

1 Introduced by the Council President at the request of the Mayor:
2
3

4 **RESOLUTION 2020-94**

5 A RESOLUTION MAKING CERTAIN FINDINGS, AND
6 REAPPROVING AND REAUTHORIZING THE EXECUTION OF
7 AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE
8 CITY OF JACKSONVILLE ("CITY") AND GOODRICH
9 CORPORATION ("COMPANY"), TO SUPPORT THE
10 CREATION OF THE COMPANY'S OPERATIONS IN
11 JACKSONVILLE, FLORIDA (THE "PROJECT");
12 RECOMMENDING THAT THE COMPANY BE APPROVED BY
13 THE STATE OF FLORIDA'S DEPARTMENT OF ECONOMIC
14 OPPORTUNITY AS A QUALIFIED TARGET INDUSTRY
15 ("QTI") BUSINESS WITH A HIGH IMPACT SECTOR
16 BONUS, PURSUANT TO SECTIONS 288.106-108,
17 FLORIDA STATUTES; EVIDENCING A COMMITMENT OF
18 CITY SUPPORT IN AN AMOUNT NOT TO EXCEED
19 \$108,000 AS THE LOCAL FINANCIAL SUPPORT UNDER
20 THE QUALIFIED TARGET INDUSTRY TAX REFUND
21 PROGRAM PAYABLE OVER MULTIPLE YEARS PER
22 GUIDELINES SET BY THE STATE DEPARTMENT OF
23 ECONOMIC OPPORTUNITY, WITH A STATE MATCH OF
24 \$432,000, FOR A TOTAL CITY AND STATE QTI
25 AMOUNT OF \$540,000 FOR 108 JOBS; AUTHORIZING A
26 RECAPTURE ENHANCED VALUE (REV) GRANT OF
27 \$1,100,000; APPROVING AND AUTHORIZING
28 EXECUTION OF DOCUMENTS BY THE MAYOR OR HIS
29 DESIGNEE AND CORPORATION SECRETARY;
30 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS
31 BY THE EXECUTIVE DIRECTOR OF THE OED;

1 PROVIDING FOR CITY OVERSIGHT BY THE OED;
2 TIMELINE FOR EXECUTION OF AGREEMENT BY THE
3 COMPANY; AFFIRMING THE PROJECT'S COMPLIANCE
4 WITH THE PUBLIC INVESTMENT POLICY ADOPTED BY
5 ORDINANCE 2016-382-E; REQUESTING TWO READING
6 PASSAGE PURSUANT TO COUNCIL RULE 3.305;
7 PROVIDING AN EFFECTIVE DATE.
8

9 **WHEREAS**, City Council previously approved and authorized the
10 City to enter into an economic development agreement (the
11 "Agreement") with Project Turtle (now known to be the Goodrich
12 Corporation) pursuant to Resolution 2018-859-A (the "Prior
13 Resolution"), which Resolution required the Company to execute the
14 Agreement within 90 days of the same being delivered to the
15 Company, subject to a 90 days extension of such time frame by the
16 Executive Director of the OED; and

17 **WHEREAS**, the Company failed to execute the Agreement within
18 the 90 day time frame as extended by the Executive Director, and
19 pursuant to the terms of the Prior Resolution the approval of the
20 Project and authorization for the Mayor to execute the Agreement
21 lapsed; and

22 **WHEREAS**, the Company still desires to enter into the Agreement
23 as previously approved and authorized by the Prior Resolution in
24 order to create the new jobs and construct the manufacturing as set
25 forth in the Agreement previously approved; and

26 **WHEREAS**, the Company still desires to enter into the Agreement
27 as previously approved and authorized by the Prior Resolution, and
28 the Company remains committed to retain 111 jobs and to create 108
29 permanent full-time equivalent new jobs in Jacksonville with an
30 average salary, exclusive of benefits, of approximately \$53,298 per
31 annum by December 31, 2020, all as further described in the Project

1 Summary attached hereto as **Exhibit 1**; and

2 **WHEREAS**, such average salary is 115% of the average private-
3 sector wage in the State effective as of January 1, 2018; and

4 **WHEREAS**, the City of Jacksonville ("City") wishes to support
5 tax refunds for the Company in the maximum amount available under
6 Sections 288.106-108, Florida Statutes, relating to qualified
7 target industry businesses with A High Impact Sector bonus (the
8 "QTI Refunds"); and

