

RESOLUTION NO. 10-094

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 FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010 IN ACCORDANCE WITH SECTION 12.03 OF THE BYLAWS OF THE CORPORATION

WHEREAS, the City Council of the City of Port Arthur, Texas (the "City") approved Ordinance No. 09-69 as it pertained to administrative charges for the fiscal year October 1, 2009 through September 20, 2010, at \$2.00 per month; and

WHEREAS, the City has requested an amendment to the administrative charges for the fiscal year of October 1, 2009 through September 30, 2010 to increase the administrative fee paid by the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC"); and

WHEREAS, the PAEDC has approved a budget adjustment in the amount of \$35,001 as requested for the administrative fees.

NOW THEREFORE, BE IT RESOLVED 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 City herein approves a budget amendment for the PAEDC for administrative fees in the amount of \$35,001 for the 2009/2010 Fiscal Year, to be paid to the City for administrative services and the execution of an amendment to the Agreement 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 9th day of March A.D., 2010, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote: AYES:

Mayor Prince;

Councilmembers Mayor Pro Tem Segler;
Chatman, Albright, Flood, Beaud
Williamson, Wise and Henderson.

NOES: None.

Deloris Prince
DELORIS "BOBBIE" PRINCE, MAYOR

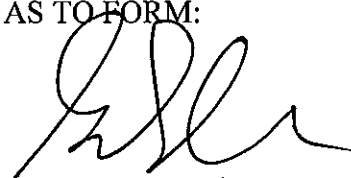
ATTEST:

Terrri Hanks
TERRI HANKS, CITY SECRETARY

APPROVED:

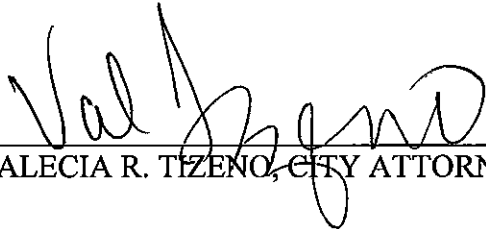
Floyd Batiste
FLOYD BATISTE, PAEDC CEO

APPROVED AS TO FORM:



GUY N. GOODSON, PAEDC ATTORNEY

APPROVED AS TO FORM:



VALECIA R. TIZENO, CITY ATTORNEY

APPROVED AS TO THE AVAILABILITY OF FUNDS:



DEBORAH ECHOLS
DIRECTOR OF FINANCE

EXHIBIT "A"

STATE OF TEXAS

§
§
§

AGREEMENT

COUNTY OF JEFFERSON

The City of Port Arthur, Texas (the "City") and the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") herein agree as to the following:

I. ADMINISTRATIVE CHARGES

The City and the PAEDC herein agree that for administrative charges and services for the fiscal year from October 1, 2009 to September 30, 2010, the PAEDC shall pay to the City \$35,001 of sales tax revenue received during this fiscal year. Said \$35,001 shall reimburse the City for such administrative, legal, and staff support that the City shall provide in facilitating PAEDC projects during this fiscal year. Said \$35,001 shall be paid by the PAEDC to the City beginning the month of March 2010 and thereafter through September 2010, as the sales tax moneys are received from the Comptroller.

II. CITY ASSISTANCE

- (a) The City will also continue to assist the PAEDC in pending 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 PAEDC staff can call on and have reasonable access to City departments to address issues respecting projects for their comments.
- (c) The PAEDC staff shall have access to non-confidential City records to facilitate the PAEDC projects.

III. AUDIT FEES

The City and the PAEDC herein agree that the PAEDC shall also pay the City its proportionate share of the audit fees that are allocated to the PAEDC.

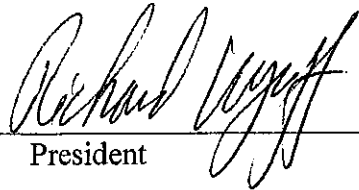
SIGNED AND AGREED to on this the 11th day of March, 2010.

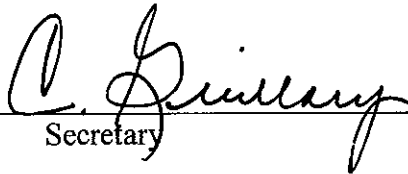
City of Port Arthur, Texas

By: *Deloris Proctor*
Mayor

SIGNED AND AGREED to on this the 22nd day of March, 2010.

**City of Port Arthur Section 4A
Economic Development Corporation**

By: 
President

By: 
Secretary