

1 Introduced by the Council President at the request of the Mayor &
2 Co-Sponsored by Council Members Morgan, Bowman, Ferraro, Carlucci,
3 Salem and DeFoor and amended by the Neighborhoods, Community
4 Services, Public Health & Safety Committee:
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7 **ORDINANCE 2020-590-E**

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

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

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

15 **Section 1. Appropriation.** For the 2020-2021 fiscal year,
16 within the City's budget, there is hereby appropriated the
17 indicated sum(s) from the account(s) listed in subsection (a) to
18 the account(s) listed in subsection (b):

19 (B.T. 20-114, attached hereto as **Exhibit 1** and incorporated herein
20 by this reference)

21 (a) Appropriated from:

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

23 (b) Appropriated to:

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

25 (c) Explanation of Appropriation

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

30 **Section 2. Purpose.** The purpose of the appropriation in

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

7 **Section 3. 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 supplies and services to be utilized for the Project.
14 At its public hearing on August 19, 2019, the EPB determined that
15 funding completion of the Project is a worthwhile and beneficial
16 use of Fund dollars and such Code waivers necessary to allow for
17 Project completion were approved by a unanimous vote of the EPB. A
18 copy of the minutes of the EPB meeting of August 19, 2019, is
19 attached hereto as **Exhibit 2** and incorporated herein by this
20 reference.

21 **Section 4. Invoking the exception pursuant to Section**
22 **126.107(g), Ordinance Code.** The City is hereby authorized to
23 continue contracting with Jacksonville University for the purposes
24 described in Section 2. Pursuant to Section 126.107(g)
25 (Exemptions), Part 1 (General Regulations), Chapter 126
26 (Procurement Code), *Ordinance Code*, such procurement is exempted
27 from competitive solicitation because the supplies or services are
28 to be provided by those specifically prescribed within authorizing
29 legislation that appropriates the same. With the exception of the
30 foregoing, all other provisions of Chapter 126, *Ordinance Code*,

1 shall remain in full force and effect.

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

14 **Section 6. Amendment to Agreement approved and execution**
15 **authorized.** The Mayor, or his designee, and Corporation Secretary
16 are hereby authorized to execute and deliver, for and on behalf of
17 the City, any amendments to the Agreement between the City of
18 Jacksonville and Jacksonville University that are necessary to
19 effectuate the intent of this Ordinance. A copy of the First
20 Amendment to the Agreement is attached hereto as **Exhibit 3** and
21 incorporated herein.

22 **Section 7. Oversight Department.** The Neighborhoods
23 Department, Environmental Quality Division, shall oversee the
24 Project.

25 **Section 8. Final Report.** A final report shall be
26 provided by Jacksonville University to the EPB at the conclusion of
27 the Project.

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

1 Form Approved:
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3 /s/ Paige H. Johnston

4 Office of General Counsel

5 Legislation prepared by: Mary E. Staffopoulos

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