

MEMORANDUM

Agenda Item No. 3(B)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 4, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving Confidential Project Phoenix as a Targeted Jobs Incentive Fund Program business pursuant to chapter 2, article LXXXVI of the Code; confirming that the commitment of incentive awards for Confidential Project Phoenix exists; providing an appropriation of up to \$2,944,000.00 from countywide General Fund revenues for Fiscal Years 2022-23 through 2031-32; authorizing the County Mayor to make non-substantive modifications or to modify the job creation and disbursement dates timeline, and to execute all contracts, agreements and amendments, and providing for an effective date; and waiving eligible industry requirement pursuant to section 2-1254 of the Code

Resolution No. R-394-21

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: May 4, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Resolution Approving Targeted Jobs Incentive Fund Tax Refund for Confidential Project Phoenix

Recommendation

The Beacon Council, on behalf of Confidential Project Phoenix has submitted an application for economic development incentives under the County’s Targeted Jobs Incentive Fund (TJIF) Program, chapter 2, article LXXXVI of the Miami-Dade County Code (TJIF ordinance). It is recommended that the Board of County Commissioners (Board) approve the request for Confidential Project Phoenix to participate in the TJIF program. It is also recommended that the Board make available \$2,944,000.00 in TJIF assistance from Countywide General Fund Revenue. It is also recommended that the Board authorize the County Mayor or the County Mayor’s designee to make non-substantive modifications or to modify the job creation and disbursement dates timeline, and to execute all contracts, agreements, and amendments between Miami-Dade County and Confidential Project Phoenix.

Project Phoenix does not fit into a TJIF targeted industry category therefore, it is recommended that the Board waive the eligibility industry requirement pursuant to section 2-1254 of the TJIF program ordinance. The Board, at its discretion, may waive the eligible industry requirement at the request and recommendation of The Beacon Council and the County Mayor and County Mayor's designee.

Scope

Confidential Project Phoenix is the development of a multi-purpose, multi-use sports complex in Miami-Dade County. The proposed location is confidential at this time however, the company is considering a 10-acre privately owned parcel of land in Commission District 12, which is represented by Chairman Jose “Pepe” Diaz. The company is committing to create 229 new full-time equivalent jobs, as defined in section 288.106, Florida Statutes. The jobs will have a positive Countywide impact through indirect employment and an economic multiplier effect.

Delegation of Authority

This item delegates the authority to the County Mayor or the County Mayor’s designee to make non-substantive modifications or to modify the job creation and disbursement dates timeline, and to execute all contracts, agreements, and amendments between Miami-Dade County and Confidential Project Phoenix.

Fiscal Impact/Funding Source

Based on a total capital investment of \$110,000,000.00 as stated in the attached application, Confidential Project Phoenix is projected to generate \$4,240,613.00, over a 10-year period, in incremental property tax revenues to the countywide General Fund. As a result, the business is eligible to receive \$2,944,000.00 in TJIF assistance, to be paid over a 10-year period. This amount

includes the job creation bonus of \$888,400.00 to be disbursed in the 10th year of the award. For every 50 jobs created, an additional 0.150 percent of the total capital investment will be added to the surplus job bonus. The Beacon Council projects that the County will realize a positive fiscal impact of \$1,296,613.00 over the 10-year period of the TJIF award.

The actual disbursement of the TJIF program award is contingent upon verifying the creation of the new jobs and the capital investment appearing on the tax roll. The TJIF program award may equal up to 2.140 percent of the total real property capital investment and 1.440 percent of the tangible personal property capital investment to remain in compliance with the TJIF program. Disbursements of the TJIF program award is capped to not exceed the amount of incremental countywide General Fund revenues the County generates by the capital investment.

Track Record/Monitor

The TJIF program specifies that a Board approved TJIF program project must create at least 10 new jobs, retain those jobs in accordance with the program’s criteria, and make a significant capital investment to receive the incentive. Confidential Project Phoenix is promising to make a capital investment of \$110,000,000.00 and create 229 new jobs.

Upon the company’s request for incentive payment, staff from the Research and Planning Division within the Department of Regulatory and Economic Resources will verify that it has met the required number of new jobs created, at the required wage rate and in accordance with the TJIF program agreement. Staff will also confirm that the ad valorem and/or the tangible personal property taxes are sufficient to cover the TJIF program payment.

Background

Confidential Project Phoenix is proposing to construct a new 470,000 square foot multi-purpose fitness and sport center (North American Industry Classification System Code #713940). The complex will offer local and internationally known sports figures the opportunity to work out, train, coach, and mentor in a professionally well-equipped facility. The company plans to commence construction during FY 2021. Alternative locations include Houston, Texas, Nashville, Tennessee, and Charlotte, North Carolina.

As a condition of the TJIF award, Confidential Project Phoenix agrees that the 229 new workers hired will have an average annual salary of \$63,834.00 (excluding benefits). Employee benefits associated with each newly created job will be \$9,200.00. The value of employee benefits is not a requirement of the TJIF program.

The anticipated dates for job creation and incentive award disbursements are set forth in the resolution but are subject to change upon the approval of the County Mayor or the County Mayor’s designee so long as they remain consistent with the TJIF program. The attached documents relating to the application of the incentive have been prepared by The Beacon Council and reviewed by the Department of Regulatory and Economic Resources.

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
Page No. 3

Attachment



Jimmy Morales
Chief Operations Officer

CONFIDENTIAL PROJECT PHOENIX SUMMARY SHEET	
APPLICANT:	Confidential Project Phoenix
HEADQUARTERS LOCATION:	Miami-Dade County
PROPOSED LOCATION IN MIAMI-DADE COUNTY:	District 12
OTHER LOCATIONS UNDER CONSIDERATION:	Houston, TX, Nashville, TN, Charlotte, NC
DATE OF QTI/TJIF APPLICATIONS:	February 24, 2021
OVERALL BUSINESS ACTIVITY/MISSION:	Multi-purpose Sports Complex
PROPOSED LOCAL BUSINESS ACTIVITY:	Fitness/Training Facility
PROPOSED CAPITAL INVESTMENT:	\$110,000,000.00 (Not a condition of the award)
TARGETED QTI/TJIF INDUSTRIES:	Not Applicable
PROPOSED LOCATION IN DESIGNATED PRIORITY AREA:	No
NEW BUSINESS OR EXPANDING BUSINESS:	New
TOTAL NUMBER OF DIRECT JOBS TO BE CREATED/RETAINED:	229
EFFORT IN HIRING RESIDENTS IN LOCAL AREA:	Unknown
ESTIMATED ANNUALIZED AVERAGE WAGES FOR NEW JOBS:	\$63,834.00
ANNUAL EMPLOYEE BENEFIT PACKAGE:	\$9,200.00 (Not a condition of the incentive)
NUMBER OF INDIRECT JOBS TO BE CREATED:	TBA
NUMBER OF YEARS TO CREATE NEW JOBS:	3
MAXIMUM INCENTIVE PER DIRECT JOB CREATED/RETAINED	\$12,855.89
MAXIMUM INCENTIVE AWARD APPLIED FOR:	\$2,944,000.00
PROJECTED INCREMENTAL COUNTY TAX REVENUE:	\$4,240,613.00
TYPE OF FUNDS REQUESTED IN APPLICATION:	Countywide General Fund Revenues
COMMENTS: Information and data in this summary sheet provided The Beacon Council.	



