

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee:
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6 **ORDINANCE 2023-759-E**

7 AN ORDINANCE APPROPRIATING \$500,000 FROM THE
8 NORTHWEST JACKSONVILLE OED FUND/INVESTMENT POOL
9 EARNINGS FOR THE PURPOSE OF PROVIDING A \$500,000
10 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
11 FUND ("NWJEDF") FORGIVABLE LOAN TO FIRST COAST
12 NO MORE HOMELESS PETS, INC. ("COMPANY") IN
13 CONNECTION WITH THE RENOVATION AND EXPANSION BY
14 COMPANY OF ITS EXISTING FACILITY LOCATED
15 GENERALLY AT 6817 NORWOOD AVENUE, AS INITIATED
16 BY B.T. 24-009; APPROVING AND AUTHORIZING
17 EXECUTION OF DOCUMENTS BY THE MAYOR OR HER
18 DESIGNEE AND CORPORATION SECRETARY; AUTHORIZING
19 APPROVAL OF TECHNICAL AMENDMENTS BY THE
20 EXECUTIVE DIRECTOR OF THE OED; PROVIDING FOR
21 CITY OVERSIGHT BY THE OED; PROVIDING A DEADLINE
22 FOR THE COMPANY TO EXECUTE THE AGREEMENT; WAIVER
23 OF THAT PORTION OF THE PUBLIC INVESTMENT POLICY
24 ADOPTED BY ORDINANCE 2022-726-E, AS AMENDED, TO
25 AUTHORIZE THE FORGIVABLE LOAN; WAIVER OF NWJEDF
26 GUIDELINES APPROVED AND ADOPTED BY ORDINANCE
27 2016-779-E, AS AMENDED; PROVIDING AN EFFECTIVE
28 DATE.
29

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

31 **Section 1. Findings.** It is hereby ascertained, determined,

1 found and declared as follows:

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

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

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

23 The Company is qualified to carry out and complete the
24 construction and equipping of the Project, in accordance with the
25 Economic Development Agreement.

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

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

4 **Section 2. Appropriation.** For the 2023-2024 fiscal year,
5 within the City's budget, there are hereby appropriated the indicated
6 sum(s) from the account(s) listed in subsection (a) to the account(s)
7 listed in subsection (b):

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

10 (a) Appropriated from:

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

12 (b) Appropriated to:

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

14 (c) Explanation of Appropriation: the appropriation above
15 is appropriating \$500,000 from the Northwest OED Fund
16 investment pool earnings to provide a forgivable loan
17 to the Company to assist in funding improvements
18 relating to the expansion of its operational space at
19 the project site.

20 **Section 3. Purpose of Appropriation.** The purpose of the
21 appropriation above is to assist the Company in purchasing additional
22 real property and renovating and expanding its existing operations
23 on the project site, including but not limited to costs attendant to
24 conversion of an existing 3,226 square foot facility into operational
25 space.

26 **Section 4. Economic Development Agreement and Loan**
27 **Documents Approved.** There is hereby approved, and the Mayor or her
28 designee and Corporation Secretary are authorized to enter into an
29 Economic Development Agreement and the Loan Documents referenced
30 therein (collectively, the "Agreement") between the City and the
31 Company, in substantially the same form as has been placed **Revised**

1 **On File** with the Legislative Services Division (with such "technical"
2 changes as herein authorized).

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 her designee,
6 with such inclusion and acceptance being evidenced by execution of
7 the Agreement by the Mayor or her 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 designee, and all other appropriate action required
12 by law. "Technical" is herein defined as including, but not limited
13 to, changes in legal descriptions and surveys, descriptions of
14 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 one year
17 without Council approval), design standards, access and site plan,
18 which have no financial impact.

19 **Section 5. 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, notes
22 and documents and furnishing such information, data and documents for
23 the Agreement as may be required and otherwise to act as the
24 authorized official of the City in connection with the Agreement, and
25 is further authorized to designate one or more other officials of the
26 City to exercise any of the foregoing authorizations and to furnish
27 or cause to be furnished such information and take or cause to be
28 taken such action as may be necessary to enable the City to implement
29 the Agreement according to its terms. The OED is hereby required to
30 administer and monitor the Agreement and to handle the City's
31 responsibilities thereunder, including the City's responsibilities

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

3 **Section 6. Further Authorizations.** The Mayor, or her
4 designee, and the Corporation Secretary, are hereby authorized to
5 execute the Agreement and all other contracts and documents and
6 otherwise take all necessary action in connection therewith and
7 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 4 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 designee, and all other appropriate official
16 action required by law.

17 **Section 7. Oversight Department.** The OED shall oversee the
18 project described herein.

19 **Section 8. Execution of the Agreement.** If the Agreement
20 approved by this Ordinance has not been signed by the Company within
21 ninety (90) days after the OED delivers or mails the unexecuted
22 Agreement to the Company for execution, then the City Council
23 approvals in this Ordinance and authorization for the Mayor to execute
24 the Agreement are automatically revoked; provided, however, that the
25 Executive Director of the OED shall have the authority to extend such
26 ninety (90) day period in writing, at his discretion, for up to an
27 additional ninety (90) days.

28 **Section 9. Waiver of Public Investment Policy.** The
29 requirements of the Public Investment Policy ("PIP") adopted by
30 Ordinance 2022-726-E, as amended, are waived to authorize the
31 forgivable loan outlined herein which is not an authorized incentive

1 under the PIP. This waiver is justified because the funded project
2 entails capital investment of \$1,650,000 to renovate a dated facility
3 within a targeted corridor and will create additional access to needed
4 services in Northwest Jacksonville.

5 **Section 10. Waiver of NWJEDF Guidelines.** A waiver of the
6 NWJEDF Guidelines adopted by City Council Ordinance 2016-779-E, as
7 amended, is required to authorize City funding in excess of
8 twenty-five percent (25%) of the total project costs. This waiver is
9 justified due to the fact that the existing facility is outdated and
10 overcrowded due to a 200% increase in animal care services over the
11 past several years.

12 **Section 11. Effective Date.** This Ordinance shall become
13 effective upon signature by the Mayor or upon becoming effective
14 without the Mayor's signature.

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16 Form Approved:

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18 /s/ Mary E. Staffopoulos

19 Office of General Counsel

20 Legislation Prepared By: John C. Sawyer, Jr.

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