

ORDINANCE No. 2022-4

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TX.,
AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER 1,
ARTICLE 1.06, ADDING SECTION §1.06.008 ECONOMIC AND COMMUNITY
DEVELOPMENT ADVISORY COMMITTEE**

WHEREAS, City Council created the Economic and Community Development Advisory Committee on April 18, 2017, after a Town Hall Meeting held in January of 2017, where 80% of citizens present favored the creation of said Committee; and

WHEREAS, the Advisory Committee is used to vet projects proposed by staff prior to the specific economic and community development project being placed on the City Council agenda; and

WHEREAS, this Advisory Committee shall advise and make recommendations to the City Council on matters related to economic and community development, which include but are not limited to economic development incentives, current business climate, business attraction and retention, marketing opportunities, and other issues that may promote economic and community development; and

WHEREAS, the Advisory Committee shall assist with providing input and expertise on ways to encourage and support businesses and individuals to invest in the City, create jobs, and increase the tax base, which ultimately leads to a better quality of life for all Leon Valley residents.

WHEREAS, the Advisory Committee provides oversight on the expenditures allocated to the applicable portion of the 1/8% sales and use tax which is now being directed to the General Fund to ensure that staff is utilizing funds in the intended manner; and

WHEREAS, City Council now desires to amend Article 1.06 Boards, Commissions and Committees and add Sec. 1.06.008 Economic and Community Development Advisory Committee with the following amendments as recommended by and after a thorough review of the Economic and Community Development Advisory Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

Chapter 1 General Provisions.

Article 1.06 Boards, Commissions and Committees.

Sec. 1.06.008 Economic and Community Development Advisory Committee (ECDAC)

a) Membership.

(1) The Committee shall consist of seven (7) voting members; two (2) alternate members, which shall all be appointed by City Council.

- (2) Committee members and alternates shall be appointed to serve staggered, two (2) year terms to be coterminous with the mayor's term to balance continuity with new perspective.
- (3) A member or alternate who is absent for three consecutive meetings except for illness or disability, or without first being excused in advance, shall be deemed to have vacated their position, and the City Council may appoint a new member to fill the unexpired term.
- (4) Where practical, Committee members shall consist of both Leon Valley residents or Leon Valley business owners who live and/or work in Leon Valley and have knowledge in the area of economic and community development.
- (5) Committee members may be removed by the majority vote of the City Council.
- (6) Committee members and alternates shall appoint the committee chair and vice-chair.
- (7) The Economic Development Director or his/her designee shall serve as support to the Economic and Community Development Advisory Committee. This position is a non-voting member.

b) Meetings.

- (1) Committee meetings shall be held each month at Leon Valley City Hall - 6400 El Verde, Leon Valley, Texas 78238. Nothing shall prevent the Committee from meeting at another location as it deems necessary.
- (2) A quorum of the Committee shall consist of fifty percent (50%) of the currently appointed voting members plus one (1). A quorum must be present to call a meeting to order or to decide on any action items presented to the Committee.
- (3) The Chair shall preside over all meetings.
- (4) The Vice-Chair shall preside over all meetings in the absence of the chair.
- (5) The Committee may hold ad hoc meetings as it deems necessary.
- (6) The Economic Development Director, or his/her designee, will record and submit meeting minutes detailing the Committee's activities to the City Council.
- (7) Anyone wishing to approach the Committee may do so in person during the public comment section of each meeting after being recognized by the presiding officer. Individuals can also send written material to the

Economic Development Director, who will present the items to the Committee.

- (8) All information received by the Committee will be available to the public under the terms of the Texas Open Meetings Act.

c) Duties and Responsibilities.

The Advisory Committee serves with the following duties and responsibilities:

- (1) Work in a coordinated fashion, respect all points-of-view and, in carrying out its duties and tasks, shall adhere to the city's comprehensive plan as well as the values and mission of the City of Leon Valley;
- (2) Individuals should be knowledgeable about local business, financial, or development-related activities and have unique insights and strategies to promote Leon Valley;
- (3) Serve as ambassadors and promote Leon Valley in a positive manner;
- (4) Understand the City's current economic development objectives.
- (5) Thoroughly vet projects prior to being placed on city council agenda for consideration;
- (6) Provide business leads and contacts to City staff where appropriate;
- (7) Adhere to Leon Valley Economic and Community Development Policies and Guidelines for Funding; and
- (8) Keep discussions of possible incentives to promote economic development that are not discussed on an open floor, confidential.

