

1 -Introduced by the Council President at the request of the Mayor:
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4 **RESOLUTION 2024-490**

5 A RESOLUTION MAKING CERTAIN FINDINGS, AND
6 APPROVING AND AUTHORIZING THE EXECUTION OF AN
7 ECONOMIC DEVELOPMENT AGREEMENT ("AGREEMENT")
8 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND
9 PROJECT HEAT ("COMPANY"), TO SUPPORT THE
10 CREATION OF COMPANY'S OPERATIONS AT A NEW
11 FACILITY TO BE LOCATED AT CECIL FIELD IN
12 JACKSONVILLE ("PROJECT"); AUTHORIZING A TEN-
13 YEAR RECAPTURE ENHANCED VALUE (REV) GRANT NOT TO
14 EXCEED \$2,000,000; APPROVING AND AUTHORIZING THE
15 EXECUTION OF DOCUMENTS BY THE MAYOR, OR HER
16 DESIGNEE, AND CORPORATION SECRETARY;
17 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS BY
18 THE EXECUTIVE DIRECTOR OF THE OFFICE OF ECONOMIC
19 DEVELOPMENT ("OED"); PROVIDING FOR OVERSIGHT BY
20 THE OED; PROVIDING A DEADLINE FOR THE COMPANY TO
21 EXECUTE THE AGREEMENT; AFFIRMING THE PROJECT'S
22 COMPLIANCE WITH THE PUBLIC INVESTMENT POLICY
23 ADOPTED BY ORDINANCE 2024-286-E; REQUESTING TWO-
24 READING PASSAGE PURSUANT TO COUNCIL RULE 3.305;
25 PROVIDING AN EFFECTIVE DATE.
26

27 **WHEREAS,** Project Heat (the "Company") has committed to create
28 an estimated 100 permanent full-time equivalent new jobs in
29 Jacksonville by December 31, 2028 with an estimated capital investment
30 of \$135,000,000, all as further described in the Project Summary
31 attached hereto as **Exhibit 1**, and incorporated herein by this

1 reference; and

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

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

14 **WHEREAS**, the Company has requested the City to enter into an
15 agreement in substantially the form placed **On File** with the
16 Legislative Services Division; now therefore

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

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

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

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

25 (c) Enhancement of the City's tax base and revenues, are
26 matters of State and City policy and State and City concern in order
27 that the State and its counties and municipalities, including the
28 City, shall not continue to be endangered by unemployment,
29 underemployment, economic recession, poverty, crime and disease, and
30 consume an excessive proportion of the State and City revenues because
31 of the extra services required for police, fire, accident, health

1 care, elderly care, charity care, hospitalization, public housing and
2 housing assistance, and other forms of public protection, services
3 and facilities.

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

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

14 (f) 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 (g) 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, or her designee, and Corporation
25 Secretary are authorized to execute and deliver, for and on behalf
26 of the City, an agreement between the City and the Company,
27 substantially in the form placed **On File** with the Legislative Services
28 Division (with such "technical" changes as herein authorized), for
29 the purpose of implementing the recommendations of the OED, as are
30 further described in the Project Summary attached hereto as **Exhibit**
31 **1.**

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

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

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

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

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

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

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

24 **Section 5. Further Authorizations.**

25 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
documents, to effectuate the purposes of this Resolution, without

1 further Council action, provided such changes and amendments are
2 limited to amendments that are technical in nature (as described in
3 Section 2 hereof), and further provided that all such amendments
4 shall be subject to appropriate legal review and approval by the
5 General Counsel, or his or her designee, and all other appropriate
6 official action required by law.

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

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

18 **Section 8. Public Investment Policy.** This Resolution
19 conforms to the guidelines provided in the Public Investment Policy
20 adopted by City Council Ordinance 2024-286-E.

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

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

1 Form Approved:

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3 /s/Joelle J. Dillard

4 Office of General Counsel

5 Legislation Prepared By: Joelle J. Dillard

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