February 24, 2021

Ms. Lourdes Gomez
Director, Regulatory and Economic Resources
Miami-Dade County
111 NW 1st Street, 11th Floor
Miami, FL 33128

Re: Project: Phoenix

Dear Ms. Gomez:

Project: Phoenix is the development of a multi-purpose, multi-use sports complex in West Miami-Dade County (District 12). The complex will house a fitness center, hockey/ice skating rinks, NBA regulation-size basketball courts, indoor football/soccer fields, volleyball courts, and an Olympic size swimming pool. The complex will offer local and internationally known sports figures the ability to workout, train, coach, and mentor in a professionally well-equipped facility. This development is committing to create 229 new jobs at an average salary of at least \$63,834 (115% of the local average wage) and invest \$110,000,000 in a new 470,000 SQF facility on a 10-acre privately owned parcel in West Miami-Dade County. Alternative locations include Houston, Texas, Nashville, TN, and Charlotte, NC.

As Project Phoenix does not clearly fit into a TJIF targeted industry category, it is recommended that the Miami-Dade Board of County Commissioners waive the eligible industry requirement per Sec. 2-1254 of the Targeted Jobs Incentive Fund Program Ordinance.

We are referring the enclosed application to your office for review and preparation of a resolution to the Miami-Dade Board of County Commissioners requesting a maximum of \$2,944,000 to be paid by the County over a period of ten years. The resulting net revenue benefit is 1:1.44. Attached is the project economic impact analysis prepared by Miami Dade Beacon Council's Research Department.

We are requesting that the item be placed on the next possible BCC agenda and look forward to working together to benefit the economic development of Miami-Dade County. If you have any questions, please contact me at (305) 579-1300.

Sincerely,

James Kohnstamm
Executive Vice President
Economic Development

Miami-Dade County Targeted Jobs Incentive Fund (TJIF)

Project Phoenix

February 2021

Prepared by Miami-Dade Beacon Council

Executive Summary for Project: Phoenix

Background

Project Phoenix is the development of a multi-purpose, multi-use sport complex in West Miami-Dade County (District 12). The complex will house a fitness center, hockey/ice skating rinks, NBA regulation size basketball courts, indoor football/soccer fields, volleyball courts and an Olympic size swimming pool. The complex will offer local and internationally known sports figures the ability to workout, train, coach, and mentor in a professionally well-equipped facility. It will also offer individuals and families membership options that focus on health and wellness and will offer specific sports camps and classes led by local high schools, colleges, and from former and current professional athletes for those aspiring kids across all socioeconomic backgrounds. Alternative locations include: Houston, Texas, Nashville, TN, and Charlotte, NC.

Project Phoenix is committing to create 229 new jobs at an average salary of at least \$63,834 (115% of the local average wage) and invest \$110,000,000 in new a 470,000 SQF facility on a 10-acre privately owned parcel in West Miami-Dade County. The total complex will also include Class A office space and retail but the related investment and job creation are not being considered as part of this application.

Based on the capital investment of \$110,000,000 in new real property and personal property, Project: Phoenix will generate \$4,240,613 in new Miami-Dade County General Fund Taxes over a ten-year period.

Recommendation

The enclosed TJIF application package requests a maximum of \$2,944,000 to be paid by the County over a period of ten years. The resulting net revenue benefit is 1:1.44.

As Project: Phoenix does not clearly fit into a TJIF targeted industry category, it is recommended that the Miami-Dade Board of County Commissioners waive the eligible industry requirement per Sec. 2-1254 of the Targeted Jobs Incentive Fund Program Ordinance.

This is a performance-based incentive. No funds will be provided to the Company until they meet all program and job creation requirements. The incentive that is provided is not a cash grant; it is an after-the-fact, performance-based refund.

INCENTIVE PROPOSAL SUMMARY

Project: Phoenix

Project Summary:	
Project Name	Project: Phoenix
New Jobs	229
Average Salary	\$63,834
New Capital Investment	\$110,000,000
New Square Footage	470,000
TJIF Award:	
Miami-Dade County Incremental Tax Revenue	\$4,240,613
TJIF Award	\$2,944,000
Net Revenue Benefit to Miami-Dade	\$1,296,613
Total Cost-Benefit Ratio	1:1.44

February 12, 2021

To Whom It May Concern:

As the Sports and Entertainment Division of the Greater Miami Convention and Visitors Bureau, we strongly believe the establishment of Project Phoenix in Miami-Dade as a sports venue, among many other possibilities, would be a game-changer for our market.

As we reach out to many sports competitions, their desire to bring their event to our community is very clear. However, due to a lack of venues, we cannot lure major multi-field or multi-court events. Project Phoenix would provide the solution.

We would be able to lure major amateur events, specifically those for under-18 children, since families usually travel with their children to these competitions, thereby creating the need for additional hotel room nights for our community.

If and when a venue such as Project Phoenix is established, we will work hand-in-hand with events rights holders to provide continual occupancy.

Sincerely,



Jose Sotolongo
Director, Sports & Entertainment Tourism

TJIF 10-Year Fiscal Analysis: Real Property

Project Phoenix

Variable		Value	As % of Capital Inv
Tax Increment Analysis			
Capital Investment		\$100,000,000	100.0%
Market/Capital Inv Ratio		0.85	
Assessed Value		\$85,000,000	85.0%
Budget Adjustment Factor		0.95	
Available for Ad-valorem Taxes, year 1		\$80,750,000	80.8%
Annual Net Appreciation Rate		1.50%	
Available for Ad-valorem Taxes, year 2		\$81,961,250	
Available for Ad-valorem Taxes, year 3		\$83,190,669	
Available for Ad-valorem Taxes, year 4		\$84,438,529	
Available for Ad-valorem Taxes, year 5		\$85,705,107	
Available for Ad-valorem Taxes, year 6		\$86,990,683	
Available for Ad-valorem Taxes, year 7		\$88,295,544	
Available for Ad-valorem Taxes, year 8		\$89,619,977	
Available for Ad-valorem Taxes, year 9		\$90,964,276	
Available for Ad-valorem Taxes, year 10		\$92,328,741	
Countywide GF Millage per \$1000		4.6669	
10-Year Additional General Fund Tax Revenue		\$4,033,343.94	4.0%
Average Yearly Additional Tax Revenue		\$403,334	
TJIF Incentive Analysis			
	Y=1	Value	As % of Capital Inv
Base TJIF Award/Tax Increment			
TJIF Base Award		\$2,140,000	2.140%
TJIF Bonus Awards			
Green Business Certification	0	\$0	0.220%
Designated Priority Area Award	0	\$0	0.220%
Green Certified Building Award	0	\$0	0.063%
Alt. Energy Producer or Installer Award	0	\$0	0.063%
Maximum Potential TJIF Award		\$2,140,000	2.140%