In addition to the above, staff liaison shall have the following duties and responsibilities:

- (1) Vet funding proposals and ensure projects are ethical, safe, and legal prior to Economic and Community Development Advisory Committee consideration;
- (b) Ensure applicant submits a completed Leon Valley Economic and Community Development Funding Application and supporting document;
- (c) Provide the applicant a copy of the Leon Valley Economic and Community Development Policies and Guidelines for Funding;

- (d) Provide preliminary vetting of project proposal in accordance with the Policies and Guidelines for Funding;
- (e) Provide professional recommendations and fund balance for each project proposal; and
- (f) Ensure the project has been satisfactorily completed as proposed prior to issuing funds.

d) Subcommittee Organization.

- (1) The Committee may appoint any and all subcommittees as deemed necessary to carry out the duties and responsibilities of the Committee.
- (2) Each subcommittee shall appoint their own chair.
- (3) All subcommittees shall report to the Committee as frequently as requested.
- (4) Duties of each subcommittee shall be those implied by the name of the subcommittee and any additional functions assigned to them by the Committee.

e) Bylaws.

- (1) The Leon Valley Economic and Community Development Policies and Procedures for Funding can be found online at www.LeonValleyTexas.gov/
- (2) Application for Economic and Community Development Funds can be found online at www.LeonValleyTexas.gov/
- (3) Economic and Community Development projects shall be directly associated and categorized as one or more of the following:
 - (a) Land Use
 - (b) Housing
 - (c) Transportation
 - (d) Economic
 - (e) Utilities
 - (f) Public Health
 - (g) Recreation
 - (h) Culture
 - (i) Environmental
 - (j) Other
- (4) The Economic and Community Development Advisory Committee will attempt to seek economic and community development through:
 - (a) Retention of primary jobs
 - (b) Redevelopment of retail or commercial property

- (c) Demolition of existing substandard structures
- (d) Tourism related ventures
- (e) Projects that demonstrate environmental initiatives
- (f) Business mission to create workforce diversity reflective of the community
- (g) Encouragement of entrepreneurship
- (h) Valuing businesses that demonstrate multiple income streams
- (i) Business models that include social enterprise

f) Severability.

(1) Economic and Community Development Advisory Committee Bylaws will be reviewed by the Committee biennially. These rules shall not be repealed, amended, or modified except by majority action of City Council at a properly noticed Council meeting.


(2) In the event that any portion of these bylaws is found to be invalid, the remaining portion shall stand.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 15th day of February 2022.

APPROVED



CHRIS RILEY
MAYOR

Attest :


SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form: City Attorney


ROXANA PEREZ STEVENS
City Attorney

CITY OF LEON VALLEY ECONOMIC AND COMMUNITY DEVELOPMENT POLICIES AND GUIDELINES FOR FUNDING

STATEMENT: The City of Leon Valley (the City) will consider providing funds in accordance with the policies, procedures, and criteria outlined in these guidelines. The City will consider funding agreements for new facilities, expansion of existing facilities, modernization of existing facilities, and community projects.

NOTHING IN THESE POLICIES AND GUIDELINES OR THE PROJECT APPLICATION SHALL EVER BE CONSTRUED TO IMPLY OR SUGGEST THAT THE CITY IS UNDER ANY OBLIGATION TO PROVIDE ANY FUNDING TO ANY APPLICANT.