9 **WHEREAS**, the City is required to fund 20% of the amount of the
10 basic QTI Refunds with a High Impact Sector bonus (20% of \$540,000,
11 or \$1,000 for each of 108 new jobs, for a total City contribution
12 of \$108,000) granted to the Company as the City's "local financial
13 support", while the State of Florida provides 80% of the QTI
14 Refunds; and

15 **WHEREAS**, a combined City and State grant of up to \$5,000 per
16 job in QTI Refunds (of which \$3,000 are standard QTI Refunds at the
17 115% salary level and \$2,000 are High Impact Sector bonuses) is a
18 pre-condition essential to the willingness and ability of the
19 Company to expand its business in Jacksonville; and

20 **WHEREAS**, for the reasons more fully described in the Project
21 Summary, the grant of QTI Refunds and payment of the REV grant in
22 such amounts serves a paramount public purpose; and

23 **WHEREAS**, the REV Grant authorized hereby is consistent with
24 the Public Investment Policy authorized by 2016-382-E in that the
25 project will result in the retention of 111 jobs, creates 108 new
26 jobs and will cause approximately \$21,000,000 of private capital
27 investment; and

28 **WHEREAS**, the City's Office of Economic Development ("OED") has
29 reviewed the application submitted by the Company for community
30 development, and, together with representatives of the City,
31 negotiated the Economic Development Agreement and, based upon the

1 contents of the Economic Development Agreement, has determined the
2 Economic Development Agreement and the uses contemplated therein to
3 be in the public interest, and has determined that the public
4 actions and financial assistance contemplated in the Economic
5 Development Agreement take into account and give consideration to
6 the long-term public interests and public interest benefits to be
7 achieved by the City; and

8 **WHEREAS**, the Company has requested the City to enter into an
9 Economic Development Agreement in substantially the form placed **On**
10 **File** with the Legislative Services Division; now therefore,

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

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

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

15 (b) The location of the Company's project in Jacksonville,
16 Florida, ("Project") is more particularly described in the Economic
17 Development Agreement. The Project will promote and further the
18 public and municipal purposes of the City.

19 (c) Enhancement of the City's tax base and revenues, are
20 matters of State and City policy and State and City concern in order
21 that the State and its counties and municipalities, including the
22 City, shall not continue to be endangered by unemployment,
23 underemployment, economic recession, poverty, crime and disease, and
24 consume an excessive proportion of the State and City revenues
25 because of the extra services required for police, fire, accident,
26 health care, elderly care, charity care, hospitalization, public
27 housing and housing assistance, and other forms of public
28 protection, services and facilities.

29 (d) The provision of the City's assistance as identified in
30 the Economic Development Agreement is necessary and appropriate to
31 make the Project feasible; and the City's assistance is reasonable

1 and not excessive, taking into account the needs of the Company to
2 make the Project economically and financially feasible, and the
3 extent of the public benefits expected to be derived from the
4 Project, and taking into account all other forms of assistance
5 available.

6 (e) The Company is qualified to carry out and complete the
7 construction and equipping of the Project, in accordance with the
8 Economic Development Agreement.

9 (f) Recommendation for QTI Refunds. The Council, acting in
10 its capacity as a county, hereby recommends to the State of Florida
11 Department of Economic Opportunity that the Company be approved as a
12 "qualified target industry business" pursuant to Section 288.106,
13 Florida Statutes, with High Impact Sector bonuses.

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

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

23 **Section 2. Economic Development Agreement Approved.** There
24 is hereby approved, and the Mayor and Corporation Secretary are
25 authorized to enter into an Economic Development Agreement
26 ("Agreement") between the City and the Company, substantially in
27 the form placed **On File** with the Legislative Services Division
28 (with such "technical" changes as herein authorized), for the
29 purpose of implementing the recommendations of the OED, as are
30 further described in the Project Summary attached hereto as **Exhibit**
31 **1.** The Agreement is the same agreement in form and content as was

1 approved by the Prior Resolution.

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

22 **Section 3. QTI Local Financial Support Approved.** By this
23 Resolution, the City is authorized and directed to provide "local
24 financial support," as defined in Section 288.106, Florida
25 Statutes, in the aggregate amount of up to \$108,000 or 20% of the
26 amount of the basic QTI Refunds with High Impact Sector bonuses
27 granted to the Company by the State, whichever is less. Such local
28 financial support shall be made available in the amount of up to
29 \$1,000 per new job for up to 108 new jobs created by the Company in
30 connection with the Project. The funding for such local financial
31 support will be made available by future appropriation of the

1 Council over the time period described in the guidelines referenced
2 in the heading of this Resolution if such new jobs are created.

