

City of Las Vegas Redevelopment Agency

Tax Increment Financing Application Procedure (TIF Program)

A. General Tax Increment Financing Program Policy

The City of Las Vegas Redevelopment Agency (Agency) uses tax increment financing to accomplish the Agency's redevelopment and economic development goals and objectives of the Agency's Redevelopment Plan for the Downtown Centennial Plan area (Downtown Overlay, Title 19.06.060) and the Redevelopment Area. The fundamental principle that makes tax increment financing viable is that it is designed to encourage development in blighted areas that would not otherwise occur.

To encourage development and ensure that a redevelopment project qualifies for tax increment financing, the Agency must evaluate a project receiving financial participation to determine that:

- a) The buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located (NRS 279.486(1)(a)); and
- b) No other reasonable means of financing those buildings, facilities, structures or other improvements are available. (NRS 279.486(1)(b))

The Agency shall consider whether a redevelopment project qualifies for financial participation and the appropriate means of such participation through the Redevelopment Plan Checklist, as adopted in the Redevelopment Plan.

B. Description of Tax Increment Financing

Tax increment is the difference in assessed valuation and tax revenues generated by the property in the Redevelopment Area after a project has been completed compared with the assessed valuation and tax revenues generated by a property before the project at the time the Redevelopment Plan was adopted. This difference in assessed valuation and tax revenues is then used to pay for eligible public improvements.

Under the provisions of NRS 279.676, the Agency's tax increment funds are allocated into two funds: 1) Redevelopment Agency and 2) Housing Set-Aside for affordable housing. From the allocation of tax increment funds, eighty-two percent (82%) is allocated to the Agency and eighteen percent (18%) to the Housing Set-Aside. Of the eighty-two percent (82%) allocated to the Agency for the specific parcel(s), no more than fifty percent (50%) of the tax increment generated by the specific parcel(s) would be available to a developer as a TIF rebate. The TIF rebate will be rebated on an annual basis after the recordation of a Certificate of Completion by the Agency and submission of qualified expenditures. Tax increment rebate cannot extend past the life of the Agency or more than twenty (20) years. The Agency terminates in the year 2031.

C. Projects Eligible for Tax Increment Financing

Eligible projects must be located within the Redevelopment Plan Area, as shown by the attached map, (*Attachment No. 1 – Redevelopment Plan Area*). Projects eligible for consideration of tax increment

financing assistance include, but are not limited to office, high-rise residential, retail, hotels, and mixed-use.

D. Eligible Public Improvements

In addition to satisfying the “no other reasonable means” requirement in Section A above, the Developer applying for tax increment financing for a project must satisfy the following requirements:

- a) Demonstrate that all improvements would qualify as public infrastructure in one of two categories:

Category A – streets, curbs, gutters, water lines, sanitary sewer lines, storm drainage facilities, ramps, roads, bridges, traffic signals, paving, driveways, sidewalks, mass transit and other public transportation facilities, culverts, manholes, retaining walls, tunnels, approaches, underpasses, artificial lighting, off-street parking improvements and structures, fencing, landscaping, site work, grading, walkways, signage, flood control improvements, and improvements for the supply, storage and distribution of water.

Category B – electricity and telecommunications services, utility, and other similar site development infrastructure costs, qualified public improvements that may include on-sites, off-sites, utility relocation and under-grounding, according to the city's plans.

The amount of tax rebate funds shall not exceed the total of the qualified public improvements in Category A and B, as noted above.

E. Comply with Employment Plan Requirement

Approved applicants must comply with the Agency’s requirement of the Employment Plan, (*Attachment No. 2 – Employment Plan Policy*) pursuant to NRS 279.482. The applicant agrees to promote the utilization of women, minority, disabled, and veteran-owned businesses that are located within the area of operation for the construction phase of the project.

F. Comply with Prevailing Wage Requirement

At the time of final approval by the Agency Board, the Agency will notify the Nevada Labor Commissioner’s Office of the TIF approval, and the applicant will be required to obtain a Public Works Project Number and a listing of the most current prevailing wage rates for all classified positions, as published by the Nevada Labor Commissioner’s Office. Access to the current prevailing wage rates may be obtained at the following website – www.laborcommissioner.com.

