

1 Introduced by the Council President at the request of the Mayor:
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4 **RESOLUTION 2023-715**

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 ORION ("COMPANY"), TO SUPPORT THE
10 EXPANSION OF COMPANY'S OPERATIONS AT A NEW
11 FACILITY LOCATED ON THE WEST SIDE OF
12 JACKSONVILLE ("PROJECT"); AUTHORIZING A TEN-
13 YEAR RECAPTURE ENHANCED VALUE (REV) GRANT NOT TO
14 EXCEED \$1,500,000; 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 2022-726-E, AS AMENDED;
24 REQUESTING TWO-READING PASSAGE PURSUANT TO
25 COUNCIL RULE 3.305; PROVIDING AN EFFECTIVE DATE.

26
27 **WHEREAS,** Project Orion (the "Company") has committed to create
28 250 permanent full-time equivalent new jobs in Jacksonville by
29 December 31, 2028 with an estimated new capital investment of
30 \$28,775,000, all as further described in the Project Summary attached
31 hereto as **Exhibit 1** and incorporated herein by this reference; and

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

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

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

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

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

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

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

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

1 housing assistance, and other forms of public protection, services
2 and facilities.

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

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

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

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

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

30 The Agreement may include such additions, deletions and changes
31 as may be reasonable, necessary and incidental for carrying out the

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

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

16 (a) The REV Grant shall not be deemed to constitute a debt,
17 liability, or obligation of the City or of the State of Florida or
18 any political subdivision thereof within the meaning of any
19 constitutional or statutory limitation, or a pledge of the faith and
20 credit or taxing power of the City or of the State of Florida or any
21 political subdivision thereof, but shall be payable solely from the
22 funds provided therefor as provided in this Section. The Agreement
23 shall contain a statement to the effect that the City shall not be
24 obligated to pay any installment of its financial assistance to the
25 Company except from the non-ad valorem revenues or other legally
26 available funds provided for that purpose, that neither the faith and
27 credit nor the taxing power of the City or of the State of Florida
28 or any political subdivision thereof is pledged to the payment of any
29 portion of such financial assistance, and that the Company, or any
30 person, firm or entity claiming by, through or under the Company, or
31 any other person whomsoever, shall never have any right, directly or

1 indirectly, to compel the exercise of the ad valorem taxing power of
2 the City or of the State of Florida or any political subdivision
3 thereof for the payment of any portion of such financial assistance.

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

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

22 **Section 5. Further Authorizations.** The Mayor, or her
23 designee, and the Corporation Secretary, are hereby authorized to
24 execute and deliver the Agreement and all other contracts and
25 documents and otherwise take all necessary action in connection
26 therewith and herewith. The Executive Director of the OED, as contract
27 administrator, is authorized to negotiate and execute all necessary
28 changes and amendments to the Agreement and other contracts and
29 documents, to effectuate the purposes of this Resolution, without
30 further Council action, provided such changes and amendments are
31 limited to amendments that are technical in nature (as described in

1 Section 2 hereof), and further provided that all such amendments
2 shall be subject to appropriate legal review and approval by the
3 General Counsel, or his or her designee, and all other appropriate
4 official action required by law.

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

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

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

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

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

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26 Form Approved:

27
28 /s/ Joelle J. Dillard

29 Office of General Counsel

30 Legislation Prepared By: Joelle J. Dillard

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