

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Transportation, Energy and Utilities Committee:
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5 **RESOLUTION 2019-844-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 ("CITY") AND
10 EAGLE LNG PARTNERS, LLC ("COMPANY"), TO
11 SUPPORT THE CONSTRUCTION BY COMPANY OF A NEW
12 LIQUEFIED NATURAL GAS EXPORT FACILITY LOCATED
13 AT 1632 ZOO PARKWAY IN THE CITY ("PROJECT");
14 AUTHORIZING A RECAPTURE ENHANCED VALUE (REV)
15 GRANT OF \$23,000,000; APPROVING AND
16 AUTHORIZING EXECUTION OF DOCUMENTS BY THE
17 MAYOR OR HIS 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 OVERSIGHT BY THE OED; PROVIDING
22 A DEADLINE FOR THE COMPANY TO EXECUTE THE
23 AGREEMENT; AFFIRMING THE PROJECT'S COMPLIANCE
24 WITH THE PUBLIC INVESTMENT POLICY ADOPTED BY
25 ORDINANCE 2016-382-E, AS AMENDED; REQUESTING
26 TWO-READING PASSAGE PURSUANT TO COUNCIL RULE
27 3.305; PROVIDING AN EFFECTIVE DATE.
28

29 **WHEREAS**, Eagle LNG Partners LLC (the "Company") has committed
30 to create 12 permanent full-time equivalent new jobs in

1 Jacksonville with an average salary, exclusive of benefits, of
2 approximately \$85,000 per annum by December 31, 2023, all as
3 further described in the Project Summary attached hereto as **Exhibit**
4 **1**; and

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

8 **WHEREAS**, the REV Grant authorized hereby is consistent with
9 the Public Investment Policy authorized by 2016-382-E, as amended
10 by Ordinance 2019-243-E (the "Public Investment Policy") in that
11 the Project not only creates 12 new jobs but also will cause
12 private capital investment of \$542,000,000; and

13 **WHEREAS**, the OED has reviewed the application submitted by the
14 Company for community development, and, together with
15 representatives of the City, negotiated the Agreement and, based
16 upon the contents of the Agreement, has determined the Agreement
17 and the uses contemplated therein to be in the public interest, and
18 has determined that the public actions and financial assistance
19 contemplated in the Agreement take into account and give
20 consideration to the long-term public interests and public interest
21 benefits to be achieved by the City; and

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

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

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

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

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

1 of the City.

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

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

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

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

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

1 **Section 2. Economic Development Agreement Approved.** There is
2 hereby approved, and the Mayor and Corporation Secretary are
3 authorized to execute and deliver, for and on behalf of the City,
4 an agreement between the City and the Company, substantially in the
5 form placed **Revised On File** with the Legislative Services Division
6 (with such "technical" changes as herein authorized), for the
7 purpose of implementing the recommendations of the OED, as are
8 further described in the Project Summary attached hereto as **Exhibit**
9 **1.**

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

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

28 (a) The REV Grant shall not be deemed to constitute a debt,
29 liability, or obligation of the City or of the State of Florida or
30 any political subdivision thereof within the meaning of any
31 constitutional or statutory limitation, or a pledge of the faith and

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

17 (b) The Mayor, or his designee, is hereby authorized to and
18 shall disburse the annual installments of the REV Grant as provided
19 in this Section in accordance with this Resolution and the
20 Agreement.

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

1 Agreement according to its terms. The OED is hereby required to
2 administer and monitor the Agreement and to handle the City's
3 responsibilities thereunder, including the City's responsibilities
4 under such Agreement working with and supported by all relevant
5 City departments.

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

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

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

31 **Section 8. Public Investment Policy.** This Resolution

1 conforms to the guidelines provided in the Public Investment Policy
2 adopted by City Council Ordinance 2016-382-E, as amended.

3 **Section 9. Requesting Two Reading Passage Pursuant to**
4 **Council Rule 3.305.** Two reading passage of this legislation is
5 requested pursuant to Council Rule 3.305.

6 **Section 10. Effective Date.** This Resolution shall become
7 effective upon signature by the Mayor or upon becoming effective
8 without the Mayor's signature.

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10 Form Approved:

11
12 /s/ Paige H. Johnston

13 Office of General Counsel

14 Legislation Prepared By: John Sawyer

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