

1 Introduced by the Council President at the Request of the Mayor &
2 Co-Sponsored by Council Members Newby, White, Salem, Hazouri,
3 Boylan, Bowman and Ferraro and amended by the Neighborhoods,
4 Community Services, Public Health & Safety Committee:
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7 **ORDINANCE 2020-328-E**

8 AN ORDINANCE MAKING CERTAIN FINDINGS AND
9 APPROPRIATING \$16,548,162.10 IN CARES ACT
10 FUNDS PLACED IN A CONTINGENCY ACCOUNT TO BE
11 PLACED IN THE SUBSIDIES AND CONTRIBUTIONS TO
12 PRIVATE ORGANIZATIONS ACCOUNT TO BE USED FOR
13 BUSINESS RELIEF GRANTS TO THOSE BUSINESSES WHO
14 SUFFERED NEGATIVE IMPACTS DUE TO COVID-19;
15 AUTHORIZING DISBURSEMENT OF \$16,548,162.10 OF
16 BUSINESS RELIEF GRANT FUNDS TO THOSE
17 BUSINESSES AND IN SUCH AMOUNTS AS SET FORTH ON
18 REVISED EXHIBIT 1 ATTACHED HERETO, FROM THE
19 \$20,000,000 IN CARES ACT GRANT FUNDING
20 PREVIOUSLY APPROPRIATED BY ORDINANCE 2020-235-
21 E (THE "BUSINESS RELIEF GRANT FUNDS") TO
22 PROVIDE ADDITIONAL FUNDING TO FOR-PROFIT AND
23 NON-PROFIT BUSINESSES WITHIN DUVAL COUNTY
24 NEGATIVELY IMPACTED BY COVID-19 RESPONSE
25 MEASURES; AUTHORIZING THE CITY TO ENTER INTO
26 GRANT AGREEMENTS WITH RECIPIENTS; INVOKING THE
27 EXCEPTION OF 126.107(G) (EXEMPTIONS), CHAPTER
28 126 (PROCUREMENT CODE), *ORDINANCE CODE*, TO
29 DIRECT CONTRACT WITH GRANT RECIPIENTS;
30 REQUESTING THAT THE FINANCE AND ADMINISTRATION

1 DEPARTMENT AND OFFICE OF ECONOMIC DEVELOPMENT
2 OVERSEE THE COVID-19 BUSINESS RELIEF GRANT
3 PROGRAM; REQUESTING ONE-CYCLE EMERGENCY
4 PASSAGE; PROVIDING AN EFFECTIVE DATE.

5 **WHEREAS**, the Novel Coronavirus Disease 2019 ("COVID-19") is a
6 severe, acute respiratory illness that can spread among humans
7 through respiratory transmission and presents with symptoms similar
8 to those of influenza; and

9 **WHEREAS**, the World Health Organization previously declared
10 COVID-19 a public health emergency of international concern; and

11 **WHEREAS**, on March 9, 2020 the Governor of the State of Florida
12 declared a state of emergency exists in the State of Florida in
13 regard of COVID-19; and

14 **WHEREAS**, on March 13, 2020, Mayor Lenny Curry of the City of
15 Jacksonville proclaimed and declared a state of emergency exists in
16 Duval County associated with COVID-19; and

17 **WHEREAS**, also on March 13, 2020, President Donald J. Trump
18 declared a national emergency to combat COVID-19; and

19 **WHEREAS**, as elsewhere in the country, the citizens and
20 businesses of Duval County are suffering severe economic impacts
21 stemming in part from national, state and local measures closing
22 certain businesses, public schools, public beaches, imposing
23 emergency work-at-home requirements and limiting public gatherings
24 (the "Emergency Measures") in an effort to slow the infection rate
25 of COVID-19; and

26 **WHEREAS**, as a result of COVID-19 and the resulting Emergency
27 Measures, the City also desires to appropriate and authorize
28 disbursement of \$16,548,162.10 of Cares Act funding previously
29 appropriated by Ordinance 2020-235-E to those business entities
30 located in the City of Jacksonville that have suffered economic
31 harm as a result of COVID-19, in such amounts as set forth on

1 **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Revised Grant
2 List, June 15, 2020 - NCSPHS" attached hereto.

3 **WHEREAS**, disbursement of the Business Relief Grant funds is
4 intended to lessen the severe economic impacts of COVID-19 to
5 businesses located in Duval County, to partially reimburse costs of
6 business interruption and assist in the economic recovery in Duval
7 County from the impacts of COVID-19; now therefore

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

9 **Section 1. Findings.** It is hereby ascertained,
10 determined, found and declared as follows:

11 (a) The recitals set forth herein are true and correct.

12 (b) By incentivizing job creation and retention of employees
13 the grant program authorized hereby is designed to benefit both
14 individuals and businesses and will promote and further the public
15 and municipal purposes of the City and serve to limit the severe
16 economic impacts of COVID-19.

17 (c) The Business Relief Grants are designed to provide rapid
18 economic relief to businesses in the City in order to maintain the
19 viability of such businesses and the employment of individuals
20 thereof, thus maintaining the City's tax base and revenues, and
21 provide economic assistance to individuals financially harmed from
22 the impacts of COVID-19 and are necessary expenditures incurred due
23 to the public health emergency with respect to COVID-19.

24 (d) Enhancement of the City's tax base and revenues, are
25 matters of State and City policy and State and City concern in
26 order that the State and its counties and municipalities, including
27 the City, shall not continue to be endangered by unemployment,
28 underemployment, economic recession, poverty, crime and disease,
29 and consume an excessive proportion of the State and City revenues
30 because of the extra services required for police, fire, accident,
31 health care, elderly care, charity care, hospitalization, public

1 housing and housing assistance, and other forms of public
2 protection, services and facilities.

