

1 Introduced by the Council President at the Request of the Mayor and
2 amended on the Floor of Council:

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4
5 **ORDINANCE 2020-412-E**

6 AN ORDINANCE MAKING CERTAIN FINDINGS AND
7 APPROPRIATING \$3,451,837.90 IN CARES ACT FUNDS
8 PREVIOUSLY PLACED IN A CONTINGENCY ACCOUNT AND
9 \$3,752,900.41 OF CARES ACT FUNDS PREVIOUSLY
10 PLACED IN A MISCELLANEOUS GRANTS AND AIDS
11 ACCOUNT TO BE PLACED IN THE SUBSIDIES AND
12 CONTRIBUTIONS TO PRIVATE ORGANIZATIONS ACCOUNT
13 TO BE USED FOR BUSINESS RELIEF GRANTS TO THOSE
14 BUSINESSES WHO SUFFERED NEGATIVE IMPACTS DUE
15 TO COVID-19, AS INITIATED BY REVISED B.T. 20-
16 103; AUTHORIZING DISBURSEMENT OF \$7,204,738.31
17 OF BUSINESS RELIEF GRANT FUNDS TO THOSE
18 BUSINESSES AND IN SUCH AMOUNTS AS SET FORTH ON
19 REVISED EXHIBIT 1 ATTACHED HERETO,
20 \$3,451,837.90 FROM THE \$20,000,000 IN CARES
21 ACT GRANT FUNDING PREVIOUSLY APPROPRIATED BY
22 ORDINANCE 2020-235-E (THE "BUSINESS RELIEF
23 GRANT FUNDS"), AND \$3,752,900.41 FROM THE
24 \$26,500,000 PREVIOUSLY APPROPRIATED BY
25 ORDINANCE 2020-201-E AND ORDINANCE 2020-235-E
26 (THE "COVID-19 SMALL BUSINESS RELIEF AND
27 EMPLOYEE RETENTION GRANT PROGRAM") TO PROVIDE
28 ADDITIONAL FUNDING TO FOR-PROFIT AND NON-
29 PROFIT BUSINESSES WITHIN DUVAL COUNTY
30 NEGATIVELY IMPACTED BY COVID-19 RESPONSE

1 MEASURES; AUTHORIZING THE CITY TO ENTER INTO
2 GRANT AGREEMENTS WITH RECIPIENTS; INVOKING THE
3 EXCEPTION OF 126.107(G) (EXEMPTIONS), CHAPTER
4 126 (PROCUREMENT CODE), *ORDINANCE CODE*, TO
5 DIRECT CONTRACT WITH GRANT RECIPIENTS;
6 AMENDING 2020-328-E AND REPLACING THE GRANT
7 RECIPIENT LIST APPROVED; REQUESTING THAT THE
8 FINANCE AND ADMINISTRATION DEPARTMENT AND
9 OFFICE OF ECONOMIC DEVELOPMENT OVERSEE THE
10 COVID-19 BUSINESS RELIEF GRANT PROGRAM;
11 REQUESTING ONE-CYCLE EMERGENCY PASSAGE;
12 PROVIDING AN EFFECTIVE DATE.

13
14 **WHEREAS**, the Novel Coronavirus Disease 2019 ("COVID-19") is a
15 severe, acute respiratory illness that can spread among humans
16 through respiratory transmission and presents with symptoms similar
17 to those of influenza; and

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

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

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

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

28 **WHEREAS**, as elsewhere in the country, the citizens and
29 businesses of Duval County are suffering severe economic impacts
30 stemming in part from national, state and local measures closing
31 certain businesses, public schools, public beaches, imposing

1 emergency work-at-home requirements and limiting public gatherings
2 (the "Emergency Measures") in an effort to slow the infection rate
3 of COVID-19; and

