

BARTONVILLE COMMUNITY DEVELOPMENT CORPORATION CORPORATION POLICIES AND GUIDELINES FOR FUNDING

STATEMENT: The Bartonville Community Development Corporation (BCDC) may consider providing funds in accordance with the policies, procedures and criteria outlined in these guidelines. The BCDC may consider funding agreements for new facilities, expansion of existing facilities, and modernization of existing facilities, or the creation or retention of jobs.

NOTHING IN THESE POLICIES AND GUIDELINES OR THE PROJECT APPLICATION SHALL EVER BE CONSTRUED TO IMPLY OR SUGGEST THAT THE BCDC 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 APPLICANT, A COMPLETED ORIGINAL OF THIS APPLICATION, INCLUDING ALL SUPPORTING DOCUMENTATION OF COMPETITIVE SITING, AND NARRATIVE IMPACT STATEMENT MUST BE SUBMITTED TO THE BARTONVILLE COMMUNITY DEVELOPMENT CORPORATION SECRETARY, 1941 E. JETER ROAD, BARTONVILLE, TX 76226.

All applications must be filed with the BCDC, in care of the Town of Bartonville. 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 BCDC and may as provided by law be subject to public disclosure. NO APPLICANT HAS ANY EXPECTATION OF PRIVACY OF THE CONFIDENTIALITY OF THEIR APPLICATION ONCE SUBMITTED.

APPLICABILITY: The Policies and Guidelines provide that state statutes and adopted Town policies relating to economic development shall govern all funding options, programs, and agreements.

PROCESS: Town of Bartonville staff must first review and evaluate any request for BCDC funds. Staff will provide application information on ALL applicants to the BCDC Board along with its recommendations. Recommendation for approval depends in part on an evaluation of the completed application (form attached) and all accompanying supporting documents. All requests approved by the BCDC will be forwarded to the Town Council. Further , requests may be forwarded to the BCDC legal counsel to determine whether an application may be funded in accordance with State Law.

The BCDC Board will generally follow the application process set forth below:

- The completed application is submitted to BCDC in care of the BCDC Secretary, Town of Bartonville;
- A review of the completed application is made by Town staff;
- A recommendation by staff is made to the BCDC Board;
- Approval/Disapproval is made by the BCDC Board;
- If approved for under \$10,000, the BCDC will forward the application to the Town Council for approval.
- If approved for over \$10,000, a notice of a public hearing will be published and scheduled for a meeting; and two (2) separate readings of the funding request may be conducted during a Town Council meeting; in accordance with State Law.
- From the first public notification of the funding request, at least 60 days must pass before any funds may be expended by the BCDC on the project.

ELIGIBILITY:

1. Any new business planning to locate within Bartonville, or any business currently located within the town limits, is eligible to apply for this program
2. Improvements to the property must promote new or expanded business development, and generate ad valorem and/or sales tax revenue, and/or the generation of new employment or the retention of existing jobs.
3. All buildings and facilities located within the town limits at the time of application are eligible for this program.
4. "Business" – is defined as an occupation, profession, or trade in the purchase and sale of goods or services by an individual, partnership, corporation or other legally recognized entity.

GUIDELINES:

1. Applicant will submit mandatory proof of the applicant's ownership of the subject facility or facilities, or proof that the owner thereof has approved the submission of the application for BCDC funding.
2. The owner of a business operating in a leased facility must provide a letter or statement from the property owner, or representative, attesting to the owner's knowledge of the business' application for BCDC funding. Copies

of the lease agreement of the leased facility is 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 may 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) will be for no longer than a three (3) year period. The application time-period is determined by the project completion date.
5. All funding disbursements approved by the BCDC will be provided on a reimbursement basis. Upon completion of the improvements and the provision to the BCDC of paid receipts, funds are generally dispersed to the applicant, not to exceed the limits set forth in the performance agreement. In-kind contributions are generally not acceptable as part of the applicant's match. Generally, a cash match of the applicant's expenditures is required. Copies of inspection reports are required for reimbursement along with such other and further documentation as the BCDC may reasonably require including photographs of the completed work.
6. The applicant is obligated to make all improvements in accordance with the application and performance agreement approved by the BCDC. All amendments require the written approval of the BCDC. Failure to obtain written approval prior to making amendments may render the applicant ineligible to receive funding.
7. The applicant shall be responsible for obtaining and paying for all required permits related to the improvement project, and failure to do so will render the applicant ineligible to receive funding.
8. All application improvements must be completed in their entirety. Failure to do so may 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 BCDC.
10. The applicant must agree to complete the improvement project within six (6) months of receiving written approval of funding from the BCDC except as otherwise provided in the performance agreement. 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 issued by the Town of Bartonville must be submitted to the BCDC.

