

Introduced by Council Member Diamond:

ORDINANCE 2021-

AN ORDINANCE REGARDING CHAPTER 118 (CITY GRANTS), *ORDINANCE CODE*; CREATING A NEW SECTION 118.107 (NONPROFITS TO RECEIVE FUNDING THROUGH A COMPETITIVE EVALUTED AWARD PROCESS), PART 1 (GENERAL PROVISIONS), TO CHAPTER 118 (CITY GRANTS), *ORDINANCE CODE*; CREATING A NEW SECTION 602.413 (ADDITIONAL DISCLOSURE REQUIREMENTS FOR COUNCIL MEMBERS EMPLOYED BY NONPROFIT ORGANIZATIONS RECEIVING FUNDING FROM CITY), PART 4 (CONFLICTS OF INTEREST), CHAPTER 602 (JACKSONVILLE ETHICS CODE), *ORDINANCE CODE*; PROVIDING AN EFFECTIVE DATE.

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

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

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

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

Section 1. Creating new Section 118.107 (Nonprofits to receive funding through a competitive evaluated award process), Part 1 (General Provisions), Chapter 118 (City Grants), Ordinance Code. Part 1 (General Provisions), Chapter 118 (City Grants), *Ordinance Code*, is hereby amended to create a new Section 118.107 to read as follows:

**CHAPTER 118. CITY GRANTS
PART 1. GENERAL PROVISIONS**

* * *

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

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

* * *

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

CHAPTER 602. JACKSONVILLE ETHICS CODE

* * *
PART 4. CONFLICTS OF INTEREST
SUBPART A CONFLICT RELATIONSHIPS
* * *

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

Pursuant to Section 118.107, *Ordinance Code*, all nonprofit organizations receiving funds appropriated by the City pursuant to Chapter 118 (Public Grants) or Chapter 126 (Procurement Code) shall be subject to a competitive evaluated award process. In addition to the requirements of Sections 126.110 (Public official bid and contract disclosure and prohibition) and 602.406 (Public official bid and contract disclosure), *Ordinance Code*, in the event that a council member is employed by a nonprofit organization, the council member shall complete and provide on or before the award application or solicitation deadline submission date, the following supplemental information to the Ethics Oversight and Compliance Office:

- 1) a copy of the nonprofit organization's most recent annual audit;
- 2) a copy of the nonprofit organization's most current IRS 990 form;
- 3) provide evidence that the council member is employed by the nonprofit organization and a narrative explanation of the duties and services that the council member provides for the nonprofit organization; and
- 4) an affidavit executed and completed by the council member that attests to the following: that
 - i) the council member is an employee of the nonprofit applying for funding and the employment position of the council member with the nonprofit;
 - ii) the nonprofit applying for funding is a 501(c) entity under the Internal Revenue Code;
 - iii) the council member is/is not an officer, director, proprietor, partner and/or owner of more than 5% interest of the nonprofit applying for funding;
 - iv) the council member's nonprofit salary is not and will not be paid by any funding from the City and the council member will not receive any financial gain from the City's funding of the nonprofit;
 - v) the council member has not in any way participated directly or indirectly or been personally involved in the City's decision to fund the nonprofit, and will continue to not participate or be personally involved in the funding for the nonprofit. Participating or being personally involved includes, but is not limited to, participating in discussions at any City meetings or communicating with officers or employees of the funding agency; and
 - vi) that to the council member's knowledge, no funding received by the nonprofit organization from the City will go to an entity to which the council member has a majority or controlling interest.

The affidavit form shall be provided by the Ethics Oversight

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

* * *

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

Form Approved:

Office of General Counsel

Legislation Prepared By: Paige H. Johnston

GC-#1457678-v2-Diamond_Nonprofit_Contracts.doc