

## Shai Green

---

**From:** Merle Taylor  
**Sent:** Tuesday, May 5, 2020 7:39 AM  
**To:** Shai Green  
**Subject:** FW: Operation Snyder Thrives

**Shai: FYI**

Begin forwarded message:

**From:** "Bryan J. Guymon" <[Bryan.Guymon@uwlaw.com](mailto:Bryan.Guymon@uwlaw.com)>  
**Date:** April 22, 2020 at 3:43:06 PM CDT  
**To:** Brooke Proctor <[brooke@growsnyder.com](mailto:brooke@growsnyder.com)>  
**Subject:** Operation Snyder Thrives

Brooke –

Good to visit with you this afternoon. You have asked my opinion about whether the Operation Snyder Thrives program expenditures serve a promotional purpose?

The TML Economic Development Handbook (2020) states the following: “The Act limits Type A and Type B corporations to spending no more than 10 percent of the corporate revenues (Type A and Type B tax proceeds) for promotional purposes. *Texas Local Government Code 504.105*. The Act does not define the term “promotional purposes.” However, the Texas Attorney General has concluded that a promotional expenditure “must advertise or publicize the city for the purpose of developing new and expanded business enterprises.” *Tex. Att’y Gen. Op. No. GA-0086 (2003)* at 2. Further, a corporation is limited to spending not more than 10 percent of its current annual revenues for promotional purposes in any given year. Nonetheless, unexpended revenues specifically set aside for promotional purposes in past years may be expended along with 10 percent of current revenues without violating the cap. *Id.* at 6. Additionally, city council may disapprove a promotional expenditure. *Id.* at 3-5.”

Attorney General Opinion No. GA-0086 provides the following pertinent information: “The Act does not define ‘promotional purposes,’ but ‘promotion’ commonly means ‘helping forward’ or, more specifically, furthering the sale of something by ‘advertisement or ... publicity,’ and the word ‘promotional’ ‘relat[es] to advertising.’” XII Oxford English Dictionary 618-19 (2d ed. 1989) (definitions of ‘promotion’ and ‘promotional’); *see also* Tex. Gov’t Code Ann. 312.001 (Vernon 1998) (‘This subchapter [entitled ‘Construction Rules for Civil Statutes’] applies to the construction of all civil statutes.’), 312.002(a) (‘words shall be given their ordinary meaning’).”

The determination whether a particular expenditure serves a promotional purpose is a question of fact for the DCOS Board of Directors to decide, subject to judicial review, and the supervisory authority of the Snyder City Council. My opinion is that the DCOS Board could lawfully determine that the Operation Snyder Thrives program expenditures serve a promotional purpose. As stated above, the City Council may disapprove the proposed Operation Snyder Thrives program, but I will recommend to them that they approve it, just as the DCOS Board did this morning.

Please review and let me know if you have any other questions.

# Operation Snyder Thrives Application

The Development Corporation of Snyder (DCOS) is offering local businesses the opportunity to join them as a promotional partner in Operation Snyder Thrives. OST was developed in response to the adverse economic impact that COVID-19 has placed on small business. This stimulus will assist existing local businesses as they operate during the COVID crisis and prepare to transition to business after COVID-19. These businesses will be given the opportunity to share their message, while publicizing Snyder as a great place to grow and operate a business. This program is limited to 20 businesses, as funds are limited. Promotional partners will be eligible to receive a \$2,000 grant for their work promoting business in Snyder. Applications will be available at [www.growsnyder.com](http://www.growsnyder.com) and electronically submitted beginning on Monday May 11, 2020 at 8:30am. Deadline for applying is Friday May 15, 2020 OR when 20 applications have been received.

1. Promotional Partners must meet the following criteria:
  - \*Business is within the city limits
  - \*Business is locally owned
  - \*Business was open prior to January 1, 2020
  - \*Business has a physical storefront or building, for commercial use.
  - \*Business has 25 or fewer employees
  - \*Business is not a national chain or franchise
  - \*Business must be for profit.
  - \*Elected officials of the City of Snyder or Scurry County, or their immediate family, are not eligible to apply.
  
2. Promotional Partners must agree and comply with the following marketing requirements to receive their grant:
  - \$1,000 must be applied to:
    - \*\$50 for an one hour, one-on-one marketing consultation with C'Ella Clayton. This will allow the business to craft a fresh marketing message and plan. This must be completed between May 18-29, 2020 and before any funds will be released.
    - \*Display a poster in your storefront promoting your participation in Operation Snyder Thrives. This will be provided to you at your marketing consultation.
    - \*Create a social media post that runs for 14 days (if you use social media) on your business page which promotes your partnership with the DCOS through Operation Snyder Thrives.
    - \*\$950 must be spent purchasing an advertising package through the Snyder News and/or KSNY radio station and/or whatever platform is advantageous to your business. Ad must state, Paid for by the Development Corporation of Snyder.
  - The remaining \$1,000 may be applied to:
    - Additional advertising, graphic design, marketing, signage, website creation/upgrades, operating expenses, upgrades/repairs to computer systems, financial or accounting assistance. This is a reimbursement grant so all expenses are to be presented to the DCOS for approval before reimbursement or payment.
  - Marketing requirements must be met and funds used by Friday June 30, 2020. NO FUNDS WILL BE DISTRIBUTED AFTER June 30, 2020.

Business Name:

Owner's Name:

Business Address:

Phone:

Email:

Number of total, part and full time, employees:

How long has your business been in operation?

EIN/Sales TX ID #

Attach your W 9

What is your business industry?

Website address

What social media platforms does your business use?

I hereby certify and warrant that, under penalty of perjury, that all the information contained in and submitted with this application is true, complete and correct. I acknowledge that I have read the terms and conditions listed in this document and, if selected, I well and truthfully believe that my business can perform all the required actions. By signing and submitting this document, I certify and warrant that I have the legal authority to do so on behalf of the business described above.

Signature

Date

You will receive an email after your application has been reviewed. You may be required to provide more information. Successful applicants will be contacted by the DCOS and will be required to complete additional paperwork.