

Controller's Office

To the Honorable Mayor and City Council of the City of Houston, Texas:

I hereby certify, with respect to the money required for the contract, agreement, obligation or expenditure contemplated by the ordinance set out below that:

- ( ) Funds have been encumbered out of funds previously appropriated for such purpose.
- ( ) Funds have been certified and designated to be appropriated by separate ordinance to be approved prior to the approval of the ordinance set out below.
- ( ) Funds will be available out of current or general revenue prior to the maturity of any such obligation.
- ( ) No pecuniary obligation is to be incurred as a result of approving the ordinance set out below.
- ( ) The money required for the expenditure or expenditures specified below is in the treasury, in the fund or funds specified below, and is not appropriated for any other purposes.
- ( ) A certificate with respect to the money required for the expenditure or expenditures specified below is attached hereto and incorporated herein by this reference.
- Other - Grant Funds Available

*Cliff Brown*  
*Landfill*

Date: 11-3, 2020 City Controller of the City of Houston, Texas

*MS*  
*SC* FUND REF: 5307 5100 530110 AMOUNT: 5,000,000 ENCUMB. NO.: PR 10281791  
OA 46-16232 City of Houston, Texas Ordinance No. 2020-944

AN ORDINANCE AMENDING ORDINANCE NO. 2020-777, AS AMENDED, TO INCREASE THE MAXIMUM CONTRACT AMOUNT FOR A CONTRACT BETWEEN THE CITY OF HOUSTON AND HOUSTON BUSINESS DEVELOPMENT INC. FOR ADMINISTRATION AND RELATED SERVICES FOR THE OFFICE OF BUSINESS OPPORTUNITY IN CONNECTION WITH THE CITY'S SMALL BUSINESS ECONOMIC RELIEF PROGRAM FOR SMALL BUSINESSES WHO HAVE BEEN AFFECTED BY COVID-19; DELEGATING AUTHORITY TO THE MAYOR OR HIS DESIGNEE TO AMEND THE CONTRACT AND MODIFY THE CITY'S SMALL BUSINESS ECONOMIC RELIEF PROGRAM FOR SMALL BUSINESSES WHO HAVE BEEN AFFECTED BY COVID-19; CONTAINING FINDINGS AND PROVISIONS RELATING TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

\* \* \* \*

**WHEREAS**, on July 29, 2020, City Council passed and adopted Ordinance No. 2020-670, which outlined the creation of the City of Houston COVID-19 Small Business Economic Relief Program to provide, among other services, small business grant assistance by disbursing payments received from the Fund, and pursuant to the CARES Act, to provide immediate and short-term business stability and economic support for small businesses suffering business interruptions due to COVID-19 (“Program”); and

**WHEREAS**, pursuant to Ordinance No. 2020-670, Council also approved the Agreement for Small Business Economic Relief Program Management Services (“Agreement”) with Houston Business Development, Inc. to efficiently disburse funds and quickly provide economic support to small businesses impacted by COVID-19, in accordance with the Program guidelines; and

**WHEREAS**, on September 9, 2020, City Council passed and adopted Ordinance No. 2020-777, which increased the maximum contract amount for the Agreement and delegated to the Mayor or his designee the authority to negotiate and amend the Agreement and to amend and modify the Program and its guidelines to make changes necessary to address the continuing effects of COVID-19, which included increasing the amount of the contract amount and other such changes as the Administration deemed necessary to establish and maintain control over the disbursement of funds under the Program, ensure the public purpose is accomplished and that the City receives a return benefit, and to protect the public’s investment; and

**WHEREAS**, the City seeks to modify the Program and its guidelines to make changes necessary to address the continuing effects of COVID-19, which includes increasing the amount of the contract amount and other such changes as the Administration may deem necessary to establish and maintain control over the disbursement of funds under the Program, ensure the public purpose is accomplished and that the City receives a return benefit, and to protect the public’s investment; and

**WHEREAS**, it furthers the City’s interests to increase the contract amount and quickly provide economic support to small businesses and therefore individuals impacted by COVID-19, in accordance with the Program guidelines; and

**WHEREAS**, the activities under the Agreement and Program, as each may be amended, serve a public purpose and are in the best interest of the City and its residents; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** Section 2 of Ordinance No. 2020-777 is hereby amended in its entirety to read as follows:

The total allocation for the contract, agreement or other undertaking approved and authorized hereby shall never exceed **\$25,000,000.00**, which

amount represents an increase of \$5,000,000.00 to the previous maximum contract amount of \$20,000,000.00, unless and until this sum is increased by ordinance of City Council.

**Section 3.** The City Council hereby delegates to the Mayor or his designee, the authority, without further authorization from City Council to (i) negotiate and amend the contract that is the subject of this ordinance (which amendments may address matters such as the contract term, project scope and budget, vendor compensation, and the Program and its guidelines), (ii) amend and modify the Program, including without limitation, the Program's structure, guidelines, eligibility criteria, and amount of assistance, and (iii) take any administrative actions, all as necessary to effectuate the City's intent and objectives in approving such amendment, the Program, or other undertakings described in the title of this ordinance, in the event of changed circumstances.

**Section 4.** The Mayor, City Controller, and other City of Houston signatories to the Agreement are authorized to execute the amendment or other changes referenced in this Ordinance and to bind the City without further authorization from City Council. The City Secretary is authorized to attest to all such signatures and to affix the seal of the City to all such documents.

**Section 5.** There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 4<sup>th</sup> day of November, 2020.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is NOV 10 2020.

AT J. Daniel  
City Secretary

**FUNDING SOURCE:**  
**\$5,000,000.00 – CARES Act 2020 Fund (5307)**

(Prepared by Legal Dept. Rachel A. Gini)  
 (RLG:bt 10/27/2020) Assistant City Attorney II  
 (Requested by Marsha E. Murray, Director of Office of Business Opportunity)  
 (L.D. File No. 01001200020003)

AYE	NO	
✓		<b>MAYOR TURNER</b>
....	....	<b>COUNCIL MEMBERS</b>
✓		PECK
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	