G. Application Procedure for Tax Increment Financing

- 1) Applicant obtains the *Tax Increment Financing Application Summary and Submittal Requirements*, either from an Agency staff member, or from the following website: www.lasvegasnevada.gov.
- 2) Developer completes the application and provides the necessary submittal requirements for the preliminary approval as stated in the application.
- 3) Once the Agency has a complete application, Agency staff will review the application and all submittals for accuracy and completeness. If there are any items that are deemed by Agency

staff to be incomplete and non-responsive to the application, Agency will return the entire application back to applicant for resubmission.

- 4) After an application has been reviewed by Agency staff and is deemed complete, Agency staff will schedule the application for consideration by the Redevelopment Agency Board.
 - 5) Agency staff will submit the application to the Agency Board for review and consideration before the public hearing.
 - 6) If the Agency Board has any questions or requests for information regarding the application, Agency staff will work with applicant to obtain the necessary information for the Agency Board.
 - 7) Agency Board will hold a public hearing and considers the applicant's project for tax increment financing.
 - 8) If approved by Agency Board, Agency staff will send Applicant a preliminary approval letter outlining the Agency's requirements to enter into an Owner Participation Agreement (OPA) between the Agency and Developer. Developer will have twelve (12) months to meet conditions of preliminary approval by Agency Board.
 - 9) The OPA will be drafted between Agency and Developer and will be sent to City Attorney's Office and the City's Bond Counsel for review.
 - 10) Once draft OPA has been approved by City Attorney and City's Bond Counsel and Developer, Agency will place the item on the Agency Board calendar for consideration.
 - 11) Upon approval by the Agency Board, and executed by the Developer and Agency, the redevelopment project will be eligible for tax increment financing.
 - 12) To ensure project completion, Developer will provide Agency with a Performance Deposit of \$25,000 upon execution of the OPA. Performance Deposit will be returned upon issuance of the TIF Promissory Note by the Agency. Performance Deposit is non-refundable if Developer does not complete project as specified in OPA.
- H. What information must the developer provide in the TIF application? A complete Tax Increment Financing Application Summary and the required Submittals from the Checklist. (*See Attachment No. 3*).
- I. Payment of TIF through Promissory Note – Tax increment rebate will be done on an annual basis following completion of the project, submittal of a Certificate of Occupancy, and proof that property taxes were paid to the Clark County Treasurer's office.
- J. Tax Increment Financing Project Administration Fee

If the Agency Board approves a project, the Developer will be required to pay the Agency one-half of one percent (0.5%) of the total tax increment allocated for the project as an Agency administration fee. The total administration fee will be deducted out of the first TIF rebate check.

K. Owner Participation Agreement (OPA) Template

Once the Agency Board has approved the project for tax increment financing, an Owner Participation Agreement (OPA) must be executed between the Agency and the Developer, in a form similar to before any tax increment funds are rebated to the developer.

ATTACHMENT 3

CITY OF LAS VEGAS REDEVELOPMENT AGENCY

Tax Increment Financing Application Summary

Applicant Information

Project Name/Applicant Name: _____
 Name of Corporation and Development Entity: _____
 Applicant Business Address: _____

 Contact Name: _____
 Contact Phone: _____ Fax: _____ Email: _____
 Federal Tax ID Number: _____
 Type of Business Entity: Corporation Partnership Limited Partnership Individual
 Limited Liability Company, _____ State of Incorporation
 Other: _____

Project Information (Estimated Values at the Time of Submission)

Project address/location: _____
 Has site plan been submitted: Y/N Date Submitted: _____ Case Number: _____
 Assessor Parcel Number(s): _____
 Land Area: _____ sq. ft. and _____ acres Building Size: _____ sq. ft. No. of Floors: _____
 No. of Parking Spaces: _____
 Type of Project: For Sale Condo Residential Rental Incremental Ownership Other:
 Residential – Total Sq. Ft. _____ Mixed Use – Total Sq. Ft. _____

Residential Unit Breakdown:

	<u>No. of Units</u>	<u>Sq. Ft. of Units</u>	<u>Base Sale Price</u>	<u>Price per Sq. Ft.</u>
Studio	_____	_____	\$ _____	\$ _____
One-Bedroom	_____	_____	\$ _____	\$ _____
Two-Bedroom	_____	_____	\$ _____	\$ _____
Three-Bedroom	_____	_____	\$ _____	\$ _____
Other	_____	_____	\$ _____	\$ _____
Total No. of Units	_____			

