

OFFICE OF GENERAL COUNSEL
117 W. DUVAL, SUITE 480
JACKSONVILLE, FL 32202
(904) 630-1700

MEMORANDUM

TO: Jody McDaniel, Parks & Recreation Department
FROM: Sharon Chappelle, Legal Secretary
RE: **Contract: Duval County School Board: Bicycles for Paxon High School**
DATE: October 19, 2001

Attached is one (1) original of the above referenced document which has been fully executed by the City of Jacksonville.

Please note that this document has been assigned City Number 7391-32, all invoices and/or correspondence pertaining thereto should show reference to that number.

Attachment

cc: Accounting Division

**AGREEMENT BETWEEN
THE CITY OF JACKSONVILLE
AND
THE DUVAL COUNTY SCHOOL BOARD
FOR
FUNDING PURCHASE OF BICYCLES FOR
PAXON SCHOOL FOR ADVANCED STUDIES
AND FOR JOINT USE**

THIS AGREEMENT, made and entered into this 19th day of October, 2001, by and between THE CITY OF JACKSONVILLE, a municipal corporation ("City"), and DUVAL COUNTY SCHOOL BOARD, a public body corporate ("DCSB").

W I T N E S S E T H:

WHEREAS, the City, in Ordinance 2000-1084-E, as amended by Ordinance 2001-781-E for the 2000-2001 fiscal year, has appropriated \$2,726.40 for DCSB to fund purchase of four (4) Johnny G. Spinner Pro Bicycles, or equivalent, for Paxon School for Advanced Studies, for use by the Paxon Cross Country Team; and

WHEREAS, said ordinance directed and authorized the Mayor to enter into a contract with DCSB to accomplish such purchase, specifying basic terms and conditions of said contract; and

WHEREAS, this Agreement is made and entered into pursuant to the direction and authority specified in said ordinance; and

WHEREAS, the undersigned representatives for the parties hereto are fully authorized to execute this Agreement and to bind each respective party hereto; now therefore:

IN CONSIDERATION of the mutual covenants herein contained and for other good and valuable consideration, the parties agree that

1. The above stated recitals are true and correct and, by this reference, are incorporated herein and made a part hereof.

2. The City agrees to pay to DCSB the total amount of \$2,726.40 to fund purchase of up to four (4) Johnny G. Spinner Bicycles or equivalent equipment ("Equipment") for use by Paxon School For Advanced Studies for its cross country team. Said amount shall be the City's maximum indebtedness under this Agreement. Details of said purchase are more specifically described in Exhibit A, attached hereto and by this reference made a part hereof. Said payment shall be on a draw or cost reimbursement basis and the purchase shall be made no later than December 31, 2001.

3. DCSB shall provide the City's representative, as specified in Section 9, with all documentation, including bills and invoices satisfactory to justify a draw or reimbursement payment.

4. If the Equipment costs more than \$2,726.40, appropriated in Ordinance 2000-1084-E, as amended by Ordinance 2001-781-E, then, and in such event, the City will pay only the \$2,726.40 and will not be responsible for such excess.

5. If the Equipment costs less than \$2,276.40, appropriated in Ordinance 2000-1084-E, as amended by Ordinance 2001781-E, then, and in such event, DCSB shall so advise the City and the City shall pay only the actual cost of the Equipment; and DCSB shall return and refund to the City any appropriated funds in excess of such purchase price.

6. DCSB agrees to accept all or such part of the funds appropriated in Ordinance 2000-1084-E, as amended by Ordinance 2001-781-E, in accordance with the terms of said appropriation ordinance; in accordance with Section 106.315, *Ordinance Code*; and the terms and provisions of Chapter 118, *Ordinance Code*, as if the \$2,726.40 appropriated by Ordinance 2000-1084-E, as amended by Ordinance 2001-781-E, is a miscellaneous appropriation; and as if DCSB is a private agency receiving miscellaneous appropriations under Chapter 118, *Ordinance Code*. All terms and provisions of Chapter 118, *Ordinance Code*, are attached hereto as Exhibit B and, by this reference

are incorporated into this Agreement as if they were set out herein in their entirety. All terms and provisions of Ordinance 2000-1084-E and Ordinance 2001-781-E are attached hereto as Exhibit C and, by this reference, are incorporated herein as if they were set out in their entirety. Provisions of Section 106.315(b), *Ordinance Code*, are attached hereto as Exhibit D and, by this reference, are incorporated herein as if set out in their entirety. Additionally, DCSB agrees to comply with all bond covenants and restrictions as well as all other federal, state and local laws, rules and regulations in the expenditure of the \$2,726.40.

7. In addition to the terms and provisions of Chapter 118, *Ordinance Code*, DCSB shall provide to the Division Chief of the Planning, Research and Grants Division of the Planning, Research and Grants Division of the Parks, Recreation and Entertainment Department with a full accounting of the sources and uses of funds for the purchase of the Equipment (including, but not limited to copies of all invoices and checks). Such accounting shall be submitted at the time the Equipment is purchased. Said accounting shall be on forms approved by the council Auditor and Director of Administration and Finance.

8. The Planning, Research and Grants Division of the Parks, Recreation and Entertainment Department is the City's representative to ensure compliance with the appropriation Ordinance 2000-1084-E, as amended by Ordinance 2001-781-E and all other laws related to the purchase, and for the joint use specified in Section 10. DCSB shall be solely responsible for all repairs and maintenance of and to said Equipment.

9. Any unspent funds, from the appropriation in Ordinance 2000-1084-E, as amended by Ordinance 2001-781-E, existing on December 31, 2001, shall be returned. To the City for deposit in the proper City account.

10. DCSB agrees that the Equipment will be made available for public recreational use by City. The City will have the right to use such Equipment and athletic and other recreation facilities located at Paxon School for Advanced Studies, for public municipal recreational purposes at times that do not conflict with use by Paxon School For Advanced Studies in high school related sports events and activities. Such use by the City shall be at no additional cost or expense to the City.