TJIF 10-Year Fiscal Analysis: Personal Property

Project Phoenix

Variable		Value	As % of Capital Inv
Tax Increment Analysis			
Capital Investment		\$10,000,000	100.0%
Market/Capital Inv Ratio		0.85	
Assessed Value		\$8,500,000	85.0%
Budget Adjustment Factor		0.95	
Available for Ad-valorem Taxes, year 1		\$8,075,000	80.8%
Annual Depreciation (Value)*		\$807,500	
Available for Ad-valorem Taxes, year 2		\$7,267,500	
Available for Ad-valorem Taxes, year 3		\$6,460,000	
Available for Ad-valorem Taxes, year 4		\$5,652,500	
Available for Ad-valorem Taxes, year 5		\$4,845,000	
Available for Ad-valorem Taxes, year 6		\$4,037,500	
Available for Ad-valorem Taxes, year 7		\$3,230,000	
Available for Ad-valorem Taxes, year 8		\$2,422,500	
Available for Ad-valorem Taxes, year 9		\$1,615,000	
Available for Ad-valorem Taxes, year 10		\$807,500	
Countywide GF Millage per \$1000		4.6669	
10-Year Additional General Fund Tax Revenue		\$207,268.70	2.1%
Average Yearly Additional Tax Revenue		\$20,726.87	
TJIF Incentive Analysis			
	Y=1	Value	As % of Capital Inv
Base TJIF Award/Tax Increment			
TJIF Base Award		\$144,000	1.440%
TJIF Bonus Awards			
Green Business Certification Bonus Award	0	\$0	0.220%
Designated Priority Area Bonus Award	0	\$0	0.220%
Green Certified Building Bonus Award	0	\$0	0.063%
Alt. Energy Producer or Installer Bonus Award	0	\$0	0.063%
Maximum Potential TJIF Award		\$144,000	1.440%

* Depreciation based on 10% scrap value at end of 10th year and taken on straight line basis.

Base TJIF		\$2,284,000		Annual Increment
FY2022-23		\$228,400		\$414,537
FY2023-24		\$228,400		\$416,422
FY2024-25		\$228,400		\$418,391
FY2025-26		\$228,400		\$420,446
FY2026-27		\$228,400		\$422,588
FY2027-28		\$228,400		\$424,819
FY2028-29		\$228,400		\$427,141
FY2029-30		\$228,400		\$429,553
FY2030-31		\$228,400		\$432,058
FY2031-32		\$888,400		\$434,658
Total TJIF		\$2,944,000	Sum	\$4,240,613
Tax Increment		\$4,240,613		
Net Fiscal Imp		\$1,296,613		
B/C Ratio		1.44		
Job Bonus		\$660,000.00		
Proposed Job Bonus				
For every additional 50 jobs created an additional .15% of total investment will be added at the end of the 10th year. All jobs promised will have to be in place (no partial credit will be given). For this project the bonus (229 jobs) will be equal to:				
\$110000000*.0015 * 4= \$660000				

Miami-Dade County, Florida



Application and Agreement for Targeted Jobs Incentive Fund (TJIF)

PROJECT PHOENIX

Name of Business

(Note: If the name of company is confidential at time of application, said company name shall be provided and appended to this Application and Agreement within 60 days of being approved by the County.)

Important: This Application and Agreement for TJIF shall be in compliance with Miami-Dade County Board of County Commissioners Ordinance No. 00-98 as codified in the Code of Miami-Dade County, Chapter 2, Article LXXXVI, and as further modified by Ordinance No. 18-36, as may be amended.



The Beacon Council
80 S.W. 8th Street, Suite 2400
Miami, FL 33130
Phone: 305-579-1300
www.beaconcouncil.com

Section 1. Targeted Jobs Incentive Fund (TJIF) Background

- 1.1 The Targeted Jobs Incentive Fund is an initiative fashioned by The Beacon Council and Miami-Dade County and patterned after the State of Florida Qualified Target Industry Tax Refund Program (QTI). The program's intent is to attract relocating out-of-area businesses and encourage expansion of existing local companies by providing cash incentive awards. As with the QTI Program, a Company is required to create a certain number of jobs and must also generate enough new revenue to Miami-Dade County to fund its TJIF benefit.
- 1.2 The TJIF is an inducement program available only to companies from outside the County (with the exception of Palm Beach, Broward, and Monroe Counties) wishing to relocate here, and to Miami-Dade companies which undertake a business expansion and which create jobs as a result of the local expansion. Nevertheless, a Palm Beach, Broward or Monroe County-located Company that is planning to relocate outside South Florida is eligible for this program. The Company must provide verifiable documentation supporting its consideration of other locales. Any business decisions, such as leasing of space or hiring of employees, made prior to the final TJIF approval will likely be grounds for disapproval unless waived by the Miami-Dade County Mayor or Mayor's designee after a showing of good cause.
- 1.3 Although the TJIF program is available to companies countywide, it is also used to encourage investment and the creation of jobs in Designated Priority Areas (DPA) i.e. Enterprise Zones, Empowerment Zones, Targeted Urban Areas, Community Development Block Grant eligible areas, and Brownfield areas, by providing business with additional incentives if the Company locates within these specified areas.
- 1.4 The TJIF program is strictly a performance-based incentive that is disbursed to the Company after it has met all of its job creation projections, average salary commitment, capital investment commitments and all other requirements of the program.

Section 2. Eligibility Criteria

- 2.1 The Targeted Jobs Incentive Fund (TJIF) is available to companies in the following industries:
 - a. Advance Manufacturing;
 - b. Aviation/Aerospace;
 - c. Clean Energy including, but not limited to, Solar Photovoltaic and Solar Thermal Energy, Biofuels, Smart Grid Technologies, Energy Storage, and Ocean Energy;
 - d. Financial/Professional Services;
 - e. Homeland Security/Defense;
 - f. Information Technology;
 - g. Life Sciences;
 - h. Creative Industries including, but not limited to, Fashion and Lifestyles;
 - i. Global Logistics;
 - j. Headquarters including regional headquarters (NAICS Code 5511); and
 - k. Any industry designated as a "Target industry business" under the State of Florida's Qualified Target Industry ("QTI") program, Section 288.106(1) of the Florida Statutes.