4 **WHEREAS**, as a result of COVID-19 and the resulting Emergency
5 Measures, the City also desires to appropriate and authorize
6 disbursement of \$3,451,837.90 of CARES Act funding previously
7 appropriated by Ordinance 2020-235-E and \$3,752,900.41 of CARES Act
8 funding previously appropriated by Ordinance 2020-201-E and
9 Ordinance 2020-235-E to those business entities located in the City
10 of Jacksonville that have suffered economic harm as a result of
11 COVID-19, in such amounts as set forth on **Revised Exhibit 1**,
12 labeled as "Revised Exhibit 1, Rev Recipient List, August 3, 2020 -
13 NCSPHS" attached hereto; and

14 **WHEREAS**, disbursement of the Business Relief Grant funds is
15 intended to lessen the severe economic impacts of COVID-19 to
16 businesses located in Duval County, to partially reimburse costs of
17 business interruption and assist in the economic recovery in Duval
18 County from the impacts of COVID-19; now therefore

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

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

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

23 (b) By incentivizing job creation and retention of employees
24 the grant program authorized hereby is designed to benefit both
25 individuals and businesses and will promote and further the public
26 and municipal purposes of the City and serve to limit the severe
27 economic impacts of COVID-19.

28 (c) The Business Relief Grants are designed to provide rapid
29 economic relief to businesses in the City in order to maintain the
30 viability of such businesses and the employment of individuals
31 thereof, thus maintaining the City's tax base and revenues, and

1 provide economic assistance to individuals financially harmed from
2 the impacts of COVID-19 and are necessary expenditures incurred due
3 to the public health emergency with respect to COVID-19.

4 (d) Enhancement of the City's tax base and revenues, are
5 matters of State and City policy and State and City concern in
6 order that the State and its counties and municipalities, including
7 the City, shall not continue to be endangered by unemployment,
8 underemployment, economic recession, poverty, crime and disease,
9 and consume an excessive proportion of the State and City revenues
10 because of the extra services required for police, fire, accident,
11 health care, elderly care, charity care, hospitalization, public
12 housing and housing assistance, and other forms of public
13 protection, services and facilities.

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

18 (f) The provision of the City's assistance as set forth
19 herein is necessary and appropriate, and the City's assistance is
20 reasonable and not excessive, taking into account the extent of the
21 public benefits expected to be derived from the grants authorized
22 hereby, and taking into account all other forms of assistance
23 available.

24 (g) The authorizations provided by this Ordinance are for
25 public uses and purposes for which the City may use its powers as a
26 county, municipality and as a political subdivision of the State of
27 Florida and may expend public funds, and the necessity in the
28 public interest for the provisions herein enacted is hereby
29 declared as a matter of legislative determination.

30 (h) This Ordinance is adopted pursuant to the provisions of
31 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's

1 Charter, and other applicable provisions of law.

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

6 (Revised B.T. 20-103 is attached hereto as **Revised Exhibit 2,**
7 labeled as "Revised Exhibit 2, Revised B.T. 20-103, August 3, 2020
8 - NCSPHS" and incorporated herein by this reference)

9 (a) Appropriated from:

10 See attached **Revised Exhibit 2** \$7,204,738.31

11 (b) Appropriated to:

12 See attached **Revised Exhibit 2** \$7,204,738.31

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

14 \$3,451,837.90 of the funding above is from CARES Act
15 funds placed in a Contingency account to be placed in the
16 Subsidies and Contributions to Private Organizations
17 account, and \$3,752,900.41 of the funding above is from
18 CARES Act funds place in the COVID-19 Small Business
19 Relief Grant Program/Miscellaneous Grants and Aids
20 account to be placed in the Subsidies and Contributions
21 to Private Organizations account to be used for business
22 relief grants to those businesses who suffered negative
23 impacts due to COVID-19.

24 **Section 3. Purpose.** The purpose of the appropriation in
25 Section 2 is to provide funding to be used for business relief
26 grants to those businesses who suffered negative impacts due to
27 COVID-19 as identified in **Revised Exhibit 1,** labeled as "Revised
28 Exhibit 1, Rev Recipient List, August 3, 2020 - NCSPHS" attached
29 hereto and incorporated herein by reference.