11. The City may terminate this Agreement, at any time, without cause, by giving thirty (30) days advance notice to DCSB.

12. The Parties agree that they have had meaningful discussions and/or negotiations of the provisions, terms and conditions of this Agreement. Therefore, doubtful or ambiguous provisions, if any, contained in this Agreement shall not be construed against the party who physically prepared this Agreement. The rule commonly referred to as "*Fortius Contra Profereutum*" shall not be applied to this Agreement or any interpretation thereof.

13. For purposes of notice, the representatives of the parties shall be:

For the City:

Bob Baughman
Parks, Recreation and Entertainment Department
851 North Market Street
Jacksonville, Florida 32202

For the DCSB:

Principal
Paxon School For Advanced Studies
3239 Norman Thagard Boulevard
Jacksonville, Florida 32254


Notice shall be by certified mail, return receipt requested, or by hand delivery with signed receipts.

14. This Agreement replaces and supercedes that certain Agreement made by and between the City and DCSB, for the same purpose, dated March 28, 2001.

15. This Agreement represents the entire agreement between the parties for the receipt and expenditure of appropriated funds. No statement, representation, writing, understanding, agreement, made by either party or any representative of either party, which are not expressed in this Agreement, shall be binding. All revisions, changes, modifications or amendments to this Agreement must be in writing and signed by the authorized representative of each of the parties herein.

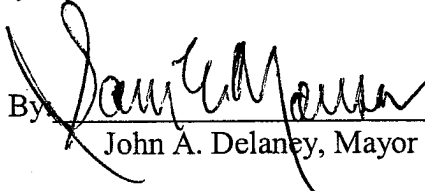
IN WITNESS WHEREOF, the parties, by and through their authorized representatives have executed this Agreement on the day and year first above written.

ATTEST:


By: 
Neil W. McArthur
Corporation Secretary



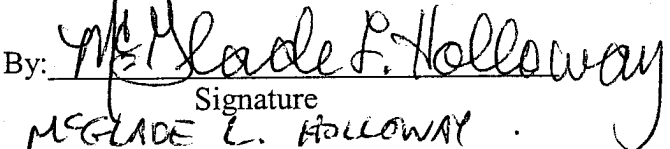
CITY OF JACKSONVILLE

By: 
Sam E. Mousa
Chief Administrative Officer
For: Mayor John Delaney
Under Authority of
Executive Order No. 00-10
John A. Delaney, Mayor

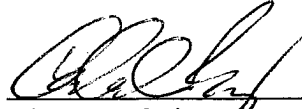
ATTEST:


By: 
Signature
J.T. LOEHNERT
Type/Print Name
DIRECTOR REAL ESTATE
Title
10/9/01

DUVAL COUNTY SCHOOL BOARD

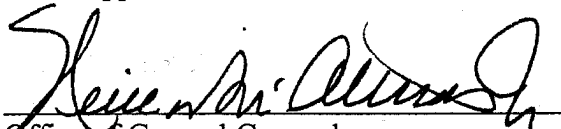
By: 
Signature
MCGLADE E. HOLLOWAY
Type/Print Name
ASSISTANT SUPERINTENDENT
Title
10/9/01

In compliance with the Charter of the City of Jacksonville, I do hereby certify that there is an unexpended, unencumbered, and unimpounded balance in the appropriation sufficient to cover the foregoing Agreement, and provision has been made for the payment of the monies provided therein to be paid.



Director of Finance
7391-32 

Form Approved:



Office of General Counsel

FITNESS PRO
 HEALTH AND EXERCISE EQUIPMENT
 2000-1 HENDRICKS AVENUE
 P.M.B. 16
 JACKSONVILLE, FL 32207
 904/284-4099

BILL TO: City of Jacksonville

SHIP TO: _____

Attn: Susan

ITEM(S) REQUESTED	QTY	COST	EXT'D PRICE
Stairmaster Revmaster	2	899.00	1,798.00
Vision 3100 Upright Cycle	1		750.00
		Subtotal	2,548.00

Date of Quote: 19-Jun-01

Del & Installation _____ 50.00
 Total (pre-tax) _____ 2,598.00

Preferred Delivery Date : _____

Quoted by: Bill Hartley

Tax Rate _____ 0.00%
 Tax _____ 0.00
 Freight _____ 120.00
 Total _____ 2,718.00

(904)287-0087

**Customer Terms : _____

Deposit _____
Total Due _____

Remit payment to: Fitness Pro
2000-1 Hendricks Ave
P.M.B. 16
Jacksonville, FL 32207

Customer Approval : _____
 Title : _____ Date : _____

*Prices valid for 30 days from date of quote. Signature, date, and 50% deposit required to process order.
 late payment fee of \$25 and monthly finance charges of 1.55 will be assessed on accounts not paid according to terms.

MISCELLANEOUS APPROPRIATIONS

PART 1. GENERAL PROVISIONS

118.101 Purpose. This chapter is enacted to regulate the manner and method by which the miscellaneous appropriations made by the Council are used by the private agencies who receive them. These private agencies provide services and activities determined by the Council to be beneficial to the general welfare of the people of the city and to their economic, social, medical, cultural and educational improvement and advancement. In aid of these objectives, the Council appropriates public funds to these private agencies either in the budget ordinance or in other appropriation ordinances. The city has a duty to see that these public funds are spent for public purposes as determined by the Council in the most efficient, economic manner possible, giving due regard to the purposes for which the funds are appropriated and the particular method or program by which the funds are to be spent. General review of these agencies and of their operating or program budgets is undertaken by the Council solely to insure that the city funds which support or form a part of their budgets are needed and will be properly applied.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.101.

118.102 Scope. This chapter applies to all city funds received by private agencies as a result of general miscellaneous appropriations contained in the annual budget ordinance or specific miscellaneous appropriations contained in other appropriation ordinances and this chapter also applies to all city funds that are appropriated by the Council as a lump-sum, unallocated, miscellaneous appropriation to private agencies by the Mayor or by the Arts Assembly of Jacksonville, Inc.

