

RESOLUTION NO. 2020-477

A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, AMENDING RESOLUTION NO. 2020-474, REGARDING AN ECONOMIC DEVELOPMENT PROGRAM TO PROMOTE STATE OR LOCAL ECONOMIC DEVELOPMENT AND TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY BY PROVIDING GRANTS TO CERTAIN LOCAL BUSINESSES AFFECTED BY COVID-19.

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WHEREAS, on June 16, 2020, by the adoption of Resolution No. 2020-474, the City of Fulshear, Texas (the "City"), established an economic development program to promote state or local economic development and to stimulate business and commercial activity in the city by providing grants to certain local businesses affected by COVID-19; and

WHEREAS, the City desires to revise this program and provide for its continued administration to make grants of public money and to accept contributions, gifts, or other resources to develop and administer the program; and

WHEREAS, the City desires these revisions to be applied retroactively to the program and to any applications already received;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. That the facts set out in the preamble are true and correct and are incorporated herein for all purposes.

Section 2. That Section 6(1)(a) of Resolution No. 2020-474 is amended to read as follows:

- “(a) have an effective Texas Secretary of State registration date of on or before March 19, 2020; or, if an unincorporated person who is not registered with the Texas Secretary of State, have a valid Assumed Name Certificate (DBA) filed with the Fort Bend County Clerk for the business’s City of Fulshear location on or before March 19, 2020;”

Section 3. That Section 6(2)(a) of Resolution No. 2020-474 is amended to read as follows:

- “(a) have an effective Texas Secretary of State registration date of on or before March 19, 2020; or, if an unincorporated person who is not registered with the Texas Secretary of

State, have a valid Assumed Name Certificate (DBA) filed with the Fort Bend County Clerk for the business's City of Fulshear location on or before March 19, 2020;"

Section 4. That Section 5(2) of Resolution No. 2020-474 is amended to read as follows:

"Based on the number of full time equivalent (FTE) employees as of January 1, 2020:

FTE Employees	Grant Amount
2-5	\$1,000
6-10	\$2,000
11-15	\$3,000
16-20	\$4,000
21-35	\$5,000"

Section 5. Effect of Amendments on Applications. The amendments to Resolution No. 2020-474 made by this Resolution shall apply to all applications submitted pursuant to Resolution No. 2020-474, regardless of whether the application was submitted before or after this Resolution becoming effective.

Section 6. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Resolution or application thereof to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Resolution; and the City Council hereby declares it would have passed such remaining portions of this Resolution despite such invalidity which remaining portions shall remain in full force and effect.

Section 7. Effective Date. This resolution shall take effect immediately after its passage and approval.

PASSED, APPROVED, and ADOPTED on the 21st day of July, 2020.





Aaron Groff, Mayor

ATTEST:



Kimberly Kopecky, City Secretary

RESOLUTION NO. 2020-474

A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING AND PROVIDING FOR THE ADMINISTRATION OF AN ECONOMIC DEVELOPMENT PROGRAM TO PROMOTE STATE OR LOCAL ECONOMIC DEVELOPMENT AND TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY BY PROVIDING GRANTS TO CERTAIN LOCAL BUSINESSES AFFECTED BY COVID-19.

* * * * *

WHEREAS, pursuant to Chapter 380 of the Texas Local Government Code, the City of Fulshear, Texas (the "City") may establish and provide for the administration of one or more programs, including programs for making loans and grants of public money and providing personnel and services of the municipality, to promote state or local economic development and to stimulate business and commercial activity in the City; and

WHEREAS, the City may administer a program by the use of City personnel; may contract for the administration of a program, and may accept contributions, gifts, or other resources to develop and administer a program; and

WHEREAS, the City recognizes that certain local businesses have been affected by the COVID-19 pandemic to the extent that they have contemplated closing, whether permanently or temporarily, laying off or furloughing employees, or any combination thereof; and

WHEREAS, the City finds that, under the circumstances currently existing as a result of COVID-19, the making of grants of public money to certain eligible businesses as set forth herein promotes state or local economic development and stimulates business and commercial activity in the City;

WHEREAS, the City establish a 380 program that ended June 5,2020 via Resolution 2020-470 to provide for the administration of an economic development program for making grants of public money and for accepting contributions, gifts, or other resources to develop and administer the program; and

WHEREAS, the City desires to establish and provide for the administration of second economic development program to continue making grants of public money and to accept contributions, gifts, or other resources to develop and administer the program;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. That the facts set out in the preamble are true and correct and are incorporated herein for all purposes.

Section 2. That pursuant to Chapter 380 of the Texas Local Government Code, the City Council hereby establishes as an economic development program the making of grants of public money to certain eligible businesses as set forth herein.

Section 3. Grant Program. The City shall make one grant in the applicable amount set forth herein to each eligible business that timely submits a complete application as provided for herein, provided that the aggregate amount of such grants does not exceed \$ 161,250 (the Maximum Aggregate Grant Amount), and that businesses are only eligible for a single grant award under either this program of the program established by Resolution No. 2020-470.

Section 4. Source of Grant Funds. The City shall make payment of grant funds using either current revenues available to the City or from contributions, gifts, or other resources which may hereafter be accepted by the City for the purpose of funding such grants.

