

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date:** July 2, 2013       Consent       Regular  
     Ordinance       Public Hearing

**Department:** Administration  
**Submitted for:** Department of Economic Sustainability

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to:

**A) Adopt** a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of OpenPeak, Inc., an existing Delaware corporation authorized to do business in the State of Florida, as a Qualified Target Industry (QTI) business pursuant to §.288.108, Florida Statutes; providing for local financial support for the Qualified Target Industry Tax Program in the form of a Job Growth Incentive Grant not to exceed \$70,000; and

**B) Conceptually approve** a Job Growth Incentive (JGI) Grant to OpenPeak, Inc. not to exceed \$70,000 as a portion of the local match for a State QTI Grant; and

**C) Authorize** the Office of Financial Management and Budget to administratively process a \$70,000 budget transfer from the General Fund Contingency Reserves to the Department of Economic Sustainability JGI Program and a budget amendment of \$70,000 to recognize the funds in the Economic Development Fund, following approval of the agreement.

**Summary:** OpenPeak, Inc. is a leading mobility technology company that provides multimedia touch-screen devices and device management platforms that enable enterprises, service providers, developers, and content owners to interact with end-users in their homes, offices, and while mobile. The company has 108 employees throughout the United States with 95 employees at its headquarters in Boca Raton, Florida. The company is currently expanding its Boca Raton facility due to its recent transition from hardware-based system provider to a software company. The company plans to create 100 new permanent full-time jobs with an average annualized wage of \$93,000, excluding benefits, within two (2) years and retain the new and existing jobs for five (5) years. The five (5) year local economic impact is estimated to be \$18.47 Million. Enterprise Florida is recommending to the State of Florida a QTI in the amount of \$700,000 of which \$140,000 is the required local match. The City of Boca Raton has agreed to provide one half of the local match in the amount of \$70,000. The County's one half of the local contribution will be in the form of a JGI Grant in the amount of \$70,000, which will be secured by a Letter of Credit or Bond. The company will be required to enter into a formal agreement approved by the BCC memorializing their commitments and establishing criteria for funding distribution. **Funding from the JGI Grant will come from General Fund Contingency Reserves.**  
 District 4 (DW)

**Background and Justification:** The JGI Program continues to provide for long term economic growth in Palm Beach County and further diversification of the local economy. The JGI Program is implementing the Board's policy to attract new business to Palm Beach County, to support expanding existing businesses in the County that would otherwise expand elsewhere, and to create employment opportunities for residents of Palm Beach County.

**Attachments:**

1. Resolution
2. Documentation from the City of Boca Raton

**Recommended By:** Sharon O'Byrne      10/18/2013  
    Department Director      Date

**Approved By:** Sharon O'Byrne      10/18/2013  
    Assistant County Administrator      Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

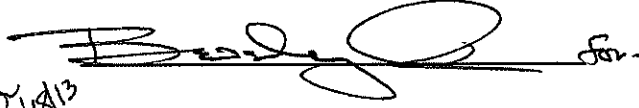
Fiscal Years	2013	2014	2015	2016	2017
Grant Expenditures	\$70,000				
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
<b>NET FISCAL IMPACT</b>	<b>\$70,000</b>				
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>					

Is Item Included In Current Budget?      Yes       No

Budget Account No.:

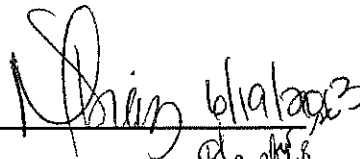
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

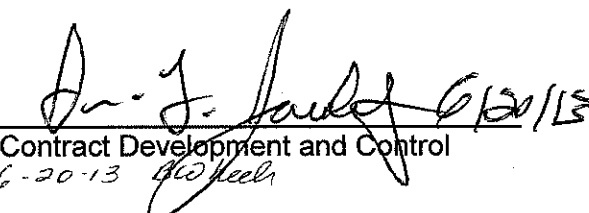
The source of funds is from the general fund contingency reserve dollars for the Job Growth Incentive match if so approved by the Board of County Commissioners.