History.--Ord. 75-1300-614, s. 1; Ord. 79-359-159, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.102.

118.103 Construction. This chapter shall be given a liberal construction on behalf of the city to accomplish the purpose set out in s. 118.101.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.103.

118.104 Definitions. In this chapter, unless the context otherwise requires:

- (a) Arts Assembly means the Arts Assembly of Jacksonville, Inc., a non-profit corporation whose cultural objectives and public purposes were approved by Resolution 73-1221- 322.
- (b) City funds means the moneys appropriated by the Council to a recipient.
- (c) Expenditure means a sum of money paid to satisfy some financial obligation of a recipient.
- (d) Miscellaneous appropriation means:

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- (1) An appropriation of public funds by the Council to a non-governmental organization, firm or individual.
- (2) An allocation by the Mayor or by the Arts Assembly of appropriated funds to a non-governmental organization, firm or individual.
 - (e) Recipient means a private organization, firm or individual to whom the Council appropriates city funds and also a non-governmental organization, firm or individual to whom the Mayor or the Arts Assembly allocates appropriated funds.
 - (f) Requesting agency means a private organization, firm or individual who is seeking an appropriation from the Council.
 - (g) Human Services Council means the partnership of governmental and non-governmental organizations, including the City of Jacksonville, whose purpose is to renew better coordination and planning among the major funders of human services, as well as effective and efficient delivery of human services in our community.

History.--Ord. 75-1300-614, s. 1; Ord. 79-359-159, s. 2; Ord. 83-591-400, s. 1; Ord. 93-671-339, s. 4; Ord. 97-608-E, s. 1.

Note.--Former s. 127.105.

118.105 Other ordinances not to control. This chapter is the general ordinance concerning the receipt and accounting for of expenditures of city funds by private agencies and other ordinances on the same subject, whether applicable to one or to all private agencies, shall not change, modify or supersede any of the provisions hereof except by means of express language so doing.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.106.

PART 2. APPROPRIATIONS

118.201 Appropriation request. A requesting agency shall submit an appropriation request as follows:

- (a) Annual appropriation. For an annual miscellaneous appropriation in the budget ordinance, the requesting agency shall submit its appropriation request to the Mayor, at the time specified by him, for review and inclusion in the proposed budget ordinance. The Mayor shall prescribe the form of the appropriation request but it shall at least set out:
 - (1) The amount of city funds requested.
 - (2) A proposed budget of expenditures of the requested city funds which may be.
 - (i) A separate budget from the general operating or program budget of the requesting agency.

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- (ii) A separately identified or designated portion of the general operating or program budget of the requesting agency.
 - (iii) A combination of subparagraphs (i) and (ii) but, in any case, with such specificity or in such detail that the intended application of the requested city funds to the objectives and activities of the requesting agency is clearly evident.
- (3) An explanation of the reasons for the appropriation request, which shall also state any alternative sources of funds.
- (4) Whether the requesting agency intends to use city funds to aid those outside the City of Jacksonville boundaries, a church, a sect, a religious denomination or a sectarian institution.
- (b) Specific appropriation. For a specific miscellaneous appropriation in an appropriation ordinance other than the budget ordinance, the requesting agency shall submit an appropriation request to the Mayor in the manner prescribed by him for review and recommendation to the Council.

The Mayor shall prescribe the form of the appropriation request but it shall at least set out:

- (1) All of the information required in subsection (a).
- (2) If the requesting agency has received an annual miscellaneous appropriation for the current fiscal year, an explanation as to why the appropriation being requested was not included in the annual appropriation request.
History.--Ord. 75-1300-614, s. 1; Ord. 79-359-159, s. 3; Ord. 83-591-400, s. 1; Ord. 93-671-339, s. 1.
Note.--Former s. 127.201.

118.202 Review of appropriation request; recommendation to Council.

- (a) The Mayor shall review each appropriation request to determine:
- (1) Whether it is for a public purpose.
 - (2) Whether the requesting agency can perform or provide the service or activities for which the appropriation is requested.
 - (3) Whether and to what extent the services and activities to be performed or provided duplicate similar services and activities performed or provided by the city or other requesting agencies and recipients.
 - (4) Whether and to what extent, the financial condition of the city can justify the appropriation.

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- (b) The Mayor shall make his recommendation to the Council at the conclusion of the review required by subsection (a). The Mayor shall transmit only those appropriation requests, as amended, for which he makes a favorable recommendation, and the inclusion of a miscellaneous appropriation for a requesting agency in the annual budget proposal or in a proposed appropriation ordinance shall be considered a favorable recommendation to the extent of the proposed appropriation. A proposed miscellaneous appropriation shall be accompanied by an amended budget for the city funds to be appropriated.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.202.

118.203 Review by Council; approval of budget. The Council shall review the proposed miscellaneous appropriation request in its entirety, including the accompanying budget, and may require any other information that it deems pertinent and make such adjustments therein as it deems necessary. Prior to approving a miscellaneous appropriation, the Council shall assure that the appropriation meets the requirements of s. 118.202(a). If the Council approves the miscellaneous appropriation and budget, with or without changes, the miscellaneous appropriation and budget shall be embodied in a miscellaneous appropriation ordinance, separately or as a part of the annual budget ordinance. The Council shall impose such terms and conditions on the expenditure of the city funds affected by the miscellaneous appropriation as it deems necessary for the advancement of the objectives and purposes of the miscellaneous appropriation and the protection of city funds from improper or unlawful uses.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.203.

