

RESOLUTION NO. 21-R-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, MAKING FINDINGS OF A DEFAULT BY MESTIZO FOODS, LLC, UNDER AN ECONOMIC DEVELOPMENT FINANCIAL INCENTIVE GRANT (“EDFIG”) AGREEMENT; RESCINDING THE ELIGIBILITY OF MESTIZO FOODS, LLC, FOR EDFIG FUNDING; PROVIDING FOR TERMINATION OF THE EDFIG AGREEMENT BETWEEN THE COUNTY, CITY OF OCALA, AND MESTIZO FOODS, LLC; RESCINDING SUPPORT FOR MESTIZO FOODS, LLC, IN THE STATE OF FLORIDA QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM; PROVIDING FOR REPEAL OF RESOLUTION 17-R-164 AND 17-R-165; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution 17-R-164, the Board recommended Mestizo Foods, LLC (“Company”) for approval as a qualified target industry business pursuant to Section 288.2106, Florida Statutes, and declared Company eligible for funding under Marion County’s Economic Development Financial Incentive Grant (“EDFIG”); and

WHEREAS, the City of Ocala similarly approved Company to receive a City Economic Investment Program (“EIP”) grant; and

WHEREAS, the State of Florida Department of Economic Opportunity (“DEO”) via email dated December 1, 2017, certified Company to receive Qualified Target Industry (“QTI”) tax refunds; and

WHEREAS, pursuant to Resolution 17-R-165, as authorized by Section 125.045, Florida Statutes, and Section 10-4 of the Marion County Code, the Chairman of the Board was authorized to execute an EIP-EDFIG Grant Agreement between Marion County, the City of Ocala, and Company; and

WHEREAS, Marion County, the City of Ocala, and Company entered into an EIP/EDFIG Grant Agreement on or about June 6, 2017, and its first amendment thereto on or about January 6, 2020 (collectively the “Agreement”) providing a 10-percent local financial match to the State of Florida’s QTI Tax Refund Program and an EDFIG grant that was contingent upon and in addition to, the Company receiving QTI tax refunds; and

WHEREAS, on or about February 26, 2021, Company breached the Agreement by filing an annual report indicating a third party, Pulley Salty Snacks, LLC, had performed the Agreement for the fourth quarter of calendar year 2020; and

WHEREAS, an investigation revealed that on or about December 10, 2020, Company breached the Agreement by selling its assets, including the real property that was the subject of the Agreement, to Pulley Salty Snacks, LLC; and

WHEREAS, due to said breach of the Agreement and in accordance with its terms, Marion County issued a letter dated April 20, 2021, placing Company on notice of the breach and providing a thirty (30) day opportunity to cure; and

WHEREAS, the time to cure the reporting requirement has passed and no response was made by Company; and

WHEREAS, on or about July 29, 2021, Staff at the City of Ocala advised Marion County that based on Company's failure to perform the Agreement as outlined above, the City of Ocala is proceeding to terminate the Agreement; and

WHEREAS, on or about June 8, 2021, the City of Ocala advised the DEO that due to the breach by Company, the City was withdrawing its support of Company in the State's QTI Tax Refund Program due to Company's failure to adhere to the terms of the City's EIP Program; and

WHEREAS, by a copy of an email dated June 16, 2021, the DEO has inquired if the County will continue with its support of Company in the State's QTI Tax Refund Program; and

WHEREAS, due to Company's breach of the terms of the Agreement, Company having been placed on notice of the breach and provided an opportunity to cure same, and Company having wholly failed to respond, and the City having represented its proceeding to terminate the Agreement and its withdrawal of support of Company to the DEO, the County now rescinds the eligibility of Company to receive EDFIG funding, terminates the Agreement with Company, and withdraws its support of Company in the State's QTI Tax Refund Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida, that:

SECTION 1. RECITALS. That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

SECTION 2. ELIGIBILITY RESCISSION. The eligibility of Mestizo Foods, LLC, for EDFIG funding is hereby rescinded.

SECTION 3. AGREEMENT TERMINATION. Mestizo Foods, LLC, shall be sent a termination letter as per provisions of the Economic Development Funding Incentive Grant Agreement dated June 6, 2017. County Staff is directed to coordinate and cooperate with the City of Ocala as needed in the City's termination of same.

SECTION 4. QTI SUPPORT RESCISSION. The State of Florida Department of Economic Opportunity shall be sent a letter rescinding the County's support of Company in the State's Qualified Target Industry Tax Refund Program

SECTION 5. REPEAL. Resolution No. 17-R-164 and 17-R-165 are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 17th day of August, 2021.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**

ATTEST:

GREGORY C. HARRELL, CLERK

JEFF GOLD, CHAIRMAN