

RESOLUTION NO. 11-260

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN
AMENDED 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, 2010 THROUGH SEPTEMBER
30, 2011**

WHEREAS, the City of Port Arthur, Texas (the "City") provides administrative support to the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC"); and

WHEREAS, the PAEDC provided funds in the amount of two percent of sales tax revenues received from the City, estimated to be \$96,000 in its budget for 2010-2011 for the City administrative charges; and

WHEREAS, the City and PAEDC have acknowledged that the City has provided significant administrative services to PAEDC during budget year 2010-2011 and anticipate the use of additional administrative support from the City in future budget years such that PAEDC has agreed to amend the amount of funds to be paid to the City in support of its administrative services from 2% to 3.25% of sales tax revenues received from the City for 2010-2011 fiscal year.

**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 the Amended Agreement in substantially the same form as attached hereto as **Exhibit "A"**.

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

READ, ADOPTED AND APPROVED on this 23rd day of June A.D., 2011,

at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES:

Mayor Prince; Mayor Les Sem Albright,
Councilmembers Scott, Segler, Williamson
and Thomas.

NOES:

None.

Deloris Prince
Deloris "Bobbie" Prince, Mayor

ATTEST:

Sherri Bellard
Sherri Bellard, Acting City Secretary

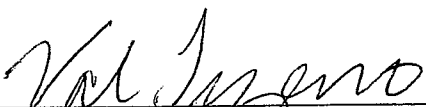
APPROVED:

Floyd Batiste
Floyd Batiste, PAEDC CEO

APPROVED AS TO FORM:

Guy N. Goodson
Guy N. Goodson, PAEDC Attorney

APPROVED AS TO FORM:



Valecia R. Tizeno, City Attorney

Exhibit "A"

STATE OF TEXAS §
 § **AMENDED AGREEMENT FOR**
COUNTY OF JEFFERSON § **CITY ADMINISTRATIVE SERVICES**

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.

(a) The City and PAEDC previously agreed that for administrative, legal and staff support services for the fiscal year from October 1, 2010 to September 30, 2011, the PAEDC shall pay to the City two (2%) percent of sales tax revenue received, estimated to be \$96,000. Said funds shall reimburse the City for such administrative, legal and staff support that the City shall provide in facilitating PAEDC projects during the fiscal year. Said funds to be paid by PAEDC to the City beginning the month of October, 2010, and thereafter through September, 2011 as the sales tax moneys are received from the Comptroller.

(b) The City and PAEDC agree that due to the significant administrative support services by the City to the PAEDC, PAEDC has agreed to amend its payment to the City from 2% of sales tax revenues received to 3.25% of sales tax revenues received. Said funds shall be used to reimburse the City for administrative, legal and staff support provided to PAEDC during the current fiscal year.

II. City Assistance

(a) The City will continue to assist the PAEDC as to any matters in litigation. The City Attorney's office also shall review incentive applications and contracts in accordance with the procedures developed between the City and PAEDC and shall collaborate on other contractual matters with legal counsel for PAEDC.

(b) The PAEDC staff can call on and have reasonable access to City departments to address issues respecting projects including access to City procurement, human resources, building and code enforcement on various projects and properties of PAEDC.

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

III.

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

SIGNED AND AGREED to this on the ____ day of _____, 2011.

City of Port Arthur, Texas

By: _____
City Manager

SIGNED AND AGREED to this on the ____ day of _____, 2011.

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

By: _____
President

ATTEST:

Secretary