<u>Use of Funds:</u>	<u>Amount</u>	<u>Percent</u>	<u>Sources of Funds:</u>	<u>Amount</u>	<u>Percent</u>
a. Land Acquisition	\$ _____	_____%	a. Owners Equity	\$ _____	_____%
b. Site Development	\$ _____	_____%	b. Construction Loan	\$ _____	_____%
1) Public Improvements	\$ _____	_____%	c. Mezzanine	\$ _____	_____%
c. Building Costs (Hard)	\$ _____	_____%	d. Seller Carry back	\$ _____	_____%
d. Soft Costs	\$ _____	_____%	e. Tax Increment	\$ _____	_____%
			f. Other	\$ _____	_____%
			TOTAL	\$ _____	_____%

Total Estimated Project Cost: \$ _____ Estimated Construction Start Date: _____

Estimated Total Amount of Tax Increment Financing Requested (in current dollars): \$ _____

No. of years TIF rebate requested: _____ (No rebates after calendar year 2031)

Estimated Annual TIF rebate generated: \$ _____

Do you have a market feasibility study? _____ Yes _____ No **If Yes, please attach.**

Please list what public improvement(s) are eligible for tax increment financing and estimated cost:

<u>Category A</u>	<u>Estimated Cost</u>	<u>Category A</u>	<u>Estimated Cost</u>
1) Streets, Curbs, Gutters:	\$ _____	10) Paving/Driveways:	\$ _____
2) Water Lines:	\$ _____	11) Flood Control:	\$ _____
3) Sanitary Sewer Lines:	\$ _____	12) Mass/Public Transit Facilities:	\$ _____
4) Storm Drainage Facilities:	\$ _____	13) Culverts, Manholes:	\$ _____
5) Ramps/Roads/Bridges:	\$ _____	14) Off-Street Parking Structures:	\$ _____
6) Retaining Walls/Tunnels	\$ _____	15) Landscaping/Fencing:	\$ _____
7) Artificial Lighting	\$ _____	16) Site Work/Grading:	\$ _____
8) Traffic Signals:	\$ _____	17) Walkways:	\$ _____
9) Sidewalks:	\$ _____	18) Signage:	\$ _____
		TOTAL CATEGORY A	\$ _____

<u>Category B</u>	<u>Estimated Cost</u>	<u>Category B</u>	<u>Estimated Cost</u>
1) Electrical Services:	\$ _____	4) Telecom Services:	\$ _____
2) Utility Infrastructure:	\$ _____	5) Utility Relocation:*	\$ _____
3) Utility Under-grounding:*	\$ _____	6) Other Items:	\$ _____
		TOTAL CATEGORY B	\$ _____

GRAND TOTAL of A & B \$ _____

(Please provide detail of "Other Items" and provide explanation why it qualifies as a public improvement.)

**Note – Pertains to qualified public improvements that may include on-sites and off-sites, according to the city's plans.*

Business name, Contact, Address, Work & Fax phone numbers for the following members of the development team:

Contractor: _____

Architect/Engineers: _____

Attorney: _____

Accountant: _____

Project Manager: _____

Construction Manager: _____

Development Consultant: _____

Property Owner(s), if different than developer: _____

TIF Application Submittal Requirements for Agency Consideration

(Note to Applicant – Before final RDA Board approval, all Exhibits from the checklist must be complete before RDA staff will submit your request for tax increment financing to the RDA Board.)

Submittals Required for Preliminary Qualification (from checklist below)

- Exhibit A – Tax Increment Application Affidavit
- Exhibit B – History of the Development Entity
- Exhibit C – Site Plan and Rendering
- Exhibit D – List and Breakdown of Sources and Uses of Funds to undertake project
- Exhibit E – Explanation how project complies with RDA Plan

(Note: Please see attached Exhibit A, which incorporates all requested items into one Developer affidavit)

