

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Transportation, Energy & Utilities Committ:

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5 **ORDINANCE 2022-318-E**

6 A ORDINANCE MAKING CERTAIN FINDINGS, AND
7 APPROVING AND AUTHORIZING THE EXECUTION OF AN
8 ECONOMIC DEVELOPMENT AGREEMENT ("AGREEMENT")
9 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND
10 BREEZE AVIATION GROUP, INC. ("COMPANY"), TO
11 SUPPORT THE DEVELOPMENT OF NEW AIRLINE ROUTES AT
12 JACKSONVILLE INTERNATIONAL AIRPORT ("JIA") BY
13 THE COMPANY ("PROJECT"); AUTHORIZING AN UP-TO
14 \$1,000,000 AIRLINE NETWORK GRANT ("AN GRANT");
15 APPROVING AND AUTHORIZING THE EXECUTION OF
16 DOCUMENTS BY THE MAYOR, OR HIS DESIGNEE, AND
17 CORPORATION SECRETARY; AUTHORIZING APPROVAL OF
18 TECHNICAL AMENDMENTS BY THE EXECUTIVE DIRECTOR
19 OF THE OFFICE OF ECONOMIC DEVELOPMENT ("OED");
20 PROVIDING FOR OVERSIGHT BY THE OED; WAIVER OF
21 THAT PORTION OF THE PUBLIC INVESTMENT POLICY
22 ADOPTED BY ORDINANCE 2016-382-E, AS AMENDED, TO
23 AUTHORIZE THE AN GRANT; PROVIDING AN EFFECTIVE
24 DATE.

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26 **WHEREAS**, Breeze Aviation Group, Inc. (the "Company") has
27 committed to establish ten or more airline routes at Jacksonville
28 International Airport, all as further described in the Project Summary
29 attached hereto as **Exhibit 1** and incorporated herein by this
30 reference; and

31 **WHEREAS**, for the reasons more fully described in the Project

1 Summary, the payment of the Airline Network Grant ("AN Grant") in the
2 up-to amount of \$1,000,000 serves a paramount public purpose; and

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

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

15 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

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

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

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

1 and facilities.

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

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

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

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

21 **Section 2. Airline Network Grant.** An up to \$1,000,000
22 Airline Network Grant ("AN Grant") is hereby authorized and is payable
23 to the Company subject to the terms and conditions of the Economic
24 Development Agreement **Revised On File** with the Legislative Services
25 Division.

26 **Section 3. Economic Development Agreement Approved.** There
27 is hereby approved, and the Mayor and Corporation Secretary are
28 authorized to execute and deliver, for and on behalf of the City, an
29 agreement between the City and the Company, substantially in the form
30 placed **Revised On File** with the Office of Legislative Services (with
31 such "technical" changes as herein authorized), for the purpose of

1 implementing the recommendations of the OED, as are further described
2 in the Project Summary attached hereto as **Exhibit 1**.

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

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

1 responsibilities under such Agreement working with and supported by
2 all relevant City departments.

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

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

19 **Section 7. Waiver of Public Investment Policy.** The
20 requirements of the Public Investment Policy ("PIP") adopted by City
21 Council Ordinance 2016-382-E, as amended, are waived to authorize the
22 AN Grant, which is not authorized pursuant to the PIP. The waiver
23 is justified due to the fact that the Project will cause the creation
24 of new airline Routes through Jacksonville International Airport, and
25 enhance business, tourism and travel opportunities for the citizens
26 of Duval County.

27 **Section 8. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.
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1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: John Sawyer

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