Introduced by the Council President at the request of the Mayor:

**ORDINANCE 2021-242**

An ordinance appropriating $100,000.00 IN fund balance from THE ENVIRONMENTAL PROTECTION FUND TO ASSIST IN THE ECOLOGICAL RESTORATION OF HOGANS CREEK BY PROVIDING FUNDING TO GROUNDWORK JACKSONVILLE, INC. FOR PRELIMINARY DESIGN AND FEASIBILITY ASSESSMENT OF THE ECOLOGICAL RESTORATION OF HOGANS CREEK, AS INITIATED BY B.T. 21-067; PROVIDING A CARRYOVER OF FUNDS thROugh SEPTEMBER 30, 2023; INVOKING THE EXCEPTION OF SECTION 126.107(g) (EXEMPTIONS), CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*, TO DIRECT CONTRACT WITH GROUNDWORK jACKSONVILLE, inC.; APPROVING AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND THE CORPORATION SECRETARY TO EXECUTE AND DELIVER THAT CERTAIN FUNDING AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND GROUNDWORK JACKSONVILLE, INC.; WAIVING SECTION 110.112 (ADVANCE OF CITY FUNDS; PROHIBITION AGAINST), PART 1 (THE CITY TREASURY), CHAPTER 110 (CITY TREASURY), *ORDINANCE CODE,* TO ALLOW FOR A PARTIAL ADVANCE PAYMENT BY THE CITY; PROVIDING FOR CITY OVERSIGHT BY THE NEIGHBORHOODS DEPARTMENT, ENVIRONMENTAL QUALITY DIVISION; REQUIRING ANNUAL REPORTS AND A FINAL REPORT TO JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD; 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 are hereby appropriated the indicated sum(s) from the account(s) listed in subsection (a) to the account(s) listed in subsection (b):

(B.T. 21-067 attached hereto as **Exhibit 1** and incorporated herein by this reference)

(a) Appropriated from:

See B.T. 21-067 $100,000.00

(b) Appropriated to:

See B.T. 21-067 $100,000.00

(c) Explanation of appropriation

The funding above is appropriating fund balance from the Environmental Protection Fund to fund a portion of the preliminary design and feasibility assessment of the ecological restoration of Hogans Creek (the “Project”).

**Section 2. Carryover.** The funds appropriated in Section 1 of this ordinance shall not lapse but shall carryover into fiscal year 2022-2023.

**Section 3. Purpose**. The purpose of the appropriation in Section 1 is to provide funding to Groundwork Jacksonville, Inc. (“Groundwork”) for the Project which shall be completed pursuant to the terms, conditions and scope of work more particularly described in that certain Funding Agreement between the City of Jacksonville and Groundwork Jacksonville, Inc., as approved and authorized in Section 5 below. The Environmental Protection Board approved this expenditure of the Environmental Protection Fund at its meeting on January 19, 2021.

**Section 4.** **Invoking the exception pursuant to Section 126.107(g), Ordinance Code.** The City is hereby authorized to enter into the Agreement authorized in Section 3 above. 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 of 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 5. Approval and Authorizing the Agreement**. There is hereby approved, and the Mayor or his designee, and the Corporation Secretary are hereby authorized, to execute and deliver, for and on behalf of the City, that certain Funding Agreement between the City of Jacksonville and Groundwork Jacksonville, Inc. (the “Agreement”), substantially in the form placed **On File** with the Office of Legislative Services, and any respective extension or amendments thereto as necessary and appropriate to effectuate the intent of this ordinance.

**Section 6. Waiving Section 110.112, Ordinance Cde.** Section 110.112 (Advance of City funds; prohibition against), Part 1 (The City Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is hereby waived to allow for a partial advance payment as described in the Agreement.

**Section 7.** **Oversight Department.** The Neighborhoods Department, Environmental Quality Division, shall oversee the Project.

**Section 8.** **Reports.** Annual reports shall be submitted by Groundwork to the City’s Environmental Protection Board on September 15th of each year through September 30, 2023. A final report shall be submitted at the conclusion of the Project.

**Section 9. Effective Date.** This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor’s signature.

Form Approved:

/s/ Kealey A. West\_\_

Office of General Counsel

Legislation Prepared By: Kealey West

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