3 **Section 4. Payment of REV Grant.**

4 (a) The REV Grant shall not be deemed to constitute a debt,
5 liability, or obligation of the City or of the State of Florida or
6 any political subdivision thereof within the meaning of any
7 constitutional or statutory limitation, or a pledge of the faith and
8 credit or taxing power of the City or of the State of Florida or any
9 political subdivision thereof, but shall be payable solely from the
10 funds provided therefor as provided in this Section. The Economic
11 Development Agreement shall contain a statement to the effect that
12 the City shall not be obligated to pay any installment of its
13 financial assistance to the Developer except from the non-ad valorem
14 revenues or other legally available funds provided for that purpose,
15 that neither the faith and credit nor the taxing power of the City
16 or of the State of Florida or any political subdivision thereof is
17 pledged to the payment of any portion of such financial assistance,
18 and that the Developer, or any person, firm or entity claiming by,
19 through or under the Developer, or any other person whomsoever,
20 shall never have any right, directly or indirectly, to compel the
21 exercise of the ad valorem taxing power of the City or of the State
22 of Florida or any political subdivision thereof for the payment of
23 any portion of such financial assistance.

24 (b) The Mayor, or his designee, is hereby authorized to and
25 shall disburse the annual installments of the REV Grant as provided
26 in this Section in accordance with this Resolution and the Economic
27 Development Agreement.

28 **Section 5. Designation of Authorized Official/OED Contract**
29 **Monitor.** The Mayor is designated as the authorized official of the
30 City for the purpose of executing and delivering any contracts,
31 notes and documents and furnishing such information, data and

1 documents for the Agreement as may be required and otherwise to act
2 as the authorized official of the City in connection with the
3 Agreement, and is further authorized to designate one or more other
4 officials of the City to exercise any of the foregoing
5 authorizations and to furnish or cause to be furnished such
6 information and take or cause to be taken such action as may be
7 necessary to enable the City to implement the Agreement according
8 to its terms. The OED is hereby required to administer and monitor
9 the Agreement and to handle the City's responsibilities thereunder,
10 including the City's responsibilities under the Agreement working
11 with and supported by all relevant City departments.

12 **Section 6. Further Authorizations.** The Mayor, or his
13 designee, and the Corporation Secretary, are hereby authorized to
14 execute the Agreement and all other contracts and documents and
15 otherwise take all necessary action in connection therewith and
16 herewith. The Executive Director of the OED, as contract
17 administrator, is authorized to negotiate and execute all necessary
18 changes and amendments to the Agreement and other contracts and
19 documents, to effectuate the purposes of this Resolution, without
20 further Council action, provided such changes and amendments are
21 limited to amendments that are technical in nature (as described in
22 Section 2 hereof), and further provided that all such amendments
23 shall be subject to appropriate legal review and approval by the
24 General Counsel, or his or her designee, and all other appropriate
25 official action required by law.

26 **Section 7. Oversight Department.** The OED shall oversee the
27 project described herein.

28 **Section 8. Execution of the Agreement.** If the Agreement
29 approved by this Resolution has not been signed by the Company
30 within ninety (90) days after the OED delivers or mails the
31 unexecuted Agreement to the Company for execution, then the City

1 Council approval of the Project and authorization for the Mayor to
2 execute the Agreement is automatically revoked, provided however,
3 that the Executive Director of the OED shall have the authority to
4 extend such ninety (90) day period in writing at his discretion for
5 up to an additional ninety (90) days.

6 **Section 9. Public Investment Policy.** This Resolution
7 conforms to the guidelines provided in the Public Investment Policy
8 adopted by City Council Ordinance 2016-382-E, as amended.

9 **Section 10. Requesting Two Reading Passage Pursuant to**
10 **Council Rule 3.305.** Two reading passage of this legislation is
11 requested pursuant to Council Rule 3.305.

12 **Section 11. Effective Date.** This Resolution shall become
13 effective upon signature by the Mayor or upon becoming effective
14 without the Mayor's signature.

15
16
17 Form Approved:

18
19 /s/ John Sawyer

20 Office of General Counsel

21 Legislation prepared by: John Sawyer

22 GC-#1338706-v2-Leg__2020-__Goodrich_Corporation_(Turtle)_reauthorization.docx
23
24