

**CONTRACT**

**(NUECES COUNTY; DEL MAR COLLEGE FOUNDATION, INC.)**

**STATE OF TEXAS**

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**\* KNOW ALL MEN BY THESE PRESENTS**

**COUNTY OF NUECES**

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This agreement entered into on the date of its execution as set forth below by and between Nueces County, hereinafter called "County," and the Del Mar College Foundation, Inc., herein after called "Del Mar," a 501(c)(3) corporation founded for in an effort to transform student's lives and the Nueces area economy by leveraging community resources to provide individuals educational opportunities.

**WITNESSETH:**

WHEREAS, to stimulate business and commercial activity in Nueces County, the Commissioners Court is authorized by § 381.004 (b) of the Texas Local Government Code to develop and administer a program to stimulate, encourage, and develop business location and commercial activity in the county; to promote or advertise the county and its vicinity or conduct a solicitation program to attract conventions, visitors, and businesses; and for local economic development; and,

WHEREAS, the Nueces County Commissioners Court has created a

program by resolution adopted on November 12, 2008, designed to promote business activity, provide direction, and organize efforts for the economic benefit of Nueces County and surrounding areas; and,

WHEREAS, the Commissioners Court is authorized to contract with a private corporation such as Del Mar pursuant to § 381.004 (c) of the Texas Local Government Code and Texas Attorney General Opinion No. JM-516 (1986) for the administration of such a program;

NOW, THEREFORE, for and in consideration and exchange of mutual covenants and conditions contained herein, the County and Del Mar agree as follows:

I.

Del Mar agrees through its Business Resource Center to administer the County's program for local economic development as follows: 1) by stimulating, encouraging, and developing business location and commercial activity in Nueces County. The Business Resource Center through its "Operation Grow Smart," a program designed to support business entrepreneurs will actively work to stimulate, encourage, and develop business location and commercial activity in Nueces County. Del Mar will provide program access or remove barriers to accessibility under the Americans with Disabilities Act to allow individuals with disabilities the opportunity to participate and receive benefits of services, programs and activities.

II.

Del Mar will semi-annually submit reports to the County detailing activities by Del Mar in performance of its obligations pursuant to this agreement. Del Mar shall include in its reports a detailed accounting of expenditures of County funds and any measurable results obtained with regard to local economic development, business location and commercial activity developed, and jobs created. Such reports shall be presented to the County Commissioners Court at a noticed meeting.

III.

Del Mar will diligently use its resources to promote the cause of administration of the program with respect to the economic development of Nueces County.

IV.

As payment for these services to be rendered in the County's fiscal year 2019-2020, the County will provide \$1,000.00 subject to appropriations for the administration of the program pursuant to the 2019-2020 County Budget.

V.

Del Mar will cause this funding to be segregated from other funds used for activities of Del Mar unrelated to the purposes of this agreement.

VI.

This agreement shall continue in force and effect until September 30, 2019. In the event Del Mar terminates the program activities subject to this agreement prior to the expiration of this agreement, the balance of any remaining funds shall be returned to the County in the same proportion that County funds bear to the total funds received or in the possession by Del Mar to conduct program activities related to this agreement.

WITNESS our hands on this \_\_\_\_ day of \_\_\_\_\_, 2019.

NUECES COUNTY

Del Mar College Foundation,  
Inc.

BY: \_\_\_\_\_  
Barbara Canales  
County Judge

BY: \_\_\_\_\_  
Executive Director

ATTEST:

BY: \_\_\_\_\_  
Kara Sands, County Clerk

Approved as to form:

BY: \_\_\_\_\_  
Laura Garza Jimenez

County Attorney