Checklist

- Exhibit A – Tax Increment Application Affidavit *(submitted for preliminary qualification)*:
 - Developer will pay Prevailing Wage for the Project as determined by the Nevada State Labor Commissioner;
 - Developer will submit Employment Plan and comply with RDA Employment Plan Policy;
 - Developer will pay RDA Application Fee equal to one-half of one percent (1/2 of 1 %) of the total tax increment used for project;
 - Developer will list and cost out all eligible qualified Public Improvements for Tax Increment Financing;
 - Developer will acknowledge the maximum tax rebate available for the project;
 - Developer and/or lead financing entity sign affidavit that the project would not be financially feasible, if it were not for the RDA's Tax Increment Financing.
- Exhibit B – Declaration of Development Team and Disclosure of Principals and Entity, including:
 - History of the Development Entity *(submitted for preliminary qualification)*
 - Resumes of all principals and key individuals
 - Organizational structure of the development entity
 - Evidence of site control (i.e. deed, option to purchase, or purchase contract)
- Exhibit C – Description and Narrative of the Development Project, including:
 - Copies of Project Contracts and/or Memoranda of Understanding
 - Detailed Performance/Construction Schedule
 - Site Plan and Rendering *(submitted for preliminary qualification)*
- Exhibit D – Project Funding and Financial Information, including:
 - List and breakdown of Sources and Uses of Funds to undertake project *(submitted for preliminary qualification)*
 - Pro-forma statements for five (5) years or length of ownership of Development entity
 - Current financial statements (2 yrs); P & L (2 yrs); and Balance Sheet (2 yrs)
 - Current banking relationships
 - Performance bond references
 - Demonstration that performance bonds are required, finding of necessity
- Exhibit E – Explanation how project complies with RDA Plan

EXHIBIT A

TAX INCREMENT APPLICATION AFFIDAVIT

I, _____, being first duly sworn, depose and state under penalty of perjury as follows:

1. I am a corporate officer, managing member, or sole proprietor of _____ (“Applicant”), a company duly organized in the State of Nevada as a _____ (Corporation/LLC/Sole Proprietorship). The Applicant submits this application requesting tax increment financing for the project located at _____ (“Site”). The Applicant represents in this application and all information furnished in support of this application for the purpose of obtaining financial assistance under the City of Las Vegas Redevelopment Agency Tax Increment Financing Program (“TIF Program”) and is true and complete to the best of the Applicant’s knowledge and belief.

2. I hereby warrant that tax increment financing assistance from the Agency will allow the Applicant to undertake and complete the project which it could not otherwise do. Completion of this project will result in substantial benefit to the Redevelopment Plan Area and the neighborhood adjacent to the Project because of one or more of the following reasons (Please check all applicable reasons):

- a. Encourage the creation of new business or other appropriate development;
- b. Create jobs or other business opportunities for nearby residents;
- c. Increase local revenues from desirable sources;
- d. Increase levels of desirable human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located;
- e. Possess attributes that are unique, either as to type of use or level of quality and design;
- f. Require for their construction, installation or operation the use of qualified and trained labor; and
- g. Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for by the Agency.

3. The Applicant hereby acknowledges and declares that it will comply with the following submittal requirements for tax increment financing assistance from the Agency:

- a. Applicant will pay Prevailing Wage for the Project as determined by the Nevada State Labor Commissioner;
- b. Applicant will submit Employment Plan and comply with Agency Employment Plan Policy;

- c. Applicant will list and cost out all qualified Public Improvements for tax increment financing;
- d. Applicant will acknowledge the maximum tax rebate available for the project;
- e. Applicant will pay a tax increment financing origination fee of \$15,000 to the Agency at time of application submittal for Agency consideration;
- f. Applicant will be required to pay the Agency one-half of one percent of the maximum tax increment available for the project as an Agency administration fee, which will be deducted out of the first tax increment rebate check fee to the Applicant at completion of the Project; and

4. The applicant acknowledges and declares that no other reasonable means of financing the buildings, facilities, structures or other improvements are available, because of one or more of the following reason(s) as checked by the Applicant:

- _____ a. The Project, if financed by the Applicant through cash on hand or through debt financing from a private lender, would not result in a reasonable rate of return to the Applicant; or
- _____ b. The Applicant would not undertake the full set of improvements contemplated in Exhibit C- Description and Narrative of the Development Project through resources reasonably available to the Applicant.

5. The undersigned Applicant hereby agrees that the Applicant shall at all times indemnify and hold harmless the City of Las Vegas Redevelopment Agency, its employees, officers, directors, and consultants against all losses, costs, damages, expenses, and liabilities of any nature directly or indirectly resulting from, arising out of or relating to the acceptance, consideration, approval, or disapproval of this application for tax increment financing assistance.