11. The applicant must agree to remain in business and not to 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 performance agreement, applicant is in default of its obligations and is required to reimburse the BCDC 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 BCDC funds.
13. Applicant must agree that in the event of default of its obligations, the BCDC has the right to reimbursement for all BCDC 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).
15. The BCDC will generally require that all loans of monies from BCDC funds be secured by suitable collateral before approval of a performance agreement.

APPLICATION:

1. Application forms are available at the Bartonville Town Hall and online at the Town of Bartonville website: www.townofbartonville.com. Applications submitted must be on the form provided by the BCDC.
2. Businesses applying for funds must submit one original application with appropriate attachments and two (2) copies of all application documents.
3. Only complete applications will be considered for funding. Town staff will review for completion. Applicants will be given an opportunity to complete and resubmit incomplete submissions.
4. All applications will be filed with the BCDC in care of the Town of Bartonville Town Secretary.
5. All applications and attachments including extra copies submitted shall become the property of the BCDC.
6. Applications submitted for funding consideration will be determined on a case-by-case basis.

7. Applicants must agree that in the event of default, the BCDC has the right to reimbursement for all BCDC funding received including attorney's fees or costs incurred while seeking reimbursement.
8. The BCDC may consider completed applications filed on or before the second Wednesday of each month at the next month's meeting. The BCDC meets on the second Wednesday of each month.
9. The BCDC retains sole discretion to accept or reject the applications it receives without recourse.

APPROVAL

1. The Board of Directors of the BCDC is solely responsible for the approval or rejection of applications. No application for funding will be sent to the Town Council unless first approved by the Board.
2. The BCDC may notify the applicant in writing of its decision to approve or disapprove the application.
3. The BCDC may award funds to an applicant, with certain provisions, conditions, or other requirements the BCDC deems necessary and/or appropriate. The BCDC retains the right to request more than one (1) bid for the project to be undertaken and to impose such other and further conditions as it in its sole discretion deems necessary to its investment of public monies.
4. If the BCDC does not approve an application, re-application for the same project will not be permitted for a period of twelve (12) months from the date of disapproval. A business may re-apply once for funding on a disapproved project.

PERFORMANCE AGREEMENT

The BCDC and awarded business enterprise that it funds directly or makes expenditures that benefit an eligible project must enter into a written performance agreement approved by the Board of Directors. At a minimum, the performance agreement will contain the following:

- A schedule of additional payroll or jobs to be created or retained;
- The capital investment to be made by the business enterprise;
- The terms for repayment of the BCDC's investment if the business fails to meet the performance requirements specified in the agreement; and
- Provide acceptable collateral for all loans of monies.

FUNDING:

1. Upon notification of project completion by the applicant to the BCDC, an inspection is required by an BCDC representative or representatives to confirm that such project has been completed in accordance with the application, or any approved modifications thereto. Such notification will include, but not be limited to, documentation of paid receipts for materials, labor, permits, inspection reports, release of contractor liens, and/or any other item that the BCDC may reasonably deem necessary for determining the project's completion.
 - a. Inspection - Compliance with Agreement - Within thirty (30) days following the inspection required by paragraph 1 hereof, and confirmation of completion of the project in accordance with the application, or any approved modifications, the BCDC will issue a letter of approval. The applicant will receive a copy of such letter. Funding authorization will take place at a regular BCDC Board meeting.
 - b. Inspection– Non-Compliance with Agreement - The BCDC will issue a letter to the applicant indicating all areas of non-compliance within a reasonable time period following the inspection; presentation of receipts as provided in the performance agreement; and after a determination is made that the project was not completed in accordance with the application or any approved modifications. The applicant will be given a reasonable time from the date of such letter to make the modifications necessary to bring the project into compliance. Failure to complete all modifications within said time period will be deemed a default of applicant's obligations under the BCDC performance agreement.
2. The BCDC is vested with sole discretion to accept or reject applications without recourse

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 recipient or the opening of the business, whichever is later, the applicant may be required to reimburse the BCDC for the funding received.
2. Loan repayments must be made in full within the period specified by the BCDC after the date of written notification of default. The form of payment shall be by certified or guaranteed funds, payable to the Bartonville Community Development Corporation.

