

RESOLUTION NO. 06-375

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION AND THE CITY OF PORT ARTHUR AS IT PERTAINS TO ADMINISTRATIVE CHARGES FOR THE FISCAL YEAR OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

WHEREAS, the City Council approved Resolution 05-376 as it pertained to administrative charges for the fiscal year October 1, 2005 through September 30, 2006; and

WHEREAS, pursuant to Resolution No. 05-376, the City Council entered into an Agreement with the City of Port Arthur Section 4A Economic Development Corporation, for the 2005 fiscal year, and for administrative services that predated October 1, 2005; and,

WHEREAS, the City has received \$136,698 in Administrative Fees for the Fiscal Year 2005/2006; and,

WHEREAS, pursuant to Resolution No. 06-273, the City has frozen the payment of additional administrative fees for the Fiscal Year 2005/2006; and,

WHEREAS, at this time, the Board of Directors of the City of Port Arthur Section 4A Economic Development Corporation is recommending up to 4.6% for administrative services for the fiscal year October 1, 2006 through September 30, 2007; and,

**WHEREAS,** the City Council delineates the final approval as to the budget; and,

**WHEREAS,** the City Council has considered the recommendations of the City of Port Arthur Section 4A Economic Development Corporation Board as to the payment for administrative services; and,

**WHEREAS,** the City Council is aware of the need for the City of Port Arthur Section 4A Economic Development Corporation Board to fairly compensate the City for administrative services so that the costs thereof will be paid out of sales tax revenues instead of ad-valorem tax revenues, which are needed for other city programs and services.

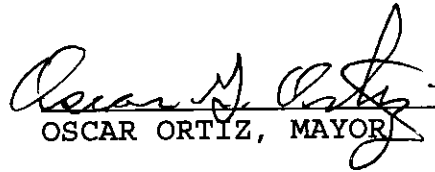
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR:**

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

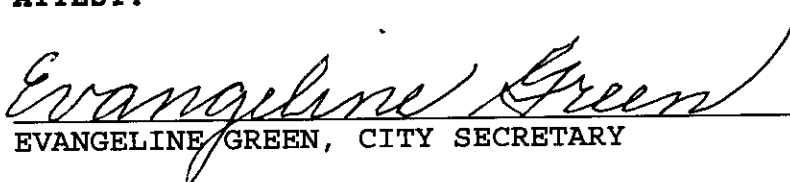
**Section 2.** That the City Council herein approves an Administrative Charge of 4.6% of actual sales tax revenues received for the next fiscal year as to fairly compensate the City and the execution of an agreement thereon in substantially the same form as attached hereto as Exhibit "A".

Section 3. That a copy of the caption of the Resolution be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 26<sup>th</sup> day of September, A.D. 2006, at a Regular Meeting of the City Council of the City of Port Arthur, Texas by the following vote: AYES: Mayor Ortiz; Mayor Pro Tem Phinney; City Council members Lewis, Barker, Henderson, Beard and Williamson  
NOES: None

  
OSCAR ORTIZ, MAYOR

ATTEST:

  
EVANGELINE GREEN, CITY SECRETARY

APPROVED AS TO FORM:

  
MARK T. SOKOLOW, CITY ATTORNEY

APPROVED FOR ADMINISTRATION:

  
STEPHEN FITZGIBBONS, CITY MANAGER

**EXHIBIT "A"**

**STATE OF TEXAS**

§

**COUNTY OF JEFFERSON**

§

§

## **AGREEMENT**

The City of Port Arthur and the City of Port Arthur Section 4A Economic Development Corporation herein agree as to the following:

### **I.**

The City and the City of Port Arthur Section 4A Economic Development Corporation herein agree that for administrative charges and services for the fiscal year from October 1, 2006 to September 30, 2007, the City of Port Arthur Section 4A Economic Development Corporation shall pay to the City four point six percent (4.6%) of the actual sales tax revenue received during this fiscal year. Said four point six percent (4.6%) shall reimburse the City for such administrative, legal, and staff support that the City shall provide in facilitating EDC projects during this fiscal year. Said four point six percent (4.6%) shall be paid by the City of Port Arthur Section 4A Economic Development Corporation to the City of Port Arthur monthly, as the sales tax moneys are received from the Comptroller.

### **II. CITY ASSISTANCE**

(a) The City will also continue to assist the EDC in its litigation. Nevertheless, the time and costs of the City Attorney will be requested to be reimbursed by the other litigants, if it is feasible.

(b) The EDC staff can call on and have reasonable access to city departments to address issues respecting projects for their comments.

(c) The EDC staff shall have access to non-confidential city records as to facilitate the EDC projects.

**III.**

The City and the EDC herein agree that the EDC shall also pay the City its proportionate share of the audit fees that can be allocated to the EDC.

**SIGNED AND AGREED** to on this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**CITY OF PORT ARTHUR**

**BY:** \_\_\_\_\_

**SIGNED AND AGREED** to on this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**CITY OF PORT ARTHUR SECTION 4A  
ECONOMIC DEVELOPMENT CORPORATION**

**BY:** \_\_\_\_\_