PRIOR TO ANY PUBLIC EXPRESSION OF A DECISION OR ANY COMMITMENT (LEGAL OR FINANCIAL) TO THE PROPOSAL BY THE APPLICANT, A COMPLETED ORIGINAL OF THIS APPLICATION, INCLUDING ALL SUPPORTING DOCUMENTATION OF COMPETITIVE SITING, AND NARRATIVE IMPACT STATEMENT MUST BE SUBMITTED TO THE CITY OF LEON VALLEY ECONOMIC DEVELOPMENT DEPARTMENT, 6400 EL VERDE ROAD, LEON VALLEY, TEXAS 78238

Applications submitted for funding consideration will be determined on a case-by-case basis. All copies of applications submitted shall become the property of the City and may be subject to public disclosure under Texas Public Information laws.

APPLICABILITY: The Policies and Guidelines establish that State statutes and adopted City policies relating to economic development shall govern all funding options, programs, and agreements.

PROCESS: The Economic Development Director, City Manager or their designee, as needed depending on the project, must first review and evaluate any request for economic and community development funds. Staff will provide application information on all applicants to the Economic and Community Development Advisory Committee (ECDAC) along with recommendations. Recommendation for approval depends on an evaluation of the completed application (form attached) and all accompanying support documents. The ECDAC may recommend to approve or deny requests for funding to City Council. The application process is as follows:

- Completed application submitted to the Economic Development Director;
- Review of completed application by Economic Development Director and City staff;
- Staff recommendation to ECDAC;
- Approval/Disapproval by ECDAC;
- Approval/Disapproval by City Council;
- If approved for funding; completion of the project;
- Business presents supporting documents for final review by Economic Development Director;
- Economic Development Director submits request for funding from the finance department

ELIGIBILITY:

1. Any new business planning to locate within Leon Valley, or any business currently located within the city limits, shall be eligible for this program, provided the improvements to the property will promote new or expanded business development, ad valorem, and/or sales tax revenue.
2. All buildings and facilities located within the city limits at the time of application shall be eligible for this program.
3. Funding proposals for routine maintenance or to remedy ordinance violations will not be accepted.
4. "Business" - defined as an occupation, profession, or trade in the purchase and sale of goods or services.

GUIDELINES:

1. Proof of applicant's ownership of the subject facility or facilities, or proof that the owner of such facility has approved the submission of the application for economic and community development funding, is required.
2. The owner of an operated business within a leased facility must provide a letter or statement from the property owner, or representative, attesting to the owner's knowledge of the business's application for economic and community development funding. Copies of the lease agreement of the leased facility shall be required.
3. A letter from a commercial bank, savings and loan institution, credit union, mortgage company, insurance company, or pension fund attesting to the eligibility of the business to secure a loan from their institution shall be required.
4. Unless otherwise specified or agreed to, the funding available to any one application, business establishment, or property owner at one physical location (address) shall be no more frequent than a one (1) year period. The application time-period is determined by the project completion date.
5. Where applicable, funding disbursements approved by the ECDAC and City Council shall be provided on a reimbursement basis. Upon completion of improvements and provision of paid receipt, funds are dispersed to the applicant, and are not to exceed the limits set forth in the funding agreement. In-kind contributions are not acceptable as any part of the applicant's match. Only cash matches of the applicant's expenditures may be used. Copies of the inspection reports are required for reimbursement. Photographs of the completed work may be required for reimbursement.
6. The applicant shall be obligated to make the improvements in accordance with the application submitted to and approved by the ECDAC and City Council. Thereafter, any modifications must first receive the written approval of the City Council. Failure to obtain such written approval prior to making any such modifications shall render the applicant ineligible to receive funding.

7. The applicant shall be responsible for obtaining all applicable permits related to the improvement project, and failure to do so will render the applicant ineligible to receive funding.
8. All application improvements presented must be completed in their entirety. Failure to do so shall render the applicant ineligible to receive funding.
9. The applicant shall not begin any improvements submitted for funding prior to receiving written approval of funding from the City Council.
10. The applicant must agree to complete the improvement project within six (6) months of receiving written approval of funding from the City Council. Failure to complete the improvements within the required time period shall result in the loss of funds allocated for the project. If extenuating circumstances are present, the applicant may apply for an extension prior to the end of the six-month period. A copy of the Certificate of Occupancy (CO) issued by the City of Leon Valley must be submitted to the Economic Development Director.
11. The applicant must agree to remain in business and to not sell or assign such business to another person or entity for a period of twelve (12) months from the date of approval of his/her application.
12. In accordance with the requirements of the funding agreement, applicant is in default of its obligations under the funding, and is required to reimburse the City funds received if the business (applicant) fails to remain open, or the business or property is sold or transferred, within twelve (12) months after the provision of economic and community development funds.
13. Applicant must agree that in the event of default of its obligations, the City has the right to reimbursement for all economic and community development funding received, and any attorney's fees or costs incurred while seeking reimbursement.
14. The applicant must certify that the applicant does not employ nor will it employ any undocumented workers (an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under law to be employed in that manner in the United States).

