



**MEMORANDUM**

EDSS  
Agenda Item No. 3(C)

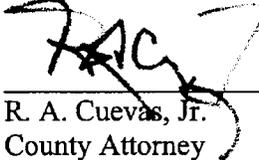
**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 26, 2011

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution amending Resolution  
R-1087-07 for Goya Foods of  
Florida as a Targeted Jobs Incentive  
Fund program business pursuant to  
the Code

The accompanying resolution was prepared by the Office of Economic Development and International Trade Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/up

# Memorandum



**Date:** November 15, 2011

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
County Mayor 

**Subject:** Resolution Amending the Job Creation and Disbursement Dates Authorized for Goya Foods of Florida under the County's Targeted Jobs Incentive Fund Program

## Recommendation

It is recommended that the Board of County Commissioners (Board) approve the request to amend Resolution R-1087-07, which authorized Goya Foods of Florida ("Goya" or the "Business") to participate in the County's Targeted Jobs Incentive Fund (TJIF) Program, to authorize new job creation and disbursement dates as detailed below:

Payment	Approved under R-1087-07			Proposed Jobs and Dates			Payout
	Job Creation Deadline	Net New Jobs	Disbursement Date	Job Creation Deadline	Net New Jobs	Disbursement Date	
# 1	12/31/2011	5	FY 2008	12/31/2012	5	FY 2014	\$116,058.00
# 2	12/31/2012	5	FY 2009	12/31/2013	5	FY 2015	\$116,058.00
# 3	12/31/2013	20	FY 2010	12/31/2014	20	FY 2016	\$116,058.00
# 4	n/a	0	FY 2011	n/a	0	FY 2017	\$116,058.00
# 5	n/a	0	FY 2012	n/a	0	FY 2018	\$116,058.00
# 6	n/a	0	FY 2013	n/a	0	FY 2019	\$116,062.00
<b>Total</b>		<b>30</b>			<b>30</b>		<b>\$696,352.00</b>

The original disbursement dates listed in R-1087-07 were not consistent with other parts of R-1087-07, the Application and Agreement executed by Goya, or the TJIF program rules, all of which require the following to receive an initial disbursement: 1) the capital improvements must be completed and reflected on the tax roll, and 2) the first milestone regarding net new jobs created must be met. In accordance with TJIF program rules at the time, the first disbursement in Resolution R-1087-07 should not have been FY 2008, but rather the first fiscal year after the capital improvements were completed and the first five of 30 net new jobs were created. At the request of the Business, staff administratively adjusted the disbursement date to FY 2011 to reflect a disbursement date closer to the first job creation milestone. Had the business made a disbursement request prior to completing the capital improvements and meeting the first net new jobs milestone, the County would not have issued a payment.

This resolution will authorize a revised new job creation and disbursement date schedule to authorize the first disbursement in FY 2014, which is the first fiscal year following the completion of the required capital investment and expected creation of the first five net new jobs. The total number of jobs to be created and total incentive amount will not change with approval of this item. The new dates for job creation and incentive award disbursements as set forth in this resolution are not subject to change, and the TJIF award will be cancelled if the job creation conditions are not met within the stated timeframe.

## Scope

The business operations of the project will create 30 new jobs that will primarily impact Commission District 12; however, the overall economic impacts will benefit the entire County through economic multiplier effects.

## Fiscal Impact / Funding Source

Based on the conditions set forth in the TJIF Ordinance, and as approved through R-1087-07, Goya is eligible for \$696,352 in TJIF assistance to be paid over a six-year period based on the capital investment

stated in its application. However, County staff is also projecting approximately \$870,440 in additional general fund revenues to the County from the capital investment commitment as stated in the company's TJIF application. Based on these projections, this incentive would yield a net positive fiscal impact of \$174,088 to the County.

The County uses general fund revenue to support the TJIF Program pursuant to the Code of Miami-Dade County, Florida, Chapter 2, Article LXXXVI, as modified by Ordinance No. 11-08.

**Track Record/Monitor**

The TJIF program specifies that a Board approved TJIF project, for an expanding business such as Goya, must create the greater of at least five new jobs or at least the equivalent to 10 percent of the business' work force at the time of application and make at least a \$3 million capital investment to receive the incentive. This project is promising to make a capital investment of \$26 million and create 30 new jobs.

Staff from the Office of Economic Development and International Trade (OEDIT) upon the company's request for incentive payment, will verify that it has met the required number of new jobs created, at the required wage rate and in accordance with the TJIF agreement. The disbursement of the TJIF award is capped at the incremental general fund County taxes actually generated and paid by Goya. OEDIT staff also confirms that the ad valorem and/or the tangible personal property taxes are sufficient to cover the TJIF payment.