DATED this _____ day of _____, _____

Signature Title

SIGNED AND SWORN TO before
me this _____ day of _____, 20____, by _____

NOTARY PUBLIC
My commission Expires:

EXHIBIT B

Declaration of Development Team and Disclosure of Principals and Entity

Attachment 1 – History of the Development Entity (*submitted for preliminary qualification*)

Attachment 2 – Resumes of all Principals and Key Individuals

Attachment 3 – Organizational Structure of the Development Entity

Attachment 4 – Evidence of Site Control (i.e. deed, option to purchase, or purchase contract)

EXHIBIT C

Description and Narrative of the Development Project

Attachment 1 – Copies of Project Contracts and/or Memoranda of Understanding

Attachment 2 – Detailed Performance/Construction Schedule

Attachment 3 – Site Plan and Rendering (*submitted for preliminary qualification*)

EXHIBIT D

Project Funding and Financial Information

Attachment 1 – List and Breakdown of Sources and Use of Funds (*submitted for preliminary qualification*)

Attachment 2 – Pro-forma Statements for 5-years or length of ownership of Development entity

Attachment 3 – Current Financial Statements (2 yrs); P & L (2 yrs); and Balance Sheet (2 yrs)

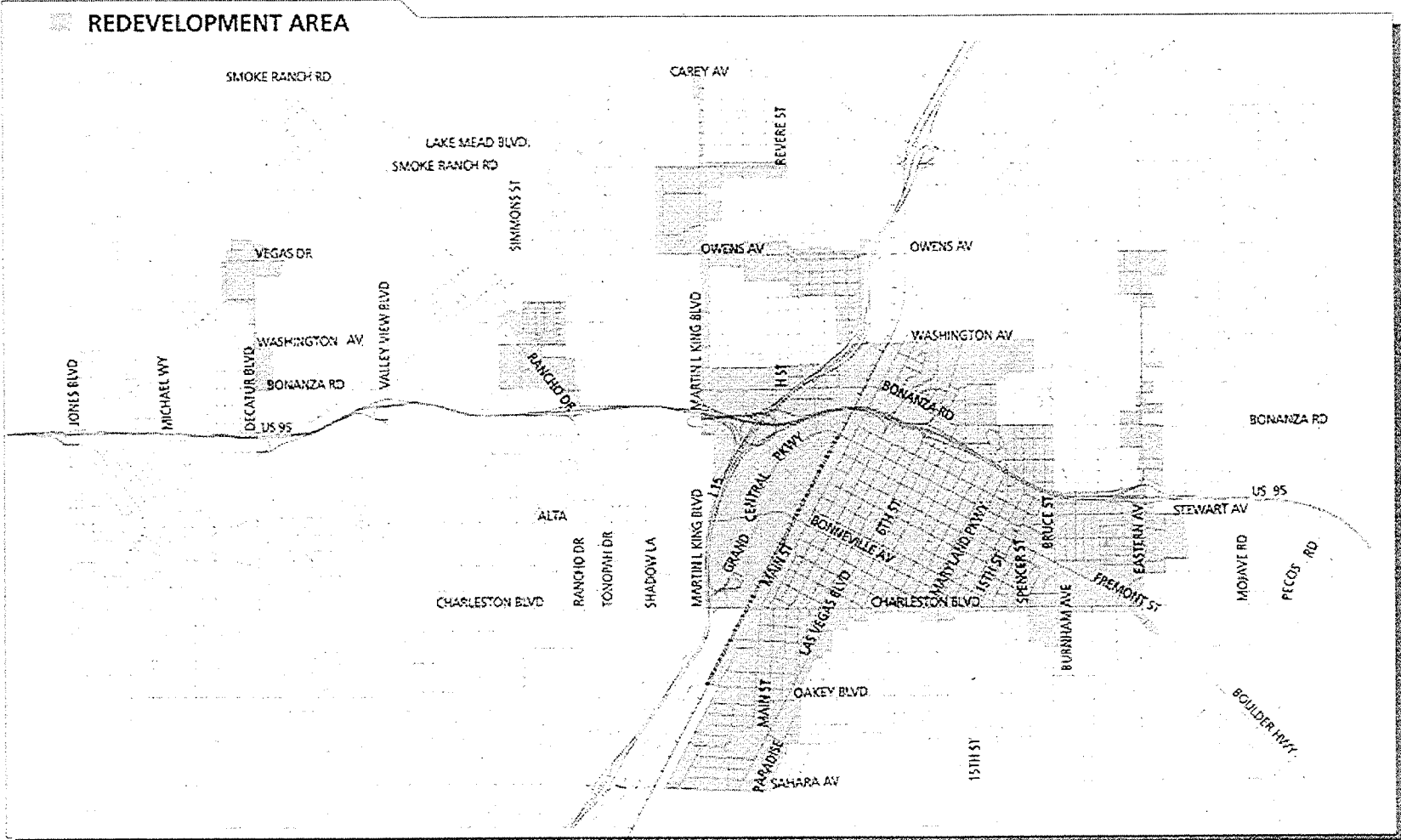
Attachment 4 – Current Banking Relationships and Performance Bond References