APPLICATION:

1. Application forms are available at Leon Valley City Hall and online at the City of Leon Valley website: www.leonvalleytexas.gov. Applications submitted must be on the form provided by the City.
2. Businesses applying for funds must submit one original application with attached supporting application documents.
3. Only complete applications will be considered for funding. Please review the application carefully for completion prior to submittal. The Economic Development Director and/or staff will review for completion within one week of submission. Incomplete items, if any, will be identified, and the applicant will be given an opportunity to complete and re-submit.

4. All applications, attachments, and copies submitted shall become the property of the City.
5. Applications submitted for funding consideration will be determined on a case-by-case basis.
6. Applicants must agree that in the event of default of its obligations, the City has the right to reimbursement for all economic and community development funding received, and any attorney's fees or costs incurred while seeking reimbursement.
7. The ECDAC meets on the second Monday of each month. Applicants should allow for a review period of three weeks. The ECDAC will consider applications on the first meeting available after the review period.
8. The Economic Development Director retains discretion to accept or reject applications received.

APPROVAL:

1. The Economic and Community Development Advisory Committee shall review all applications prior to City Council consideration.
2. The Economic Development Director shall notify the applicant in writing of the decision to approve or disapprove the application.
3. The City Council may award funds to an applicant, with certain provisions, conditions, or other requirements the City deems necessary or appropriate. The City retains the right to request more than one (1) bid for the project to be undertaken.
4. If the City Council does not approve an application, re-application by the business may not take place for a period of six (6) months from the date of the written notice informing the applicant of the City Council not approving the initial application.
5. A business may only re-apply for funding one (1) time after the initial application.

PERFORMANCE AGREEMENT:

Projects exceeding \$10,000; The City of Leon Valley and awarded business enterprise that it funds directly or makes expenditures that benefit an eligible project must enter into a written performance agreement. At a minimum, the performance agreement will contain:

- A schedule of additional payroll or jobs to be created or retained;
- The capital investment to be made by the business enterprise; and
- The terms for repayment of the economic and community development funds investment if the business fails to meet the performance requirements specified in the agreement.

FUNDING:

1. Upon notification of project completion by the applicant to the economic development director, an inspection is required by a City staff representative or representatives to confirm that such project has been completed in accordance with the application, or any approved modifications

thereto. Such notification shall include, but not be limited to, documentation of paid receipts for materials, labor, permits, inspection reports, and/or any other item that the City may reasonably deem necessary for determining the project's completion.

a. Inspection - Compliance with Proposed Project

Within thirty (30) days following the inspection required (paragraph 1), and confirmation of completion of the project in accordance with the application, or any approved modifications, the City shall issue a letter of approval. The applicant will receive a copy of such letter. Funding shall take place following the date of the approval letter.

b. Inspection– Non-Compliance with Agreement

The economic development director will issue a letter to the applicant indicating all areas of non-compliance within fourteen (14) days following the inspection, presentation of receipts as provided, and after a determination is made that the project has not been completed in accordance with the application, or any approved modifications. The applicant shall then have sixty (60) days from the date of such letter to make the modifications necessary to bring the project into compliance. Failure to complete such modifications within said sixty (60) day period shall be deemed a default of applicant's obligations under the economic and community development funding agreement.