NOTICE:

The Bartonville Community Development Corporation will 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.

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 offending provision will be deleted and the validity and enforceability of the remaining provisions will not be affected. Exclusive venue for any dispute arising from the grant or loan of funds pursuant to these guidelines shall lie in the State Courts of Denton County, Texas.

Applicants may be required to obtain insurance and to indemnify the BCDC, the Town of Bartonville and their agents, officers & assigns from any and all liability resulting from applicant's negligence and the BCDC and the Town's own negligence arising under the Performance Agreement.

IT IS THE INTENT OF THE OFFICERS OF THE BCDC TO USE THESE GUIDELINES TO IMPLEMENT A GRANT/LOAN PROGRAM FOR THE PURPOSE OF PROMOTING ECONOMIC DEVELOPMENT AND THE RETENTION AND EXPANSION OF BUSINESS AND JOBS IN BARTONVILLE. ALL APPLICATIONS WILL BE REVIEWED IN COMPLIANCE WITH THESE GUIDELINES. THE BCDC RESERVES THE RIGHT TO WAIVE OR VARY THE PROVISIONS OF THESE GUIDELINES IN ITS SOLE DISCRETION AND IN THE PUBLIC INTEREST. THE GUIDELINES ARE NOT CONTRACTUAL AND DO NOT IMPOSE A BINDING OBLIGATION OR PROMISE UPON THE BCDC, THE TOWN OF BARTONVILLE, OR THEIR AGENTS AND OFFICERS.

BARTONVILLE COMMUNITY DEVELOPMENT CORPORATION

POLICIES AND GUIDELINES FOR FUNDING

ACKNOWLEDGEMENT OF RECEIPT

APPLICANT:
COMPANY NAME:
ADDRESS:
PHONE NUMBER:

Signature:

APPLICANT:
COMPANY NAME:
ADDRESS:
PHONE NUMBER:

Signature:

PROPERTY OWNER/LANDLORD:
ADDRESS:
PHONE NUMBER:

Signature:

Sign, date and return this acknowledgement page to the BCDC. Please retain the guidelines and criteria for your records.

BARTONVILLE COMMUNITY DEVELOPMENT COPRPORATION FUNDING APPLICATION

STATE OF TEXAS §
COUNTY OF DENTON § KNOW ALL BY THESE PRESENTS:

PART 1 - APPLICANT INFORMATION

| | | |
|---------------------------------|-------------------------|----------------|
| Application Date: | | |
| Company Name: | | |
| Address: | | |
| Representative for Application: | | |
| Local address: | | |
| Town: | State: | ZIP Code: |
| Phone Number: | State of Incorporation: | Years In Town: |
| Total Employees in Town: | | |

PART 2 – PROJECT INFORMATION

| | | |
|---|---|---|
| Location Address: | | |
| Legal Description: | | |
| Project Description: | <input type="checkbox"/> New Construction | <input type="checkbox"/> Expansion |
| Section A – Economic Development Type of Facility | | |
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Distribution | <input type="checkbox"/> Service Center |
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Describe | |

PART 3 – ECONOMIC INFORMATION

| | | |
|-------------------------|--|--|
| Construction Estimate: | | |
| Start Date: | | |
| Amount Requested: | | |
| Permanent Job Creation: | | |

PART 4 - NARRATIVE

| |
|--|
| 1. Introduction of Business: |
| 2. Name(s) of chief officers or owners: |
| 3. Reasons for seeking economic development incentive: |

4. State how the project will benefit the Town of Bartonville:

5. Describe the Project:

6. Describe the types and numbers of jobs to be generated and provide information on current level of employment including: (a) current payroll; and (b) breakdown of current payroll by zip code. Attach a copy of the business's most recent filing with the Texas Workforce Commission or other supporting documentation that can be used to determine actual employment level at the time of application.

7. List any other governmental assistance/incentives being requested or already approved for the project from sources other than the BCDC.

8. List any competition or similar businesses in the area.

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 Bexar County, 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 County 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 County of this violation.

AUTHORIZATION 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: | |

Given under my hand and seal of office this _____ day of _____ 20__.

Notary Public, State of Texas

My commission expires: