

**GUIDELINES AND CRITERIA
FOR
BUSINESS IMPROVEMENT GRANT PROGRAM
BY
THE SEALY ECONOMIC DEVELOPMENT CORPORATION**

Section 1. Purpose.

The purpose of this program is to promote the development and expansion of new and existing business enterprises within the City of Sealy, Texas, (the "City"), and enhance the economic welfare of the citizens of the City, by securing and retaining business enterprises and maintaining a higher level of employment, economic activity, and stability.

Section 2. Type and amount of grants.

- (A) **FACADE IMPROVEMENT:** Improvements to storefronts including, but not limited to, painting, reconstruction, and/or remodeling.
- The grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$2,000.
- (B) **SIGN IMPROVEMENT:** New signs and/or renovation or removal of existing signs.
- The grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$1,000.
- (C) **PROPERTY IMPROVEMENT:** Items such as, but not limited to landscaping, parking lot resurfacing, striping, driveway improvement, and lighting.
- The grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$2,000.

Section 3. Eligibility.

- (A) Any new business planning to locate within the City, or any business currently located within the city limits, shall be eligible for this program.
- (B) All buildings and facilities located within the City at the time of adoption of these guidelines shall be eligible for this program.
- (C) A *business* is defined as an occupation, profession or trade in the purchase or sale of goods in an attempt to make a profit.

Section 4. Guidelines.

- (A) Proof of applicant's ownership of the subject facility or facilities, or proof that the owner of such facility has approved the application for such grant funds, shall be required.
- (B) The owner of a business to be operated within a leased facility and the owner of such lease facility must apply jointly for the program. Copies of a lease agreement and proof of ownership of the leased facility shall be required.
- (C) A business or property owner may apply for one (1) or more of the three (3) types of grants per physical location (address) set forth herein within any fiscal year (October 1 to September 30). A business that receives grant funding during a fiscal year shall not be precluded from making subsequent applications for funding in following years.

- (D) The maximum amount of funding available to any one applicant, business establishment or property owner at one physical location (address) shall be \$5,000 per fiscal year. Such \$5,000 annual maximum shall only apply if all three grant types, as set forth in Section 2(A), (B), and (C) hereof, are requested and approved.
- (E) All grants are reimbursement grants, and will only be funded after completion of the project in accordance with drawings and specifications approved by the Sealy Economic Development Corporation (the "SEDC"), and after the applicant submits to SEDC proof of paid receipts for all applicable labor and materials. Photographs of the completed work shall also be required.
- (F) Reimbursement grants are a cash match for funds disbursed by the applicant and are not to exceed the limits set forth in Section 2 (A), (B), and (C) hereof. In-kind contributions may not be used as any part of the applicant's match. Only cash matches of the applicant's expenditures may be used.
- (G) The applicant shall be obligated to make the improvements in accordance with the application submitted to and approved by the SEDC. Thereafter, any modifications must first receive the written approval of either the SEDC or its Executive Director. Failure to obtain such written approval prior to making any such modifications shall render the applicant ineligible to receive grant funding.
- (H) 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 grant funding.
- (I) The improvements, as presented in the application, must be completed in their entirety. Failure to complete all of the stated improvements shall render the applicant ineligible to receive grant funding.
- (J) Upon approval of a grant application, and during the construction of the improvements, a representative or representatives of the SEDC shall have the right, at all reasonable times, to have access to and inspect the work in progress.
- (K) The applicant shall not begin any improvements prior to receiving written approval of grant funding from the SEDC.
- (L) The applicant must complete the improvement project and agree that a business establishment will be open for business and in operation within six (6) months from grant approval by the SEDC board. Failure to complete the improvements and open the business establishment within the required time period shall be considered in default and result in the loss of the grant funds.
- (M) 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.
- (N) Approval of all applications shall be with the understanding and agreement that, in the event the business (applicant) fails to remain open, or the business or property is sold or transferred, within twelve (12) months after the funding of the grant, the applicant shall be considered in default of its obligations under the grant, and shall be required to reimburse the SEDC the grant money received, in accordance with the requirements of Section 6 hereof.
- (O) The applicant must agree that, in the event of default of its obligations, the SEDC has the right to reimbursement for all attorney's fees and costs, which may be incurred as a result of any legal action required to seek reimbursement of all grant funding received by applicant.
- (P) 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). The applicant must agree that if, after receiving grant funds, it is convicted of a violation under 8 U.S.C. Section 1324a(f), applicant shall repay the amount of the grant funds with interest, at the rate of 12% per annum, within 120 days after the SEDC notifies the applicant of the violation. The SEDC shall have the authority to bring a civil action to recover any amounts which the applicant must repay the SEDC under this provision, and in such action may recover court costs and reasonable attorneys fees.