2. The City Council retains discretion to accept or reject applications received.

FAILURE TO MEET PERFORMANCE AGREEMENT REQUIREMENTS:

1. If the subject business is closed, abandoned, sold, or transferred within a six (6) month period after the funding amount is paid to the recipient or the opening of the business, whichever is later, the applicant shall be required to reimburse the City for 50% of the funding amount received. Thereafter, until the twelve (12) month anniversary date of such approval, the applicant shall be required to reimburse the City for 25% of the fund amount received.
2. Payments due pursuant to paragraph one (1) hereof, must be made in full to the City within thirty (30) days after the date of written notification by the City that the applicant/owner is in default of any of the funding requirements set forth herein. The form of such payment shall be a cashier's check or money order, payable to the City of Leon Valley – Economic and Community Development Fund.

NOTICE:

1. The Economic Development Director shall deliver a copy of these guidelines to any applicant for his/her review. Delivery hereof does not constitute an offer of a grant or loan to the applicant.
2. The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this funding program. If any provision of this program is invalid or unenforceable, the validity and enforceability of the remaining provisions are not affected.

**CITY OF LEON VALLEY ECONOMIC AND COMMUNITY DEVELOPMENT
POLICIES AND GUIDELINES FOR FUNDING**

ACKNOWLEDGEMENT OF RECEIPT

APPLICANT:
BUSINESS NAME:
ADDRESS:
PHONE NUMBER:

Signature: _____

CO-APPLICANT:
BUSINESS NAME:
ADDRESS:
PHONE NUMBER:

Signature: _____

PROPERTY OWNER/LANDLORD:
ADDRESS:
PHONE NUMBER:

Signature: _____

Sign, date, and return this acknowledgment page to the City of Leon Valley. Please retain the guidelines and criteria for your records.

**APPLICATION FOR ECONOMIC AND COMMUNITY DEVELOPMENT FUNDS
CITY OF LEON VALLEY ECONOMIC DEVELOPMENT DEPARTMENT**

STATE OF TEXAS §

KNOW ALL BY THESE PRESENTS:

COUNTY OF BEXAR §

PART 1 – APPLICATION INFORMATION

Date of Application:	
Company Name:	
Address:	
Representative Submitting Application:	
Local Address:	
Phone Number:	
State of Incorporation:	
Years in City:	
Total Employees in City:	

PART 2 – PROJECT INFORMATION

Location Address:	
Legal Description:	

Project Description			
New Construction []	Expansion []	Community []	Modernization []

Type of Facility			
Retail Sales []	Manufacturing []	Distribution []	Service []
Restaurant []	Office []	Other []	Not Applicable []

PART 3 – ECONOMIC INFORMATION

Project Cost Estimate:	
Amount Requested:	
Start Date:	
Permanent Job Creation:	

PART 4 – NARRATIVE

[illegible]

Chief Officers or Owners:	Title:	Phone number:

[illegible][illegible]

UNDOCUMENTED WORKER CERTIFICATION

Chapter 2264, Subchapter A, Texas Government Code requires that any public agency or economic development corporation shall require a business that submits an application to receive a public subsidy to include a statement certifying that the business does not and will not knowingly employ an undocumented worker. The Company certifies that its operation within Leon Valley, Texas does not and will not knowingly employ an undocumented worker, as defined in Chapter 2264, Subchapter A, Texas Government Code, as amended (the "Act").

Pursuant to the Act, if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f), after receiving any public subsidy, the Company shall promptly give the City written notice of such violation and the Company shall repay the amount of the payment with interest, at a rate of 6.75% per annum not later than the 120th day after the date the Company notifies the City of this violation.

AUTHORIZTION AND CERTIFICATION

I am the authorized representative for the Company for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application is true and correct to the best of my knowledge and belief. I hereby certify and affirm that the Company I represent is in good standing under the laws of the state in which the company, partnership, or sole proprietorship was organized and or operates and that no delinquent taxes are owed to the State of Texas or any political subdivision or entity thereof.

Authorized Official

Authorized Signature: _____

Name: _____

Title: _____

Telephone: _____

E-mail: _____

Sworn to and subscribed before me this the _____ day of _____, _____, by
(day) (month) (year)

Signature of Notary

Notary Public, State of: _____

(Notary Seal)

My commission expires: _____