

1 Introduced by the Council President at the request of the Mayor:  
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4 **RESOLUTION 2020-138**

5 A RESOLUTION MAKING CERTAIN FINDINGS, AND  
6 APPROVING AND AUTHORIZING THE EXECUTION OF AN  
7 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE  
8 CITY OF JACKSONVILLE ("CITY") AND PROJECT  
9 GRAPH ("COMPANY"), TO SUPPORT THE CREATION OF  
10 THE COMPANY'S NEW REGIONAL HEADQUARTERS IN  
11 JACKSONVILLE, FLORIDA (THE "PROJECT");  
12 RECOMMENDING THAT THE COMPANY BE APPROVED BY  
13 THE STATE OF FLORIDA'S DEPARTMENT OF ECONOMIC  
14 OPPORTUNITY AS A QUALIFIED TARGET INDUSTRY  
15 ("QTI") BUSINESS PURSUANT TO SECTIONS  
16 288.106-108, FLORIDA STATUTES; EVIDENCING A  
17 COMMITMENT OF CITY SUPPORT IN AN AMOUNT NOT TO  
18 EXCEED \$138,000 AS THE LOCAL FINANCIAL SUPPORT  
19 UNDER THE QUALIFIED TARGET INDUSTRY TAX REFUND  
20 PROGRAM PAYABLE OVER MULTIPLE YEARS PER  
21 GUIDELINES SET BY THE STATE DEPARTMENT OF  
22 ECONOMIC OPPORTUNITY, WITH A STATE MATCH OF  
23 \$552,000, FOR A TOTAL CITY AND STATE QTI  
24 AMOUNT OF \$690,000 FOR 115 JOBS; APPROVING AND  
25 AUTHORIZING EXECUTION OF DOCUMENTS BY THE  
26 MAYOR OR HIS DESIGNEE AND CORPORATION  
27 SECRETARY; AUTHORIZING APPROVAL OF TECHNICAL  
28 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE  
29 OED; PROVIDING FOR CITY OVERSIGHT BY THE OED;  
30 TIMELINE FOR EXECUTION OF AGREEMENT BY THE  
31 COMPANY; AFFIRMING THE PROJECT'S COMPLIANCE

1 WITH THE PUBLIC INVESTMENT POLICY ADOPTED BY  
2 ORDINANCE 2016-382-E, AS AMENDED BY ORDINANCE  
3 2018-370-E AND ORDINANCE 2019-243-E;  
4 REQUESTING TWO READING PASSAGE PURSUANT TO  
5 COUNCIL RULE 3.305; PROVIDING AN EFFECTIVE  
6 DATE.

7  
8 **WHEREAS**, Section 288.075, Florida Statutes, allows certain  
9 confidentiality regarding economic development projects and Company  
10 has requested confidentiality in accordance with such law and the  
11 OED has approved the Project Graph and advised that the Economic  
12 Development Agreement is necessary to effectuate the Project; and

13 **WHEREAS**, Company has committed to create 115 permanent full-  
14 time equivalent new jobs in Jacksonville with an average salary,  
15 exclusive of benefits, of approximately \$71,663 per annum by  
16 December 31, 2022, all as further described in the Project Summary  
17 attached hereto as **Exhibit 1**; and

18 **WHEREAS**, such \$71,663 average salary is at least 150% of the  
19 average private-sector wage in the State effective as of January 1,  
20 2019; and

21 **WHEREAS**, the City of Jacksonville ("City") wishes to support  
22 tax refunds for the Company in the maximum amount available under  
23 Sections 288.106-108, Florida Statutes, relating to qualified  
24 target industry High Impact Sector businesses (the "QTI Refunds");  
25 and

26 **WHEREAS**, the City is required to fund 20% of the amount of the  
27 basic QTI Refunds with a High Impact Sector bonus (20% of \$690,000,  
28 or \$1,200 for each of 115 new jobs, for a total City contribution  
29 of \$138,000) granted to the Company as the City's "local financial  
30 support", while the State of Florida provides 80% of the basic QTI  
31 Refunds at the 150% salary level with High Impact Sector bonuses;

1 and

2       **WHEREAS**, a combined City and State grant of up to \$6,000 per  
3 job in QTI Refunds (of which \$4,000 are QTI refunds at the 150%  
4 salary level, and \$2,000 are High Impact Sector bonuses) is a pre-  
5 condition essential to the willingness and ability of the Company  
6 to expand its business in Jacksonville; and

7       **WHEREAS**, for the reasons more fully described in the Project  
8 Summary, the grant of QTI Refunds with High Impact Sector bonuses  
9 in such amounts serves a paramount public purpose; and

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

21       **WHEREAS**, the Company has requested the City to enter into an  
22 Economic Development Agreement in substantially the form placed **On**  
23 **File** with the Legislative Services Division; now therefore,

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

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

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

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

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

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

22 (f) Recommendation for QTI Refunds. The Council, acting in  
23 its capacity as a county, hereby recommends to the State of Florida  
24 Department of Economic Opportunity that the Company be approved as a  
25 "qualified target industry business" pursuant to Section 288.106-  
26 108, Florida Statutes, with High Impact Sector bonuses.