Attachment 5 – Demonstration that performance bonds are required, finding of necessity

EXHIBIT E

Explanation of How Project Complies with RDA Plan

ATTACHMENT 1 – REDEVELOPMENT PLAN AREA



Date of Map 1996

Source: City of Las Vegas Planning and Development Department (July 2004)



CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

Las Vegas Redevelopment Agency

EMPLOYMENT PLAN POLICY

Adopted

April 6, 2011

TABLE OF CONTENTS

Section 1

Las Vegas Redevelopment Agency

Term Descriptions

Section 2

Las Vegas Redevelopment Agency

Employment Plan Policy

Section 3

Las Vegas Redevelopment Agency

Reporting Template

SECTION 1: TERM DESCRIPTIONS

"Build-to-suit Developer" means any private developer who constructs a project in accordance with the customized specifications of a known owner and/or lessee to whom the developer will, upon completion, convey or lease the premises.

"Build-to-suit Owner/Lessee" means the owner or lessee of a project which has been constructed by the developer to the customized specifications of the owner/lessee.

"Developer of Speculative Space" means any private developer who constructs a project for the purpose of conveying or leasing the premises to an unknown owner and/or tenant.

"Disabled" means a physical impairment, with respect to an individual, that substantially limits one or more of the major activities of such individual: A record of such impairment; or Being regarded as having such impairment.

"Disposition and Development Agreement (DDA)" means an agreement that sets forth requirements for the sale, lease, exchange acquisition, or disposal of real property owned by the Agency, where a specific type of project is developed.

"Economically Disadvantaged" means any individual who meets the present poverty guidelines established by the Federal government as a poverty measure. The guidelines are issued each year in the Federal Register by the Department of Health and Human Services (HHS).

"Members of Racial Minorities" means or describes an individual that is: Black or African-American, Hispanic-American, Native-American, Asian-Pacific American, Subcontinent Asian-American, Native-Hawaiian or other Pacific Islander.

"Owner Participation Agreement (OPA)" means any agreements where the Agency is participating with a landowner for the development of a site by providing some form of financial concession.

"Participation Agreement (PSA)" means any agreements where the Agency is involved in the acquisition or sale of real property.

"Private Developer" means any person or entity that is proposing to construct a project and will receive financial assistance from the Agency and includes developers of either speculative or build-to-suit projects.

"Las Vegas Redevelopment Agency Resident" means an individual whose primary place of residence is within the Las Vegas Redevelopment Area boundaries.

"Veteran" means any honorably discharged soldier, sailor, marine, nurse, or army field clerk, as well as reserve components of these services, who have served in military service of the United States.

SECTION 2: LAS VEGAS REDEVELOPMENT AGENCY

EMPLOYMENT PLAN POLICY

POLICY

This employment plan policy is prepared in accordance with the Las Vegas Redevelopment Agency Employment Plan Resolution dated April 6, 2011 and prepared in accordance with Nevada Revised Statutes 279.482 (2). This employment plan policy (hereinafter referred to as the "Policy"), supersedes the amended Las Vegas Redevelopment Agency Employment Plan Policy dated June 6, 2001. In accordance with the Policy, private developers and build-to-suit owners which receive redevelopment project funds are required to hire residents who live within the Las Vegas Redevelopment Area and are encouraged to hire economically disadvantaged residents, members of racial minorities, women, disabled or veterans (hereinafter collectively referred to as "MW/D/VBE").

