

1 Introduced by Council President Newby:
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4 **ORDINANCE 2021-669-E**

5 AN ORDINANCE MAKING CERTAIN FINDINGS AND
6 APPROPRIATING \$1,900,000 IN CORONAVIRUS RELIEF,
7 FISCAL RECOVERY, AND CRITICAL CAPITAL PROJECTS
8 FUNDS FROM THE U.S. DEPARTMENT OF TREASURY IN
9 ACCORDANCE WITH THE AMERICAN RESCUE PLAN ACT OF
10 2021 (THE "ARP ACT") TO SUPPORT CONTINUED COVID-
11 19 RESPONSE EFFORTS AND IMMEDIATE ECONOMIC
12 STABILIZATION AND TO REPLACE LOST REVENUE;
13 AUTHORIZING AND AWARDING VARIOUS DISBURSEMENTS
14 OF ARP ACT FUNDING RECOMMENDED BY EACH OF THE 19
15 COUNCIL MEMBERS, TO ELIGIBLE ORGANIZATIONS OF
16 THEIR CHOICE, PROVIDING THESE ORGANIZATIONS MEET
17 THE ELIGIBILITY CRITERIA OF THE ARP ACT;
18 PROVIDING FOR OVERSIGHT BY THE FINANCE AND
19 ADMINISTRATION DEPARTMENT; PROVIDING A
20 CARRYOVER OF FUNDS TO 2021-2022, AND PROVIDING
21 THAT ANY ARP ACT GRANT FUNDING NOT EXPENDED
22 PURSUANT TO THIS ORDINANCE BY SEPTEMBER 30, 2022
23 SHALL REVERT TO THE FUND OF ORIGIN; PROVIDING
24 FOR COMPLIANCE WITH APPLICABLE ARP ACT GRANT
25 FUNDING REQUIREMENTS; AUTHORIZING THE CITY TO
26 ENTER INTO COVID-19 GRANT AGREEMENTS WITH
27 VARIOUS GRANT PROGRAM GRANT RECIPIENTS; INVOKING
28 THE EXCEPTION OF 126.107(G) (EXEMPTIONS),
29 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*,
30 TO DIRECT CONTRACT WITH GRANT RECIPIENTS;
31 REQUESTING EMERGENCY PASSAGE UPON INTRODUCTION;

1 PROVIDING AN EFFECTIVE DATE.

2
3 **WHEREAS**, the Novel Coronavirus Disease 2019 (“COVID-19”) was
4 first discovered in the United States in January 2020 and since that
5 time this severe, acute respiratory illness has infected over 32
6 million and killed over 610,000 Americans; and

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

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

21 **WHEREAS**, on March 11, 2021, the American Rescue Plan Act (the
22 “ARP Act”) was signed into law and provided for the distribution of
23 Coronavirus relief, fiscal recovery, and critical capital projects
24 funds to state, territorial, tribal and local governments of the
25 United States; and

26 **WHEREAS**, the ARP Act provides that these funds may be used for
27 various projects and purposes that include: (1) small business
28 economic assistance, (2) aid to nonprofit organizations, (3) aid to
29 tourism, travel, or hospitality industries, and (4) aid to social
30 determinants of health programs; 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 \$1,900,000 in local fiscal recovery funds in
6 accordance with the ARP Act to those eligible organizations located
7 in the City of Jacksonville that have suffered economic harm as a
8 result of COVID-19, in such amounts as more fully set forth herein
9 on **Exhibit 1**; now therefore

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

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

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

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

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

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

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

1 **Section 2. Appropriation.** For the 2020-2021 fiscal year,
2 within the City's budget, there are hereby appropriated the indicated
3 sum(s) from the account(s) listed in subsection (a) to the account(s)
4 listed in subsection (b):

5 (attached hereto as **Exhibit 2** and incorporated herein by this
6 reference)

7 (a) Appropriated from:

8 See attached **Exhibit 2** \$1,900,000

9 (b) Appropriated to:

10 See attached **Exhibit 2** \$1,900,000

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

12 The funding appropriated above represents \$1,900,000 as
13 approved in Ordinance 2021-463-E in Coronavirus relief,
14 fiscal recovery, and critical capital projects funds
15 received by the City from the federal government pursuant
16 to the ARP Act. These funds will be used to support
17 continued COVID-19 response efforts and will provide a
18 vital infusion of funds to assist with immediate economic
19 recovery and stabilization efforts through eligible
20 expenses under the ARP Act.