The Board of County Commissioners, at its discretion, may waive the eligible industry requirement at the request and recommendation of The Beacon Council and the County Mayor and County Mayor's designee.

- 2.2 The Company must create at least 10 new jobs and make a minimum capital investment of at least \$3 million.
- 2.3 The County Commission, recognizes its responsibility to set a community standard that permits full-time workers to live above the poverty line. Therefore, the TJIF Program will not be available to companies that pay any of their employees less than the Living Wage Rate as defined in Section 2-8.9 of the Code of Miami-Dade County, as adjusted annually by the Department of Small Business Development or its successor department. In addition, the New Jobs promised under the TJIF application/agreement must pay an estimated Average Annual Wage at least equal to the average private sector wage of the County or the statewide private sector average wage. In determining the Average Annual Wage, only New Jobs are to be included and wages for existing jobs shall be excluded from the calculation.
- 2.4 The Company's countywide ad valorem property taxes, excluding debt service, and countywide portion of sale taxes paid must generate sufficient additional general fund tax revenue to the County in order to fund the award. Additional general fund tax revenue generated by the project shall be determined by using a methodology acceptable to the County.
- 2.5 An economic impact analysis of the project will be determined using a professionally accepted econometric model such as Department of Commerce, BEA RIMS-II; Minnesota Implan Group, IMPLAN V.3; or REMI, Inc., REMI Model Pl+, and reviewed by the County's Chief Economist.
- 2.6 This Application and Agreement must be signed by the Company and Miami-Dade County stipulating the number of new jobs to be created, the projected amount of capital investment, the amount of the projected tax revenue and the date when the project will be completed. Disbursements of the TJIF award to the Company will only be made after it has achieved the capital investment and job creation benchmarks set forth in the Application and Agreement, and all other terms of the TJIF program.
- 2.7 The TJIF is an inducement program that is only available to companies considering a relocation and/or expansion in Miami-Dade County and one or more other communities. The TJIF is utilized to induce "New to Market" companies to relocate to Miami-Dade County (not available for companies located within Palm Beach, Broward and Monroe Counties unless a Company is planning to relocate outside South Florida). Companies located in other Florida counties are eligible for TJIF for any net new jobs being created in Miami-Dade County. The Company must identify the other metro areas being actively considered as locations for the project.

Section 3. Award Amounts Provided By Miami-Dade County

- 3.1 The TJIF Program is structured so that revenues received from the TJIF project will meet or exceed incentives paid by the County. As a result, the TJIF Program has a positive revenue impact on the countywide general fund during the incentive payout period. TJIF incentives are disbursed over a ten-year period, subsequent to the capital investment of the TJIF project

appearing on the tax roll, and may equal up to 2.140 percent of the total real property capital investment and up to 1.440 percent of the tangible personal property capital investment. The TJIF project is eligible for additional incentive amount, for both real property and tangible personal property capital investment, if it is:

- a. A Miami-Dade County “green certified” business, as applicable (an additional 0.220 percent);
- b. Located in a DPA (an additional 0.220 percent);
- c. Located in a “green certified” building pursuant to Section 2-1258 (an additional 0.063 percent); and/or
- d. Classified as having its principal business activity in the manufacturing, installation, and repair of Solar Thermal and Photovoltaic energy production or other clean energy project (an additional 0.063 percent).
- e. A project that creates more than 50 new jobs (an additional 0.015 percent of the total amount of the Project’s Capital Investment in taxable real property and tangible property for every 50 new jobs created).

In no case will TJIF incentive disbursements exceed the amount of additional countywide ad valorem generated by the TJIF project. In the event that the actual capital investment is less than the amount of capital investment stated in the application, the TJIF project will only be eligible to receive an incentive based on the approved percentage of the actual capital investment.

Applications for a TJIF award within Miami-Dade County are evaluated on a case-by-case basis.

- 3.2 A TJIF award is usually provided to a Company for a period of up to ten (10) years when the minimum number of new jobs has been created and when new capital investment by and/or for the Company exceeds \$3 million in taxable property value. This award is not applicable to the ad valorem property taxes paid-in on the subject property’s land value nor to any improvements in place prior to the project.
- 3.3 A Company may not receive award payments of more than twenty five percent (25%) of the total awards specified in the approved application/agreement in any fiscal year even if all the New Jobs are created in one (1) year. Further, a Company may not receive more than \$1.5 million in awards in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in a Designated Priority Area. A Company may not receive more than \$5 million in award payments in all fiscal years, or more than \$7.5 million if the project is located in a Designated Priority Area. However, the Board of County Commissioners, at its discretion, may waive the applicable \$5 million or \$7.5 million total award cap at the request and recommendation of The Beacon Council and the County Mayor or the County Mayor’s designee. However, in no event shall the total award exceed the amount of countywide general fund ad valorem property taxes paid in as a result of the project. While a Company can receive both a tax refund under the State of Florida Qualified Target Industry Program and a TJIF award at the same time, it cannot receive more than an amount equal to what it has paid-in under the project at any time.

Section 4. Payment of Incentive

- 4.1 The TJIF program is a performance based incentive program; therefore, verification of the new jobs created, capital investment made by the Company, and the additional general fund tax revenue generated to Miami-Dade County must be verified by the County prior to any disbursement of funds to the Company. This procedure must be repeated each year that the Company submits a claim for the TJIF payment. The year that is applicable for consideration of taxes paid-in resulting in the additional general fund tax revenue is April 1 through March 31. Company award claims must be submitted each year during the period of April 1 through May 15. Any award appropriation, if made by the Miami-Dade County Board of County Commissioners will be paid in the County's fiscal year that begins on October 1 following the May 15 claims-submission deadline date.
- 4.2 The TJIF incentive award is paid beginning after the first year the new jobs are created. For example, if a Company committed to creating 100 new jobs by December 31, 2018, meets this benchmark (and all other conditions of the incentive award), and submits a claim for disbursement by May 15, 2020, then the first incentive payment will be disbursed in the County's fiscal year that begins on October 1, 2020. Disbursements shall occur according to the disbursement schedule set forth in the Board resolution granting the TJIF award even if all the new jobs are created prior to the end of the disbursement schedule. Payment to the Company will only be made after it has achieved all economic benchmarks. The Company's additional general fund tax revenue paid to Miami-Dade County must be equal to or greater than the Company's TJIF award less the County's portion of any Florida Qualified Target Industry incentive the Company may be receiving for the same project.
- 4.3 The Company must be current on its Miami-Dade County taxes in order to receive the disbursement of its approved TJIF incentive. Failure to meet this condition may cause that year's incentive to be forfeited.
- 4.4 No incentive amounts shall be disbursed after the last fiscal year set forth in the TJIF application agreement and the Board-approved TJIF Resolution. If a company fails to submit an application for reimbursement within three years of the first job creation benchmarks pursuant to Section 9.5 (c) in this application, the TJIF award will be cancelled without notice.
- 4.5 If in any year the applicant does not achieve the job creation schedule outlined in the applicant's approved resolution, but achieves at least 80% of the required net new jobs created, the company will receive a pro-rated incentive award less a 5% penalty of the scheduled award amount for that year. **If job creation falls below 80% of the required jobs, the company will not receive a refund and will be terminated from the program.**

Section 5. Application Process

- 5.1 Any Company that meets the criteria and objectives of the TJIF program must submit this Application and Agreement to the County through The Beacon Council for review. The Beacon Council will prepare an economic impact analysis for the project, based on the information provided by the Company and submit the application to the County Mayor or County Mayor's designee. An officer of the applying Company must sign the application.

