

1 Introduced by Council President Newby and amended by the Finance
2 Committee:

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5 **ORDINANCE 2021-511-E**

6 AN ORDINANCE APPROPRIATING \$28,779,956 FROM
7 SPECIAL COUNCIL CONTINGENCY - KHA TO THE KIDS
8 HOPE ALLIANCE (KHA); PROVIDING FOR THE KIDS HOPE
9 ALLIANCE BOARD COMPREHENSIVE BUDGET TRANSFER
10 POWERS; PROVIDING FOR WAIVER OF SECTION 77.113
11 (ANNUAL OPERATING BUDGET; BUDGET TRANSFERS),
12 CHAPTER 77 (KIDS HOPE ALLIANCE), *ORDINANCE CODE*,
13 AND SECTION 106.304 (MAYOR'S TRANSFER POWER),
14 CHAPTER 106 (BUDGET AND ACCOUNTING CODE),
15 *ORDINANCE CODE*, TO ALLOW FOR BUDGET TRANSFERS
16 WITHIN THE PLAN; APPROVING AND AUTHORIZING
17 EXECUTION OF DOCUMENTS BY THE MAYOR OR HIS
18 DESIGNEE AND CORPORATION SECRETARY; AUTHORIZING
19 APPROVAL OF TECHNICAL AMENDMENTS BY THE CHIEF
20 EXECUTIVE OFFICER OF THE KHA; AUTHORIZING THE
21 OFFICE OF GENERAL COUNSEL AND THE COUNCIL
22 AUDITOR'S OFFICE TO MAKE ALL CHANGES NECESSARY
23 TO EFFECTUATE THE COUNCIL'S ACTION; PROVIDING AN
24 EFFECTIVE DATE.

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

27 **Section 1. Appropriation.** For the 2021-2022 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):

1 (Account information is attached hereto as **Exhibit 1** and incorporated
2 herein by this reference)

3 (a) Appropriated from:

4 See **Exhibit 1** \$28,779,956

5 (b) Appropriated to:

6 See **Exhibit 1** \$28,779,956

7 (c) **Explanation of Appropriation:** the appropriation above
8 is appropriating \$28,779,956 from Special Council
9 Contingency - KHA to the Kids Hope Alliance for
10 subsidies and contributions to private organizations.

11 **Section 2. Kids Hope Alliance Board Comprehensive Budget**

12 **Transfer Powers.** The Kids Hope Alliance Board fiscal year 2021-2022
13 budget of \$28,779,956 for subsidies and contributions to private
14 organizations comprised of federal, state, City and private funding,
15 is herein appropriated as provided below:

16 (a) **Grants Received by Kids Hope Alliance.** The Kids Hope
17 Alliance is authorized and directed to follow the grant approval
18 process as outlined in Section 1.3 (e)(1)&(2) in the City Budget
19 Ordinance, 2021-504-E.

20 (b) **Kids Hope Alliance Board transfer authority within the**
21 **Plan.** The Kids Hope Alliance Board is authorized to transfer,
22 through a transfer directive approved by the Mayor's Budget Review
23 Committee, (i) appropriations within each of the Essential Services
24 Plan Categories; and (ii) appropriations between Essential Services
25 Plan Categories, provided that cumulative transfers out of an
26 Essential Service Category do not exceed 25% of the individual
27 Essential Services Category budget from which the funds are being
28 transferred. Any transfer out of an Essential Services Category that
29 results in more than 25% of an individual Essential Services Category
30 budget being transferred out shall require City Council approval. In
31 addition to the transfer authority provided in the preceding sentences

1 of this subsection (b), the Kids Hope Alliance Board is authorized
2 to transfer to any Essential Services Category, through a transfer
3 directive approved by the Mayor's Budget Review Committee, excess
4 funds remaining after completion of a contract for children's
5 services. Such transfers of excess funds shall not be included in
6 the calculation of, and shall not be subject to, the 25% limitation
7 provided in this section (b). There shall be provided to the Council
8 Auditor, the Council Finance Committee, and the Mayor's Budget Review
9 Committee at the end of each month a report detailing all transfers
10 made during that month.

11 **(c) Approval and Authorization to execute agreements and**
12 **invoking the exception to Section 126.107(g), Ordinance Code, for**
13 **named Grant Recipient.** Subject to the authorization terms in Grant
14 Agreements, the Mayor, or his designee, and the Corporation Secretary
15 and/or the Chief Executive Officer of the Kids Hope Alliance ("CEO")
16 are hereby authorized to contract directly with the entities listed
17 in the grant awards for grants received from the Department of Health
18 & Human Services (SAMHSA) and the Department of Justice- Comprehensive
19 Anti-Gang Program for Youth grant, as shown in **Schedule M** attached
20 hereto as **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Revised
21 Schedule M, September 21, 2021 - Finance" and incorporated herein by
22 this reference, and to extend or renew such contracts to the extent
23 that the underlying grant is extended or renewed. Pursuant to Section
24 126.107(g) (Exemptions), Part 1 (General Regulations), Chapter 126
25 (Procurement Code), *Ordinance Code*, such services are exempted from
26 competitive solicitation because the services to be provided are
27 being approved via authorizing legislation pursuant to this
28 ordinance.

29 **(d) Waiver of the provisions in Chapter 77 (Kids Hope Alliance),**
30 **Section 77.111(a) (Provider Contracts).** The City hereby waives the
31 provisions in Chapter 77 (Kids Hope Alliance), Section

1 77.111(a) (Provider Contracts) with respect to: (i) the contracts
2 approved and authorized herein in Section 2 (c) above; and (ii) any
3 contracts entered into by Kids Hope Alliance that are exempt from
4 competitive solicitation pursuant to Section 126.107, Ordinance Code.
5 Section 77.111(a) requires contracts for children's services to be
6 competitively procured by Kids Hope Alliance via an evaluated bid
7 process. The waiver is needed in order to (i) allow the Kids Hope
8 Alliance to enter into direct contracts with these providers because
9 each provider is uniquely qualified to provide the children's services
10 programming procured under the applicable contract; and (ii) use the
11 competitive solicitation exemptions contained in Section 126.107,
12 Ordinance Code, as needed.

13 **Section 3. Waiver of Section 77.113 (Annual operating**
14 **budget; budget transfers), Chapter 77 (Kids Hope Alliance), Ordinance**
15 **Code, and Section 106.304 (Mayor's Transfer Power), Chapter 106**
16 **(Budget and Accounting Code), Ordinance Code.** Section 77.113 (Annual
17 operating budget; budget transfers), *Ordinance Code*, regarding the
18 Kids Hope Alliance budget transfer authority and Section 106.304
19 (Mayor's Transfer Power), Chapter 106 (Budget and Accounting Code),
20 *Ordinance Code*, regarding the Mayor's transfer authority are hereby
21 waived. The provisions for Kids Hope Alliance budget transfers are
22 permitted by compliance with Section 2(b) herein of this ordinance.

23 **Section 4. OGC and Council Auditor's Office Authorization.**
24 The Office of General Counsel and the Council Auditor's Office are
25 hereby authorized to make all changes to titles, tables of content,
26 Ordinance Code, journal entries, schedules, attachments, editorial
27 and text changes consistent with the changes set forth herein to
28 Ordinance 2021-504 and Ordinance 2021-511 to effectuate the Council's
29 action.

30 **Section 5. Effective Date.** This ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

2 Form Approved:

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4 /s/ Paige H. Johnston

5 Office of General Counsel

6 Legislation prepared by: Margaret M. Sidman

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