30 **Section 4. Business Relief Program grants approved.** By
31 this Ordinance, the City is authorized and directed to provide

1 Business Relief Grants to those Duval County businesses
2 (collectively, the "Grant Recipients") and in such amounts as set
3 forth on **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev
4 Recipient List, August 3, 2020 - NCSPHS" attached hereto and
5 incorporated herein by reference.

6 **Section 5. Agreement approved and execution authorized.**

7 There is hereby approved, and the Mayor, or his designee, and
8 Corporation Secretary are hereby authorized to execute and deliver,
9 grant agreements between the City of Jacksonville and the Grant
10 Recipients in substantially the form attached hereto as **Exhibit 3**.
11 Each Agreement provides for CARES Act grants funds in such amounts
12 as set forth in **Revised Exhibit 1**, labeled as "Revised Exhibit 1,
13 Rev Recipient List, August 3, 2020 - NCSPHS." The Agreements may
14 include such additions, deletions and changes as may be reasonable,
15 necessary and incidental for carrying out the purposes thereof, as
16 may be acceptable to the Mayor, or his designee, with such
17 inclusion and acceptance being evidenced by execution of the
18 Agreement by the Mayor, or his designee; provided however, no
19 modification to the Agreement may increase the financial
20 obligations or liability of the City to an amount in excess of the
21 amount stated in the Agreement or decrease the duties and
22 obligations of the Grant Recipients as stated in the Agreement, and
23 any such modification shall be technical only and shall be subject
24 to appropriate legal review and approval by the Office of General
25 Counsel. For the purposes of this Ordinance, the term "technical
26 changes" is defined as those changes having no financial impact to
27 the City and any other non-substantive changes that do not
28 substantively increase the duties and responsibilities of the City
29 under the provisions of the Agreement, including any amendments
30 deemed necessary to comply with Federal law applicable to the grant
31 funds authorized by the Agreements.

1 **Section 6. Invoking the exception to Section 126.107(g),**
2 **Ordinance Code.** The City is hereby authorized to enter into grant
3 agreements with the grant recipients set forth on **Revised Exhibit**
4 **1**, labeled as "Revised Exhibit 1, Rev Recipient List, August 3,
5 2020 - NCSPHS" for the purposes of providing non-faith based
6 services to the citizens of Duval County. Pursuant to Section
7 126.107(g) (Exemptions), Part 1 (General Regulations), Chapter 126
8 (Procurement Code), Ordinance Code, such procurement is exempted
9 from competitive solicitation because the supplies or services are
10 to be provided by those specifically prescribed within authorizing
11 legislation that appropriates the same. With the exception of the
12 foregoing, all other provisions of Chapter 126, Ordinance Code,
13 shall remain in full force and effect. The failure of a grant
14 recipient to enter into the applicable grant agreement shall render
15 such entity ineligible for the grant funds authorized hereby.

16 **Section 7. Amending 2020-328-E and replacing the grant**
17 **recipient list.** Ordinance 2020-328-E approved a first round of
18 Business Relief Grants for organizations in an amount of
19 \$16,548,162.10. After approval by City Council, one of the
20 organizations notified the City that it would not need the funding
21 due to other revenues received, and it was determined that a grant
22 recipient's legal name needs to be corrected from "Riverside Arts
23 Market, LLC" to "Riverside-Avondale Preservation, Inc." As a
24 result, the grants recipient list, Revised Exhibit 1 to Ordinance
25 2020-328-E, is hereby amended. The Third Revised Exhibit 1 to 2020-
26 328-E is incorporated herein and attached hereto as **Revised Exhibit**
27 **4**, labeled as "Revised Exhibit 4, 3rd Rev Ex 1 to 2020-328-E, August
28 11, 2020 - Floor."

29 **Section 8. Oversight Department.** The Finance and
30 Administration Department and Office of Economic Development shall
31 provide oversight for the Program.

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

11
12 Form Approved:

13
14 /s/ Margaret M. Sidman

15 Office of General Counsel

16 Legislation prepared by: John Sawyer

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