3 (e) The grants authorized hereby will provide economic relief
4 to businesses located in the City of Jacksonville, thus encouraging
5 ongoing compliance with the Emergency Measures and benefitting the
6 health, safety and welfare of the citizens of Duval County.

7 (f) The provision of the City's assistance as set forth
8 herein is necessary and appropriate, and the City's assistance is
9 reasonable and not excessive, taking into account the extent of the
10 public benefits expected to be derived from the grants authorized
11 hereby, and taking into account all other forms of assistance
12 available.

13 (g) The authorizations provided by this Ordinance are for
14 public uses and purposes for which the City may use its powers as a
15 county, municipality and as a political subdivision of the State of
16 Florida and may expend public funds, and the necessity in the
17 public interest for the provisions herein enacted is hereby
18 declared as a matter of legislative determination.

19 (h) This Ordinance is adopted pursuant to the provisions of
20 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
21 Charter, and other applicable provisions of law.

22 **Section 2. Appropriation.** For the 2019-2020 fiscal year,
23 within the City's budget, there are hereby appropriated the
24 indicated sum(s) from the account(s) listed in subsection (a) to
25 the account(s) listed in subsection (b):

26 (The account information is attached hereto as **Exhibit 2** and
27 incorporated herein by this reference)

28 (a) Appropriated from:

29 See attached **Exhibit 2** \$16,548,162.10

30 (b) Appropriated to:

31 See attached **Exhibit 2** \$16,548,162.10

1 (c) **Explanation of Appropriation:**

2 The funding above is from CARES Act funds placed in a
3 Contingency account to be placed in the Subsidies and
4 Contributions to Private Organizations account to be used
5 for business relief grants to those businesses who
6 suffered negative impacts due to COVID-19.

7 **Section 3. Purpose.** The purpose of the appropriation in
8 Section 2 is to provide funding to be used for business relief
9 grants to those businesses who suffered negative impacts due to
10 COVID-19 as identified in **Revised Exhibit 1**, labeled as "Revised
11 Exhibit 1, Revised List, June 15, 2020 - NCSPHS."

12 **Section 4. Business Relief Program grants approved.** By
13 this Ordinance, the City is authorized and directed to provide
14 Business Relief Grants to those Duval County businesses
15 (collectively, the "Grant Recipients") and in such amounts as set
16 forth on **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Revised
17 Grant List, June 15, 2020 - NCSPHS" attached hereto and
18 incorporated herein by reference.

19 **Section 5. Agreement approved and execution authorized.**
20 There is hereby approved, and the Mayor, or his designee, and
21 Corporation Secretary are hereby authorized to execute and deliver,
22 grant agreements between the City of Jacksonville and the Grant
23 Recipients in substantially the form attached hereto as **Exhibit 3**.
24 Each Agreement provides for CARES Act grants funds in such amounts
25 as set forth in **Revised Exhibit 1**, labeled as "Revised Exhibit 1,
26 Revised List, June 15, 2020 - NCSPHS." The Agreements may include
27 such additions, deletions and changes as may be reasonable,
28 necessary and incidental for carrying out the purposes thereof, as
29 may be acceptable to the Mayor, or his designee, with such
30 inclusion and acceptance being evidenced by execution of the
31 Agreement by the Mayor, or his designee; provided however, no

1 modification to the Agreement may increase the financial
2 obligations or liability of the City to an amount in excess of the
3 amount stated in the Agreement or decrease the duties and
4 obligations of the Grant Recipients as stated in the Agreement, and
5 any such modification shall be technical only and shall be subject
6 to appropriate legal review and approval by the Office of General
7 Counsel. For the purposes of this Ordinance, the term "technical
8 changes" is defined as those changes having no financial impact to
9 the City and any other non-substantive changes that do not
10 substantively increase the duties and responsibilities of the City
11 under the provisions of the Agreement, including any amendments
12 deemed necessary to comply with Federal law applicable to the grant
13 funds authorized by the Agreements.

14 **Section 6. Invoking the exception to Section 126.107(g),**
15 **Ordinance Code.** The City is hereby authorized to enter into grant
16 agreements with the grant recipients set forth on **Revised Exhibit**
17 **1**, labeled as "Revised Exhibit 1, Revised Grant List, June 15, 2020
18 - NCSPHS", for the purposes of providing non-faith based services
19 to the citizens of Duval County. Pursuant to Section 126.107(g)
20 (Exemptions), Part 1 (General Regulations), Chapter 126
21 (Procurement Code), Ordinance Code, such procurement is exempted
22 from competitive solicitation because the supplies or services are
23 to be provided by those specifically prescribed within authorizing
24 legislation that appropriates the same. With the exception of the
25 foregoing, all other provisions of Chapter 126, Ordinance Code,
26 shall remain in full force and effect. The failure of a grant
27 recipient to enter into the applicable grant agreement shall render
28 such entity ineligible for the grant funds authorized hereby.

29 **Section 7. Oversight Department.** The Finance and
30 Administration Department and Office of Economic Development shall
31 provide oversight for the Program.

1 **Section 8. Requesting one cycle emergency passage**
2 **pursuant to Council Rule 4.901 Emergency.** Once cycle emergency
3 passage of this legislation is requested. The nature of the
4 emergency is that the negative health and economic impacts of
5 COVID-19 are ongoing and immediate economic assistance will assist
6 in maintaining the viability of businesses and financial needs of
7 the citizens of Duval County impacted by the COVID-19 pandemic.

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

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12 Form Approved:

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14 /s/ Margaret M. Sidman

15 Office of General Counsel

16 Legislation prepared by: John Sawyer

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