

RESOLUTION NO. 08-082

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE 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, 2008 THROUGH SEPTEMBER 30, 2009

WHEREAS, the City Council approved Resolution 06-375 as it pertained to administrative charges for the fiscal year October 1, 2006 through September 30, 2007, at 4.6% of the actual sales tax revenue; and

WHEREAS, the City Council approved Resolution 07-443 as it pertained to administrative charges for the fiscal year October 1, 2007 through September 30, 2008, at 3% of the actual sales tax revenue; and

WHEREAS, the City Council deems it in the best interest of the City to approved the attached Administrative Services Agreement for the fiscal year October 1, 2008 through September 30, 2009; and

WHEREAS, the EDC has proposed a budget wherein 2% is recommended for this administrative charge.

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 2% of actual sales tax revenues received for

the 2008/2009 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 this agreement is contingent upon the EDC Board of Directors approval.

Section 4. That a copy of the caption of the Resolution be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 1st day of July, 2008, at a Regular Meeting of the City Council of the City of Port Arthur, Texas by the following vote: AYES:

Mayor Prince,

City Council Mayor Pro Tem, Chatman; Seigler, Albright, Wood, Beard, Wise and Henderson,

NOES: None.

Nelson Prince
MAYOR

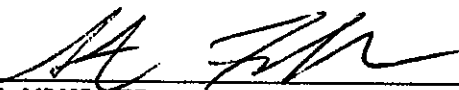
ATTEST:

Luis Parks
CITY SECRETARY

APPROVED AS TO FORM:

Val Izquierdo
CITY ATTORNEY (ON BEHALF OF)

APPROVED FOR ADMINISTRATION:



CITY MANAGER



Floyd Batiste, CEO PAEDC

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, 2008 to September 30, 2009, the City of Port Arthur Section 4A Economic Development Corporation shall pay to the City two percent (2%) of the actual sales tax revenue received during this fiscal year. Said two percent (2%) 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 two percent (2%) 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 _____, 2008.

CITY OF PORT ARTHUR

BY: _____
Mayor

SIGNED AND AGREED to on this the _____ day of _____, 2008.

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

BY: _____
President

BY: _____
Secretary