Section 6. Review and Approval Process

- 6.1 Subsequent to an evaluation of the Application and Agreement by the County, staff will recommend its approval or denial to the County Mayor or the County Mayor's Designee and prepares an agenda item for the next available Board of County Commissioners meeting where the TJIF incentive is considered for approval. The County Mayor or the County Mayor's Designee will recommend Application and Agreement approval or denial to the Board of County Commissioners. Per Miami-Dade County Ordinance No. 00-98 creating this program as amended by Ordinance No. 18-36, the Board of County Commissioners shall have no obligation to approve any Application and Agreement that comes before it.
- 6.2 The Beacon Council staff and a Company representative (when requested) will attend the Board of County Commissioners meeting to be available to answer any questions related to the project and the TJIF Application.
- 6.3 If the Board of County Commissioners approves the Application and Agreement, the Company and the County Mayor or the County Mayor's Designee will execute said document(s). Upon request, a Company's confidentiality will be protected for any information regarding a project's location and/or expansion evaluation of any site in Florida in accordance with Sections 288.075 and 288.1066 of the Florida Statutes. If confidentiality is requested, then the Company name and identifying information shall be provided by the Company within 60 days of being approved by the County. Upon said approval, as the applying Company you will be sent a letter by The Beacon Council stipulating the conditions of the approval.
- 6.4 The Company, upon Board of County Commissioners approval, shall submit a current employee roster and tangible personal property and/or real property tax bill(s) for Miami-Dade County within 60 days after the Board's approval of the Application and Agreement.

Section 7. Application and Agreement Instructions

- 7.1 Please carefully review all Application and Agreement materials.
- 7.2 Contact The Beacon Council at the below address to discuss your project and Application before submitting a formal proposal.
- 7.3 Any information or documents that cannot be supplied in the provided space should be placed in a notebook or other presentation format. The material should be indexed, tabbed or labeled with the number of the relevant question from the Application and Agreement form.
- 7.4 The completed and signed Application and Agreement must be filed with:

The Beacon Council
Attn: James Kohnstamm, Executive Vice President
Targeted Jobs Incentive Fund (TJIF)
80 S.W. 8th Street, Suite 2400
Miami, Florida 33130
Phone: 305-579-1300

- 7.5 **IMPORTANT NOTE: This Application and Agreement must be filed prior to making the decision to locate a new business in Miami-Dade County or to expand an existing Miami-Dade County business. However, an applying Company that is contemplating such a business decision may, upon request and Beacon Council recommendation, be considered by the County Mayor or the County Mayor's Designee for preserving inducement. If the County Mayor or the County Mayor's Designee authorizes preserving inducement the applying company maintains TJIF program eligibility. See Miami-Dade County Code Section 2-1256 for additional information.**

Section 8. Employer Identification

8.1

Please note: The following form may not provide enough space for required answers. Please attach a separate page with tabs that refers to the question number. Please include supporting documentation or explanation with responses where appropriate.

8.2 TARGETED JOBS INCENTIVE FUND (TJIF)

- a) Name of Company: **Project Phoenix**
- b) Mailing Address: _____

- c) Primary Company contact-please include phone and fax numbers: _____

- d) Company's federal employer identification number: _____
- e) Company's unemployment compensation identification number: _____
- f) Company's Florida sales tax registration number: _____
- g) List NAICS codes of all activities of the Company: **713940**
- h) Describe the Company's primary business activities: _____
Please see attached

- i) You may request that your project information (including the information contained in this application) be confidential per Section 288.075 of the Florida Statutes, Confidentiality of Records.
- _____ **X** _____ YES, we request Confidentiality
_____ NO, we do not request confidentiality

- 8.3 a) Is the Company 51% or more minority owned? _____ YES **X** NO
- b) If YES, please identify: ___ Black/African American___Hispanic ___Other
- c) Is the Company certified as a Black Business Enterprise (BBE), Women Business Enterprise (WBE), Hispanic Business Enterprise (HBE), Community Small Business Enterprise (CSBE), Community Business Enterprise (CBE) and/or Disadvantaged Business Enterprise (DBE) pursuant to Miami-Dade County Code?
 _____ YES **X** NO
- 8.4 a) Has the Company or any of its officers ever been subjected to criminal or civil fines and penalties?
 _____ YES **X** NO
- b) If YES, please explain: _____

Section 9. Project Identification / Information

- 9.1 Description of the type of business activity or product covered by the project:
- a) Is the business unit a (please choose one):
X New business to Miami-Dade County
☐ An expansion of an existing Miami-Dade County business
- b) If an expanding business, how many Miami-Dade County-located employees are there currently in the expanding business unit: **N/A**
- c) Provide a full description of the project: **Please see attached**

- 9.2 Check the appropriate box and complete the line item:
- ☐ Project's current location, if applicable: **N/A – New Business**

- ☐ Project's proposed location, if different from above: **10+ acres parcel in Miami-Dade County-District 12**

- ☐ Anticipated Miami-Dade County Commission District(s): **12**
- 9.3 Check the boxes that best defines your project:
- | | |
|--|---|
| 1 X regional headquarters office | 5 ☐ manufacturing |
| 2 ☐ national headquarters office | 6 ☐ office/administration |
| 3 ☐ world headquarters office | 7 ☐ sales & marketing |
| 4 ☐ Latin America headquarters office | 8 ☐ warehousing / distribution |

9.4 If the project is not a headquarters, or if it includes other target industries, indicate the major industry groups(s) and the four-digit NAICS code of each target industry or industries included in this project:

Business Activities	4-digit NAICS Code
Multi-Purpose Fitness Center & Sport Center	713940

9.5 Project employment and wages:

- a) Existing jobs in Miami-Dade County **N/A – New Business**
- b) Total number of new jobs projected to be created by the project at the business location indicated in 9.2: **229 Permanent jobs**
- c) Schedule of additional direct jobs and their average annual wage (not including benefits) created by the project by December 31st for each of the years indicated below:

Year	New Jobs	Average Annual Wage
1	131	\$63,834
2	176	\$63,834
3	229	\$63,834

- d) Average annualized value of employer provided benefits associated with each new job created by the project in the first year indicated in (c): \$9,200
- e) Square footage of proposed location indicated in 9.2 :
EXISTING **0** NEW: **470,000 SO Feet**

9.6 a) Anticipated commencement date of project: **2021**

b) Anticipated timeframe when the project will be completed: **2023 or 22 months after closing**

9.7 Amount of incentive award requested from Miami-Dade County **\$2,944,000**

Section 10. Project Impact Information

10.1 Miami-Dade County Ordinance 00-98 as amended by Ordinance 18-36 requires that Miami-Dade County review and evaluate the Application based on the following issues. Therefore, thorough and concise responses to the items below are very important.