**Background**

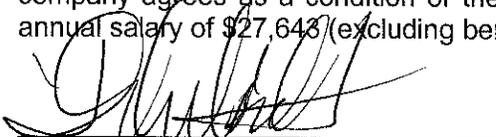
On October 2, 2007, the Board approved Resolution R-1087-07, which authorized the participation of Confidential Project 08-0002 in the County's TJIF Program. At that time, the Business was considering Miami-Dade County in addition to Orlando, FL; Broward County, FL; and West Palm Beach, FL as potential locations for its expansion of operations. The Business made a public decision to expand its operations in Miami-Dade County and the confidentiality of the project expired.

As a condition of the TJIF award, Goya agrees to hire 30 new full-time employees, maintain the 293 existing employees through the life of the award, and make a capital investment of \$26 million to expand its food manufacturing and distribution center. Resolution R-1087-07 authorized the County to use countywide general funds to be paid out over a six-year period.

In August 2008, Goya submitted a written request to the Department of Housing and Community Development for an administrative change to the disbursement dates timeline to reflect the first disbursement being paid out in FY 2011 instead of FY 2008, which was administratively granted. Due to delays in permitting, construction, and in the delivery of equipment, Goya submitted a written request to the Office of Economic Development and International Trade on June 2011 for another amendment to the disbursement dates timeline as proposed in this item.

The Business is seeking to expand its food manufacturing/distribution operations which is currently under construction and is due to be completed by December of 2012. The expansion will increase its current warehouse storage capacity from 180,000 to 300,000 square feet and its employees from 293 to 323.

Goya is a food manufacturing/distribution company (SIC Code #2000), currently located in District 12. The company currently employs 293 workers at its Miami-Dade facility and is committing to create an additional 30 jobs over a three-year period, and retain those new jobs for an additional three-year period. In total, the company is committing to maintaining 323 jobs for the duration of the TJIF incentive. The company agrees as a condition of the TJIF award that the 30 new workers hired will have an average annual salary of \$27,643 (excluding benefits).

  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** November 15, 2011

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No.

**Please note any items checked.**

- "3-Day Rule" for committees applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved \_\_\_\_\_ Mayor

Agenda Item No.

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AMENDING RESOLUTION R-1087-07 FOR GOYA FOODS OF FLORIDA AS A TARGETED JOBS INCENTIVE FUND PROGRAM BUSINESS PURSUANT TO THE CODE OF MIAMI-DADE COUNTY, FLORIDA, CHAPTER 2, ARTICLE LXXXVI, AS MODIFIED BY ORDINANCE NO. 11-08; CONFIRMING THAT THE COMMITMENT OF THE INCENTIVE AWARDS FOR GOYA FOODS OF FLORIDA EXISTS; PROVIDING AN APPROPRIATION OF UP TO \$696,352 FROM GENERAL REVENUE FUNDS FOR FISCAL YEARS 2012 THROUGH 2017 AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE NON-SUBSTANTIVE MODIFICATIONS, TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Goya Foods of Florida has submitted a written request to the County in their correspondence dated June 9, 2011, to amend the incentive disbursement dates of their Targeted Job Incentive Fund (TJIF) award pursuant to Resolution R-1087-07 and the Application and Agreement for Targeted Jobs Incentive Fund (TJIF), copies of which are incorporated herein by reference,

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board amends Resolution R-1087-10 to extend the job creation and disbursement dates timeline in accordance with the below table. The commitment of this incentive award for Goya Foods of Florida exists in an amount not to exceed \$696,352 from General Revenue Funds, and is conditioned on and subject to specific annual appropriations by the Board from fiscal years 2014 to 2019.

<b>Payment</b>	<b>Job Creation Deadline</b>	<b>Net New Jobs</b>	<b>Disbursement Date</b>	<b>Payout</b>
# 1	12/31/2012	5	FY 2014	\$116,058.00
# 2	12/31/2013	5	FY 2015	\$116,058.00
# 3	12/31/2014	20	FY 2016	\$116,058.00
# 4	n/a	0	FY 2017	\$116,058.00
# 5	n/a	0	FY 2018	\$116,058.00
# 6	n/a	0	FY 2019	\$116,062.00
<b>Total</b>		<b>30</b>		<b>\$696,352.00</b>

The commitment of incentive awards shall be contingent on Goya Food of Florida creating and maintaining the required thirty (30) full-time jobs during the life of the incentive. Goya Foods of Florida also agrees to aspire to have hiring practices that are consistent with and reflect the diversity of the Miami-Dade County community.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

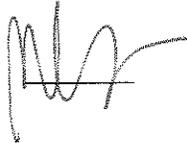
The Chairperson thereupon declared the resolution duly passed and adopted this 15<sup>th</sup> day of November, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Brenda Kuhns Neuman