

City of Seward, NE
Tuesday, October 6, 2015
Regular Session

Item G6

**CONSIDERATION OF A FUNDING AGREEMENT WITH
SEWARD COUNTY ECONOMIC DEVELOPMENT
CORPORATION - Jonathan Jank, SCEDC Executive Director**

Administrative Report: Following review and discussion, a motion to approve the agreement would be in order.

Staff Contact:

FUNDING AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2015, by and between the CITY OF SEWARD, NEBRASKA, a municipal corporation, hereinafter referred to as the CITY, and the SEWARD COUNTY ECONOMIC DEVELOPMENT CORPORATION, a Nebraska nonprofit corporation, hereinafter referred to as the SCEDC.

RECITALS:

WHEREAS, the parties desire to enter into a mutually beneficial Funding Agreement for the purpose of promoting economic development in the City of SEWARD, Nebraska, and throughout Seward County, Nebraska.

NOW, THEREFORE, in consideration of the foregoing recitals and the terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. The City and the SCEDC agree to enter into this Funding Agreement for the promotion of economic development as set forth above on the basis of the City's fiscal year which commences October 1, 2015 and ends September 30, 2016.

2. The City agrees to fund the promotion of economic development by paying to the SCEDC the sum of FORTY THOUSAND DOLLARS and No/100ths Dollars (\$40,000.00) subject to the following requirements:

(i) The SCEDC shall place all funds received pursuant to this Agreement in a separate segregated economic development fund ("the Public Economic Development Fund"); and

(ii) The SCEDC shall use all funds received pursuant to this Agreement only for the purpose of "encouraging immigration, new industries, and investment and to conduct and carry on a publicity campaign, . . . and advertising the various agricultural, horticultural, manufacturing, commercial, and other resources, including utility services of the City," all in accordance with **Neb. Rev. Stat. § 13-315** (Reissue 2012), a copy of which is attached hereto and marked as Exhibit "A".

3. As a way of insuring the City's funds will be used in compliance with **Neb. Rev. Stat. § 13-315**, a designee of the City and a designee of the SCEDC shall reconcile and audit the Public Economic Development Fund annually. The fiscal year end reconciliation and audit shall be completed within sixty (60) days of the close of the SCEDC's fiscal year on June 30, 2016. If there are funds remaining in the Public Economic Development Fund at fiscal year end, the funds for any authorized expenditures which accrued during the fiscal year, but which have not yet been paid for, may be retained by the SCEDC to pay the same. Any funds remaining after accounting for the authorized accrued expenses as provided herein shall be retained by the SCEDC and considered as part of the City's next fiscal year appropriation should one be made by the City for the SCEDC.

4. At the expiration date of this Funding Agreement on September 30, 2016, the parties hereto shall either enter into a new Funding Agreement for the ensuing fiscal year or this Funding Agreement shall terminate and the end of year reconciliation and audit shall be accomplished as provided for in Paragraph 3 above.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing Funding Agreement in duplicate the date and year first above written.

CITY OF SEWARD, NEBRASKA, a
Municipal Corporation,

Joshua Eickmeier, Mayor

ATTEST:

Bonnie Otte
Assistant Administrator/
Clerk-Treasurer/
Budget & Human Resource Director

Approved as to form:

City Attorney

SEWARD COUNTY ECONOMIC DEVELOPMENT
CORPORATION, a Nebraska Nonprofit
Corporation

President

EXHIBIT "A"

Neb. Rev. Stat. § 13-315. Appropriation or expenditure; purposes; method; limitation

The city commissioners or council of any city, the board of trustees of any village, and the county board of any county in the state shall have the power to appropriate or expend annually from the general funds or from revenue received from any proprietary functions of their respective political subdivision an amount not to exceed four-tenths of one percent of the taxable valuation of the city, village, or county for the purpose of encouraging immigration, new industries, and investment and to conduct and carry on a publicity campaign, including a publicity campaign conducted for the purpose of acquiring from any source a municipal electrical distribution system or exploiting and advertising the various agricultural, horticultural, manufacturing, commercial, and other resources, including utility services, of the city, village, or county. Such sum may be expended directly by the city, village, or county or may be paid to the chamber of commerce or other commercial organization or a similar county organization or multicounty organization or local development corporation to be expended for the purposes enumerated in this section under the direction of the board of directors of the organization. The total amount levied including the appropriation or expenditure made under this section shall not exceed the amount limited by law.