10.2 **Incentive Rationale:**

Provide a statement, on a separate sheet, indicating why the incentive award is needed to further the project. What role will the incentive award play in the decision of the applicant to locate or expand in Miami-Dade County? Indicate whether there are other communities competing for this project, and if so, which communities, and what incentives are being offered by these communities. Also, specifically address the role the incentive will play in creating Miami-Dade County jobs. This statement should include an analysis of the impact of any incentive awards granted on the viability of the project and the probability that the project will occur in Miami-Dade County if such incentive awards are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in Miami-Dade County.

10.3 **Project Impact:**

Provide a brief synopsis, on a separate sheet, on the impacts the project is expected to stimulate in the community, the state or regional economy, focusing on economic conditions in the area, including the unemployment rate in the community where the project will be located.

10.4 **Corporate Responsibility, Environmental and Growth Management:**

Submit a brief review, on a separate sheet, of the applicant's past activities in Miami-Dade County, Florida and in other states, particularly as they relate to environmental and growth management impacts and how these have been handled. Have any awards been recommended or received? (Basically, what kind of corporate citizen has the applicant been?)

10.5 **Capital Investment:**

- a) Describe the capital investment in real and personal property (examples: construction of new facility; remodeling of facility; upgrading, replacing or buying new equipment):

Construction of new facility

- b) List the amount and type (purchase of machinery/equipment, construction of buildings, etc.) of major capital investment to be made by the applicant in connection with this Miami-Dade County project:

Amount **\$100,000,000**

Construction/Renovations

estimated 470,000 sq. ft.

Amount \$ _____

Manufacturing Equipment

Amount **\$10,000,000**

Other Equipment

fitness and sport equipment

10.6 **Indicate other incentive programs the Company will be applying for:**

- | | |
|--|---|
| ☐ Enterprise Zone | ☐ Opportunity Zones |
| ☐ Refund of Impact Fees | ☐ Sales Tax Refunds |
| ☐ Jobs Tax Credit | ☐ Transportation "Road Fund" |
| ☐ Qualified Target Industry | ☐ Quick Response Training |
| ☐ Other _____ | |
-
-

Section 11. Please initial below indicating your agreement:

- 11.1 x that Miami-Dade County may review and verify the financial and personnel records of the Company and/or perform on site visits to verify employment relating to the new jobs, review said financial and personnel records, and ascertain whether the Company is compliance with the terms of the Application/Agreement and the TJIF program requirements;
- 11.2 x that compliance with the terms and conditions of the approved Application/Agreement and with the TJIF program requirements is a condition precedent for the receipt of any TJIF award in a fiscal year and that the Company's failure to comply with the terms and conditions of the approved Application/Agreement results in the loss of eligibility for receipt of TJIF awards and the revocation by the County Mayor or the County Mayor's Designee of the certification of the Company as a TJIF eligible business;
- 11.3 x that the payment of TJIF awards are conditioned on and subject to specific annual appropriations by the Board sufficient to pay amounts under the approved Application/Agreement;
- 11.4 x that Miami-Dade County shall be notified in writing, within 60 days, of any development that impacts the implementation or operation of this Agreement or the project that this Agreement covers. Such developments will include, but not be limited to: commencement of and full implementation of the project; significant project delays; cancellation of the project; and all material changes of the project; and
- 11.5 x that the Company will maintain personnel and financial records related to jobs, wages, and taxes paid which are the subject of this Agreement and submit summary reports of said records to Miami-Dade County as part of each annual claims-submission. The Company will retain said personnel and financial records for a period of three (3) years after payment of the last cash incentive award.
- 11.6 x that the Company must apply by May 15 in each fiscal year to be considered to receive a TJIF award in the following County fiscal year.
- 11.7 x **that no incentive amounts shall be disbursed after the last fiscal year set forth in the TJIF Application/Agreement and the Board-approved TJIF Resolution. Disbursement dates can only be extended by one year and must be waived/approved by the Board.**
- 11.8 x that if a Company does not achieve the job creation schedule outlined in its approved resolution, but achieves at least 80% of the required net new jobs, the Company will receive a prorated refund less a 5% penalty of the scheduled award amount for that year. **If job creation falls below 80% of the required jobs, the Company will not receive a refund and will be terminated from the program.**
- 11.9 x that the Company will not enter into a lease agreement before the final approval, without written permission from the County.

- 11.10 x If a company fails to submit an application for reimbursement within three years of the first job creation benchmarks pursuant to Section 9.5 (c) in this application, the TJIF award will be cancelled without notice.
- 11.11 x that the company agrees to pay ALL current employees the Living Wage Rate pursuant to the attached Living Wage Rate notification published by the Internal Services Department, Small Business Development Division.

THE INFORMATION IN SECTIONS 12–15 TO BE COMPLETED BY THE BEACON COUNCIL

Section 12. Projected New Revenue to Miami-Dade County

List the amount and type of projected taxes this project will provide in the form of new revenue to Miami-Dade County:

Amount \$4,240,613

Property Taxes General Fund

Amount \$ _____

Other Taxes _____ (List)

Section 13. If Project will be locating or expanding in a Designated Priority Area (Check all that apply.)

- ☐ Targeted Urban Area or Enterprise Zones _____ (indicate specific TUA or EZ)
- ☐ _____
- ☐ Community Development Block Grant area
- ☐ Brownfield site
- ☐ Opportunity Zone

Section 14. Application Confirmation

- 14.1 Company Telephone Contact Number _____
- 14.2 Date Application Received by The Beacon Council 02/05/2021
- 14.3 Date Application Completed/Finalized 02/12/2021
- 14.4 Date Application presented to Miami-Dade County 02/24/2021

Section 15. Maximum Award and Agreement End Date

(To be completed by The Beacon Council and/or Miami-Dade County.)

- 15.1 \$2,944,000: The maximum amount of TJIF cash incentive awards which the Company is eligible to receive on the project.