**C. Departmental Fiscal Review:**   
*6/18/13*

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

  
 OFMB  
*6/19/13*

  
 Contract Development and Control  
 6-20-13 *6/20/13*

**B. Legal Sufficiency:**

  
 Assistant County Attorney  
*6/27/13*

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

RESOLUTION NUMBER 2013-\_\_\_\_\_

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RECOMMENDING APPROVAL OF OPENPEAK, INC., AN EXISTING DELAWARE CORPORATION AUTHORIZED TO DO BUSINESS IN THE STATE OF FLORIDA, AS A QUALIFIED TARGET INDUSTRY (QTI) BUSINESS PURSUANT TO s.288.108, FLORIDA STATUTES; PROVIDING FOR LOCAL FINANCIAL SUPPORT FOR THE QUALIFIED TARGET INDUSTRY TAX PROGRAM NOT TO EXCEED \$70,000**

**WHEREAS**, OPENPEAK, INC., is a leading mobility technology company that provides multimedia touch-screen devices and device management platforms that enable enterprises, small- and medium-sized businesses, service providers, developers, and content owners to interact with end-users in their homes, offices, and while mobile; and

**WHEREAS**, OPENPEAK, INC. has 108 employees throughout the United States, with 95 employees in the company's headquarters in Boca Raton, Florida; and

**WHEREAS**, the OPENPEAK, INC. proposed project will involve the expansion of its current facility in Boca Raton, Florida for a total capital investment of \$4.3 million; and

**WHEREAS**, OPENPEAK, INC. will create 100 new permanent full-time jobs in Palm Beach County at an average annualized wage of \$93,000, excluding benefits, which is 224% greater than the average wage in Florida; and

**WHEREAS**, Palm Beach County's Department of Economic Sustainability estimates that the proposed project would result in a local economic impact of \$18.47 Million over five (5) years; and

**WHEREAS**, OPENPEAK, INC., a for-profit corporation, has filed a QTI Tax Refund Program application with Enterprise Florida, Inc., to seek State tax refunds; and

**WHEREAS**, OPENPEAK, INC. has been identified as a Target Industry Business and falls within one of the high-impact sectors designated under s.288.108, Florida Statutes and is eligible to apply for the QTI tax refund of up to \$700,000; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County hereby acknowledges that local financial support of 20% of the total tax refund is required under the provisions of s.288.108, Florida Statutes, governing the State's QTI Tax Refund Program; and

**WHEREAS**, Palm Beach County's Job Growth Incentive program is used as local participation for the QTI and is designed to motivate businesses by providing funding assistance to either relocate to or establish a facility in Palm Beach County or to help an existing local business with an expansion project which will result in the creation of full-time jobs in Palm Beach County, increase the County's tax base, and strengthen and diversify the County's local economy; and

**WHEREAS**, Palm Beach County has determined that it will provide a Job Growth Incentive Grant to OPENPEAK, INC. in the amount of \$70,000 which is one half of the required 20% local match; and

**WHEREAS**, the City of Boca Raton has determined that it will provide one half of the required 20% local match up to \$70,000; and

**WHEREAS**, OPENPEAK, INC. is aware that the award is contingent upon the company entering into a formal agreement with the County to create 100 new permanent full-time jobs at an average annualized salary of \$93,000 within two (2) years of the effective date of the agreement and retain those jobs for a period of five (5) years. Additionally,

the company will be required to maintain 95 existing jobs for a period of five (5) years from the effective date.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,** that the Board hereby recommends OPENPEAK, INC., an existing corporate entity, be approved as a Qualified Target Industry Business pursuant to s.288.108, Florida Statutes.

**BE IT FURTHER RESOLVED,** that one half of the local financial support for the Qualified Target Industry Tax Refund exists in the amount of \$70,000 from Palm Beach County, and one half from the City of Boca Raton, which amount will be made available in accordance with the guidelines set forth by the Florida Department of Economic Opportunity with the stipulation that these funds are intended to represent local financial support pursuant to s.288.108, Florida Statutes.

**BE IT FURTHER RESOLVED,** that the Palm Beach County Board of County Commissioners has determined the basis of this project's average private sector wage commitment calculation shall be 224% greater than the State's average annual wage.

This resolution shall take effect immediately upon its adoption.

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

STEVEN L. ABRAMS, MAYOR	_____
PRISCILLA A. TAYLOR, VICE MAYOR	_____
HAL R. VALECHE	_____
PAULETTE BURDICK	_____
SHELLEY VANA	_____
MARY LOU BERGER	_____
JESS R. SANTAMARIA	_____

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2013.

**PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS**

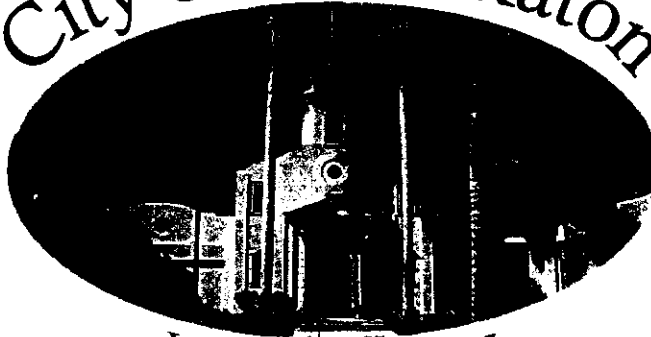
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

**ATTEST: SHARON R. BOCK, CLERK & COMPTROLLER**

By: \_\_\_\_\_  
Dawn S. Wynn  
Senior Assistant County Attorney

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

# City of Boca Raton



Incorporated 1925

## RESOLUTION

61-2013

1  
2 A RESOLUTION OF THE CITY OF BOCA RATON  
3 RECOMMENDING PROJECT BTOP BE APPROVED AS A  
4 QUALIFIED APPLICANT FOR STATE INCENTIVES  
5 PURSUANT TO SECTION 288.106, FLORIDA STATUTES;  
6 AUTHORIZING A PAYMENT OF UP TO \$70,000 AS ONE  
7 HALF (1/2) OF THE REQUIRED LOCAL PARTICIPATION  
8 FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND  
9 PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING  
10 FOR REPEALER; PROVIDING AN EFFECTIVE DATE  
11

12 WHEREAS, Project BTOP is a code name given to a company to protect the identity  
13 of the company during the site evaluation and economic development incentive application  
14 processes; and

15 WHEREAS, Project BTOP is a national mobility technology provider, with its  
16 corporate headquarters in Boca Raton; and

17 WHEREAS, Project BTOP is reviewing locations for an expansion of its workforce,  
18 including the City and locations in two other states; and  
19

1           WHEREAS, Project BTOP would create 100 jobs with an average salary of \$93,000;

2 and

3           WHEREAS, Project BTOP applied to the State of Florida for participation in the  
4 State's Qualified Target Industry Tax Refund (QTI) Program; and

5           WHEREAS, a local match is required for this State incentive program; and

6           WHEREAS, the local match required for the QTI Program is \$140,000; and

7           WHEREAS, Palm Beach County has agreed to pay one half of the local match; and

8           WHEREAS, the City of Boca Raton City Council recognizes the importance of  
9 economic development in the City and deems approval of this resolution to be in the best  
10 interest of the citizens and residents of the City of Boca Raton; now therefore

11  
12                           BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOCA  
13 RATON:

14  
15           Section 1. That the City Council recommends that Project BTOP be approved as a  
16 Qualified Target Industry Business pursuant to Section 288.106, Florida Statutes.

17           Section 2. That the City Council authorizes the payment of up to \$70,000 for the  
18 Qualified Target Industry Tax Refund Program, which amount is the one half (1/2) of the  
19 necessary local commitment of the Qualified Target Industry (QTI) Tax Refund Program  
20 required under Section 288.106, Florida Statutes, subject to confirmation by Florida Department  
21 of Economic Development (DEO), or other appropriate entity, that the requirements of the  
22 Qualified Target Industry Tax Refund Program have been satisfied by Project BTOP, and that  
23 this amount will be available consistent with the guidelines set forth by the Department of  
24 Economic Opportunity, and will be paid to the Department of Economic Opportunity, or other  
25 appropriate entity, with the stipulation that these funds are intended to represent the "local  
26 participation" required by Section 288.106, Florida Statutes.

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Section 3. That all payments authorized by this resolution are subject to an agreement between the City and Project BTOP being executed.

Section 4. If any section, subsection, clause or provision of this resolution is held invalid, the remainder shall not be affected by such invalidity.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Boca Raton this 25<sup>th</sup> day of June, 2013.

CITY OF BOCA RATON, FLORIDA

ATTEST:

Susan S. Saxton  
Susan S. Saxton, City Clerk

Susan Whelchel  
Susan Whelchel, Mayor

*[Handwritten initials]*

COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SUSAN WHELCHER	✓		
DEPUTY MAYOR SUSAN HAYNIE	✓		
COUNCIL MEMBER ANTHONY MAJHESS	✓		
COUNCIL MEMBER MICHAEL MULLAUGH	✓		
COUNCIL MEMBER CONSTANCE J. SCOTT	✓		