

1 Introduced by Council Members Diamond, Ferraro and Carlucci:  
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4 **ORDINANCE 2021-761**

5 AN ORDINANCE REGARDING CHAPTER 118 (CITY  
6 GRANTS), *ORDINANCE CODE*; CREATING A NEW SECTION  
7 118.107 (NONPROFITS TO RECEIVE FUNDING THROUGH  
8 A COMPETITIVE EVALUATED AWARD PROCESS), PART 1  
9 (GENERAL PROVISIONS), TO CHAPTER 118 (CITY  
10 GRANTS), *ORDINANCE CODE*; CREATING A NEW SECTION  
11 602.413 (ADDITIONAL DISCLOSURE REQUIREMENTS FOR  
12 COUNCIL MEMBERS EMPLOYED BY NONPROFIT  
13 ORGANIZATIONS RECEIVING FUNDING FROM CITY), PART  
14 4 (CONFLICTS OF INTEREST), CHAPTER 602  
15 (JACKSONVILLE ETHICS CODE), *ORDINANCE CODE*;  
16 PROVIDING AN EFFECTIVE DATE.  
17

18 **WHEREAS**, the Council recognizes that the citizens of  
19 Jacksonville have an expectation that the City of Jacksonville will  
20 expend public funds in a fair and equitable manner and will follow  
21 the processes set forth in the *Ordinance Code*; and

22 **WHEREAS**, it is in the public interest to ensure that public  
23 funds are distributed in a fair and transparent manner; and

24 **WHEREAS**, the Council desires to enact requirements to ensure  
25 that fairness and transparency in the allocation of City funding to  
26 nonprofit organizations is standard for all such organizations; now  
27 therefore

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

29 **Section 1. Creating new Section 118.107 (Nonprofits to**  
30 **receive funding through a competitive evaluated award process), Part**  
31 **1 (General Provisions), Chapter 118 (City Grants), Ordinance Code.**

1 Part 1 (General Provisions), Chapter 118 (City Grants), *Ordinance*  
2 *Code*, is hereby amended to create a new Section 118.107 to read as  
3 follows:

4 **CHAPTER 118. CITY GRANTS**

5 **PART 1. GENERAL PROVISIONS**

6 \* \* \*

7 **Sec. 118.107. Nonprofits to receive funding through a**  
8 **competitive evaluated award process.**

9 Notwithstanding the provisions of Section 118.106 above, all  
10 City funds appropriated to nonprofit organizations shall be subject  
11 to a competitive evaluated award process under Chapters 118 or Chapter  
12 126, *Ordinance Code*, as applicable.

13 \* \* \*

14 **Section 2. Creating new Section 602.413. (Additional disclosure**  
15 **requirements for council members employed by nonprofit organizations**  
16 **receiving funding through City), Part 4 (Conflicts of Interest),**  
17 **Chapter 602 (Jacksonville Ethics Code), *Ordinance Code*.** Part 4  
18 (Conflicts of Interest), Chapter 602 (Jacksonville Ethics Code),  
19 *Ordinance Code*, is hereby amended to create a new Section 602.413 to  
20 read as follows:

21 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

22 \* \* \*

23 **PART 4. CONFLICTS OF INTEREST**

24 **SUBPART A CONFLICT RELATIONSHIPS**

25 \* \* \*

26 **Sec. 602.413. Additional disclosure requirements for council**  
27 **members employed by nonprofit organizations receiving funding from**  
28 **City.**

29 Pursuant to Section 118.107, *Ordinance Code*, all nonprofit  
30 organizations receiving funds appropriated by the City pursuant to  
31 Chapter 118 (Public Grants) or Chapter 126 (Procurement Code) shall

1 be subject to a competitive evaluated award process. In addition to  
2 the requirements of Sections 126.110 (Public official bid and contract  
3 disclosure and prohibition) and 602.406 (Public official bid and  
4 contract disclosure), *Ordinance Code*, in the event that a council  
5 member is employed by a nonprofit organization, the council member  
6 shall complete and provide on or before the award application or  
7 solicitation deadline submission date, the following supplemental  
8 information to the Ethics Oversight and Compliance Office:

9 1) a copy of the nonprofit organization's most recent annual  
10 audit;

11 2) a copy of the nonprofit organization's most current IRS 990  
12 form;

13 3) provide evidence that the council member is employed by the  
14 nonprofit organization and a narrative explanation of the duties and  
15 services that the council member provides for the nonprofit  
16 organization; and

17 4) an affidavit executed and completed by the council member  
18 that attests to the following: that

19 i) the council member is an employee of the nonprofit  
20 applying for funding and the employment position of the council member  
21 with the nonprofit;

22 ii) the nonprofit applying for funding is a 501(c) entity  
23 under the Internal Revenue Code;

24 iii) the council member is/is not an officer, director,  
25 proprietor, partner and/or owner of more than 5% interest of the  
26 nonprofit applying for funding;

27 iv) the council member's nonprofit salary is not and will  
28 not be paid by any funding from the City and the council member will  
29 not receive any financial gain from the City's funding of the  
30 nonprofit;

31 v) the council member has not in any way participated

1 directly or indirectly or been personally involved in the City's  
2 decision to fund the nonprofit, and will continue to not participate  
3 or be personally involved in the funding for the nonprofit.  
4 Participating or being personally involved includes, but is not  
5 limited to, participating in discussions at any City meetings or  
6 communicating with officers or employees of the funding agency; and  
7 vi) that to the council member's knowledge, no funding  
8 received by the nonprofit organization from the City will go to an  
9 entity to which the council member has a majority or controlling  
10 interest.

11 The affidavit form shall be provided by the Ethics Oversight and  
12 Compliance Office in conjunction with Office of General Counsel. The  
13 supplemental disclosure information provided pursuant to this section  
14 will be maintained as a public record and available to the public for  
15 viewing consistent with Chapter 119, *Florida Statutes*. The disclosure  
16 requirements created herein do not negate the obligation of a council  
17 member to determine whether a conflict of interest exists in any  
18 individual circumstance under Chapter 112, *Florida Statutes*, and  
19 Chapter 602, *Ordinance Code*, and to vet that potential conflict with  
20 the Ethics Oversight and Compliance Office or the Office of General  
21 Counsel.

22 \* \* \*

23 **Section 3. Effective Date.** This ordinance shall become  
24 effective upon signature by the Mayor or upon becoming effective  
25 without the Mayor's signature.

26 Form Approved:

27  
28           /s/ Paige H. Johnston          

29 Office of General Counsel

30 Legislation Prepared By: Paige H. Johnston

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