

RESOLUTION NO. 21-R-79

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN AGREEMENT FOR PROVISIONS OF PROFESSIONAL SERVICES BETWEEN THE CITY OF SCHERTZ AND THE CITY OF SCHERTZ ECONOMIC DEVELOPMENT CORPORATION, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Development Corporation Act of 1979, as amended (Section 501.001 et seq, Texas Local Government Code, formerly the Development Corporation Act of 1979) (the "Act") provides a corporation those powers incidental or necessary to the purposes of the corporation; and

WHEREAS, the City of Schertz Economic Development Corporation ("SEDC") desires to engage the City for the provision of certain professional and other services to assist the SEDC in carrying out its goals and objectives; and

WHEREAS, the Act prohibits the City from providing things of value, including professional services, in aid of corporation without receiving fair value compensation in return; and

WHEREAS, the City Council has determined that it is in the best interest of the City to approve the Agreement for Provisions of Professional Services Between the City of Schertz and the City of Schertz Economic Development Corporation and that such agreement constitutes fair value for the services to be rendered under the agreement.

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

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Agreement for Provisions of Professional Services Between the City of Schertz and the City of Schertz Economic Development Corporation in substantially the form set forth on Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application

of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 14th day of September 2021.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

EXHIBIT A

**AGREEMENT FOR PROVISIONS OF PROFESSIONAL SERVICES BETWEEN THE
CITY OF SCHERTZ AND THE CITY OF SCHERTZ ECONOMIC DEVELOPMENT
CORPORATION**