OBJECTIVE

The immediate purpose of this Policy is to provide developers and build-to-suit owners/lessees with the guidance necessary to prepare and implement an employment plan when participating in a private redevelopment project funded by the Las Vegas Redevelopment Agency (hereinafter referred to as the "Agency"). The ultimate result of this Policy is to ensure that the persons identified in the statute have the opportunity to benefit from redevelopment projects as fully as the community at large.

APPLICABILITY

Related Agreements: The requirements of the Policy shall be included in the Owner Participation Agreement ("OPA"), the Disposition and Development Agreement ("DDA") and/or Purchase and Sale Agreement ("PSA"), (hereinafter collectively referred to as "Agreements"), between the developer and the Agency.

Entire Project: Even though portions of a project may not be supported by redevelopment funds, private developers and build-to-suit owners/lessees may prepare and implement an employment plan for the entire project. Developers and build-to-suit owners/lessees who submit an employment plan for the entire project and meet the goals of that plan are eligible for an additional incentive to be determined on a pro-rated basis.

Public Agencies: A public agency which is using Redevelopment Agency funds for the design or construction of a project being built as a public work pursuant to NRS 338 is exempt from this Policy and therefore is not required to submit an employment plan. Instead, such public agency shall adhere to NRS 338 and any state and local law governing public works projects.

Threshold: All projects receiving redevelopment assistance from the Agency valued over \$100,000 must submit an employment plan and will be subject to reporting requirements. For

assistance valued under \$100,000 the developer or business shall submit an employment plan and use best efforts to achieve that plan in accordance with NRS 279.482.

RESIDENT PARTICIPATION REQUIREMENT

For new construction jobs and build-to-suit permanent employment jobs resulting from a private redevelopment project, the private developer is required to give preference to residents living within the Las Vegas Redevelopment Agency boundaries.

- **15% of all new jobs created as a direct result of the project are required to be filled by bona-fide residents of the Las Vegas Redevelopment Area — REQUIRED**

Verification of residence may be provided by the employee in the form of a drivers' license and/or by legal address as evidenced by their IRS tax forms. Participation shall be inclusive of subcontractors, sub-tier subcontractors, vendors and suppliers. **Reporting and demonstration of efforts is required.**

RESIDENT PREFERENCE INCENTIVE

Projects receiving Agency redevelopment assistance call for specific resident participation requirements which make the project eligible for an incentive. Accordingly, 10% of the negotiated incentive will be awarded as a bonus, if the resident participation requirement is achieved. A Pass/Fail approach will be used to determine compliance and partial achievement will not be considered.

The Agency's contract agreement will provide project-specific details regarding the negotiated incentive package and what the developer or build-to-suit owner/lessee must do to comply with the employment plan. The negotiated incentive will vary depending on the type of project being developed. For example, for those projects where non-cash incentives (i.e. sale of land below fair market value) are being provided, the Agency may require a cash deposit of 10% to be provided by the developer and the deposit will be returned based on successful achievement of participation goals.

Reporting and demonstration of efforts is required. Prior to the start of construction, failure to adhere to all required program elements, as further described below, will constitute grounds for withdrawal of the entire incentive.

MINORITY PARTICIPATION GOAL

The minority participation goal is designed for all segments of the local business community to have a reasonable and significant opportunity to participate in Las Vegas Redevelopment Agency contracts involving redevelopment projects.

- **15% participation of "M/W/D/VBEs" — ASPIRATIONAL GOAL**

The minority participation goal represents the total value of sub-contracts and materials agreements awarded to M/W/D/VBEs. Participation shall be inclusive of subcontractors, sub-

tier subcontractors, vendors and suppliers. **Reporting and demonstration of efforts is required.**

An M/W/D/VBE may participate as a prime contractor, sub-contractor, as a joint venture partner with a prime or sub-contractor, or as a vendor of materials and/or supplies. Only those sub-contractor(s) and suppliers contracting directly with or to be paid by the prime contractor may be credited towards the participation goals.

A sufficient portion of the work must be made available to sub-contractors and suppliers consistent with M/W/D/VBE availability and capacity. If the minority participation goals are not met, information documenting specific actions taken to achieve the goals must be submitted prior to the contract award to receive credit towards compliance.

PROGRAM ELEMENTS: PRIVATE DEVELOPER

Developers shall submit an employment plan for the construction phase of a project. The developer shall adhere to the employment plan only during the construction phase of the development.

