

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-461**

5 AN ORDINANCE APPROPRIATING \$125,392.00 IN FUND
6 BALANCE FROM THE ENVIRONMENTAL PROTECTION FUND
7 TO CONDUCT AN URBAN AREA ODOR STUDY (THE
8 "PROJECT") AS INITIATED BY B.T. 21-088;
9 PROVIDING A CARRYOVER OF FUNDS THROUGH SEPTEMBER
10 30, 2023; APPROVING AND AUTHORIZING THE MAYOR,
11 OR HIS DESIGNEE, AND THE CORPORATION SECRETARY
12 TO EXECUTE AND DELIVER, A FUNDING AGREEMENT
13 BETWEEN THE CITY OF JACKSONVILLE AND EMS BRUEL
14 & KJAER, INC. D/B/A/ ENVIROSUITE, INC.
15 ("ENVIROSUITE"); INVOKING THE EXCEPTION OF
16 SECTION 126.107(G), *ORDINANCE CODE*, TO ALLOW
17 DIRECT CONTRACT WITH ENVIROSUITE TO PROVIDE
18 SERVICES TO CONDUCT THE STUDY; WAIVING SECTION
19 110.112, *ORDINANCE CODE*, TO ALLOW FOR A PARTIAL
20 ADVANCE PAYMENT BY THE CITY; PROVIDING FOR CITY
21 OVERSIGHT BY THE NEIGHBORHOODS DEPARTMENT,
22 ENVIRONMENTAL QUALITY DIVISION; REQUIRING A
23 FINAL REPORT TO JACKSONVILLE ENVIRONMENTAL
24 PROTECTION BOARD; PROVIDING AN EFFECTIVE DATE.

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

27 **Section 1. Appropriation.** For the 2020-2021 fiscal year,
28 within the City's budget, there are hereby appropriated the indicated
29 sum(s) from the account(s) listed in subsection (a) to the account(s)
30 listed in subsection (b):

31 (B.T. 21-088 is attached hereto as **Exhibit 1**, and incorporated herein

1 by this reference)

2 (a) Appropriated from:

3 See B.T. 21-088 \$125,392.00

4 (b) Appropriated to:

5 See B.T. 21-088 \$125,392.00

6 (c) **Explanation of appropriation** - The funding above is
7 appropriating fund balance from the Environmental
8 Protection Fund to fund an Urban Area Odor Study (the
9 "Project").

10 **Section 2. Carryover.** The funds appropriated in Section 1
11 of this ordinance shall not lapse but shall carryover into fiscal
12 year 2022-2023.

13 **Section 3. Purpose.** The purpose of the appropriation in
14 Section 1 is to provide funding to conduct an Urban Area Odor Study,
15 pursuant to the terms, conditions and scope of work more particularly
16 described in the Funding Agreement approved and authorized in Section
17 4 below. The Environmental Protection Board approved this expenditure
18 of the Environmental Protection Fund at its meeting on March 15,
19 2021.

20 **Section 4. Agreement approved and execution authorized.**
21 There is hereby approved, and the Mayor or his designee, and the
22 Corporation Secretary are hereby authorized, to execute and deliver,
23 the Funding Agreement between the City of Jacksonville and EMS Bruel
24 & Kjaer, Inc. d/b/a Envirosuite, Inc. substantially in the form placed
25 **On File** with the Office of Legislative Services and incorporated
26 herein by this reference (the "Agreement"). The Agreement may include
27 any respective extension or amendments thereto as necessary and
28 appropriate to effectuate the intent of this ordinance; provided,
29 however, no modification to the Agreement may increase the financial
30 obligations or liability of the City to an amount in excess of the
31 amount stated in the Agreement or decrease the duties and obligations

1 of Envirosuite as stated in the Agreement.

2 **Section 5. Invoking the exception pursuant to Section**
3 **126.107(g), Ordinance Code.** The City is hereby authorized to
4 procure the use of the professional services of Envirosuite, to
5 conduct the Project. Pursuant to Section 126.107(g) (Exemptions),
6 Part 1 (General Regulations), Chapter 126 (Procurement Code),
7 *Ordinance Code*, such procurement is exempted from competitive
8 solicitation because the supplies or services are to be provided by
9 those specifically prescribed within authorizing legislation that
10 appropriates the same. With the exception of the foregoing, all
11 other provisions of Chapter 126, *Ordinance Code*, shall remain in full
12 force and effect.

13 **Section 6. Waiving Section 110.112, Ordinance Cde.** Section
14 110.112 (Advance of City funds; prohibition against), Part 1 (The
15 City Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is hereby
16 waived to allow for a partial advance payment as described in the
17 Agreement.

18 **Section 7. Oversight Department.** The Neighborhoods
19 Department, Environmental Quality Division, shall oversee the
20 Project.

21 **Section 8. Reports.** A Final Report shall be submitted by
22 Envirosuite to the City's Environmental Protection Board at the
23 conclusion of the Project.

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

1 Form Approved:

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4 Office of General Counsel

5 Legislation Prepared By: Kealey West

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