118.204 Release of appropriation. If a public service grant is made by the Council, it shall be released and disbursed only subsequent to the execution by the recipient of a written agreement:

- (a) Accepting the funds so appropriated in accordance with the terms of this agreement, the provisions of the ordinance appropriating the funds and of this chapter as from time to time amended.
- (b) Consenting to abide by Chapter 119, Florida Statutes and successors thereto.
- (c) Agreeing to return within fifteen days of demand therefor the city funds appropriated to the recipient in the current fiscal year upon the Council's finding that the terms of an agreement executed by the recipient, the provisions of an ordinance appropriating funds to said recipient or the provisions of this chapter have been violated.
- (d) Agreeing to return to the city the funds expended for disallowed expenditures as determined by the Council or Council Auditor in accordance with Part 4 of this chapter,
- (e) Agreeing:

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- (1) To maintain separate bank demand and/or time deposit accounts and deposit the city funds received and no other funds in the accounts and make all disbursements of city funds from the accounts; or
 - (2) With the approval of the Council Auditor, to maintain a separate budgetary accounting system so that the receipt and disbursement of city funds can be accurately and adequately determined by reference to the books of accounts of the recipient and a separate bank account need not be maintained.
- (f) Consenting to:
- (1) Such audits of the financial affairs of the recipients by the Council Auditor's Office as the Council Auditor may require.
 - (2) Producing the documents required by the Council Auditor.
 - (3) In the case of each recipient receiving twenty-five thousand dollars or more from the city, furnishing the city a copy of an audit report conducted in accordance with general accepted auditing standards, Government Auditing Standards, issued by the Comptroller General of the United States, and if applicable the provisions of Office of Management and Budget Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations" of its financial affairs for its fiscal year ending within the current fiscal year of the city made by an independent certified public accountant. This report shall be due within one hundred twenty days of the close of the recipient's fiscal year.
 - (4) In the case of each recipient receiving less than twenty-five thousand dollars from the city, furnishing an annual report of receipts and expenditures of city funds in such form as the Council Auditor shall prescribe. This report will be certified as to its accuracy by the Financial Officer/Treasurer of the recipient's organization. This report shall be on a fiscal year of October 1 through September 30 and shall be due on November 15, of each year.
 - (5) At least biannual administrative and programmatic reviews directed by the department responsible for the administration of the recipient's funding, and in cooperation with the Human Services Council partners as appropriate. These reviews will be directed toward quality improvement in the recipient's service delivery.

The agreement shall be executed only once in each fiscal year and shall apply to all appropriations made by the city during the fiscal year. The Mayor and Corporation Secretary shall execute the agreement on behalf of the city.

History.--Ord. 75-1300-614, s. 1; Ord. 79-597-291, s. 1; Ord. 83-591-400, s. 1; Ord. 85-805-565, s. 1; Ord. 92-1600-927, s. 1; Ord. 97-608-E, s. 1.

Note.--Former s. 127.204.

118.205 Content of audits by independent certified public accountant. In every case in which recipient is required to produce or file with the Council Auditor an audit by an independent certified public accountant, the following documents will be supplied:

- (a) An audit conducted in accordance with general accepted auditing standards, Government Auditing Standards, issued by the Comptroller General of the United States, and if applicable the provisions of Office of Management and Budget Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations" including a report on compliance with laws and regulations based on an audit of financial statements performed in accordance with Government Auditing Standards and a report on internal control structure required by OMB Circular A-133.
- (b) The independent auditor's report shall include separate statements of source and status of funds received from the city, and program costs showing the expenditure of city funds as compared to the authorized budget for those funds from the city.

History.--Ord. 75-1300-614, s. 1; Ord. 78-1246-691, s. 1; Ord. 83-591-400, s. 1; Ord. 92-1600-927, s. 2; Ord. 97-608-E, s. 1.

Note.--Former s. 127.205.

PART 3. ADMINISTRATION OF MISCELLANEOUS APPROPRIATIONS

118.301 Expenditure of appropriated funds.

- (a) Each recipient of a miscellaneous appropriation is responsible for assuring that city funds in its possession are expended as follows:
 - (1) City funds expended by a recipient shall be in accordance with governing laws and regulations of the state and the city.
 - (2) Recipients shall expend city funds in accordance with the budget approved by the Council.
 - (3) Miscellaneous appropriation moneys may not be expended for the following purposes:
 - (i) Losses arising from uncollectible accounts and other claims, and related costs.
 - (ii) Contributions to a contingency reserve or a similar provision for unforeseen events.
 - (iii) Contributions and donations to other groups or organizations.
 - (iv) Costs of amusements, social activities and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation and gratuities,

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except for such activities and expenditures relating to the Sister Cities Association Program.

- (v) Costs resulting from violations of or failure to comply with federal, state and local laws and regulations.
 - (vi) The salaries and expenses of the office of the governor of a state or the chief executive of a political subdivision. These costs are considered a cost of general state or local government.
 - (vii) The salaries and other expenses of the Legislature or similar local governmental bodies such as county commissioners, city councils and school boards, whether incurred for purposes of legislation or executive direction.
 - (viii) Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations and legal and professional fees paid in connection therewith.
- (4) Equipment purchased with miscellaneous appropriation funding having a unit cost of one hundred dollars or more and a useful life of one year or more shall be inventoried. The recipient shall maintain property inventory records, acquisition documents and usage records. Upon the expiration of its use for an approved public purpose, the equipment shall be transferred free and clear of all liens and encumbrances to the city or disposed of as authorized in writing by the city.
- (5) Miscellaneous appropriation funds are to be expended during a twelve-month period. This period will be identified in the agreement between the city and the recipient. Any funds which are residual funds remaining unspent or unencumbered by any existing (not contingent) legal obligation at the end of the contract period shall be returned to the city in the form of a negotiable instrument not later than ninety days after the close of the period, except that when a recipient continues to receive a miscellaneous appropriation from the city in the next fiscal year, a limited amount of residual funds may be carried forward from September 30 to October 1, which shall not exceed ten percent of the current appropriation to the recipient or \$500, whichever is greater. The city appropriation for the new fiscal year shall, however, be reduced by the amount of the unencumbered residual funds so carried forward. Any additional unencumbered residual funds shall be returned as provided herein above.
- (b) A recipient shall report changes, if any, in the city funds budget to the Council Auditor's Office quarterly.
- History.**--Ord. 75-1300-614, s. 1; Ord. 78-1246-691, s. 2; Ord. 83-591-400, s. 1; Ord. 85-805-565, s. 2; Ord. 90-214-33, s. 1.
- Note.**--Former s. 127.301.

