

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2019-882**

5 AN ORDINANCE APPROPRIATING \$50,000.00 IN FUND
6 BALANCE FROM THE ENVIRONMENTAL PROTECTION
7 TRUST FUND (THE "FUND") TO PROVIDE FUNDING TO
8 SUPPORT ADDITIONAL DEPTH DREDGING AND THE
9 SUBSEQUENT REMOVAL AND DISPOSAL OF
10 CONTAMINATED SOILS FROM MILLERS CREEK (THE
11 "PROJECT"), AS INITIATED BY B.T. 20-032;
12 PROVIDING FOR WAIVER OF SECTION 111.755
13 (ENVIRONMENTAL PROTECTION FUND), PART 7
14 (ENVIRONMENT AND CONSERVATION), CHAPTER 111
15 (SPECIAL REVENUE AND TRUST ACCOUNTS),
16 *ORDINANCE CODE*, TO AUTHORIZE THE BOARD TO
17 UTILIZE FUNDS FROM THE FUND FOR THE PROJECT;
18 PROVIDING FOR WAIVER OF SECTION 360.602 (USES
19 OF FUND), PART 6 (ENVIRONMENTAL PROTECTION
20 FUND), CHAPTER 360 (ENVIRONMENTAL REGULATION),
21 *ORDINANCE CODE*, TO AUTHORIZE THE BOARD TO
22 UTILIZE FUNDS FROM THE FUND FOR THE PROJECT;
23 INVOKING THE EXCEPTION OF SECTION 126.107(G)
24 (EXEMPTIONS), CHAPTER 126 (PROCUREMENT CODE),
25 *ORDINANCE CODE*, TO DIRECT CONTRACT MILLERS
26 CREEK SPECIAL DISTRICT FOR THE PROJECT;
27 APPROVING AND AUTHORIZING THE MAYOR, OR HIS
28 DESIGNEE, AND THE CORPORATION SECRETARY TO
29 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE
30 CITY, THE FUNDING AGREEMENT FOR MILLERS CREEK
31 SPECIAL DISTRICT ECOLOGICAL RESTORATION

1 BETWEEN THE CITY OF JACKSONVILLE AND MILLERS
2 CREEK SPECIAL DISTRICT FOR THE PROJECT;
3 PROVIDING FOR CITY OVERSIGHT BY THE
4 ENVIRONMENTAL QUALITY DIVISION; REQUIRING
5 REPORT; PROVIDING AN EFFECTIVE DATE.
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7 **BE IT ORDAINED** by the Council of the City of Jacksonville:

8 **Section 1. Appropriation.** For the 2019-2020 fiscal year,
9 within the City's budget, there is 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 (B.T. 20-032, attached hereto as **Exhibit 1** and incorporated herein
13 by this reference)

14 (a) Appropriated from:

15 See B.T. 20-032 \$50,000.00

16 (b) Appropriated to:

17 See B.T. 20-032 \$50,000.00

18 (c) Explanation of Appropriation

19 The appropriation above is fund balance from the
20 Environmental Protection Trust Fund to support additional
21 depth dredging and the subsequent removal and disposal of
22 contaminated soils from Millers Creek.

23 **Section 2. Purpose.** The purpose of the appropriation in
24 Section 1 is to provide funding to support and assist Millers Creek
25 Special District (the "District") with the ongoing ecological
26 restoration project in the southern section of the channel of
27 Millers Creek (the "Project"). The funding will allow additional
28 depth dredging and the subsequent removal and disposal of
29 contaminated soil in Zone A-1.

30 **Section 3. Waiver of Section 111.755 (Environmental**
31 **Protection Fund), Ordinance Code.** Section 111.755 (Environmental

1 Protection Fund), Part 7 (Environment and Conservation), Chapter
2 111 (Special Revenue and Trust Accounts) is hereby waived. Section
3 111.755 sets forth specific purposes for which the Environmental
4 Protection Fund (the "Fund") must be used by the Environmental
5 Protection Board (the "Board"). Section 111.755 does not list
6 dredging and the removal and disposal of contaminated soil as one
7 of the purposes for which the Fund may be used and the waiver is
8 thus necessary to authorize the Board to utilize funds from the
9 Fund for the Project. At its public hearing on August 19, 2019,
10 the Board determined that funding of the Project is a worthwhile
11 and beneficial use of the Fund and such Code waivers were approved
12 by a unanimous vote of the Board. A copy of the minutes of the
13 Board meeting of August 19, 2019, is attached hereto as **Exhibit 2**
14 and incorporated herein by this reference.

15 **Section 4. Waiver of Section 360.602 (Uses of Fund),**
16 **Ordinance Code.** Section 360.602 (Uses of Fund), Part 6
17 (Environmental Protection Fund), Chapter 360 (Environmental
18 Regulation), *Ordinance Code*, is hereby waived. Section 360.602 sets
19 forth specific purposes for which the Fund must be used by the
20 Board. Section 360.602 does not list dredging and the removal and
21 disposal of contaminated soil as one of the purposes for which the
22 Fund may be used and the waiver is thus necessary to authorize the
23 Board to utilize funds from the Fund for the Project.

24 **Section 5. Invoking the exception pursuant to Section**
25 **126.107(g), Ordinance Code.** The City is hereby authorized to
26 procure the use of the services of the District for the purposes
27 described in Section 2. Pursuant to Section 126.107(g)
28 (Exemptions), Part 1 (General Regulations), Chapter 126
29 (Procurement Code), *Ordinance Code*, such procurement is exempted
30 from competitive solicitation because the supplies or services are
31 to be provided by those specifically prescribed within authorizing

1 legislation that appropriates the same. With the exception of the
2 foregoing, all other provisions of Chapter 126, *Ordinance Code*,
3 shall remain in full force and effect.

4 **Section 6. Funding Agreement approved and execution**
5 **authorized.** There is hereby approved, and the Mayor, or his
6 designee, and Corporation Secretary are hereby authorized to
7 execute and deliver, for and on behalf of the City, the Funding
8 Agreement for Millers Creek Special District Ecological Restoration
9 between the City Of Jacksonville and Millers Creek Special District
10 for the Project, attached hereto as **Exhibit 3** and incorporated
11 herein by this reference.

12 **Section 7. Oversight Department.** The Environmental
13 Quality Division shall oversee the Project.

14 **Section 8. Annual Report.** A report shall be provided by
15 the District to the Board at the conclusion of the Project.

16 **Section 9. Effective Date.** This ordinance shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

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20 Form Approved:

21
22 /s/ James R. McCain, Jr.

23 Office of General Counsel

24 Legislation prepared by: James R. McCain, Jr.

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