15.2 <u>Maximum Award in Fiscal Year</u>	<u>Maximum Amount</u>
<u>FY2022-23</u>	<u>\$228,400</u>
<u>FY2023-24</u>	<u>\$228,400</u>
<u>FY2024-25</u>	<u>\$228,400</u>
<u>FY2025-26</u>	<u>\$228,400</u>
<u>FY2026-27</u>	<u>\$228,400</u>
<u>FY2027-28</u>	<u>\$228,400</u>
<u>FY2028-29</u>	<u>\$228,400</u>
<u>FY2029-30</u>	<u>\$228,400</u>
<u>FY2030-31</u>	<u>\$228,400</u>
<u>FY2031-32</u>	<u>\$888,400</u>

- 15.3 The term of this Agreement shall commence upon full execution of this Agreement and continue through FY2031-32, unless terminated earlier in accordance with the Code of Miami-Dade County, Chapter 2, Article LXXXVI, and as further modified by Ordinance No. 11-08, as may be amended.

Section 16. Parties

The parties designate the following offices and addresses:

County: Department of Regulatory and Economic Resources
 Miami-Dade County
 111 NW 1st Street – 12th Floor
 Miami, FL 33128

Company: _____

Section 17. Termination

- 17.1 This Agreement may be terminated by Miami-Dade County upon failure of the Company to comply with any material term or condition of this Agreement or a decision by the Company not to proceed with the project. A termination will result in the loss of eligibility for receipt of all cash incentive awards previously approved and scheduled, but not paid, as well as the revocation of the certification as a TJIF business. The foregoing notwithstanding, in the event that Miami-Dade County fails to pay the Company a cash incentive award to which the Company is eligible under Agreement as a result of insufficient County funds or for any reason whatsoever, the Company shall have the right to terminate this Agreement and shall be entitled to retain any cash incentive award or credits previously paid or awarded to the Company by Miami-Dade County under this Agreement. Compliance with the terms and conditions of the Agreement, and with all requirements of the TJIF Program as set forth in Miami-Dade County Code Sections 2-1251-

1260, is a condition precedent for receipt of cash incentive awards each year. The failure to comply with the terms and conditions of this Agreement and the requirements of the TJIF Program shall result in the loss of eligibility for receipt of all cash incentive awards previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the County Mayor or the County Mayor's Designee.

- 17.2 This Agreement may be terminated by Miami-Dade County if it finds that the Company has provided false or misleading information in any part of this Application and Agreement or if the Company attempts to meet any of its obligations under this TJIF Program through fraud, misrepresentation or material misstatement. If Miami-Dade County terminates this Agreement for breach of this Section 18.2, the Company shall within 90 days refund to the County all cash incentives awards paid to the Company as a result of the false information.
- 17.3 This Agreement may be terminated by Miami-Dade County if the Company is delinquent on any Miami-Dade County taxes for a period of two years or longer.

Section 18. Legal Requirements

- 18.1 This Agreement is executed and entered into in the State of Florida, and will be construed, performed and enforced in all respects in accordance with the laws and rules of the State of Florida. Each party will perform its obligations in accordance with the terms and conditions of this Agreement. Any and all litigation arising under this Agreement shall be brought in the appropriate court in Miami-Dade County, Florida. If any term or provision of the Agreement is found to be illegal and unenforceable, the remainder of the Agreement will remain in full force and effect and such term or provision will be deemed stricken.

IN WITNESS WHEREOF the Parties have caused this Agreement to be executed by their duly authorized representatives on this _____ day of _____, _____.

ATTEST: (SEAL)

MIAMI-DADE COUNTY, FLORIDA

By: _____
Print: _____
Title: _____

By: _____
Print: _____
Title: _____

Approved as to form and legal sufficiency:

By: _____
Assistant County Attorney

State of Florida)
County of Miami-Dade)

The foregoing instrument was acknowledged before me by _____,
County Mayor or Mayor's designee, and _____, Deputy Clerk, respectively,
on behalf of Miami-Dade County, Florida, this _____ day of _____,
_____.

Notary Public – State of Florida

Print Name: _____

Commission expires: _____

ATTEST: (SEAL)

Company name: _____

By: _____
Print: _____
Title: _____

By: _____
Print: _____
Title: _____

State of Florida)
County of Miami-Dade)

The foregoing instrument was acknowledged before me by _____,
_____(Title), on behalf of _____(Company), this _____
day of _____, _____.

Notary Public – State of Florida

Print Name: _____

Commission expires: _____

Application and Agreement for Targeted Jobs Incentive Fund-(TJIF)

PROJECT PHOENIX

h) Describe the Company's primary business activities:

Project Phoenix will be a multi-purpose, multi-use facility that will be unique in the state of Florida. The proposed site of new construction will develop an 820,000 square foot facility which will include 275,000 + square feet of Class A office space and 75,000 square feet of retail space. The remaining design space will house 3 distinct sports venues to have a fully equipped members-only fitness center, hockey/ice skating rinks, NBA regulation-size basketball courts, indoor football/soccer fields, volleyball courts. The facility will also include an Olympic size swimming pool. Although this concept will be new to Florida, it will be similar, yet superior, to similar successful and ongoing businesses such as Chelsea Piers (1995) and Spooky Nook (2013). These businesses have proven a multisport multi-purpose facility attracts and sustains healthy revenues and memberships.

10.2 Incentive Rationale:

Provide a statement, on a separate sheet, indicating why the incentive award is needed to further the project. What role will the incentive award play in the decision of the applicant to locate or expand in Miami-Dade County? Indicate whether there are other communities competing for this project, and if so, which communities and what incentives are being offered by these communities. Also, specifically address the role the incentive will play in creating Miami-Dade County jobs. This statement should include an analysis of the impact of any incentive awards granted on the viability of the project and the probability that the project will occur in Miami-Dade County if such incentive awards are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in Miami-Dade County.

Project Phoenix intends to build a multi-purpose, multi-sports facility, with retail space in select cities around the country where the decision-based criteria include sustainable and profitable revenue outcomes as well as local, state, and federal incentives that assist in reducing the overall capital investment required to build and operate the complex and incentive awards that will enable the complex to sustain the jobs created for long-term job opportunities and economic growth. The incentive award will allow Project Phoenix to reduce our debt and maintain employment for over 200 jobs with an average salary of \$63,834 with benefits; leverage the capital investment of \$110 million dollars for long-term economic growth and an opportunity for a lucrative return on the investment with the added incentive award.

Other cities explored to develop this complex are Houston, Texas, Nashville, TN, and Charlotte, NC. The Miami location's advantages are the lucrative culture, sports, and entertainment industry that Project Phoenix can enhance with a state-of-the-art sports complex.

