

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2023-759**

5 AN ORDINANCE APPROPRIATING \$500,000 FROM THE  
6 NORTHWEST JACKSONVILLE OED FUND/INVESTMENT POOL  
7 EARNINGS FOR THE PURPOSE OF PROVIDING A \$500,000  
8 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT  
9 FUND ("NWJEDF") FORGIVABLE LOAN TO FIRST COAST  
10 NO MORE HOMELESS PETS, INC. ("COMPANY") IN  
11 CONNECTION WITH THE RENOVATION AND EXPANSION BY  
12 COMPANY OF ITS EXISTING FACILITY LOCATED  
13 GENERALLY AT 6817 NORWOOD AVENUE, AS INITIATED  
14 BY B.T. 24-009; APPROVING AND AUTHORIZING  
15 EXECUTION OF DOCUMENTS BY THE MAYOR OR HER  
16 DESIGNEE AND CORPORATION SECRETARY; AUTHORIZING  
17 APPROVAL OF TECHNICAL AMENDMENTS BY THE  
18 EXECUTIVE DIRECTOR OF THE OED; PROVIDING FOR  
19 CITY OVERSIGHT BY THE OED; WAIVER OF NWJEDF  
20 GUIDELINES APPROVED AND ADOPTED BY ORDINANCE  
21 2016-779-E, AS AMENDED; PROVIDING AN EFFECTIVE  
22 DATE.  
23

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

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

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

31 Enhancement of the City's tax base and revenues, are matters of

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

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

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

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

29 **Section 2. Appropriation.** For the 2023-2024 fiscal year,  
30 within the City's budget, there are hereby appropriated the indicated  
31 sum(s) from the account(s) listed in subsection (a) to the account(s)

1 listed in subsection (b):

2 (B.T. 24-009 attached hereto as **Exhibit 1** and incorporated herein by  
3 this reference)

4 (a) Appropriated from:

5 See B.T. 24-009 \$500,000

6 (b) Appropriated to:

7 See B.T. 24-009 \$500,000

8 (c) Explanation of Appropriation: the appropriation above  
9 is appropriating \$500,000 from the Northwest OED Fund  
10 to provide a forgivable loan to the Company to assist  
11 in funding improvements relating to the expansion of  
12 its operational space at the project site.

13 **Section 3. Purpose of Appropriation.** The purpose of the  
14 appropriation above is to assist the Company in purchasing additional  
15 real property and renovating and expanding its existing operations  
16 on the project site, including but not limited to costs attendant to  
17 conversion of an existing 3,226 square foot facility into operational  
18 space.

19 **Section 4. Economic Development Agreement and Loan**  
20 **Documents Approved.** There is hereby approved, and the Mayor or her  
21 designee and Corporation Secretary are authorized to enter into an  
22 Economic Development Agreement and the Loan Documents referenced  
23 therein (collectively, the "Agreement") between the City and the  
24 Company, in substantially the same form as has been placed **On File**  
25 with the Legislative Services Division (with such "technical" changes  
26 as herein authorized).

27 The Agreement may include such additions, deletions and changes  
28 as may be reasonable, necessary and incidental for carrying out the  
29 purposes thereof, as may be acceptable to the Mayor, or her designee,  
30 with such inclusion and acceptance being evidenced by execution of  
31 the Agreement by the Mayor or her designee. No modification to the

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

12           **Section 5.           Designation of Authorized Official/OED Contract**  
13 **Monitor.** The Mayor is designated as the authorized official of the  
14 City for the purpose of executing and delivering any contracts, notes  
15 and documents and furnishing such information, data and documents for  
16 the Agreement as may be required and otherwise to act as the  
17 authorized official of the City in connection with the Agreement, and  
18 is further authorized to designate one or more other officials of the  
19 City to exercise any of the foregoing authorizations and to furnish  
20 or cause to be furnished such information and take or cause to be  
21 taken such action as may be necessary to enable the City to implement  
22 the Agreement according to its terms. The OED is hereby required to  
23 administer and monitor the Agreement and to handle the City's  
24 responsibilities thereunder, including the City's responsibilities  
25 under the Agreement working with and supported by all relevant City  
26 departments.

27           **Section 6.           Further Authorizations.** The Mayor, or her  
28 designee, and the Corporation Secretary, are hereby authorized to  
29 execute the Agreement and all other contracts and documents and  
30 otherwise take all necessary action in connection therewith and  
31 herewith. The Executive Director of the OED, as contract

1 administrator, is authorized to negotiate and execute all necessary  
2 changes and amendments to the Agreement and other contracts and  
3 documents, to effectuate the purposes of this Ordinance, without  
4 further Council action, provided such changes and amendments are  
5 limited to amendments that are technical in nature (as described in  
6 Section 4 hereof), and further provided that all such amendments  
7 shall be subject to appropriate legal review and approval by the  
8 General Counsel, or his designee, and all other appropriate official  
9 action required by law.

10 **Section 7. Oversight Department.** The OED shall oversee  
11 the project described herein.

12 **Section 8. Waiver of NWJEDF Guidelines.** A waiver of the  
13 NWJEDF Guidelines adopted by City Council Ordinance 2016-779-E, as  
14 amended, is required to authorize City funding in excess of twenty-  
15 five percent (25%) of the total project costs. This waiver is  
16 justified due to the fact that the existing facility is outdated and  
17 overcrowded due to a 200% increase in animal care services over the  
18 past several years.

19 **Section 9. Effective Date.** This Ordinance shall become  
20 effective upon signature by the Mayor or upon becoming effective  
21 without the Mayor's signature.

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25 Form Approved:

26  
27 /s/ John Sawyer

28 Office of General Counsel

29 Legislation prepared by: John Sawyer

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