Introduced by the Council President at the request of the Mayor and Co-Sponsored by Council Member Morgan:

**ORDINANCE 2020-590**

An ordinance appropriating $6,700.00 IN FUND BALANCE from the environmental protection FUND (the “FUND”) to provide funding FOR THE COMPLETION OF A FOUR-YEAR, COMPREHENSIVE STUDY OF MERCURY IN THE DUVAL COUNTY ENVIRONMENT, AS INITIATED BY B.T. 20-114; PROVIDING FOR CARRYOVER OF FUNDS THROUGH SEPTEMBER 30, 2021; PROVIDING FOR WAIVER OF section 111.755 (ENVIRONMENTAL PROTECTION FUND), PART 7 (ENVIRONMENT AND CONSERVATION), CHAPTER 111 (SPECIAL REVENUE AND TRUST ACCOUNTS), *ordinance code*, to AUTHORIZE THE ENVIRONMENTAL PROTECTION BOARD (“EPB”) TO UTILIZE FUNDS FROM THE FUND TO PURCHASE EQUIPMENT TO BE USED DURING THE MERCURY STUDY; INVOKING THE EXCEPTION OF sECTION 126.107(G) (EXEMPTIONS), CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*, TO ALLOW FOR A DIRECT CONTRACT WITH JACKSONVILLE UNIVERSITY FOR THE MERCURY STUDY; PROVIDING FOR WAIVER OF SECTION 360.602 (USES OF FUND), PART 6 (ENVIRONMENTAL PROTECTION FUND), CHAPTER 360 (ENVIRONMENTAL REGULATION), *ordinance code*, to AUTHORIZE THE EPB TO UTILIZE FUNDS FROM THE FUND TO PURCHASE EQUIPMENT TO BE USED DURING THE MERCURY STUDY; APPROVING AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND THE CORPORATION SECRETARY TO EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE CITY, ANY AMENDMENTS TO THE AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND JACKSONVILLE UNIVERSITY NECESSARY TO EFFECTUATE THE INTENT OF THIS ORDINANCE; PROVIDING FOR CITY OVERSIGHT BY THE NEIGHBORHOODS DEPARTMENT, ENVIRONMENTAL QUALITY DIVISION; REQUIRING A FINAL REPORT; providing an effective date.

 **Be it ordained** by the Council of the City of Jacksonville:

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

(B.T. 20-114, attached hereto as **Exhibit 1** and incorporated herein by this reference)

 (a) Appropriated from:

 See B.T. 20-114 $6,700.00

 (b) Appropriated to:

 See B.T. 20-114 $6,700.00

(c) Explanation of Appropriation

The appropriation above is appropriating fund balance from the Environmental Protection Fund to fund the completion of a four-year, comprehensive study of mercury in the Duval County environment (the “Project”).

**Section 2. Carryover.** The funds appropriated in Section 1 of this ordinance shall not lapse but shall carryover into fiscal year 2020-2021.

**Section 3. Purpose.** The purpose of the appropriation in Section 1 is to provide funding to Jacksonville University for the continued provision of professional services for completion of the Project pursuant to the Agreement between the City of Jacksonville and Jacksonville University. A copy of the Agreement between the City of Jacksonville and Jacksonville University has been placed **on file** with the Office of Legislative Services.

**Section 4. Waiver of Section 111.755 (Environmental Protection Fund), *Ordinance Code*.** The provisions of Section 111.755 (Environmental Protection Fund), Part 7 (Environment and Conservation), Chapter 111 (Special Revenue and Trust Accounts), *Ordinance Code*, in conflict with this ordinance are hereby waived so as to authorize the EPB to use funds from the Fund for the purchase of equipment to be utilized for the Project. At its public hearing on August 19, 2019, the EPB determined that funding completion of the Project is a worthwhile and beneficial use of Fund dollars and such Code waivers necessary to allow for Project completion were approved by a unanimous vote of the EPB. A copy of the minutes of the EPB meeting of August 19, 2019, is attached hereto as **Exhibit 2** and incorporated herein by this reference.

**Section 5. Invoking the exception pursuant to Section 126.107(g), Ordinance Code.** The City is hereby authorized to continue contracting with Jacksonville University for the purposes described in Section 2. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such procurement is exempted from competitive solicitation because the supplies or services are to be provided by those specifically prescribed within authorizing legislation that appropriates the same. With the exception of the foregoing, all other provisions of Chapter 126, *Ordinance Code*, shall remain in full force and effect.

**Section 6. Waiver of Section 360.602 (Uses of Fund), *Ordinance Code*.** The provisions of Section 360.602 (Uses of Fund), Part 6 (Environmental Protection Fund), Chapter 360 (Environmental Regulation), *Ordinance Code*, in conflict with this ordinance are hereby waived so as to authorize the EPB to use funds from the Fund for the purchase of equipment to be utilized for the Project. At its public hearing on August 19, 2019, the EPB determined that funding completion of the Project is a worthwhile and beneficial use of Fund dollars and such Code waivers necessary to allow for Project completion were approved by a unanimous vote of the EPB. A copy of the minutes of the EPB meeting of August 19, 2019, is attached hereto as **Exhibit 2**.

**Section 7. Amendment to Agreement approved and execution authorized.**  The Mayor, or his designee, and Corporation Secretary are hereby authorized to execute and deliver, for and on behalf of the City, any amendments to the Agreement between the City of Jacksonville and Jacksonville University that are necessary to effectuate the intent of this Ordinance.

**Section 8. Oversight Department.** The Neighborhoods Department, Environmental Quality Division, shall oversee the Project.

**Section 9. Final Report.**  A final report shall be provided by Jacksonville University to the EPB at the conclusion of the Project.

**Section 10.**  **Effective Date.** This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor’s signature.

Form Approved:

\_/s/Mary E. Staffopoulos\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Office of General Counsel

Legislation prepared by: Mary E. Staffopoulos

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