118.302 Reserved.

Note.--Former s. 118.302, relative to allocations of certain funds by the Arts Assembly, was repealed by s. 2 of Ord. 93-671-339. Former s. 118.302 derived from Ord. 79-359-159, s. 4; and Ord. 83-591-400, s. 1.

PART 4. DISALLOWANCE OF EXPENDITURES

118.401 City's right to disallow expenditures. The city retains the right to disallow expenditures of city funds. The Council Auditor may audit the expenditures of city funds by each recipient. The audit report of the Council Auditor delineating the questioned expenditures shall be delivered, by certified mail, to the recipient affected. If the recipient does not protest the questioned expenditures in accordance with this part, the questioned expenditures shall be disallowed expenditures and the amount of the disallowed expenditures shall be immediately returned to the city.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.401.

118.402 Protest of questioned expenditures. A recipient may protest one or more of the questioned expenditures by filing a written protest with the Council President within ten days of receipt of the audit report of the Council Auditor. The Council President shall refer the protest to the Finance Committee as an Audit Appeals Committee.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.402.

118.403 Audit Appeals Committee. Within thirty days after the protest is referred to the Audit Appeals Committee, a public hearing shall be conducted by the Committee. The Committee shall file a written report on the protest and propose an appropriate resolution for final action by the Council within fifteen days of the conclusion of the hearing. A copy of the report shall be delivered, by certified mail, to the protesting recipient.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.403.

118.404 Council ruling on protest of questioned expenditures. Upon receipt of the report of the Audit Appeals Committee, the Council shall take such action, by resolution, as it deems appropriate and notify the recipient affected, by certified mail, of its action. The amount of the protested questioned expenditures disallowed by the Council shall be disallowed expenditures and immediately returned to the city.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.404.

118.405 Return of disallowed expenditures. Every recipient shall return the amount of:

- (a) Questioned expenditures not protested in accordance with this part, thereby becoming disallowed, within fifteen days of receipt of the audit report of the Council Auditor.
- (b) Questioned expenditures protested, but disallowed by the Council in accordance with this part, within fifteen days of receipt of notification of the Council's action.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.405.

PART 5. LIABILITY AND LOSS OF ENTITLEMENT OR ELIGIBILITY

118.501 Liability for disallowed expenditures. Each recipient shall be liable to the city for the full amount of a finally disallowed expenditure.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.501.

118.502 Loss of entitlement to miscellaneous appropriation. A recipient who violates the provisions of s. 106.217 shall lose all entitlement to further disbursement of its miscellaneous appropriations and the Director of Finance shall withhold disbursement upon certification of this loss of entitlement by the Council Auditor.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.403.

118.503 Loss of eligibility for failure to comply with this chapter. A recipient failing to comply with requirements of this chapter shall be ineligible to apply for a miscellaneous appropriation for:

- (a) In the first instance,
 - (1) The next fiscal year; or
 - (2) Until being certified by the Council Auditor as being in compliance; and
- (b) In the next instances,
 - (1) The next succeeding five fiscal years; or
 - (2) Until being certified by the Council Auditor as being in compliance, whichever is longer.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1; Ord. 85-805-565, s. 3.

Note.--Former s. 127.503.

118.504 Failure or refusal to make reports and responses. Each recipient that shall fail or refuse to make the reports and responses required by this chapter shall lose all entitlement to further disbursement of its miscellaneous appropriations and the Director of Finance shall withhold disbursement upon certification of this loss of entitlement by the Council Auditor. Entitlement shall be restored upon a certification by the Council Auditor that the recipient has complied with the provisions of this chapter.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.504.

118.505 City's right to collect amounts due. Notwithstanding any other provision of this chapter, the city retains the right to take any legal or equitable action necessary to collect amounts due the city arising out of or connected with a miscellaneous appropriation.

History.--Ord. 75-1300-614, s. 1; Ord. 83-591-400, s. 1.

Note.--Former s. 127.505.

PART 6. CULTURAL SERVICE GRANT PROGRAM

118.601 Creation and purpose. There is hereby created a Cultural Service Grant Program. The mission and purpose of the program is to provide public support to organizations which contribute to the cultural quality of life of Jacksonville's citizens.

History.--Ord. 93-671-339, s. 3.

118.602 Responsibility. The Cultural Council of Greater Jacksonville (Cultural Council) is hereby designated as the agent of the city for the purposes of determining and authorizing the allocation of a lump sum Cultural Service Grant appropriation designated in the annual budget ordinance or in supplemental appropriation ordinances as being appropriated for eligible recipients. The determinations and authorizations made by the Cultural Council and its Cultural Service Grant Committee in accordance with the provisions of this section shall be final and not subject to further administrative review by any executive or administrative official of the city. No cultural organization as defined in this chapter may make a request for operating, program or special project support except through an allocation from the Cultural Service Grant Program, except for organizations providing children's programs which may be funded through the Jacksonville Children's Commission.

History.--Ord. 93-671-339, s. 3; Ord. 98-542-E, s. 1.3(i).

118.603 Lump sum appropriation to Arts Assembly. The process for the annual Cultural Service Grant Program appropriation will begin with the Arts Assembly preparation of an annual appropriation request for all cultural organizations based on information provided by eligible organizations in a "Letter of Intent." This request will reflect a lump sum appropriation to be indicated in the annual city budget as Cultural Service Grant Program. Ten percent of the total lump sum appropriation shall be allocated to the Arts Assembly for administration of the grant program and other programs which serve the community. The Cultural Service Grant Program request shall be submitted to the Mayor for review by the Mayor's Budget Review Committee which will recommend a lump sum appropriation to be included in the proposed budget for the upcoming fiscal year. The Arts Assembly shall include in the request relevant information regarding cultural services to be provided to the community as a result of the funding; and shall be responsible for documenting the validity of the request to the MBRC, the City Council Finance Committee and full City Council throughout the budgeting process.