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

1 matter of legislative determination.

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

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

14 The Agreement may include such additions, deletions and  
15 changes as may be reasonable, necessary and incidental for carrying  
16 out the purposes thereof, as may be acceptable to the Mayor, or his  
17 designee, with such inclusion and acceptance being evidenced by  
18 execution of the Agreement by the Mayor or his designee. No  
19 modification to the Agreement may increase the financial  
20 obligations or the liability of the City and any such modification  
21 shall be technical only and shall be subject to appropriate legal  
22 review and approval of the General Counsel, or his or her designee,  
23 and all other appropriate action required by law. "Technical" is  
24 herein defined as including, but not limited to, changes in legal  
25 descriptions and surveys, descriptions of infrastructure  
26 improvements and/or any road project, ingress and egress, easements  
27 and rights of way, performance schedules (provided that no  
28 performance schedule may be extended for more than one year unless  
29 required to align the Performance Schedule with any changes to  
30 performance schedules set forth in the agreement between the  
31 Company and the State of Florida Department of Economic

1 Opportunity) design standards, access and site plan, which have no  
2 financial impact.

3 **Section 3. QTI Local Financial Support Approved.** By this  
4 Resolution, the City is authorized and directed to provide "local  
5 financial support," as defined in Section 288.106, Florida  
6 Statutes, in the aggregate amount of up to \$138,000 or 20% of the  
7 amount of the basic QTI Refunds with High Impact Sector bonuses  
8 granted to the Company by the State, whichever is less. Such local  
9 financial support shall be made available in the amount of up to  
10 \$1,200 per new job for up to 115 new jobs created by the Company in  
11 connection with the Project. The funding for such local financial  
12 support will be made available by future appropriation of the  
13 Council over the time period described in the guidelines referenced  
14 in the heading of this Resolution if such new jobs are created.

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

30 **Section 5. Further Authorizations.** The Mayor, or his  
31 designee, and the Corporation Secretary, are hereby authorized to

1 execute the Agreement and all other contracts and documents and  
2 otherwise take all necessary action in connection therewith and  
3 herewith. The Executive Director of the OED, as contract  
4 administrator, is authorized to negotiate and execute all necessary  
5 changes and amendments to the Agreement and other contracts and  
6 documents, to effectuate the purposes of this Resolution, without  
7 further Council action, provided such changes and amendments are  
8 limited to amendments that are technical in nature as described in  
9 Section 2 hereof, and further provided that all such amendments  
10 shall be subject to appropriate legal review and approval by the  
11 Office of General Counsel, or his or her designee, and all other  
12 appropriate official action required by law.

13 **Section 6. Oversight Department.** The OED shall oversee the  
14 project described herein.

15 **Section 7. Execution of the Agreement.** If the Agreement  
16 approved by this Resolution has not been signed by the Company  
17 within ninety (90) days after the OED delivers or mails the  
18 unexecuted Agreement to the Company for execution, then the City  
19 Council approval of the Project and authorization for the Mayor to  
20 execute the Agreement is automatically revoked, provided however,  
21 that the Executive Director of the OED shall have the authority to  
22 extend such ninety (90) day period in writing at his discretion for  
23 up to an additional ninety (90) days.

24 **Section 8. Public Investment Policy.** This Resolution conforms  
25 to the guidelines provided in the Public Investment Policy adopted  
26 by City Council Ordinance 2016-382-E as amended by Ordinance 2018-  
27 370-E and Ordinance 2019-243-E.

28 **Section 9. Requesting Two Reading Passage Pursuant to Council**  
29 **Rule 3.305.** Two reading passage of this legislation is requested  
30 pursuant to Council Rule 3.305.

31 **Section 10. Effective Date.** This Resolution shall become

1 effective upon signature by the Mayor or upon becoming effective  
2 without the Mayor's signature.

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4 Form Approved:

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6     /s/ John Sawyer    

7 Office of General Counsel

8 Legislation prepared by: John Sawyer

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