTINUE  
18 FUNDING THE ANNUAL STATE OF THE RIVER REPORT;  
19 PROVIDING FOR WAIVER OF SECTION 360.602 (USES OF  
20 FUND), PART 6 (ENVIRONMENTAL PROTECTION FUND),  
21 CHAPTER 360 (ENVIRONMENTAL REGULATION),  
22 *ORDINANCE CODE*, TO ALLOW FOR THE UTILIZATION OF  
23 FUNDS FROM THE FUND TO CONTINUE FUNDING THE  
24 ANNUAL STATE OF THE RIVER REPORT; APPROVING, AND  
25 AUTHORIZING THE MAYOR, OR HER DESIGNEE, AND THE  
26 CORPORATION SECRETARY TO EXECUTE AND DELIVER AN  
27 AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND  
28 JACKSONVILLE UNIVERSITY FOR THE PROJECT;  
29 INVOKING THE EXEMPTION IN 126.108(G) (EXEMPTIONS  
30 FROM COMPETITIVE SOLICITATION), SUBPART A  
31 (GENERAL REGULATIONS), PART 1 (GENERAL

1 REGULATIONS; ETHICS AND TRANSPARENCY IN PUBLIC  
 2 CONTRACTING), CHAPTER 126 (PROCUREMENT CODE),  
 3 ORDINANCE CODE, TO DIRECT CONTRACT WITH  
 4 JACKSONVILLE UNIVERSITY FOR THE PROJECT; WAIVING  
 5 SECTION 118.107 (NONPROFITS TO RECEIVE FUNDING  
 6 THROUGH A COMPETITIVE EVALUATED AWARD PROCESS),  
 7 PART 1 (GENERAL PROVISIONS), CHAPTER 118 (CITY  
 8 GRANTS), ORDINANCE CODE, TO ALLOW A DIRECT  
 9 CONTRACT WITH JACKSONVILLE UNIVERSITY;  
 10 PROVIDING FOR OVERSIGHT BY THE NEIGHBORHOODS  
 11 DEPARTMENT, ENVIRONMENTAL QUALITY DIVISION;  
 12 REQUIRING ANNUAL REPORTS; PROVIDING AN EFFECTIVE  
 13 DATE.

14  
 15 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

20 (Revised B.T. 24-130 attached hereto as **Revised Exhibit 1**, labeled  
 21 as "Revised Exhibit 1, Rev B.T. 24-130, September 3, 2024 - Rules"  
 22 and incorporated herein by this reference)

23 (a) Appropriated from:

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

25 (b) Appropriated to:

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

27 (c) Explanation of Appropriation:

28 The appropriation above is fund balance from the  
 29 Environmental Protection Fund (the "Fund") to procure the  
 30 professional services of Jacksonville University for  
 31 preparation of the Seventeenth State of the River Report.

1           **Section 2.           Purpose.**   The purpose of the appropriation in  
2 Section 1 is to provide funding for preparation of the Seventeenth  
3 State of the River Report which provides a comprehensive, scientific  
4 analysis of the health and condition of the Lower St. Johns River  
5 Basin (the "Project"). The State of the River Report has been  
6 published annually since 2008 and has been funded by the Board as one  
7 component of the River Accord, an initiative of various key  
8 stakeholders in the area designed to address the immediate needs of  
9 the River and to assure its long-term health.

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

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

1 as reflected in **Exhibit 2**.

2       **Section 4. Waiver of Section 360.602 (Uses of Fund),**  
3 **Ordinance Code.** Section 360.602 (Uses of Fund), Part 6  
4 (Environmental Protection Fund), Chapter 360 (Environmental  
5 Regulation), *Ordinance Code*, is hereby waived. Section 360.602 sets  
6 forth specific purposes for which the Fund must be used by the Board.  
7 Section 360.602 provides that any studies, surveys, tests and  
8 investigations funded from the Fund shall be special projects of a  
9 unique, onetime nature, and shall not be continuing. This waiver is  
10 necessary to allow the use of Fund dollars for the continued funding  
11 of the State of the River Reports. At its meeting on February 20,  
12 2024, this waiver was approved by the Board as reflected in **Exhibit**  
13 **2**.

14       **Section 5. Agreement Approved and Execution Authorized.**  
15 There is hereby approved, and the Mayor, or her designee, and the  
16 Corporation Secretary are hereby authorized to execute and deliver,  
17 the Agreement Between the City of Jacksonville and Jacksonville  
18 University for the Seventeenth State of the River Report for the  
19 Lower St. Johns River Basin, in substantially the same form placed  
20 **Revised On File** with the Legislative Services Division and  
21 incorporated herein by this reference (the "Agreement"). The  
22 Agreement may include any extensions or amendments thereto as  
23 necessary and appropriate to effectuate the intent of this Ordinance;  
24 provided, however, no modifications to the Agreement may increase the  
25 financial obligations or the liability of the City to an amount in  
26 excess of the amount stated in the Agreement or decrease the duties  
27 and obligations of Jacksonville University as stated in the Agreement.

28       **Section 6. Invoking the Exemption in Section 126.108(g),**  
29 **Ordinance Code.** The City is hereby authorized to procure the use of  
30 the professional services of Jacksonville University to conduct the  
31 Project. Pursuant to Section 126.108(g) (Exemptions from competitive

1 solicitation), Subpart A (General Regulations), Part 1 (General  
2 Regulations; Ethics and Transparency in Public Contracting), Chapter  
3 126 (Procurement Code), *Ordinance Code*, such procurement is exempted  
4 from competitive solicitation because the supplies or services are  
5 to be provided by those specifically prescribed within authorizing  
6 legislation that appropriates the same. With the exception of the  
7 foregoing, all other provisions of Chapter 126, *Ordinance Code*, shall  
8 remain in full force and effect.

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

26         **Section 8. Oversight.** The Environmental Quality Division  
27 of the Neighborhoods Department shall provide oversight of the  
28 Agreement and Project described herein.

29         **Section 9. Annual Reports.** Jacksonville University is  
30 required to provide the Seventeenth State of the River Report to the  
31 Jacksonville Environmental Protection Board in September 2024 so that

1 it can be released at the annual Environmental Symposium.

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

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6 Form Approved:

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8                 /s/ Mary E. Staffopoulos          

9 Office of General Counsel

10 Legislation Prepared By: Joelle J. Dillard

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