

BUSINESS ASSISTANCE GRANT PROGRAM

Guidelines and Criteria

Section 1 **Grantor**

Simonton Development Corporation

Section 2 **Purpose**

To enhance retail and commercial activity in the City of Simonton by providing financial assistance to local businesses for the purpose of improvements to building façades, signs, and property.

Additionally, to promote enhancements which create a visually attractive municipal environment which will serve to attract consumers and investors to the City of Simonton. Such determination of “visually attractive” shall be at the sole discretion of the Simonton Development Corporation.

Section 3 **Types of Grants**

FACADE IMPROVEMENT:

Improvements to storefronts, including, but not limited to, items such as painting, reconstruction, and aesthetic improvements.

A cash-matching grant up to a maximum match of \$2,000

SIGN IMPROVEMENT:

New signs, renovation of existing signs, and removal of abandoned or unsightly signs

A cash-matching grant up to a maximum match of \$2,000

PROPERTY IMPROVEMENT:

Items such as, but not limited to, landscaping, lighting, and demolition of unsafe, abandoned, and/or substandard buildings

A cash-matching grant up to a maximum match of \$2,000

Section 4 **Grant Description**

Grants are Reimbursement Grants, such grants being a cash match for funds disbursed by an applicant. The amount of grant will be in amounts not to exceed those provided in Section 3, above. In-kind contributions may not be used as a part of applicant’s match. Only applicant’s cash expenditures for labor and/or materials may be utilized as a cash match.

Section 5
Funding Cycle

A funding cycle shall be an annual period from October 1st to September 30th. For each funding cycle the Corporation shall designate an amount of funding for that cycle. Upon depletion of those funds the Corporation will be under no obligation to fund additional grants. Likewise, the Corporation is under no obligation to establish future funding cycles.

Section 6
Eligibility

- A. Any new or existing business within Simonton's city limits
- B. New and existing buildings and facilities within Simonton's city limits
- C. Owners of vacant business buildings within Simonton's city limits
- D. Business buildings also serving as a residence are not eligible.

Section 7
Guidelines

- A. Proof of ownership will be required for owned facilities.
- B. An applicant operating in a leased facility must apply jointly with the property owner. Copies of a lease agreement and proof of ownership will be required.
- C. Grant funding will be limited to two (2) of the three (3) grant types to any one applicant during a grant-funding cycle.
- D. Improvements shall be made in accordance with project drawings, specifications, and/or information provided in the application, such having been previously approved by the Corporation. Failure to do so will render the applicant ineligible to receive grant funding. Any modifications must first receive written approval of the Corporation or its designee. Failure to do so will likewise render the applicant ineligible to receive grant funding.
- E. Applicant is obligated to obtain all necessary permits related to the improvement project. Failure to do so will render the applicant ineligible for grant funding.
- F. The improvements as presented in the application must be completed in their entirety. Incomplete improvements will not be eligible for grant funding.
- G. Upon approval of a grant application, and during the implementation of the improvements, a representative or representatives of the Corporation shall have the right of access to inspect the work in progress.

- H. Improvements may not commence prior to having received written approval for a grant.
- I. Improvements must be completed within six (6) months of receiving written grant application approval from the Corporation.
- J. Having received grant funding in a previous funding cycle does not preclude the same applicant from being eligible for grant funding in subsequent grant funding cycles.
- K. Current and/or past members of the Simonton Development Board of Directors are not excluded from eligibility to apply and receive a grant(s). However, in the case of a current Director, such Director shall abstain from voting upon an application(s) which they have submitted.

Section 8
Applicaton and Approval

- A. Application must be made on a form provided by the Corporation, and may be obtained at the Simonton City Hall, 35011 FM 1093, Simonton, Texas 77476, or online at www.simontontexas.org
- B. Applications will be considered on a monthly basis and must be submitted by the tenth (10th) day of the month.
- C. Monthly consideration of applications may be delayed in the event the Corporation fails to seat a quorum for a meeting, elects for any reason not to hold a meeting, requires additional time for application review, or elects for any reason not to consider grant applications at any particular meeting.
- D. One (1) original and one (1) copy of an application must be submitted.
- E. The Corporation reserves the right to utilize whatever outside resources it deems necessary for assistance in its decision-making process.
- F. Applicants will be notified in writing of the Corporation's approval or disapproval of an application.
- G. The Corporation may approve a grant application with certain provisions, conditions, or other requirements as it may from time to time deem appropriate.
- H. **The Corporation reserves the right to exercise its absolute discretion in determining approval or disapproval of an application, whether or not such discretion may be deemed arbitrary, or without basis in fact.**

Section 9 **Standards**

The following factors, among such others as the Corporation may deem necessary, shall be considered in determining whether or not to award a grant.

