

1 Introduced by the Council President at the Request of the Mayor:  
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4 **ORDINANCE 2021-463**

5 AN ORDINANCE MAKING CERTAIN FINDINGS AND  
6 APPROPRIATING \$30,000,000 IN CORONAVIRUS  
7 RELIEF, FISCAL RECOVERY, AND CRITICAL CAPITAL  
8 PROJECTS FUNDS FROM THE U.S. DEPARTMENT OF  
9 TREASURY IN ACCORDANCE WITH THE AMERICAN RESCUE  
10 PLAN ACT OF 2021 (THE "ARP ACT") TO SUPPORT  
11 CONTINUED COVID-19 RESPONSE EFFORTS AND  
12 IMMEDIATE ECONOMIC STABILIZATION AND TO REPLACE  
13 LOST PUBLIC SECTOR REVENUE, AS INITIATED BY B.T.  
14 21-094; AUTHORIZING VARIOUS DISBURSEMENTS OF ARP  
15 ACT FUNDING INCLUDING: (1) \$8,000,000 TO THE  
16 JACKSONVILLE PORT AUTHORITY ("JAXPORT") TO  
17 OFFSET ECONOMIC HARM AND LOST REVENUE FROM  
18 BUSINESS INTERRUPTION DUE TO COVID-19; (2)  
19 \$8,300,000 TO THE CITY'S CITYWIDE SPECIAL  
20 RECREATION FACILITIES ACCOUNT TO OFFSET ECONOMIC  
21 HARM AND LOST REVENUE FROM BUSINESS INTERRUPTION  
22 DUE TO COVID-19 AT THE CITY-OWNED SPORTS AND  
23 ENTERTAINMENT FACILITIES MANAGED BY ASM GLOBAL  
24 ENTERPRISES, INC. ("ASM"); (3) \$6,200,000 TO BE  
25 DIVIDED AMONG THE CITIES OF JACKSONVILLE BEACH,  
26 ATLANTIC BEACH AND NEPTUNE BEACH AND THE TOWN OF  
27 BALDWIN, AS PROVIDED HEREIN, TO OFFSET ECONOMIC  
28 HARM AND LOST REVENUE DUE TO COVID-19 AND  
29 ELIGIBLE EXPENSES UNDER THE ARP ACT; (4)  
30 \$1,000,000 TO EDWARD WATERS COLLEGE, INC. FOR  
31 COVID-19 VACCINATION EDUCATION AND OUTREACH

1 SERVICES; (5) \$6,500,000 TO BE PLACED IN A  
2 CONTINGENCY FUND FOR FUTURE APPROPRIATION IN  
3 ACCORDANCE WITH THE ARP ACT; APPROVING AND  
4 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND THE  
5 CORPORATION SECRETARY TO EXECUTE AND DELIVER THE  
6 FOLLOWING: (1) AN INTERLOCAL AGREEMENT WITH  
7 JAXPORT, (2) AN AMENDMENT TO THE FACILITIES  
8 MANAGEMENT CONTRACT WITH ASM, (3) INTERLOCAL  
9 AGREEMENTS WITH THE CITIES OF JACKSONVILLE  
10 BEACH, ATLANTIC BEACH AND NEPTUNE BEACH AND THE  
11 TOWN OF BALDWIN, AND (4) AN AGREEMENT WITH  
12 EDWARD WATERS COLLEGE, INC.; INVOKING THE  
13 EXCEPTION OF SECTION 126.107(G) (EXEMPTIONS),  
14 PART 1 (GENERAL REGULATIONS), CHAPTER 126  
15 (PROCUREMENT CODE), *ORDINANCE CODE*, TO ALLOW FOR  
16 A DIRECT CONTRACT WITH EDWARD WATERS COLLEGE,  
17 INC.; PROVIDING FOR OVERSIGHT BY THE FINANCE AND  
18 ADMINISTRATION DEPARTMENT; PROVIDING A  
19 CARRYOVER OF FUNDS FROM YEAR TO YEAR UNTIL SUCH  
20 ARP ACT FUNDS ARE EXPENDED OR LAPSE, AND  
21 PROVIDING THAT ANY ARP ACT GRANT FUNDING NOT  
22 EXPENDED PURSUANT TO THIS ORDINANCE BY SEPTEMBER  
23 30, 2022 SHALL REVERT TO THE FUND OF ORIGIN FOR  
24 RE-APPROPRIATION FOR AUTHORIZED EXPENDITURES  
25 UNDER THE TERMS OF THE ARP ACT; PROVIDING FOR  
26 COMPLIANCE WITH APPLICABLE ARP ACT GRANT FUNDING  
27 REQUIREMENTS; PROVIDING AN EFFECTIVE DATE.