Section 5. Individual Grant Amounts. Subject to the Maximum Aggregate Grant Amount, the individual grant amount awarded to each eligible business that timely submits a complete application shall be determined according to one of the following two tables based on the table that provides the greatest possible grant amount to the applicant according to the applicant’s specific eligibility criteria. Grants will be awarded on a first-received, first-reviewed basis until the Maximum Aggregate Grant Amount is exhausted or until 5 p.m. Friday, August 14, 2020, whichever comes first:

1. Based on the average monthly sales tax remitted to the comptroller for City of Fulshear sales taxes (2%) under Subchapter I, Chapter 151, Tax Code, for monthly reporting periods between February 1, 2019, and January 31, 2020:

Monthly Average Range Minimum	Monthly Average Range Maximum	Grant Amount
\$0	\$100	\$1,000
\$101	\$125	\$1,333
\$126	\$150	\$1,666
\$151	\$175	\$2,000
\$176	\$200	\$2,333
\$201	\$225	\$2,667
\$226	\$250	\$3,000
\$251	\$275	\$3,333
\$276	\$300	\$3,667
\$301	\$325	\$4,000
\$326	\$350	\$4,250
\$351	\$375	\$4,500
\$376	\$400	\$4,750
\$401	>\$401	\$5,000

2. Based on the number of full time equivalent (FTE) employees as of January 1, 2020:

FTE Employees	Grant Amount
2-5	\$500
6-10	\$1,000
11-15	\$1,500
16-20	\$2,000
21-35	\$2,500

Section 6. Eligibility Criteria. To be eligible for a grant as provided herein, a business must:

1. For City of Fulshear businesses who remit sales tax to the City:
 - (a) have an effective Texas Secretary of State registration date of on or before March 19, 2020;
 - (b) be operated for-profit;
 - (c) have a valid sales tax permit issued by the Texas Comptroller under Subchapter F, Chapter 151, Tax Code, that is not cancelled, suspended, or revoked;
 - (d) attest to experiencing a negative financial impact as a direct result of the COVID-19 state of disaster in Texas declared by the governor on March 13, 2020;
 - (e) be open for business or, if closed, intend to reopen for business;
 - (f) have a physical location within the City of Fulshear where business activity is conducted; provided, however, home-based businesses are not eligible;
 - (g) have a Federal Employer Identification Number (FEIN);
 - (h) have an active right to transact business in Texas as indicated by the franchise tax account status reported by the Texas Comptroller online using the FEIN;
 - (i) have a total of no less than 2 and no more than 35 full time equivalent employees;
 - (j) have sought other state, federal, or lending-institution based financial resources on or after March 13, 2020;
 - (k) have a valid Certificate of Occupancy;
 - (l) have all applicable permits of the City of Fulshear and of the State of Texas required to operate the business;

- (m) have submitted a complete application as provided for herein;
- (n) have executed an unsworn statement, under penalty of perjury, declaring that the eligibility information reported on the application is true and correct; and
- (o) have submitted a Form W-9 and any other required vendor documentation as indicated on the application as being necessary for administration of grant funds.

2. For City of Fulshear businesses who do not remit sales tax to the City:

- (a) have an effective Texas Secretary of State registration date of on or before March 19, 2020;
- (b) be operated for-profit;
- (c) attest to experiencing a negative financial impact as a direct result of the COVID-19 state of disaster in Texas declared by the governor on March 13, 2020;
- (d) be open for business or, if closed, intend to reopen for business;
- (e) have a physical location within the City of Fulshear where business activity is conducted; provided, however, home-based businesses are not eligible;
- (f) have a Federal Employer Identification Number (FEIN);
- (g) have an active right to transact business in Texas as indicated by the franchise tax account status reported by the Texas Comptroller online using the FEIN;
- (h) have a total of no less than 2 and no more than 35 full time equivalent employees;
- (i) have sought other state, federal, or lending-institution based financial resources on or after March 13, 2020;
- (j) have a valid Certificate of Occupancy;
- (k) have all applicable permits of the City of Fulshear and of the State of Texas required to operate the business;
- (l) have submitted a complete application as provided for herein;
- (m) have executed an unsworn statement, under penalty of perjury, declaring that the eligibility information reported on the application is true and correct; and
- (n) have submitted a Form W-9 and any other required vendor documentation as indicated on the application as being necessary for administration of grant funds.

Section 7. Application. Within 7 days of the effective date of this Resolution, staff members of the City of Fulshear shall develop an application which includes the information required for a business to be eligible for a grant as provided for herein.

Businesses wishing to submit an application may access the application via the City's website. The application and program guidelines shall be accessible from the City's website. All applications and backup documentation shall be submitted in the manner prescribed by the application. Incomplete applications and applications submitted in a manner other than as provided for herein shall be invalid. Applications will be accepted on a rolling basis and grants awarded on a first-received, first-reviewed basis until the Maximum Aggregate Grant Amount is exhausted or until 5 p.m. Friday, August 14, 2020, whichever comes first. Applications may not be supplemented, modified, or amended after submission.

Section 8. Determination of Eligibility. The program shall be administered by the following City personnel who shall review each timely submitted application strictly for completeness and eligibility as provided for herein, and who shall make a final recommendation to the City Manager for disbursements:

- (a) Economic Development Director; and
- (b) Chief Financial Officer.

Section 9. Disbursement of Grant Funds. Upon determination of the eligibility of a business and the individual grant amount as provided for herein, the City shall promptly tender payment of the applicable grant amount in the name of the eligible business.

Section 10. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Resolution or application thereof to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Resolution; and the City Council hereby declares it would have passed such remaining portions of this Resolution despite such invalidity which remaining portions shall remain in full force and effect.

Section 11. Effective Date. This resolution shall take effect immediately after its passage and approval.

PASSED, APPROVED, and ADOPTED on the 16 day of June, 2020.



Aaron Groff, Mayor

ATTEST:





Kimberly Kopecky, City Secretary