10.3 Project Impact:

Provide a brief synopsis, on a separate sheet, on the impacts the project is expected to stimulate in the community, the state, or regional economy, focusing on economic conditions in the area, including the unemployment rate in the community where the project will be located.

Project Phoenix will create 229 jobs at an average salary of \$63,834 with benefits which we are committed to long-term economic growth, develop, and capitalize on the development of the Miami-Dade County that will create economic opportunities for low-income people in these communities, and grow a viable business that can enhance to sports culture of Miami while creating financial/job opportunities for vulnerable residents.

10.4 Corporate Responsibility, Environmental and Growth Management:

Submit a brief review, on a separate sheet, of the applicant's past activities in Miami-Dade County, Florida, and in other states, particularly as they relate to environmental and growth management impacts and how these have been handled. Have any awards been recommended or received? (Basically, what kind of corporate citizen has the applicant been?)

Project Phoenix will be a new business in the Miami Dade area centered around community engagement through health and wellness with family memberships to the fitness center, sport-specific training and participation for K-12 children and young adults, college students and athletes, and professionals who live and work in the Miami Dade communities. It will have the capability to support programs and provide modern facilities for Little Leagues, Soccer Leagues, Swimming teams, and competitions and many other potential partnerships with professional teams' community outreach such as NBA Cares and Play 60, which focus on assisting low-income children and families with sports-related programs and services. It will also ensure all socioeconomic backgrounds will have access to our facilities, and we will prioritize employees from these low-income areas to have access to these facilities.

Project Phoenix's building will be environmentally designed using exterior solar windows around 3 sides, internally engineered to take advantage of all efficient power solutions, water-conserving with all plumbing facilities and fixtures, using eco-friendly building materials, and utilizing energy-efficient equipment. Its developer will seek certification from The International WELL Building Institute, which certifies overall Wellness & Health to include the environmentally safe buildings post COVID. It will be a member and adhere to all safe and wellness requirements in the facility's development operations.



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 4, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(1)

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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 3(B)(1)
5-4-21

RESOLUTION NO: R-394-21

RESOLUTION APPROVING CONFIDENTIAL PROJECT PHOENIX AS A TARGETED JOBS INCENTIVE FUND PROGRAM BUSINESS PURSUANT TO CHAPTER 2, ARTICLE LXXXVI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CONFIRMING THAT THE COMMITMENT OF INCENTIVE AWARDS FOR CONFIDENTIAL PROJECT PHOENIX EXISTS; PROVIDING AN APPROPRIATION OF UP TO \$2,944,000.00 FROM COUNTYWIDE GENERAL FUND REVENUES FOR FISCAL YEARS 2022-23 THROUGH 2031-32; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE NON-SUBSTANTIVE MODIFICATIONS OR TO MODIFY THE JOB CREATION AND DISBURSEMENT DATES TIMELINE, AND TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS, AND PROVIDING FOR AN EFFECTIVE DATE; AND WAIVING ELIGIBLE INDUSTRY REQUIREMENT PURSUANT TO SECTION 2-1254 OF THE CODE OF MIAMI-DADE COUNTY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, Targeted Jobs Incentive Fund ("TJIF") Confidential Project Phoenix' Application ("application") and Agreement for Targeted Jobs Incentive Fund ("agreement"), copies of which are incorporated herein by reference; and

WHEREAS, Confidential Project Phoenix does not qualify as a target industry business under chapter 2, article LXXXVI of Code of Miami-Dade County, Florida ("TJIF ordinance"); and

WHEREAS, this Board wishes to waive the eligible industry requirement per Section 2-1254 of the TJIF ordinance,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby:

Section 1. Adopts and ratifies the matters set forth the foregoing recitals.

Section 2. Finds that attracting, retaining and providing favorable conditions for the growth of target industries provides quality employment opportunities for residents of the County and enhances the County's economic foundation.

Section 3. Authorizes the County Mayor or County Mayor's designee to execute the application and agreement for TJIF between Miami-Dade County and Confidential Project Phoenix, as a TJIF business pursuant to the TJIF ordinance, in substantially the forms attached hereto and incorporated herein by reference.

Section 4. Further authorizes the County Mayor or County Mayor's designee to make non-substantive modifications to the job creation and disbursement dates timeline, and to execute all contracts, agreements, and amendments necessary to further the purposes set forth in this resolution.

Section 5. Finds that the commitment of incentive awards for Confidential Project Phoenix exists in an amount not to exceed \$2,944,000.00 from countywide General Fund revenues, and is conditioned on and subject to specific annual appropriations by the Board in the following increments:

Fiscal Year 2022-23 -	\$228,400.00
Fiscal Year 2023-24 -	\$228,400.00
Fiscal Year 2024-25 -	\$228,400.00
Fiscal Year 2025-26 -	\$228,400.00
Fiscal Year 2026-27 -	\$228,400.00
Fiscal Year 2027-28 -	\$228,400.00
Fiscal Year 2028-29 -	\$228,400.00
Fiscal Year 2029-30 -	\$228,400.00
Fiscal Year 2030-31 -	\$228,400.00
Fiscal Year 2031-32 -	<u>\$888,400.00</u> (Job Bonus)
TOTAL	<u>\$2,944,000.00</u>

with the provision that any tax abatement granted to Confidential Project Phoenix under section 196.1995, Florida Statutes, reduces any TJIF incentive award granted by the amount of any such

tax abatement granted, and will be paid to Confidential Project Phoenix with the stipulation Confidential Project Phoenix is in compliance with the TJIF program as set forth in the TJIF ordinance, including, but not limited to, the requirement that at least 229 jobs be created. In no event shall this resolution operate to obligate the County to make disbursements to Confidential Project Phoenix in an amount that contradicts or violates the program requirements as set forth in the TJIF ordinance.

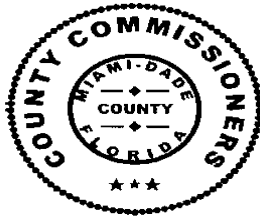
Section 6. Requires that the commitment of incentive awards shall be contingent on Confidential Project Phoenix maintaining the jobs during the life of the incentive and ensuring that its hiring practices are consistent with and reflect the diversity of the Miami-Dade County community. Confidential Project Phoenix also agrees to a “good faith” effort to hire, to the maximum extent, residents from Miami-Dade County.

Section 7. Waives the eligible industry requirement pursuant to section 2-1254 of the TJIF ordinance.

The foregoing resolution was offered by Commissioner **Oliver G. Gilbert, III** , who moved its adoption. The motion was seconded by Commissioner **Keon Hardemon** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	absent
Kionne L. McGhee	absent	Jean Monestime	aye
Raquel A. Regalado	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of May, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



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

HARVEY RUVIN, CLERK

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "Shannon D. Summerset-Williams", is written over a horizontal line.

Shannon D. Summerset-Williams