28  
29 **WHEREAS**, the Novel Coronavirus Disease 2019 ("COVID-19") was  
30 first discovered in the United States in January 2020 and since that  
31 time this severe, acute respiratory illness has infected over 32

1 million and killed over 610,000 Americans; and

2       **WHEREAS**, the impacts of the COVID-19 pandemic have been severe  
3 and far-reaching, affecting all facets of the American economy and  
4 daily life, resulting in the highest national unemployment rates in  
5 over seventy years, creating food and housing insecurity for a  
6 significant portion of the population, and leading to economic harm  
7 and disruption to businesses of all sizes and to governments at all  
8 levels; and

9       **WHEREAS**, the United States federal government recognizes that  
10 state, territorial, tribal and local governments have been called on  
11 to respond to COVID-19 at an immense scale, including efforts to  
12 prevent and address spread of the disease, while also launching major  
13 efforts to address the economic impacts of the pandemic as efficiently  
14 as possible in a manner that is tailored to meet the specific needs  
15 of each community; and

16       **WHEREAS**, on March 11, 2021, the American Rescue Plan Act (the  
17 "ARP Act") was signed into law and provided for the distribution of  
18 Coronavirus relief, fiscal recovery, and critical capital projects  
19 funds to state, territorial, tribal and local governments of the  
20 United States; and

21       **WHEREAS**, the ARP Act provides that these funds may be used for  
22 various projects and purposes that include: (1) efforts to respond  
23 to the COVID-19 public health emergency and its negative economic  
24 impacts, including assistance to households, small businesses, and  
25 non-profits, (2) providing premium pay to eligible government workers  
26 performing essential work during the COVID-19 public health  
27 emergency, (3) offsetting the costs of providing government services  
28 to the extent of the reduction in revenue experienced due to the  
29 COVID-19 public health emergency, and (4) making necessary  
30 improvements to water, sewer, or broadband infrastructure; and

31       **WHEREAS**, the City of Jacksonville (the "City") recognizes that

1 quick and efficient distribution of these ARP Act funds will further  
2 bolster the City's efforts to rebuild and recover the local economy;  
3 and

4 **WHEREAS,** the City desires to appropriate and authorize  
5 disbursement of \$30,000,000 in local fiscal recovery funds in  
6 accordance with the ARP Act for the various purposes and to various  
7 recipients as more fully set forth herein; now therefore

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

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

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

12 (b) The grants and actions authorized hereby will provide  
13 economic relief that encourages recovery of the local economy and  
14 benefits the health, safety and welfare of the citizens of Duval  
15 County.

16 (c) The distribution of ARP Act funds as set forth herein is  
17 necessary and appropriate, and is reasonable and not excessive, taking  
18 into account the extent of the public benefits expected to be derived  
19 from the grants and other relief authorized hereby, and taking into  
20 account all other forms of economic assistance available.

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

27 (e) This Ordinance is adopted pursuant to the provisions of  
28 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's  
29 Charter, and other applicable provisions of law.

30 **Section 2. Appropriation.** For the 2020-2021 fiscal year,  
31 within the City's budget, there are hereby appropriated the indicated

1 sum(s) from the account(s) listed in subsection (a) to the account(s)  
2 listed in subsection (b):

3 (B.T. 21-094 is attached hereto as **Exhibit 1** and incorporated herein  
4 by this reference)

5 (a) Appropriated from:

6 See attached **Exhibit 1** \$30,000,000

7 (b) Appropriated to:

8 See attached **Exhibit 1** \$30,000,000

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

10 The funding appropriated above represents \$30,000,000 in  
11 Coronavirus relief, fiscal recovery, and critical capital  
12 projects funds received by the City from the federal  
13 government pursuant to the ARP Act. These funds will be  
14 used to support continued COVID-19 response efforts and  
15 will provide a vital infusion of funds to assist with  
16 immediate economic recovery and stabilization efforts  
17 through replacement of lost public sector revenue and by  
18 providing funding for public infrastructure improvements  
19 and other eligible expenses under the ARP Act.

