

1 Introduced by the Council President at the request of the Mayor:
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4 **RESOLUTION 2020-138-A**

5 A RESOLUTION MAKING CERTAIN FINDINGS, AND
6 APPROVING AND AUTHORIZING THE EXECUTION OF AN
7 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE
8 CITY OF JACKSONVILLE ("CITY") AND PROJECT
9 GRAPH ("COMPANY"), TO SUPPORT THE CREATION OF
10 THE COMPANY'S NEW REGIONAL HEADQUARTERS 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 PURSUANT TO SECTIONS
16 288.106-108, FLORIDA STATUTES; EVIDENCING A
17 COMMITMENT OF CITY SUPPORT IN AN AMOUNT NOT TO
18 EXCEED \$138,000 AS THE LOCAL FINANCIAL SUPPORT
19 UNDER THE QUALIFIED TARGET INDUSTRY TAX REFUND
20 PROGRAM PAYABLE OVER MULTIPLE YEARS PER
21 GUIDELINES SET BY THE STATE DEPARTMENT OF
22 ECONOMIC OPPORTUNITY, WITH A STATE MATCH OF
23 \$552,000, FOR A TOTAL CITY AND STATE QTI
24 AMOUNT OF \$690,000 FOR 115 JOBS; APPROVING AND
25 AUTHORIZING EXECUTION OF DOCUMENTS BY THE
26 MAYOR OR HIS DESIGNEE AND CORPORATION
27 SECRETARY; AUTHORIZING APPROVAL OF TECHNICAL
28 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE
29 OED; PROVIDING FOR CITY OVERSIGHT BY THE OED;
30 TIMELINE FOR EXECUTION OF AGREEMENT BY THE
31 COMPANY; AFFIRMING THE PROJECT'S COMPLIANCE

1 WITH THE PUBLIC INVESTMENT POLICY ADOPTED BY
2 ORDINANCE 2016-382-E, AS AMENDED BY ORDINANCE
3 2018-370-E AND ORDINANCE 2019-243-E;
4 REQUESTING TWO READING PASSAGE PURSUANT TO
5 COUNCIL RULE 3.305; PROVIDING AN EFFECTIVE
6 DATE.

7
8 **WHEREAS**, Section 288.075, Florida Statutes, allows certain
9 confidentiality regarding economic development projects and Company
10 has requested confidentiality in accordance with such law and the
11 OED has approved the Project Graph and advised that the Economic
12 Development Agreement is necessary to effectuate the Project; and

13 **WHEREAS**, Company has committed to create 115 permanent full-
14 time equivalent new jobs in Jacksonville with an average salary,
15 exclusive of benefits, of approximately \$71,663 per annum by
16 December 31, 2022, all as further described in the Project Summary
17 attached hereto as **Exhibit 1**; and

18 **WHEREAS**, such \$71,663 average salary is at least 150% of the
19 average private-sector wage in the State effective as of January 1,
20 2019; and

21 **WHEREAS**, the City of Jacksonville ("City") wishes to support
22 tax refunds for the Company in the maximum amount available under
23 Sections 288.106-108, Florida Statutes, relating to qualified
24 target industry High Impact Sector businesses (the "QTI Refunds");
25 and

26 **WHEREAS**, the City is required to fund 20% of the amount of the
27 basic QTI Refunds with a High Impact Sector bonus (20% of \$690,000,
28 or \$1,200 for each of 115 new jobs, for a total City contribution
29 of \$138,000) granted to the Company as the City's "local financial
30 support", while the State of Florida provides 80% of the basic QTI
31 Refunds at the 150% salary level with High Impact Sector bonuses;

1 and

2 **WHEREAS**, a combined City and State grant of up to \$6,000 per
3 job in QTI Refunds (of which \$4,000 are QTI refunds at the 150%
4 salary level, and \$2,000 are High Impact Sector bonuses) is a pre-
5 condition essential to the willingness and ability of the Company
6 to expand its business in Jacksonville; and

7 **WHEREAS**, for the reasons more fully described in the Project
8 Summary, the grant of QTI Refunds with High Impact Sector bonuses
9 in such amounts serves a paramount public purpose; and

10 **WHEREAS**, the City's Office of Economic Development ("OED") has
11 reviewed the application submitted by the Company for community
12 development, and, together with representatives of the City,
13 negotiated the Economic Development Agreement and, based upon the
14 contents of the Economic Development Agreement, has determined the
15 Economic Development Agreement and the uses contemplated therein to
16 be in the public interest, and has determined that the public
17 actions and financial assistance contemplated in the Economic
18 Development Agreement take into account and give consideration to
19 the long-term public interests and public interest benefits to be
20 achieved by the City; and

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

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

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

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

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

1 (c) Enhancement of the City's tax base and revenues, are
2 matters of State and City policy and State and City concern in order
3 that the State and its counties and municipalities, including the
4 City, shall not continue to be endangered by unemployment,
5 underemployment, economic recession, poverty, crime and disease, and
6 consume an excessive proportion of the State and City revenues
7 because of the extra services required for police, fire, accident,
8 health care, elderly care, charity care, hospitalization, public
9 housing and housing assistance, and other forms of public
10 protection, services and facilities.

