

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Finance Committee:

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5 **RESOLUTION 2023-715-A**

6 A RESOLUTION MAKING CERTAIN FINDINGS, AND
7 APPROVING AND AUTHORIZING THE EXECUTION OF AN
8 ECONOMIC DEVELOPMENT AGREEMENT ("AGREEMENT")
9 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND
10 PROJECT ORION ("COMPANY"), TO SUPPORT THE
11 EXPANSION OF COMPANY'S OPERATIONS AT A NEW
12 FACILITY LOCATED ON THE WEST SIDE OF
13 JACKSONVILLE ("PROJECT"); AUTHORIZING A TEN-
14 YEAR RECAPTURE ENHANCED VALUE (REV) GRANT NOT TO
15 EXCEED \$1,500,000; APPROVING AND AUTHORIZING THE
16 EXECUTION OF DOCUMENTS BY THE MAYOR, OR HER
17 DESIGNEE, AND CORPORATION SECRETARY;
18 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS BY
19 THE EXECUTIVE DIRECTOR OF THE OFFICE OF ECONOMIC
20 DEVELOPMENT ("OED"); PROVIDING FOR OVERSIGHT BY
21 THE OED; PROVIDING A DEADLINE FOR THE COMPANY TO
22 EXECUTE THE AGREEMENT; AFFIRMING THE PROJECT'S
23 COMPLIANCE WITH THE PUBLIC INVESTMENT POLICY
24 ADOPTED BY ORDINANCE 2022-726-E, AS AMENDED;
25 REQUESTING TWO-READING PASSAGE PURSUANT TO
26 COUNCIL RULE 3.305; PROVIDING AN EFFECTIVE DATE.

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28 **WHEREAS,** Project Orion (the "Company") has committed to create
29 250 permanent full-time equivalent new jobs in Jacksonville by
30 December 31, 2028 with an estimated new capital investment of
31 \$28,775,000, all as further described in the Project Summary attached

1 hereto as **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev Proj
2 Summary, October 17, 2023 - Finance" and incorporated herein by this
3 reference; and

4 **WHEREAS**, for the reasons more fully described in the Project
5 Summary, the payment of the REV Grant in such amounts serves a
6 paramount public purpose; and

7 **WHEREAS**, the OED has reviewed the application submitted by the
8 Company for community development, and, together with representatives
9 of the City, negotiated the Agreement. Accordingly, based upon the
10 contents of the Agreement, it has been determined that the Agreement
11 and the uses contemplated therein to be in the public interest, and
12 that the public actions and financial assistance contemplated in the
13 Agreement take into account and give consideration to the long-term
14 public interests and public interest benefits to be achieved by the
15 City; and

16 **WHEREAS**, the Company has requested the City to enter into an
17 agreement in substantially the form placed **On File** with the Office
18 of Legislative Services; now therefore,

19 **BE IT RESOLVED** by the Council of the City of Jacksonville:

20 **Section 1. Findings.** It is hereby ascertained, determined,
21 found and declared as follows:

22 (a) The recitals set forth herein are true and correct.

23 (b) The location of the Company's Project in Jacksonville,
24 Florida, is more particularly described in the Agreement. The Project
25 will promote and further the public and municipal purposes of the
26 City.

27 (c) Enhancement of the City's tax base and revenues, are matters
28 of State and City policy and State and City concern in order that the
29 State and its counties and municipalities, including the City, shall
30 not continue to be endangered by unemployment, underemployment,
31 economic recession, poverty, crime and disease, and consume an

1 excessive proportion of the State and City revenues because of the
2 extra services required for police, fire, accident, health care,
3 elderly care, charity care, hospitalization, public housing and
4 housing assistance, and other forms of public protection, services
5 and facilities.

6 (d) The provision of the City's assistance as identified in the
7 Agreement is necessary and appropriate to make the Project feasible;
8 and the City's assistance is reasonable and not excessive, taking
9 into account the needs of the Company to make the Project economically
10 and financially feasible, and the extent of the public benefits
11 expected to be derived from the Project, and taking into account all
12 other forms of assistance available.

13 (e) The Company is qualified to carry out and complete the
14 construction and equipping of the Project, in accordance with the
15 Agreement.

16 (f) The authorizations provided by this Resolution are for
17 public uses and purposes for which the City may use its powers as a
18 county, municipality and as a political subdivision of the State of
19 Florida and may expend public funds, and the necessity in the public
20 interest for the provisions herein enacted is hereby declared as a
21 matter of legislative determination.

22 (g) This Resolution is adopted pursuant to the provisions of
23 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
24 Charter, and other applicable provisions of law.

