

P. O. No. 5547  
08/26/05 er

ORDINANCE NO. 05-61

AN ORDINANCE AS IT PERTAINS TO THE  
ACCOUNTING PROCESS OF THE CITY OF PORT  
ARTHUR SECTION 4A ECONOMIC DEVELOPMENT  
CORPORATION.

WHEREAS, Resolution No. 97-255 approved the authorization level for the Director of the City of Port Arthur Section 4A Economic Development Corporation as to spend up to \$5,000 for projects and programs that have been approved by the Board and City Council and/or that have been authorized by the budget; and

WHEREAS, Resolution No. 03-155 delineated, "that in addition to the approval of the budget, the Board of Directors of the Section 4A Economic Development Corporation shall seek the approval of the City Council of specific projects, programs, and contracts, such approval being required by Section 8.19 of the EDC Bylaws"; and

WHEREAS, Resolution No. 03-155 also approved the EDC Director having the authority to make expenditures as follows:

"(a) amounts specifically approved in any contract, project or program that is, (i) in the budget approved by the EDC Board of Directors and by the City Council, (ii) that has been specifically approved by the EDC Board of Directors and by the City Council per a duly adopted Resolution and, (iii) that has such

documentation that such services and goods have been performed or delivered in accordance with the terms thereof; or

- (b) amounts that do not exceed \$5,000 per fiscal year for projects and programs and that are included in a line item of the budget approved by City Council and by the EDC Board of Directors. This \$5,000 authorization cannot be utilized to exceed directly or indirectly the expenditure level as noted in (a) above."; and

**WHEREAS**, Resolution No. 04-287 required the following:

"Pay estimates are to be co-signed by the EDC Director and by the Chairman of the EDC Finance Committee prior to their submission to the City's Finance Department."; and

**WHEREAS**, Resolution No. 04-326 modified Resolution No. 04-287 as to require the following:

"Pay estimates are to be co-signed by the EDC Director and by either the Chairman of the EDC Finance Committee or by the Chairman of the EDC Board of Directors."; and

**WHEREAS**, Ordinance No. 04-61 stated the following:

"That any proposed EDC incentive agreement as well as any of the EDC programs, projects, and expenditures as described in Exhibit "A" shall not be implemented

until the City Council approves those programs, projects, and expenditures at a future council meeting or meetings with specific details, contracts, and specifications being provided to the City Council."; and

**WHEREAS,** Exhibit "A" of Ordinance No. 04-61 included the following:

- All contracts, regardless of dollar amount
- All personnel issues including:
  - Hiring of personnel, including temporary staff
- All expenditures over \$1,000, including:
  - Contract progress payments, except rental payments; and

**WHEREAS,** the City Manager or his designee has been providing supervisory staff support as needed by the City of Port Arthur Section 4A Economic Development Corporation per Resolution No. 05-051; and

**WHEREAS,** the City Manager has requested that the City Council modify the restrictions as it pertains to the expenditures of funds by the City of Port Arthur Section 4A Economic Development Corporation.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR, TEXAS:**

**Section 1.** That the facts and opinions in the preamble are true and correct.

**Section 2.** That the following shall be applicable:

- (a) In addition to the approval of the budget, the Board of Directors of the Section 4A Economic Development Corporation shall continue to seek the approval of the City Council of specific projects, programs, and contracts, such approval being required by Section 8.19 of the EDC Bylaws
- (b) Expenditures under \$5,000 can be approved by the City of Port Arthur Section 4A Economic Development Corporation Board or by their designee so long as monies are in a line item of the budget approved by City Council and by the City of Port Arthur Section 4A Economic Development Corporation. Such expenditures no longer require additional council action.
- (c) Requests for expenditures, pay estimates, or check requests are no longer required to be co-signed by the Chairman of the EDC Finance Committee or by the Chairman of the EDC Board of Directors. Nevertheless, such check requests and invoices are required to be signed by the Manager or such other supervisory designee of the City of Port Arthur

Section 4A Economic Development Corporation  
reflecting that services and products were  
actually provided.

Section 4. That this Ordinance shall be effective  
immediately.

Section 5. That a copy of the caption of this Ordinance  
be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 30<sup>th</sup> day of  
August, A.D., 2005, at a Special Meeting of the City  
Council of the City of Port Arthur, Texas, by the following

vote: AYES: Mayor Ortiz; Mayor Pro Tem Thompson;  
Councilmembers Lewis, Barker, Henderson;  
Flood, Prince + Sinegal;

NOES: None.

Oscar D. Ortiz  
OSCAR ORTIZ, MAYOR

ATTEST:

Evangelina Green  
CITY SECRETARY

APPROVED AS TO FORM:

Mark Soshlow  
CITY ATTORNEY

APPROVED:

[Signature]  
CITY MANAGER