History.--Ord. 93-671-339, s. 3.

118.604 Allocation by Arts Assembly; generally. Recommendations for allocation of the lump sum appropriation to applicant organizations shall be made by the Cultural Service Grant Committee to the Arts Assembly Board of Directors. The Board shall make a final determination of funding. Funding will be allocated by contract between the recipient organization and the Arts Assembly. Organizations will be notified in writing of the results of their request and will be provided with any support information or justification for the Committee's decision which might be helpful. A complete list of the individual allocations will be forwarded to the City Auditor's office, the Office of the Mayor, the City Council and the Department of Parks, Recreation and Entertainment.

History.--Ord. 93-671-339, s. 3.

118.605 Cultural service grant committee.

- (a) The Arts Assembly shall be responsible for establishing an annual Cultural Service Grant (CSGP) Committee. The Composition of the CSGP Committee shall include a chairperson, appointed by the President of the Arts Assembly Board of Directors; five other Arts Assembly Board members selected by the Board President and Committee Chairperson; one City Council member (ex-officio); one representative from the office of the Mayor (ex-officio); and five individuals selected by the above group from a pool of nominations established through a community wide nomination process.
- (b) Members of the CSGP Committee shall be chosen to represent racial, gender, geographic and age diversity; an expression of interest in the impact of culture in the community; a willingness to participate fully in the process.
- (c) Members shall serve for one, three-year term without renewal. Council and Mayoral representatives shall be appointed annually.
- (d) The President-Elect of the Arts Assembly Board of Directors shall serve as an ex-officio member of the Committee.
- (e) All members of the CSGP Committee will be confirmed by the City Council upon initial appointment.
- (f) The responsibilities of the CSGP Committee include:
 - (i) review and evaluation of all applications based on established criteria;
 - (ii) serve as an on-site evaluator and lead reviewer for a selected number of applicants;
 - (iii) attend an orientation session and all review sessions; and
 - (iv) participate in the allocations process.
- (g) The Cultural Service Grant Committee shall recommend to the Arts Assembly Board of Directors the organizations to be funded and the amount of the funding.

History.--Ord. 93-671-339, s. 3; Ord. 97-310-E, s. 1.

118.606 Application for cultural service grants.

- (a) The Arts Assembly shall develop and be responsible for the administration of the Cultural Service Grant Program. Administrative and operating procedures shall be established and amended as necessary to meet the mission of the program and

City of Jacksonville Ordinance Code - Chapter 118
Exhibit B

current needs of the community. The Arts Assembly may classify the cultural organizations in reasonable classifications for the purpose of this program. The procedure prescribed herein, as further developed by the Arts Assembly, shall be the only procedure available to cultural organizations for requesting public support.

- (b) The following components shall be included in any administrative and operating procedures developed and implemented by the Arts Assembly:
 - (i) The Arts Assembly shall publish each year in a newspaper of general circulation in the city, at least one month before the last day on which appropriation request must be submitted to the Arts Assembly, a notice that it is accepting Cultural Service Grant requests for the ensuing fiscal year, stating the place where the appropriation request forms may be obtained, the last day on which the completed appropriation requests must be returned to the Arts Assembly and when and where the Arts Assembly (or a duly authorized committee thereof) will hold a hearing on the appropriation requests (which may include a statement that the hearing may be adjourned from time to time and from place to place until all the appropriation requests have been heard).
 - (ii) The Arts Assembly shall promulgate a written procedure for the submission of appropriation requests by eligible agencies, which procedure shall be made known to each requesting agency, or its agent or representative, at the time the appropriation request form is supplied to the requesting agency.
 - (iii) The Arts Assembly (which, for the purposes of this subsection, includes the duly authorized Cultural Service Grant committee thereof) shall consider appropriation requests returned by the requesting agencies. The Arts Assembly shall afford the requesting agencies an opportunity to make an oral or written presentation to justify or explain their respective appropriation requests, and no requesting agency shall be denied this opportunity solely because it has never submitted an appropriation request before or because a previous appropriation request has been denied.
 - (iv) All meetings and sessions of the Cultural Service Grant Committee shall be held in a publicly accessible location and shall be noticed and open to the public.

History.--Ord. 93-671-339, s. 3.

118.607 Eligibility for cultural service grant. In order to be eligible for funding an organization must meet the following criteria.

- (a) The organization must be tax exempt under Section 501(c)(3) of the Federal Internal Revenue Code. A copy of the organization's letter of exemption from the Internal Revenue Service and all amendments thereto shall be provided when the

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Exhibit B

organization submits its first appropriation request and thereafter when any change is made.

- (b) The organization must be a not-for-profit corporation chartered by the Secretary of State under Part 1, Chapter 617, Florida Statutes. A copy of the corporate charter and all amendments thereto shall be provided when the corporation submits its first appropriation request and thereafter when any change is made.
- (c) The organization must operate in Duval County.
- (d) The organization must have been in existence for at least one year.
- (e) The organization shall have a broad base of community representation in management and membership. The members of the board of directors shall not receive any compensation for their service as directors, but they may be reimbursed for actual monetary expenditures on behalf of the organization. The corporate charter or by-laws shall provide a method of selection of the board of directors which will periodically subject the directors to the possibility of replacement by other qualified persons. The membership of the organization shall be open to as large a portion of the public as possible, subject to such nondiscriminatory conditions and qualifications for membership as may be imposed by the corporate charter or by-laws; provided that this requirement shall not be construed so as to prevent or prohibit an organization from having different classes of membership with different conditions and qualifications for admission and different relative rights, privileges and duties.
- (f) If the organization is a previous recipient of Miscellaneous Appropriation or a Cultural Service Grant, the organization must have submitted all required reports for previous grants.
- (g) At least seventy-six percent of the organizations revenue shall be derived from sources other than this program.
- (h) The organization shall provide services or activities which benefit or are made available to a broad range of the people of the city and shall be offered on a non-discriminatory basis to those people.
- (i) To receive general operating support, the organization must as its primary function present, sponsor, exhibit or otherwise offer for public consumption programs or activities in any one or combination of the following disciplines: historic preservation/restoration, arts in education, music, dance, folk arts, humanities, literature, film/video/media, theater and musical theater, visual arts, or collections or exhibits of historical, archeological, scientific or ethnic artifacts, handiwork or objects.