11 (d) The provision of the City's assistance as identified in
12 the Economic Development Agreement is necessary and appropriate to
13 make the Project feasible; and the City's assistance is reasonable
14 and not excessive, taking into account the needs of the Company to
15 make the Project economically and financially feasible, and the
16 extent of the public benefits expected to be derived from the
17 Project, and taking into account all other forms of assistance
18 available.

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

22 (f) Recommendation for QTI Refunds. The Council, acting in
23 its capacity as a county, hereby recommends to the State of Florida
24 Department of Economic Opportunity that the Company be approved as a
25 "qualified target industry business" pursuant to Section 288.106-
26 108, Florida Statutes, with High Impact Sector bonuses.

27 (g) The authorizations provided by this Resolution are for
28 public uses and purposes for which the City may use its powers as a
29 county, municipality and as a political subdivision of the State of
30 Florida and may expend public funds, and the necessity in the public
31 interest for the provisions herein enacted is hereby declared as a

1 matter of legislative determination.

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

5 **Section 2. Economic Development Agreement Approved.** There
6 is hereby approved, and the Mayor and Corporation Secretary are
7 authorized to enter into an Economic Development Agreement
8 ("Agreement") between the City and the Company, substantially in
9 the form placed **On File** with the Legislative Services Division
10 (with such "technical" changes as herein authorized), for the
11 purpose of implementing the recommendations of the OED, as are
12 further described in the Project Summary attached hereto as
13 **Exhibit 1.**

14 The Agreement may include such additions, deletions and
15 changes as may be reasonable, necessary and incidental for carrying
16 out the purposes thereof, as may be acceptable to the Mayor, or his
17 designee, with such inclusion and acceptance being evidenced by
18 execution of the Agreement by the Mayor or his designee. No
19 modification to the Agreement may increase the financial
20 obligations or the liability of the City and any such modification
21 shall be technical only and shall be subject to appropriate legal
22 review and approval of the General Counsel, or his or her designee,
23 and all other appropriate action required by law. "Technical" is
24 herein defined as including, but not limited to, changes in legal
25 descriptions and surveys, descriptions of infrastructure
26 improvements and/or any road project, ingress and egress, easements
27 and rights of way, performance schedules (provided that no
28 performance schedule may be extended for more than one year unless
29 required to align the Performance Schedule with any changes to
30 performance schedules set forth in the agreement between the
31 Company and the State of Florida Department of Economic

1 Opportunity) design standards, access and site plan, which have no
2 financial impact.

3 **Section 3. QTI Local Financial Support Approved.** By this
4 Resolution, the City is authorized and directed to provide "local
5 financial support," as defined in Section 288.106, Florida
6 Statutes, in the aggregate amount of up to \$138,000 or 20% of the
7 amount of the basic QTI Refunds with High Impact Sector bonuses
8 granted to the Company by the State, whichever is less. Such local
9 financial support shall be made available in the amount of up to
10 \$1,200 per new job for up to 115 new jobs created by the Company in
11 connection with the Project. The funding for such local financial
12 support will be made available by future appropriation of the
13 Council over the time period described in the guidelines referenced
14 in the heading of this Resolution if such new jobs are created.

15 **Section 4. Designation of Authorized Official/OED Contract**
16 **Monitor.** The Mayor is designated as the authorized official of the
17 City for the purpose of executing and delivering any contracts,
18 notes and documents and furnishing such information, data and
19 documents for the Agreement as may be required and otherwise to act
20 as the authorized official of the City in connection with the
21 Agreement, and is further authorized to designate one or more other
22 officials of the City to exercise any of the foregoing
23 authorizations and to furnish or cause to be furnished such
24 information and take or cause to be taken such action as may be
25 necessary to enable the City to implement the Agreement according
26 to its terms. The OED is hereby required to administer and monitor
27 the Agreement and to handle the City's responsibilities thereunder,
28 including the City's responsibilities under the Agreement working
29 with and supported by all relevant City departments.

30 **Section 5. Further Authorizations.** The Mayor, or his
31 designee, and the Corporation Secretary, are hereby authorized to

1 execute the Agreement and all other contracts and documents and
2 otherwise take all necessary action in connection therewith and
3 herewith. The Executive Director of the OED, as contract
4 administrator, is authorized to negotiate and execute all necessary
5 changes and amendments to the Agreement and other contracts and
6 documents, to effectuate the purposes of this Resolution, without
7 further Council action, provided such changes and amendments are
8 limited to amendments that are technical in nature as described in
9 Section 2 hereof, and further provided that all such amendments
10 shall be subject to appropriate legal review and approval by the
11 Office of General Counsel, or his or her designee, and all other
12 appropriate official action required by law.

13 **Section 6. Oversight Department.** The OED shall oversee the
14 project described herein.

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

24 **Section 8. Public Investment Policy.** This Resolution conforms
25 to the guidelines provided in the Public Investment Policy adopted
26 by City Council Ordinance 2016-382-E as amended by Ordinance 2018-
27 370-E and Ordinance 2019-243-E.

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

31 **Section 10. Effective Date.** This Resolution shall become

1 effective upon signature by the Mayor or upon becoming effective
2 without the Mayor's signature.

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4 Form Approved:

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6 /s/ John Sawyer

7 Office of General Counsel

8 Legislation prepared by: John Sawyer

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