

# Issue Analysis Form



**Date:** September 8, 2020  
Amended COVID-19 Small  
Business Micro-Grant  
Agreement

**Item:**

**Lead Department(s):** County Attorney

**Contact Person(s):** Dan Whitten

## Description and Current Status

On July 15, 2020, the County and the Industrial Development Authority ("IDA") entered into an agreement to memorialize the understandings and conditions under which the COVID-19 Small Business Micro-Grant Program ("Program") would operate and to set forth the obligations and responsibilities of the Parties.

The County and IDA desire to amend the agreement to increase the maximum amount of the grant from \$3,500 to \$50,000 and to amend the qualification criteria for participation in the Program to now include non-profit organizations with an impact period extending until October 30, 2020. In addition, small businesses without a Prince George business license may qualify if they are exempt from the requirement under the Virginia Code.

The proposed Amendment is attached for consideration.

Sample Motion: I move that the Board approve the attached Amendments to COVID-19 Small Business Micro-Grant Agreement with the IDA.

## Government Path

- Does this require IDA action?**  Yes  No
- Does this require BZA action?**  Yes  No
- Does This require Planning Commission Action?**  Yes  No
- Does this require Board of Supervisors action?**  Yes  No
- Does this require a public hearing?**  Yes  No
- If so, before what date?

## Fiscal Impact Statement

## County Impact

## Notes



## AMENDMENT TO COVID-19 SMALL BUSINESS MICRO-GRANT AGREEMENT

This **AMENDMENT TO THE PRINCE GEORGE COUNTY COVID-19 SMALL BUSINESS MICRO-GRANT AGREEMENT** (hereinafter the “Amendment”) made and entered this \_\_\_\_ day of September, 2020, by and among **THE COUNTY OF PRINCE GEORGE, VIRGINIA** (the “County”) a political subdivision of the Commonwealth of Virginia and the **INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF PRINCE GEORGE, VIRGINIA** (the “IDA”), a political subdivision of the Commonwealth of Virginia, individually a “Party” and collectively the “Parties.”

### WITNESSETH:

**WHEREAS**, the County and the IDA entered into an agreement on July 15, 2020 (hereinafter the “Agreement”) to memorialize the understandings and conditions under which the COVID-19 Small Business Micro-Grant Program (hereinafter the “Program”) would operate and to set forth the obligations and responsibilities of the Parties in connection therewith; and

**WHEREAS**, the County and IDA desire to amend the agreement to increase the maximum amount of the grant and to amend the qualification criteria for participation in the Program.

**NOW, THEREFORE** in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

#### 1) Small Business Qualification Criteria –

- (a) The business must either hold a 2020 Prince George County business license or be exempt per Virginia Code § 58.1-3703.
- (b) The business must have been impacted from COVID-19 for any period between March 1, 2020 through October 30, 2020.
- (c) The business must have fewer than 101 full time employees.
- (d) The business must be in good standing with Prince George County taxes and utilities or be on an active payment plan.
- (e) The business must be a for-profit business or non-profit organization.
- (f) The business must not be a publicly traded company.
- (g) The business must have a physical presence in Prince George County.
- (h) The maximum grant amount is \$50,000.

- 2) **Other Terms of the Agreement** – All other terms and conditions of the Agreement remain in full force and effect and shall remain binding on the parties hereto.
- 3) **Entire Agreement** – The Agreement and Amendment contain all agreements, promises or understandings between the County and IDA and no verbal or oral agreements, promises or understandings shall be binding upon either the County or IDA in any dispute, controversy or proceeding at law, and any addition, variation or modification to the Agreement and Amendment shall be void and ineffective unless made in writing and signed by the parties.
- 4) **Severability** – In the event any provision of the Agreement and Amendment is found to be invalid or unenforceable, such a finding shall not affect the validity and enforceability of the remaining provisions of the Agreement and Amendment.
- 5) **Authority** – The County and IDA each hereby warrant to the other that the person executing this Amendment on behalf of the warranting party has the full right, power and authority to enter into, and execute, this Amendment on that party's behalf, and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Amendment.
- 6) **Counterparts** – This Amendment may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

**IN WITNESS WHEREOF**, the parties hereafter have executed this Amendment to the Agreement as of the date first written above.

**COUNTY OF PRINCE GEORGE, VIRGINIA, a political subdivision of the Commonwealth of Virginia**

By \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF PRINCE GEORGE, VIRGINIA, a political subdivision of the Commonwealth of Virginia**

By \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_

Dan N. Whitten, County Attorney

Board of Supervisors  
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 8th day of September, 2020:

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Present:

Donald Hunter, Chairman  
Alan R. Carmichael, Vice-Chair  
Floyd M. Brown, Jr.  
Marlene J. Waymack  
T. J. Webb

Vote:

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A-10

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried unanimously, the following Resolution was adopted:

**RESOLUTION: AUTHORITY TO EXECUTE AMENDMENT TO COVID-19  
SMALL BUSINESS MICRO-GRANT AGREEMENT**

**BE IT RESOLVED**, that the Prince George County Board of Supervisors this 8<sup>th</sup> day of September, 2020, does hereby authorize the execution of the Amendment to the COVID-19 Small Business Micro-Grant Agreement.

A Copy Teste:

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Percy C. Ashcraft  
County Administrator