- A. The amount of additional funding being provided by the applicant beyond the required cash match
- B. The amount of current deterioration or blight the improvement will alleviate
- C. Traffic levels of roadways adjacent to the improvements
- D. The visual attractiveness and/or historic significance of the improvements as determined by the Corporation's exercise of its absolute discretion in such determination
- E. Health and safety issues which may be mitigated by the improvements
- F. Level of improvement the project will make to the overall appearance of the facility
- G. Thoroughness of information provided in the application
- H. Productive life of the improvements

Section 10 **Funding**

- A. Funding will only be provided upon the completion of the project in accordance with 7D, above.
- B. Applicant shall provide the Corporation with written notification of project completion. Such notification shall include
 - 1. A letter signed by the applicant stating that all improvements have been completed in accordance with the application and/or approved modifications
 - 2. Copies of paid receipts for materials and/or labor. Also, if applicable, copies of permits and inspection reports
 - 3. In the case of plants included in landscaping, a signed letter stating the recipient warrants the life of the plants for a period of one (1) year after the date of grant payment -- Such warranty letter shall provide that upon notice from the Corporation, the grant recipient shall repay to the Corporation that amount of grant funding having been provided for plants not in place or alive within the warranty period.

- C. Upon receipt of a Notification of Completion letter, an on-site inspection shall be made by a representative or representatives of the Corporation to confirm completion in accordance with the application and/or approved modifications. Such inspection shall take place within thirty (30) days of the receipt of a Notification of Completion letter. Such inspection shall not be construed in any way as the Corporation's attestation as to the quality, safety, or reliability of the improvements, such being the sole responsibility of the grant recipient.
- D. At the next regular Corporate meeting following the on-site inspection, a written statement by the inspector/inspectors shall be provided to the Corporation testifying either to (1) compliant project completion, or (2) non-compliant project completion. In the event of a non-compliant report, the Corporation will review the findings, and if in agreement with the report, a letter shall be issued to the applicant stating the area/areas of non-compliance. Failure to correct the area/areas of non-compliance within sixty (60) days of the date of the "non-compliant letter" shall be cause for the cancelation of grant funding.
- E. At the regular Corporate Board meeting at which a "compliant" inspection report is provided, funding will be authorized. Issuance of payment shall take place within seven (7) days of the funding authorization.

Section 11
Amendment

The Corporation reserves unto itself the right to amend these Guidelines and Criteria at it may from time to time find desirable.

Section 12
Severability

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this Business Assistance Grant Program. If any provision of this Program shall be held to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this Program shall not be affected by such determination.

Section 13
Notice

- A. **The provision or delivery of these guidelines and criteria to an interested party does not constitute an offer of an improvement grant to that or any party.**
- B. **The adoption of these Guidelines and Criteria does not limit the discretion of the Corporation to decide whether to provide or not provide a grant to an applicant, and/or elect not to grant the total amount of eligibility, which absolute rights of discretion the Corporation reserves unto itself, whether or not such discretion may be deemed arbitrary or without basis in fact.**

- C. The adoption of these Guidelines and Criteria does not create any property, contract, or other legal rights in any person to have the Corporation provide grant funding.**

- D. The Corporation, its employees, its agents, and designees do not testify to the quality and safety of construction of a project receiving grant funding, both during project implementation or afterward. Therefore, the Applicant, by requesting grant funding, does attest to holding harmless the Simonton Development Corporation, its employees, agents, and designees for any and all claims for personal and/or property damages to themselves or others as a result of the planning, construction, and subsequent existence of any project which has received application approval, or has received actual grant funding.**