25 **Section 2. Economic Development Agreement Approved.** There
26 is hereby approved, and the Mayor and Corporation Secretary are
27 authorized to execute and deliver, for and on behalf of the City, an
28 agreement between the City and the Company, substantially in the form
29 placed **On File** with the Office of Legislative Services (with such
30 "technical" changes as herein authorized), for the purpose of
31 implementing the recommendations of the OED, as are further described

1 in the Project Summary attached hereto as **Revised Exhibit 1.**

2 The Agreement may include such additions, deletions and changes
3 as may be reasonable, necessary and incidental for carrying out the
4 purposes thereof, as may be acceptable to the Mayor, or her designee,
5 with such inclusion and acceptance being evidenced by execution of
6 the Agreement by the Mayor or her designee. No modification to the
7 Agreement may increase the financial obligations or the liability of
8 the City and any such modification shall be technical only and shall
9 be subject to appropriate legal review and approval of the General
10 Counsel, or his or her designee, and all other appropriate action
11 required by law. "Technical" is herein defined as including, but not
12 limited to, changes in legal descriptions and surveys, descriptions
13 of infrastructure improvements and/or any road project, ingress and
14 egress, easements and rights of way, performance schedules (provided
15 that no performance schedule may be extended for more than one year
16 without City Council approval) design standards, access and site
17 plan, which have no financial impact.

18 **Section 3. Payment of REV Grant.**

19 (a) The REV Grant shall not be deemed to constitute a debt,
20 liability, or obligation of the City or of the State of Florida or
21 any political subdivision thereof within the meaning of any
22 constitutional or statutory limitation, or a pledge of the faith and
23 credit or taxing power of the City or of the State of Florida or any
24 political subdivision thereof, but shall be payable solely from the
25 funds provided therefor as provided in this Section. The Agreement
26 shall contain a statement to the effect that the City shall not be
27 obligated to pay any installment of its financial assistance to the
28 Company except from the non-ad valorem revenues or other legally
29 available funds provided for that purpose, that neither the faith and
30 credit nor the taxing power of the City or of the State of Florida
31 or any political subdivision thereof is pledged to the payment of any

1 portion of such financial assistance, and that the Company, or any
2 person, firm or entity claiming by, through or under the Company, or
3 any other person whomsoever, shall never have any right, directly or
4 indirectly, to compel the exercise of the ad valorem taxing power of
5 the City or of the State of Florida or any political subdivision
6 thereof for the payment of any portion of such financial assistance.

7 (b) The Mayor, or her designee, is hereby authorized to and
8 shall disburse the annual installments of the REV Grant as provided
9 in this Section in accordance with this Resolution and the Agreement.

10 **Section 4. Designation of Authorized Official/OED Contract**

11 **Monitor.** The Mayor is designated as the authorized official of the
12 City for the purpose of executing and delivering any contracts and
13 documents and furnishing such information, data and documents for the
14 Agreement and related documents as may be required and otherwise to
15 act as the authorized official of the City in connection with the
16 Agreement, and is further authorized to designate one or more other
17 officials of the City to exercise any of the foregoing authorizations
18 and to furnish or cause to be furnished such information and take or
19 cause to be taken such action as may be necessary to enable the City
20 to implement the Agreement according to its terms. The OED is hereby
21 required to administer and monitor the Agreement and to handle the
22 City's responsibilities thereunder, including the City's
23 responsibilities under such Agreement working with and supported by
24 all relevant City departments.

25 **Section 5. Further Authorizations.** The Mayor, or her

26 designee, and the Corporation Secretary, are hereby authorized to
27 execute and deliver the Agreement and all other contracts and
28 documents and otherwise take all necessary action in connection
29 therewith and herewith. The Executive Director of the OED, as contract
30 administrator, is authorized to negotiate and execute all necessary
31 changes and amendments to the Agreement and other contracts and

1 documents, to effectuate the purposes of this Resolution, without
2 further Council action, provided such changes and amendments are
3 limited to amendments that are technical in nature (as described in
4 Section 2 hereof), and further provided that all such amendments
5 shall be subject to appropriate legal review and approval by the
6 General Counsel, or his or her designee, and all other appropriate
7 official action required by law.

8 **Section 6. Oversight Department.** The OED shall oversee the
9 Project described herein.

10 **Section 7. Execution of Agreement.** If the Agreement
11 approved by this Resolution has not been signed by the Company within
12 ninety (90) days after the OED delivers or mails the unexecuted
13 Agreement to the Company for execution, then the City Council
14 approvals in this Resolution and authorization for the Mayor to
15 execute the Agreement are automatically revoked; provided, however,
16 that the Executive Director of the OED shall have the authority to
17 extend such ninety (90) day period in writing at his discretion for
18 up to an additional ninety (90) days.

19 **Section 8. Public Investment Policy.** This Resolution
20 conforms to the guidelines provided in the Public Investment Policy
21 adopted by City Council Ordinance 2022-726-E, as amended.

22 **Section 9. Requesting Two Reading Passage Pursuant to**
23 **Council Rule 3.305.** Two reading passage of this legislation is
24 requested pursuant to Council Rule 3.305.

25 **Section 10. Effective Date.** This Resolution shall become
26 effective upon signature by the Mayor or upon becoming effective
27 without the Mayor's signature.

1 Form Approved:
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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Joelle J. Dillard

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