Section 5. Application and Approval.

- (A) Applications filed with the Executive Director on or before the first Tuesday of each month shall be considered at the next regular SEDC Board meeting or at such special Board meeting that may be called.
- (B) Applications must be made on a form provided by the SEDC, which form shall be made available at the SEDC offices located at 415 Main Street, Sealy, Texas 77474 or available on-line at www.sealyedc.com
- (C) All applications must be approved by the Board of Directors of the SEDC.
- (D) An applicant shall be notified, in writing, of the SEDC's decision to approve or disapprove the application.
- (E) The SEDC may award grant funds to an applicant, with certain provisions, conditions, or other requirements the SEDC deems necessary or appropriate.

Section 6. Funding.

- (A) Upon notification to the SEDC by the applicant that a project has been completed, an inspection by an SEDC representative or representatives shall be made to confirm that such project has been completed in accordance with the application, or any approved modifications thereto. Such notification shall include, but not limited to, documentation of paid receipts for materials, labor, permits, inspection reports, or any other item that the SEDC may reasonably deem necessary for determining the project's completion.
- (B) Within thirty (30) days following the inspection required in paragraph (A) hereof, and confirmation of completion of the project in accordance with the application, or any approved modifications thereto, the Executive Director of the SEDC shall issue a letter of approval to the Board of Directors. Funding authorization shall take place at the next regular SEDC Board meeting following the date of the Executive Director's approval letter. Upon authorization of the Board to fund the grant, 50% of the total grant amount awarded shall be paid to the applicant. The remaining 50% of the total grant amount shall be paid to the applicant ninety (90) days after the date the initial payment was authorized by the Board.
- (C) Within fourteen (14) days following an inspection and the presentation of the receipts as provided in Section 6(A) above, and after a determination is made by the SEDC's representative that the project has not been completed in accordance with the application, or any approved modifications thereof, the Executive Director shall issue a letter to the applicant indicating all areas of non-compliance. The applicant shall then have sixty (60) days, from the date of the Executive Director's letter, to make the modifications necessary to bring the project into compliance. Failure to complete such modifications within said 60-day period shall be deemed a default of applicant's obligations under the grant.
- (D) Available funding: The SEDC has budgeted \$15,000 per fiscal year (October 1 to September 30) to fund this grant program. Grant applications received after the available funding has been exhausted may be accepted and held until the following fiscal year. The SEDC retains sole discretion to accept or reject applications received after the available funding has been exhausted.
- (E) If the subject business is closed, sold, or transferred within a six-month period after funding approval is received, the applicant shall be required to reimburse the SEDC for 100% of the grant amount received. Thereafter, until the 12-month anniversary date of such approval, the applicant shall be required to reimburse the SEDC for 50% of the grant amount received.
- (F) Payments due pursuant to the paragraph (E) hereof must be paid in full within thirty (30) days after the date of written notification by the SEDC 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, made payable to Sealy Economic Development Corporation.

Section 7. Notice.

- (A) THE SEALY ECONOMIC DEVELOPMENT CORPORATION SHALL DELIVER A COPY OF THESE GUIDELINES TO ANY APPLICANT FOR HIS/HER REVIEW AND THE DELIVERY HEREOF DOES NOT CONSTITUTE AN OFFER OF A BUSINESS IMPROVEMENT GRANT TO THE APPLICANT.

- (B) THE LAWS OF THE STATE OF TEXAS SHALL GOVERN THE INTERPRETATION, VALIDITY, PERFORMANCE, AND ENFORCEMENT OF THIS BUSINESS IMPROVEMENT GRANT PROGRAM. IF ANY PROVISION OF THIS BUSINESS IMPROVEMENT GRANT PROGRAM IS HELD TO BE INVALID OR UNENFORCEABLE, THE VALIDITY AND ENFORCEABILITY OF THE REMAINING PROVISIONS SHALL NOT BE AFFECTED THEREBY.

**ACKNOWLEDGMENT OF RECEIPT OF
GUIDELINES AND CRITERIA
FOR
BUSINESS IMPROVEMENT GRANT PROGRAM
BY
THE SEALY ECONOMIC DEVELOPMENT CORPORATION**

Applicant: _____
Address: _____
Phone Number: _____

Signature: _____

Applicant: _____
Address: _____
Phone Number: _____

Signature: _____

Property Owner/Landlord: _____
Address: _____
Phone Number: _____

Signature: _____

****The acknowledgement page must be signed and returned to the Executive Director. Please retain the guidelines and criteria for your records.****

