

RESOLUTION NO. 2020-32

A RESOLUTION ESTABLISHING THE “LEVELLAND CARES SMALL BUSINESS ASSISTANCE FUND” UTILIZING FUNDS RECEIVED FROM THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT ASSISTING SMALL BUSINESS IMPACTED BY THE CORONAVIRUS DISEASE 2019.

WHEREAS, a novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus that poses an imminent threat to the citizens of the City of Levelland; and

WHEREAS, on March 19, 2020, pursuant to the authority provided him by Texas Government Code § 418.108, the Mayor of the City of Levelland issued a Declaration of Local Disaster, placing certain restrictions and procedures in place in order to protect and preserve the public health, safety and welfare and consistent with the national and state declarations of emergency that has been continuously renewed and extended by the City Council; and

WHEREAS, the City of Levelland has incurred certain expenses due to this public health emergency fighting and attempting to mitigate and contain the spread of COVID-19; and

WHEREAS, the U.S. Treasury Department has allocated to the State of Texas certain funds for specified uses by local governments under the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

WHEREAS, on May 18th, the City Council of the City of Levelland approved the submittal of a grant application to the Texas Department of Emergency Management to access the monies made available by the Coronavirus Relief Fund (CRF) under the CARES Act through an allocation distributed through the State of Texas by the U.S. Treasury Department; and

WHEREAS, the Texas Division of Emergency Management has made the Coronavirus Relief Fund Program available to Texas cities with a population of 500,000 or less and the City of Levelland has applied for and qualifies for such funds under CARES Act; and

WHEREAS, the U.S. Treasury Department and the Texas Division of Emergency Management has placed certain restrictions and guidelines on how such funds may be utilized by the City of Levelland including restricting the funds for small business disruption expenses; and

WHEREAS, the Levelland Economic Development Corporation Board and the Main Street Board have provided input to City staff on utilizing CRF funds provided under the CARES Act for assistance to small businesses for unexpected expenses incurred due to the COVID-19 public health emergency; and

WHEREAS, the Levelland Economic Development Corporation (LEDC) Board has allocated \$75,000 of their budget towards establishing a small business economic relief program and recommends to the City Council that the City of Levelland establish a small business assistance program and fund; and

WHEREAS, the City of Levelland, in reviewing the allowable CRF expenses and abiding by the 75/25 restriction established for use of CRF funds, the City of Levelland believes it is able

to allocate \$75,000 out of CRF funds towards the program, which, when combined with the LEDC funds of \$75,000 allocated for this program, brings the total funds available to \$150,000; and

WHEREAS, the City Council of the City of Levelland believes it to be in the best interest of the citizens of the City of Levelland to authorize the City Manager to establish a program or programs with guidelines, policies and criteria to properly and legally utilize the funds from the CARES Act Program.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LEVELLAND, TEXAS, HEREBY RESOLVES:

1. The findings and recitals outlined above are found to be true and correct and are hereby adopted and approved.

2. There is hereby established the *Levelland Cares Small Business Assistance Fund and Program* (may be referred to as the *Levelland Cares* or *Levelland Cares Program*) that will be administered by the City Manager or their designee and have the following minimum requirements:

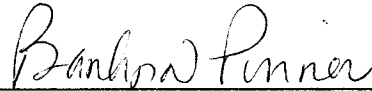
a. Grant Recipient Qualifications. All grant recipients must meet the following minimum requirements:

- 1) Recipient has a physical and publicly accessible location within the municipal limits of Levelland, Texas.
- 2) Recipient has:
 - i. been open and in operation for at least one year as of September 1, 2020; and
 - ii. remained continuously open to the public through normal business hours unless required they voluntarily closed its business to public access due to the COVID-19 public health emergency or was required to close its business to public access until authorized to re-open pursuant to the applicable executive order of the Governor of the State of Texas, Hockley County declaration of local disaster and/or City of Levelland declaration of local disaster.
- 3) Recipient has a location in Levelland used exclusively for commercial purposes.
- 4) Recipient is not a home-based business.
- 5) Recipient is not a non-profit organization.
- 6) Recipient has no more than twenty-five (25) employees.
- 7) Only those individuals who have the legal authority to contractually bind the named business located at the physical and publicly accessible business location that suffered eligible COVID-19 related expenses shall be eligible to apply for a grant.
- 8) Recipient is in good standing with the City of Levelland regarding licensing and permits and is current on all local *ad valorem taxes* or *hotel occupancy taxes* (if applicable).

- 9) Recipient is registered with the Texas Comptroller's Office as a sales tax revenue generating business in the City of Levelland.
- b. **Grant Amount and Reimbursement Requirements.** The City Manager is authorized to grant up to two thousand five hundred and no/100 dollars (\$2,500.00) to each grant recipient, on a first come first served basis, as a small business assistance grant under the *Levelland Cares* program. The grant will be made on a reimbursement basis and must meet the following in order to qualify for reimbursement:
- 1) Grants awarded for eligible expenses only. Eligible expenses must be incurred by the grant recipients, must be public health COVID-19 related expenses and must fall within one of the following categories:
 - i. PPE, hand sanitizer, business modifications related to COVID-19 (e.g. plexiglass installation, etc.);
 - ii. working capital and overhead operations, payroll, rent, technology, short-term uses of cash for business operations, utilities, etc.;
 - iii. unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act; or
 - iv. inventory and raw material necessary for the continued operations, etc.
 - 2) Eligible expenses could not have been incurred prior to March 1, 2020;
 - 3) All requests for grant reimbursement must be submitted to the City Manager by December 1, 2020; and
 - 4) All requests for grant reimbursement must be accompanied by supporting documentation (e.g. invoice, canceled check, etc.).
- c. **Marketing Requirements.** All grant recipients will perform the marketing duties that include one or more of the following, as determined by the City Manager or the Executive Director of the LEDC:
- 1) Grant recipients shall place a poster/placard as provided by the LEDC Executive Director and display the poster in the recipient's storefront for a minimum of ninety (90) days.
 - 2) The LEDC Executive Director may request a grant recipient to utilize the recipient's social to promote on their social media platform (e.g. Facebook, Instagram, Twitter, etc.) a post promoting the City of Levelland, the Levelland Economic Development Corporation and promoting the economic advantages of doing business in the City of Levelland. Such post or posts may be posted for a minimum of fourteen (14) days during the first ninety (90) days after the approval of the recipient's application. Provided, however, any use of LEDC's name for publicity in connection with recipient's business or activities must be approved in advance by the LEDC Executive Director who may approve or disapprove of such posting at the sole and absolute discretion of the Executive Director.

- 3) All grant recipients shall agree to authorize LEDC to publicize the grant recipient's business as being a supporter of LEDC and the City of Levelland as a premium market for economic development.
 - 4) The City Manager may require from the grant recipient proof of performance of the marketing duties outlined above.
 - d. Application. The City Manager shall develop and require a written application for each grant recipient that outlines the basic requirements outlined herein as well as any additional requirements developed by the City Manager consistent with this program.
6. Should any paragraph, section, sentence, phrase, clause or word of this Resolution be declared unconstitutional or invalid for any reason, the remainder of this Resolution shall not be affected thereby.

Passed and approved this 24th day of August, 2020.



Barbra Pinner
Mayor



ATTEST:



Andréa Corley, City Secretary