20 **Section 3. Purpose.** The purpose of the appropriation in  
21 Section 2 is to disburse the ARP Act local fiscal recovery funds as  
22 follows: (1) \$8,000,000 to JAXPORT to offset economic harm and lost  
23 revenue due to COVID-19; (2) \$8,300,000 to be deposited in the City's  
24 Citywide Special Recreation Facilities account to offset economic  
25 harm and lost revenue due to COVID-19 at City-owned sports and  
26 entertainment facilities managed by ASM; (3) \$6,200,000 to local  
27 government entities located within Duval County to include: (a)  
28 \$3,000,000 to the City of Jacksonville Beach, (b) \$2,000,000 to the  
29 City of Atlantic Beach, (c) \$1,000,000 to the City of Neptune Beach,  
30 and (d) \$200,000 to the Town of Baldwin to offset lost revenues  
31 arising from COVID-19 and to cover eligible expenses under the ARP

1 Act; (4) \$1,000,000 to Edward Waters College, Inc. for COVID-19  
2 vaccination education and outreach services; and (5) \$6,500,000 to  
3 be placed in a contingency fund for future appropriation in accordance  
4 with the ARP Act.

5 **Section 4. Approval and authorization to execute an**  
6 **interlocal agreement between the City and JAXPORT.** The Mayor, or his  
7 designee, and the Corporation Secretary are hereby authorized to  
8 execute and deliver, on behalf of the City, an interlocal agreement  
9 with JAXPORT, in an amount not to exceed \$8,000,000, that provides  
10 the terms and conditions for JAXPORT's receipt and expenditure of the  
11 ARP Act funds consistent with the purpose of this Ordinance and  
12 subject to applicable requirements under the ARP Act, and all other  
13 contracts, memorandums of understanding and documents, including  
14 extensions, renewals or amendments thereto, and to otherwise take all  
15 action necessary to effectuate the intent of this Ordinance, subject  
16 to appropriate legal review and approval by the Office of General  
17 Counsel and the City's Risk Management Division for appropriate  
18 insurance and indemnification requirements in accordance with Section  
19 128.601, *Ordinance Code*.

20 **Section 5. Authorizing the City to enter into an Amendment**  
21 **to the Facilities Management Contract with ASM Global Enterprises,**  
22 **Inc. (formerly SMG) ("ASM").** The City is hereby authorized to enter  
23 into an Amendment to the Facilities Management Contract dated July  
24 31, 2017, between the City and ASM in a not-to-exceed amount of  
25 \$8,300,000 to offset economic harm and lost revenues stemming from  
26 the COVID-19 pandemic at the various City sports and entertainment  
27 facilities managed by ASM, that provides the terms and conditions for  
28 ASM's receipt and expenditure of the ARP Act funds consistent with  
29 the purpose of this Ordinance and subject to applicable requirements  
30 under the ARP Act, and all other contracts, memorandums of  
31 understanding and documents, including extensions, renewals or

1 amendments thereto, and to otherwise take all action necessary to  
2 effectuate the intent of this Ordinance, subject to appropriate legal  
3 review and approval by the Office of General Counsel and the City's  
4 Risk Management Division for appropriate insurance and  
5 indemnification requirements in accordance with Section 128.601,  
6 *Ordinance Code.*

7       **Section 6.       Approval and authorization to execute interlocal**  
8 **agreements with the Cities of Jacksonville Beach, Atlantic Beach, and**  
9 **Neptune Beach and the Town of Baldwin.** The Mayor, or his designee,  
10 and the Corporation Secretary are hereby authorized to execute and  
11 deliver, on behalf of the City, interlocal agreements that provide  
12 the terms and conditions for each local government subrecipient's  
13 receipt and expenditure of ARP Act funds consistent with the purpose  
14 of this Ordinance and subject to applicable requirements under the  
15 ARP Act as follows: (i) an amount not to exceed \$3,000,000 to the  
16 City of Jacksonville Beach, (ii) an amount not to exceed \$2,000,000  
17 to the City of Atlantic Beach, (iii) an amount not to exceed  
18 \$1,000,000 to the City of Neptune Beach, and (iv) an amount not to  
19 exceed \$200,000 to the Town of Baldwin, and all other contracts,  
20 memorandums of understanding and documents, including extensions,  
21 renewals or amendments thereto, and to otherwise take all action  
22 necessary to effectuate the intent of this Ordinance, subject to  
23 appropriate legal review and approval by the Office of General Counsel  
24 and the City's Risk Management Division for appropriate insurance and  
25 indemnification requirements in accordance with Section 128.601,  
26 *Ordinance Code.*

27       **Section 7.       Approval and authorization to execute an**  
28 **agreement between the City and Edward Waters College, Inc.** The Mayor,  
29 or his designee, and the Corporation Secretary are hereby authorized  
30 to execute and deliver, on behalf of the City, an agreement with  
31 Edward Waters College, Inc. ("EWC") in accordance with the terms and

1 restrictions of the ARP Act, in an amount not to exceed \$1,000,000.00,  
2 subject to the Scope of Services more particularly described in  
3 **Exhibit 2** attached hereto and incorporated herein by this reference,  
4 and all other contracts and documents, including extensions, renewals  
5 and amendments to the agreement, and otherwise take all action  
6 necessary to effectuate the intent of this Ordinance, subject to  
7 appropriate legal review and approval by the Office of General Counsel  
8 and the City's Risk Management Division for appropriate insurance and  
9 indemnification requirements in accordance with Section 128.601,  
10 *Ordinance Code*.

11 The Scope of Services designates the specific services to be  
12 performed by EWC as a subrecipient/subcontractor for the City. The  
13 Scope of Services may include such additions, deletions and changes  
14 as may be reasonable, necessary and incidental for carrying out the  
15 purposes thereof, as may be acceptable to the Mayor, or his designee;  
16 provided, however, that such modifications shall be technical only,  
17 subject to appropriate legal review and approval by the Office of  
18 General Counsel, and shall be undertaken in compliance with any  
19 applicable requirements of the ARP Act and related laws, consistent  
20 with the intent of this Ordinance. For the purposes of this  
21 Ordinance, the term "technical changes" is defined as those changes  
22 having no financial impact to the City and any other non-substantive  
23 changes.

24 **Section 8. Invoking the exception to Section 126.107(g),**  
25 ***Ordinance Code***. The City is hereby authorized to directly procure  
26 the use of the professional services of Edward Waters College, Inc.  
27 to provide vaccination education and outreach services to low-income,  
28 vaccine-hesitant populations within underserved communities in Duval  
29 County, Florida, as more particularly described in Exhibit 2.  
30 Pursuant to Section 126.107(g) (Exemptions), Part 1 (General  
31 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such



1 procurement is exempted from competitive solicitation because the  
2 supplies or services are to be provided by those specifically  
3 prescribed within the authorizing legislation that appropriates the  
4 same. With the exception of the foregoing, all other provisions of  
5 Chapter 126, *Ordinance Code*, shall remain in full force and effect.

6 **Section 9. Oversight Department.** The Finance and  
7 Administration Department shall provide oversight for all contracts,  
8 contract amendments, and expenditures authorized hereunder.

9 **Section 10. Carryover.** The funds appropriated herein shall  
10 not lapse but shall carryover as appropriated from year to year until  
11 such funds are expended or lapse. Funds appropriated in this  
12 Ordinance must be disbursed before September 30, 2022, failure to do  
13 so will cause said funds to revert to accounts of origin for re-  
14 appropriation for authorized expenditures under the terms of the ARP  
15 Act, subject to future Council approval.

16 **Section 11. Compliance with applicable American Rescue Plan**  
17 **Act grant funding requirements.** JAXPORT, the Cities of Jacksonville  
18 Beach, Atlantic Beach, and Neptune Beach, the Town of Baldwin, and  
19 Edward Waters College, Inc. shall comply with all applicable ARP Act  
20 grant requirements in their respective use and expenditure of the ARP  
21 Act funds provided pursuant to this Ordinance including, but not  
22 limited to, the audit requirements attached hereto as **Exhibit 3**.

23 **Section 12. Effective Date.** This Ordinance shall become  
24 effective upon signature by the Mayor or upon becoming effective  
25 without the Mayor's signature.

26  
27 Form Approved:

28  
29           /s/  Mary E. Staffopoulos          

30 Office of General Counsel

31 Legislation prepared by: Mary E. Staffopoulos

