

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Members Morgan, Bowman, Ferraro, Carlucci,
3 Salem and DeFoor:

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6 **ORDINANCE 2020-590**

7 AN ORDINANCE APPROPRIATING \$6,700.00 IN FUND
8 BALANCE FROM THE ENVIRONMENTAL PROTECTION FUND
9 (THE "FUND") TO PROVIDE FUNDING FOR THE
10 COMPLETION OF A FOUR-YEAR, COMPREHENSIVE STUDY
11 OF MERCURY IN THE DUVAL COUNTY ENVIRONMENT, AS
12 INITIATED BY B.T. 20-114; PROVIDING FOR
13 CARRYOVER OF FUNDS THROUGH SEPTEMBER 30, 2021;
14 PROVIDING FOR WAIVER OF SECTION 111.755
15 (ENVIRONMENTAL PROTECTION FUND), PART 7
16 (ENVIRONMENT AND CONSERVATION), CHAPTER 111
17 (SPECIAL REVENUE AND TRUST ACCOUNTS),
18 *ORDINANCE CODE*, TO AUTHORIZE THE ENVIRONMENTAL
19 PROTECTION BOARD ("EPB") TO UTILIZE FUNDS FROM
20 THE FUND TO PURCHASE EQUIPMENT TO BE USED
21 DURING THE MERCURY STUDY; INVOKING THE
22 EXCEPTION OF SECTION 126.107(G) (EXEMPTIONS),
23 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE*
24 *CODE*, TO ALLOW FOR A DIRECT CONTRACT WITH
25 JACKSONVILLE UNIVERSITY FOR THE MERCURY STUDY;
26 PROVIDING FOR WAIVER OF SECTION 360.602 (USES
27 OF FUND), PART 6 (ENVIRONMENTAL PROTECTION
28 FUND), CHAPTER 360 (ENVIRONMENTAL REGULATION),
29 *ORDINANCE CODE*, TO AUTHORIZE THE EPB TO
30 UTILIZE FUNDS FROM THE FUND TO PURCHASE
31 EQUIPMENT TO BE USED DURING THE MERCURY STUDY;

1 APPROVING AND AUTHORIZING THE MAYOR, OR HIS
2 DESIGNEE, AND THE CORPORATION SECRETARY TO
3 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE
4 CITY, ANY AMENDMENTS TO THE AGREEMENT BETWEEN
5 THE CITY OF JACKSONVILLE AND JACKSONVILLE
6 UNIVERSITY NECESSARY TO EFFECTUATE THE INTENT
7 OF THIS ORDINANCE; PROVIDING FOR CITY
8 OVERSIGHT BY THE NEIGHBORHOODS DEPARTMENT,
9 ENVIRONMENTAL QUALITY DIVISION; REQUIRING A
10 FINAL REPORT; PROVIDING AN EFFECTIVE DATE.

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

13 **Section 1. Appropriation.** For the 2020-2021 fiscal year,
14 within the City's budget, there is hereby appropriated the
15 indicated sum(s) from the account(s) listed in subsection (a) to
16 the account(s) listed in subsection (b):
17 (B.T. 20-114, attached hereto as **Exhibit 1** and incorporated herein
18 by this reference)

19 (a) Appropriated from:

20 See B.T. 20-114 \$6,700.00

21 (b) Appropriated to:

22 See B.T. 20-114 \$6,700.00

23 (c) Explanation of Appropriation

24 The appropriation above is appropriating fund balance
25 from the Environmental Protection Fund to fund the
26 completion of a four-year, comprehensive study of mercury
27 in the Duval County environment (the "Project").

28 **Section 2. Carryover.** The funds appropriated in Section 1
29 of this ordinance shall not lapse but shall carryover into fiscal
30 year 2020-2021.

31 **Section 3. Purpose.** The purpose of the appropriation in

1 Section 1 is to provide funding to Jacksonville University for the
2 continued provision of professional services for completion of the
3 Project pursuant to the Agreement between the City of Jacksonville
4 and Jacksonville University. A copy of the Agreement between the
5 City of Jacksonville and Jacksonville University has been placed **on**
6 **file** with the Office of Legislative Services.

7 **Section 4. Waiver of Section 111.755 (Environmental**
8 **Protection Fund), Ordinance Code.** The provisions of Section
9 111.755 (Environmental Protection Fund), Part 7 (Environment and
10 Conservation), Chapter 111 (Special Revenue and Trust Accounts),
11 *Ordinance Code*, in conflict with this ordinance are hereby waived
12 so as to authorize the EPB to use funds from the Fund for the
13 purchase of equipment to be utilized for the Project. At its
14 public hearing on August 19, 2019, the EPB determined that funding
15 completion of the Project is a worthwhile and beneficial use of
16 Fund dollars and such Code waivers necessary to allow for Project
17 completion were approved by a unanimous vote of the EPB. A copy of
18 the minutes of the EPB meeting of August 19, 2019, is attached
19 hereto as **Exhibit 2** and incorporated herein by this reference.

20 **Section 5. Invoking the exception pursuant to Section**
21 **126.107(g), Ordinance Code.** The City is hereby authorized to
22 continue contracting with Jacksonville University for the purposes
23 described in Section 2. Pursuant to Section 126.107(g)
24 (Exemptions), Part 1 (General Regulations), Chapter 126
25 (Procurement Code), *Ordinance Code*, such procurement is exempted
26 from competitive solicitation because the supplies or services are
27 to be provided by those specifically prescribed within authorizing
28 legislation that appropriates the same. With the exception of the
29 foregoing, all other provisions of Chapter 126, *Ordinance Code*,
30 shall remain in full force and effect.

31 **Section 6. Waiver of Section 360.602 (Uses of Fund),**

1 **Ordinance Code.** The provisions of Section 360.602 (Uses of
2 Fund), Part 6 (Environmental Protection Fund), Chapter 360
3 (Environmental Regulation), *Ordinance Code*, in conflict with this
4 ordinance are hereby waived so as to authorize the EPB to use funds
5 from the Fund for the purchase of equipment to be utilized for the
6 Project. At its public hearing on August 19, 2019, the EPB
7 determined that funding completion of the Project is a worthwhile
8 and beneficial use of Fund dollars and such Code waivers necessary
9 to allow for Project completion were approved by a unanimous vote
10 of the EPB. A copy of the minutes of the EPB meeting of August 19,
11 2019, is attached hereto as **Exhibit 2.**

12 **Section 7. Amendment to Agreement approved and execution**
13 **authorized.** The Mayor, or his designee, and Corporation Secretary
14 are hereby authorized to execute and deliver, for and on behalf of
15 the City, any amendments to the Agreement between the City of
16 Jacksonville and Jacksonville University that are necessary to
17 effectuate the intent of this Ordinance.

18 **Section 8. Oversight Department.** The Neighborhoods
19 Department, Environmental Quality Division, shall oversee the
20 Project.

21 **Section 9. Final Report.** A final report shall be
22 provided by Jacksonville University to the EPB at the conclusion of
23 the Project.

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

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28 Form Approved:

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30 /s/Mary E. Staffopoulos

31 Office of General Counsel

1 Legislation prepared by: Mary E. Staffopoulos

2 GC-#1389063-v1-MBRC-11_-_09-08-20_-_BT20-114_-_JEPB_Mercury_Study_Waivers.docx