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Exhibit B

- (j) To receive program support an organization must meet all other eligibility requirements and must be requesting support specifically for cultural programming as defined by this ordinance.

History.--Ord. 93-671-339, s. 3.

118.608 Criteria for judging applicants for cultural service grants. All applicants to the Cultural Service Grant Program will be evaluated based on the following criteria:

- (a) quality of programs;
- (b) community outreach and service to culturally diverse populations;
- (c) management capability of board and staff;
- (d) community impact;
- (e) need for the organization in the community; and
- (f) exploration of innovative ideas and programming.

History.--Ord. 93-671-339, s. 3.

118.609 Restrictions or use of cultural service grants.

- (a) No grants shall be made to individuals, or local, state or federal agencies.
- (b) Cultural service grant funds may not be used for:
 - (i) capital purchases over one hundred dollars;
 - (ii) endowments, escrow accounts;
 - (iii) contributions or donations to other organizations;
 - (iv) social activities or any entertainment expenses;
 - (v) penalty fees for violations of federal, state or local laws;
 - (vi) interest payments or professional fees related to loans or refinancing; or
 - (vii) reimbursement to individuals for operating expenses.
- (c) Cultural service grant funds must be kept in an individual bank account, separate from other organization funds. It may be an interest bearing account, but the total amount of the grant and the interest must be spent by the end of the contract period; except that a remaining balance may be maintained in the cultural service grant account in order to keep the account open from year to year. This balance must be identified and documented in quarterly and year end reports.

History.--Ord. 93-671-339, s. 3.

118.610 City contract, review and oversight.

- (a) Upon approval of the annual budget by the City Council, one contract will be prepared and administered throughout the Department of Parks, Recreation and Entertainment which will reflect the total amount of the lump sum appropriation for cultural service grants to all cultural organizations. Funds shall be distributed to the Arts Assembly on a quarterly basis in amounts to be determined annually, upon receipt by the Department of Parks, Recreation and Entertainment of a quarterly financial and programmatic report.
- (b) The Arts Assembly shall establish a quarterly reporting system for all funded organizations which provides financial and programmatic information documenting the use and impact of the Cultural Service Grant Program funds.
- (c) The Arts Assembly shall provide the City Auditor's office with one copy of each of the applications for all organizations to be funded when the final allocations have been determined; and an independently prepared or audited financial statement (depending on grant amount) from all recipients at the conclusion of the grant period. All application forms, procedures, reporting requirements, and contract agreements for recipient organizations (other than the Arts Assembly) will be developed by the Arts Assembly and will be between the Arts Assembly and the individual recipient organizations.

History.--Ord. 93-671-339, s. 3.

Introduced by Council Member Holzendorf:

ORDINANCE 2000-1084-E

AN ORDINANCE APPROPRIATING \$2,726.40 FROM DISTRICT 10 - RIVER CITY RENAISSANCE FUND TO PAXON HIGH SCHOOL FOR SPINNER BIKES; AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO ACCOMPLISH THIS PROJECT; PROVIDING AN EFFECTIVE DATE.

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

Section 1. For the 2000-2001 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):

(a) Appropriated from:

District 10 - River City	CCCP34110572-06505	\$2,726.40
Renaissance	PR0038-01	

(b) Appropriated to:

Paxon High School	Account Number:	\$2,726.40
	to be designated	

*PRCP34110572-06505,
PR0269-01*

(c) The purpose of this appropriation is to provide funds for the purchase of four (4) Johnny G. Spinner Pro Bikes for Paxon High School for use by the Paxon Cross Country Team. (See Exhibit 1)

(d) The expenditure of the funds appropriated herein is contingent upon the execution of a contract acceptable to the Mayor. No funds for the project may be released prior to execution of the contract by all parties.

Section 2. The Mayor is hereby directed and authorized to enter into a contract with Paxon High School/Duval County School

1 Board ("Paxon") or an authorized agent which has been identified, in
2 writing by Paxon and which agent is acceptable to the Mayor, to
3 accomplish this purchase. Paxon is directed to comply with the
4 provisions of all applicable laws and to provide the City with all
5 requested documentation regarding the project and provide a full
6 accounting of the sources and uses of the funds for the project in
7 a report format approved by the Council Auditor and Director of
8 Administration and Finance. The Mayor is directed to appoint the
9 appropriate City department to insure compliance with the contract
10 and all appropriate laws.

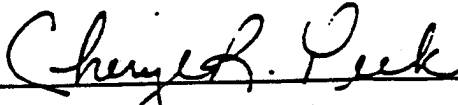
11 Section 3. This ordinance shall become effective upon
12 signature by the Mayor or upon becoming effective without the
13 Mayor's signature.

