



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 10/28/2022 **In control:** Economic Development Committee

On agenda: 11/21/2022 **Final action:** 11/23/2022

Title: To amend Ordinance No. 2806-2021, passed by Columbus City Council on November 17, 2021, for the purpose of revising the 90-day period needed to execute the First Amendment to the City of Columbus Jobs Growth Incentive Agreement with Upstart Network, Inc. and TriNet Group, Inc., dba TriNet to 90 days after passage of this ordinance; and to declare an emergency.

Sponsors:

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Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|----------|--------|
| 11/23/2022 | 1 | ACTING CITY CLERK | Attest | |
| 11/22/2022 | 1 | MAYOR | Signed | |
| 11/21/2022 | 1 | COUNCIL PRESIDENT | Signed | |
| 11/21/2022 | 1 | Columbus City Council | Approved | Pass |

BACKGROUND: The need exists to amend Ordinance No. 2806-2021 (the “**Second Ordinance**”) approved by Columbus City Council (“**Council**”) on November 17, 2021. The **Second Ordinance** authorized the Director of the Department of Development to amend and restate the City of Columbus Jobs Growth Incentive Agreement (the “**AGREEMENT**”) with Upstart Network, Inc. and TriNet Group, Inc. dba TriNet. An amendment to the **Second Ordinance** is now required to revise the 90-day period needed to execute the First Amendment to the **AGREEMENT**.

Columbus City Council (“**Council**”), by Ordinance No. 1187-2019 (the “**Ordinance**”), approved on May 13, 2019, authorized the Director of the Department of Development of the City of Columbus (“**CITY**”) to enter into a dual-rate Jobs Growth Incentive Agreement (the “**AGREEMENT**”) with Upstart Network, Inc. (the “**GRANTEE**”). The **AGREEMENT** was made and entered into effective March 4, 2020.

The **Second Ordinance** authorized the Director of the Development of Development to amend and restate the **AGREEMENT** with the **GRANTEE** to add TriNet Group, Inc. dba TriNet as an additional grantee to the **AGREEMENT**, to revise the proposed job creation goal from 100 net new full-time permanent positions with an associated annual payroll of approximately \$10.75 million to 350 net new full-time permanent positions with an associated annual payroll of approximately \$23,389,500, to revise the incentive term of the **AGREEMENT** from five (5) consecutive years to six (6) consecutive years, to add 800 N. High Street, Columbus, Ohio 43215, parcel number 010-300582 as an additional location to the **AGREEMENT**’s project site.

The **GRANTEE** was unable to execute the amendment to the **AGREEMENT** within the initial 90-day window as approved by Council. As a result, the **GRANTEE** is not able to take advantage of any potential tax savings of the approved incentive.

Subsequently, the need exists to now amend the **Second Ordinance**. The **GRANTEE** is requesting the **Second Ordinance** be amended to revise the 90-day period needed to execute an amendment to the Jobs Growth Incentive

Agreement.

This legislation is requested to be considered as an emergency in order to revise the 90-day period needed to execute an amendment to the City of Columbus Jobs Growth Incentive Agreement to 90-days after passage from this ordinance in order to allow the **GRANTEE** to begin investing and creating jobs as quickly as possible, and the related **AGREEMENT** can be executed without undue delay, thereby allowing the **GRANTEE** to make use of the incentive.

EMERGENCY JUSTIFICATION: To continue the Agreement as amended in consideration of the Grantee's continued hiring of new employees without interruption.

FISCAL IMPACT: No funding is required for this legislation.

To amend Ordinance No. 2806-2021, passed by Columbus City Council on November 17, 2021, for the purpose of revising the 90-day period needed to execute the First Amendment to the City of Columbus Jobs Growth Incentive Agreement with Upstart Network, Inc. and TriNet Group, Inc., dba TriNet to 90 days after passage of this ordinance; and to declare an emergency.

WHEREAS, Columbus City Council (“**Council**”), by Ordinance No. 1187-2019 (the “**Ordinance**”), approved on May 13, 2019, authorized the Director of the Department of Development of the City of Columbus (“**CITY**”) to enter into a dual-rate Jobs Growth Incentive Agreement (the “**AGREEMENT**”) with Upstart Network, Inc. (the “**GRANTEE**”). The **AGREEMENT** was made and entered into effective March 4, 2020; and

WHEREAS, by Ordinance No. 2806-2021 (“**Second Ordinance**”), approved by Council on November 17, 2021, authorized the Director of the Department of Development to amend and restate the **AGREEMENT** with Upstart Network, Inc. to add TriNet Group, Inc. dba TriNet as an additional grantee to the **AGREEMENT**, to revise the proposed job creation goal from 100 net new full-time permanent positions with an associated annual payroll of approximately \$10.75 million to 350 net new full-time permanent positions with an associated annual payroll of approximately \$23,389,500.00, to revise the incentive term of the **AGREEMENT** from five (5) consecutive years to six (6) consecutive years, to add 800 N. High Street, Columbus, Ohio 43215, parcel number 010-300582 as an additional location to the **AGREEMENT**'s project site; and

WHEREAS, the need exists to now amend the **Second Ordinance**, which was approved by Columbus City Council on November 17, 2021; and

WHEREAS, the **GRANTEE** is requesting the **Second Ordinance** be amended to revise the 90-day window needed to execute the proposed amendment to the **AGREEMENT**; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to seek an amendment from Columbus City Council for Ordinance No. 2806-2021 to revise the 90-day window to execute the amendment to the **AGREEMENT** to 90-days after passage from this ordinance in support of the Grantee's continued hiring of new employees, thereby preserving the public health, property, safety and welfare. **NOW THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF COLUMBUS

Section 1. That Section 7 of Ordinance No. 2806-2021 is amended to revise the 90-day window needed to execute the Jobs Growth Incentive Agreement to 90 days after the passage of this proposed ordinance.

Section 2. That the remaining terms of the Jobs Growth Incentive Agreement remain in full effect relative to the Ordinance.

Section 3. That the City of Columbus Jobs Growth Incentive Agreement be signed by Upstart Network, Inc. and TriNet Group, Inc., dba TriNet within 90 days of passage of this ordinance, or this ordinance and the credit granted herein shall be null and void. Except as otherwise amended by this ordinance, the Prior Ordinance remains in full force and effect without modification or change.

Section 4. For the reasons stated in the Preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor or ten (10) days after passage if the Mayor neither approves nor vetoes the same.