

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 2024-686-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 AND PROJECT
10 FORTE ("COMPANY"), TO SUPPORT THE CONSTRUCTION
11 OF A NEW INDUSTRIAL BUILDING CONTAINING
12 APPROXIMATELY 300,000 SQUARE FEET TO BE LOCATED
13 IN NORTHWEST JACKSONVILLE; AUTHORIZING A
14 FIVE-YEAR RECAPTURE ENHANCED VALUE GRANT ("REV
15 GRANT") NOT TO EXCEED \$1,000,000; APPROVING AND
16 AUTHORIZING THE EXECUTION OF DOCUMENTS BY THE
17 MAYOR, OR HER DESIGNEE, AND CORPORATION
18 SECRETARY; AUTHORIZING APPROVAL OF TECHNICAL
19 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE
20 OFFICE OF ECONOMIC DEVELOPMENT ("OED");
21 PROVIDING FOR CITY OVERSIGHT BY THE OED;
22 PROVIDING A DEADLINE FOR THE COMPANY TO EXECUTE
23 THE AGREEMENT; AFFIRMING THE PROJECT'S
24 COMPLIANCE WITH THE PUBLIC INVESTMENT POLICY
25 ADOPTED BY ORDINANCE 2024-286-E; REQUESTING TWO
26 READING PASSAGE PURSUANT TO COUNCIL RULE 3.305;
27 PROVIDING AN EFFECTIVE DATE.

28
29 **WHEREAS,** Project Forte (the "Company") is proposing to make
30 certain infrastructure and building improvements including the
31 construction of a new industrial building containing approximately

1 300,000 square feet and installation of equipment and machinery, and
2 has committed to create a minimum of 10 permanent full-time equivalent
3 new jobs in Jacksonville by December 31, 2027, and cause private
4 capital investment in the estimated amount of \$35,000,000, all as
5 further described in the Project Summary attached hereto as **Exhibit**
6 **1**; and

7 **WHEREAS**, the project parcel is located in a Level 1
8 Economically Distressed Area; and

9 **WHEREAS**, for the reasons more fully described in the Project
10 Summary, the payment of the REV Grant in the amounts set forth therein
11 serves a paramount public purpose; and

12 **WHEREAS**, the City's Office of Economic Development ("OED") has
13 reviewed the application submitted by the Company for economic
14 development, and, together with representatives of the City,
15 negotiated an agreement with the Company in substantially the form
16 placed **Revised On File** with the Legislative Services Division (the
17 "Agreement") and, based upon the contents of the Agreement, has
18 determined the Agreement and the uses contemplated therein to be in
19 the public interest, and has determined that the public actions and
20 financial assistance contemplated in the Agreement take into account
21 and give consideration to the long-term public interests and public
22 interest benefits to be achieved by the City; now therefore

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

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

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

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

31 (c) Enhancement of the City's tax base and revenues are matters

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

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

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

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

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

29 **Section 2. Economic Development Agreement Approved.** There
30 is hereby approved, and the Mayor, or her designee, and the
31 Corporation Secretary are hereby authorized to execute and deliver,

1 for and on behalf of the City, the Agreement substantially in the
2 form placed **Revised On File** with the Legislative Services Division
3 (with such "technical" changes as herein authorized), for the purpose
4 of implementing the recommendations of the OED, as are further
5 described in the Project Summary attached hereto as **Exhibit 1**.

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

22 **Section 3. Payment of the Recapture Enhanced Value (REV)**
23 **Grant.**

24 (a) The REV Grant shall not be deemed to constitute a debt,
25 liability, or obligation of the City or of the State of Florida or
26 any political subdivision thereof within the meaning of any
27 constitutional or statutory limitation, or a pledge of the faith and
28 credit or taxing power of the City or of the State of Florida or any
29 constitutional or any political subdivision thereof but shall be
30 payable solely from the funds provided therefor as provided in this
31 Section. The Agreement shall contain a statement of the effect that

1 the City shall not be obligated to pay any installment of its
2 financial assistance to the Company except from the non-ad valorem
3 revenues or other legally available funds provided for that purpose,
4 that neither the faith and credit nor the taxing power of the City
5 or of the State of Florida or any political subdivision thereof is
6 pledged to the payment of any portion of such financial assistance,
7 and that the Company, or any person, firm or entity claiming by,
8 through or under the Company, or any other person whomsoever, shall
9 never have any right, directly or indirectly, to compel the exercise
10 of the ad valorem taxing power of the City or of the State of Florida
11 or any political subdivision thereof for the payment of any portion
12 of such financial assistance.

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

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

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

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

14 **Section 6. Oversight Department.** The Office of Economic
15 Development shall oversee the Project described herein.

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

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

28 **Section 9. Requesting two reading passage pursuant to**
29 **Council Rule 3.305.** Two reading passage of this legislation is
30 requested 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/ Mary E. Staffopoulos

7 Office of General Counsel

8 Legislation Prepared By: Joelle J. Dillard

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