14

15 Form Approved:

16

17



18

Office of General Counsel

19

Legislation Prepared by: Cheryl R. Peek

20

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ORDINANCE 2000-1084-E

CERTIFICATE OF AUTHENTICATION

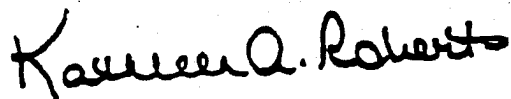
ENACTED BY THE COUNCIL

December 12, 2000



ALBERTA HIPPS
COUNCIL PRESIDENT

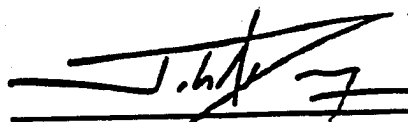
ATTEST:



KATHLEEN A. ROBERTS
ACTING COUNCIL SECRETARY

DEC 18 2000

APPROVED: _____



JOHN DELANEY, MAYOR



1 Introduced by Council Member Holzendorf:
2
3

4 ORDINANCE 2001-781-E

5 AN ORDINANCE AMENDING ORDINANCE 2000-1084-E,
6 IN PART, TO ALLOW PURCHASE OF JOHNNY G.
7 SPINNER PRO BIKES OR EQUIVALENT PRODUCTS, IN
8 THE DISCRETION OF PAXON SCHOOL COACHES;
9 PROVIDING THAT THE APPROPRIATION SHALL NOT
10 LAPSE; BUT SHALL BE EXTENDED TO DECEMBER 31,
11 2001; PROVIDING AN EFFECTIVE DATE.
12

13 WHEREAS, in Ordinance 2000-1084-E, the Council appropriated
14 funds, from Council Member Holzendorf's District 10 River City
15 Renaissance account, for the specific purchase of four (4) Johnny
16 G. Spinner Bikes for use by the Paxon Cross Country Team; and

17 WHEREAS, the manufacturer is behind schedule for such items
18 and they cannot be available for reasonable use; and

19 WHEREAS, said Ordinance should be amended to allow for
20 purchase of equivalent products and to allow the appropriation not
21 to lapse at the end of the 2000-2001 fiscal year, but to continue
22 thereafter to allow for the purchase; now therefore

23 BE IT ORDAINED by the Council of the City of Jacksonville:

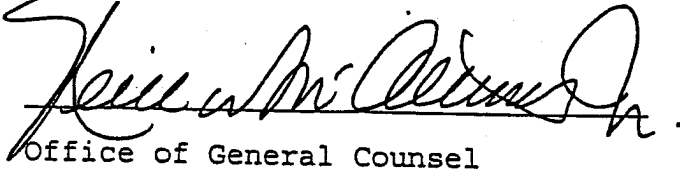
24 Section 1. Section 1(c) of Ordinance 2000-1084-E is
25 amended to read:

26 (c) The purpose of this appropriation is to provide funds for
27 the purchase of up to four (4) or more Johnny G. Spinner
28 Pro Bikes (or equivalent bikes) for Paxon High School for
29 use by the Paxon Cross Country Team. Equivalence shall
30 be determined by Paxon High School coaches. This

1 appropriation shall not lapse at the end of the 2000-2001
2 fiscal year but shall carryover until December 31, 2001.

3 Section 2. Effective Date. This ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

6
7 Form Approved:

8 
9
10 Office of General Counsel

11 Legislation Prepared By Neill W. McArthur, Jr.

12 G:\shared\LEGIS.CC\MARTHUR\Johnny Spinner.ord.doc

ORDINANCE 2001-781-E

CERTIFICATE OF AUTHENTICATION

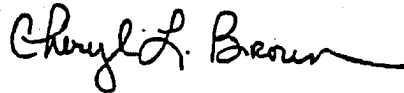
ENACTED BY THE COUNCIL

SEPTEMBER 13, 2001



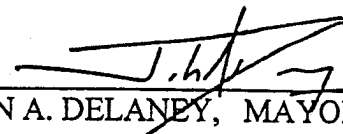
MATT CARLUCCI
COUNCIL PRESIDENT

ATTEST:



CHERYL L. BROWN
COUNCIL SECRETARY

APPROVED: SEP 20 2001


JOHN A. DELANEY, MAYOR

Sec. 106.315. District Council expenditures.

City funds ("funds"), which may from time to time be appropriated to District Council accounts for various projects ("project(s)" defined herein to be any operating or capital expenditure of city funds"), shall be governed by this code section's requirements for the expenditure of said funds. The ordinance appropriating funds to District Council accounts shall define the project (i.e. operating or capital) and specify the permitted use(s) of the funds (e.g. recreational and/or other uses) and shall specify the term of the appropriation. Upon the expiration of the term, unexpended or unencumbered funds shall lapse into the Special Council Reserve Account. Except for projects undertaken by the city, all expenditures of funds shall be restricted to an organization ("organization" defined herein to be a legal entity making a contribution, whether monetary or otherwise, to the project) whose project is both open to the public and located upon public property ("public property" defined herein to include property leased to the city). In addition, uses of the funds shall be subject to the following requirements:

(a) District Council funds of twenty-five thousand dollars or less shall be expended in accordance with the following procedures:

(1) The District Council Member shall prepare a letter which provides Funds to an organization or city department in an amount certain and describes the purpose of the project and the public benefits of the project and the contributions of the organization. A copy of the letter shall be delivered to the Mayor.

(2) Based upon the letter, the Mayor is directed to process the request as follows:

(i) Assign the project to the appropriate city department for project oversight and/or implementation;

(ii) Prepare and process the appropriate budget and/or accounting and purchasing entries; and

(iii) If the project is to be performed by an organization the Mayor shall prepare and execute a contract for the project requiring the organization to:

1. Complete the project in a time certain;

2. Provide project accounting/reporting back to the oversight department and council auditor's office;

3. Comply with all applicable bond covenants/restrictions, ordinances, laws and regulations;

4. Return unused funds to the District Council Fund;

5. Provide for release of city funds to the organization on a draw for work done or cost reimbursement basis; and

6. Such other contract provisions as may be deemed appropriate or necessary by the Mayor.

(b) District Council expenditures in excess of twenty-five thousand dollars shall, in addition to complying with the requirements of subsection (a) of this section, require the District Council Member to obtain City Council approval as evidenced by an ordinance appropriating the District Council Funds to a specific project.

(Ord. 1999-786-E, § 1.3(g))