21 **Section 3. Purpose.** The purpose of the appropriation in
22 Section 2 is to authorize various disbursements of ARP ACT contingency
23 funding, awarding varied amounts to eligible organizations up to
24 \$100,000 recommended by each of the 19 council members, providing
25 these organizations meet the eligibility criteria of the ARP ACT.

26 **Section 4. Oversight Department.** The Finance and
27 Administration Department shall provide oversight for all contracts,
28 contract amendments, and expenditures authorized hereunder.

29 **Section 5. Carryover.** The funds appropriated herein shall
30 not lapse but shall carryover as appropriated to fiscal year 2021-
31 2022. Funds appropriated in this Ordinance must be spent before

1 September 30, 2022, failure to do so will cause said funds to revert
2 to accounts of origin, subject to future Council approval.

3 **Section 6. Compliance with applicable American Rescue Plan**
4 **Act grant funding requirements.** The awarding organization selected
5 by the respective council member shall comply with all applicable ARP
6 Act grant requirements in their respective use and expenditure of the
7 ARP Act funds provided pursuant to this Ordinance including, but not
8 limited to, the audit requirements attached hereto as **Exhibit 3.**

9 **Section 7. Approval and authorization to execute COVID-19**
10 **ARP Act Subrecipient Grant Agreement.** There is hereby approved, and
11 the Mayor, or his designee, and the Corporation Secretary are hereby
12 authorized to execute and deliver standard COVID-19 ARP Act
13 Subrecipient Grant Agreements (the "Agreements") between the City of
14 Jacksonville and the grant recipients in the form attached hereto as
15 **Exhibit 4.** Distribution of grant funds to the grant recipients are
16 contingent upon (1) grant recipients' completion of the Agreements
17 and (2) review and approval of the same by the City. The Agreements
18 may include such additions, deletions and changes as may be
19 reasonable, necessary and incidental for carrying out the purposes
20 set forth in this ordinance, including any amendments deemed necessary
21 to comply with federal law applicable to the grant funds authorized
22 by the Agreements, as may be acceptable to the Mayor, or his designee,
23 with such inclusion and acceptance being evidenced by execution of
24 an Agreement with the respective grant recipient by the Mayor, or his
25 designee; provided however, no modifications to the Agreements may
26 increase the financial obligations or liability of the City, and any
27 such modifications shall be subject to appropriate legal review and
28 approval by the Office of General Counsel.

29 **Section 8. Invoking the Exception to Section**
30 **126.107(g), Ordinance Code.** The City is hereby authorized to enter
31 into direct agreements, as authorized herein, with the Grant

1 Recipients for the purposes of providing COVID-19 relief and
2 assistance as more fully set forth herein. Pursuant to Section
3 126.107(g) (Exemptions), Part 1 (General Regulations), Chapter 126
4 (Procurement Code), *Ordinance Code*, such procurement is exempted from
5 competitive solicitation because the supplies or services are to be
6 provided by those specifically prescribed within authorizing
7 legislation that appropriates the same. With the exception of the
8 foregoing, all other provisions of Chapter 126, *Ordinance Code*, shall
9 remain in full force and effect. The failure of any entity identified
10 herein to enter into the applicable agreement with the City shall
11 render such entity ineligible to receive the grant funds authorized
12 hereby.

13 **Section 9. Requesting emergency passage pursuant to Council**
14 **Rule 4.901 Emergency.** Emergency passage upon introduction of this
15 legislation is requested. The nature of the emergency is that the ARP
16 Act funds must be spent by September 30, 2022, and the ongoing effects
17 of the global pandemic are immediately impacting small businesses,
18 nonprofit organizations, tourism, travel, and hospitality industries,
19 and public health sectors of Jacksonville and urgent action is needed
20 to appropriate the ARP Act funding to these organizations.

21 **Section 10. Effective Date.** This Ordinance shall
22 become effective upon signature by the Mayor or upon becoming
23 effective without the Mayor's signature.

24
25 Form Approved:

26
27 /s/ Margaret M. Sidman

28 Office of General Counsel

29 Legislation prepared by: Margaret M. Sidman

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