Initial Submittals: The developer shall provide the Agency with a list of all contracts and dollar amounts let for construction as soon as available. The list must be kept up to date throughout the construction phase. The Agency recognizes that plans and specifications are often at an early stage of preparation when the Agreement is approved, making it impossible to identify in the employment plan the contracts being let for construction. Consequently, once bids are awarded, the developer shall submit an addendum to the employment plan identifying the construction projects.

Contracting Decisions and Waiver: The developer has the right to make the final decision on contracting, but the Agency will balance that right against the developer's duty to comply with the employment plan. If, after diligently implementing the employment plan, the developer has not identified enough qualified Redevelopment Area Residents or M/W/D/VBEs to meet the contracting requirements and goals, the developer may enter into contract for the construction of the project, but only after providing written notice and justification to the Agency.

Structuring the Bid by Size and Type of Work: Meeting the participation requirements and goals requires a developer to be proactive. Very early in the design process, the developer should work with their construction manager, architects, and engineers to design the project and structure the bid to facilitate bidding by residents and M/W/D/VBEs. Staff members of the City of Las Vegas (hereinafter referred to as "City") Equal Opportunity Contracting Section in the Purchasing and Contracts Division are available to assist in this process.

Input from M/W/D/VBE Contractors: After having designed the project from the beginning with a view toward making resident and M/W/D/VBE participation easier, the developer should seek input on the bid from local qualified contractors and subcontractors, including M/W/D/VBEs. This exchange of information often takes place during a pre-bid meeting. The developer can then make any necessary refinements to the project based on that information. A staff member of the City's Equal Opportunity Contracting Section should be a key participant.

Dissemination to M/W/D/VBE Contractors: Once bid documents are complete, the developer shall provide timely notice of bid letting to M/W/D/VBEs using the City's Minority Business Directory. The developer is not limited to the Minority Business Directory but may obtain minority contractors from other sources, provided they are approved in advance by the City's Equal Opportunity Contracting Section. The developer shall provide a copy of all required notices to the Agency.

Other Techniques and Procedures: In addition to providing direct notice of bid letting to residents and M/W/D/VBEs the developer will, as appropriate, employ some or all of the following techniques and procedures in an effort to encourage participation. The Agency makes no guarantee that an employment plan that includes any one of the following techniques and procedures, or any combination thereof, will be approved on that basis alone.

- Must place timely advertisements in newspapers of general circulation, trade association publications, and M/W/D/VBE-focused media concerning contracting opportunities; provide publisher's proof to the Agency.
- Will maintain contact and coordination with the City's Equal Opportunity Contracting Section to obtain directories and other information related to achieving the participation goals of the Policy.
- Will utilize referral agencies such as M/W/D/VBE community organizations, professional associations, small business assistance offices, and similar organizations that provide assistance to M/W/D/VBEs.
- Must ensure access by M/W/D/VBEs to plans and specifications and adequate information about the scope of services and other requirements.
- Must offer information to M/W/D/VBEs about bonding, lines of credit, and insurance.
- Shall advertise, solicit and accept qualified joint venture bids from local M/W/D/VBEs.

PROGRAM ELEMENTS: BUILD-TO-SUIT OWNERS/LESSEES

The owner/lessee of a project constructed by a build-to-suit developer shall also submit an employment plan for a twelve (12) month post-construction phase of the redevelopment project.

The build-to-suit owner/lessee shall adhere to the employment plan for at least as long as the redevelopment project remains subject to the Agreement. Each Agreement will include the specific time periods based on the particular relevant aspects of the project.

This Policy applies to new, permanent jobs created as a direct result of the redevelopment project during the period of contract performance. All subcontractors of permanent operations will be required to adhere to the employment plan through contractual language included in any Agreement with the build-to-suit owner/lessee.

Initial Submittals: The owner/lessee shall provide a description of the existing opportunities for employment. The owner/lessee shall also provide a projection of the effect that the redevelopment project will have on opportunities for employment within the area. Lastly, the owner/lessee shall provide a description of the manner in which an employer relocates the business into the area and plans to employ residents and persons living within the area of

operation and economically disadvantaged, minority, women, and disabled or veteran-owned business enterprise.

Project Impact: The build-to-suit owner must supply the following information to the Agency: A projection of the effect the project will have on opportunities for employment within the area. In particular, the number of new jobs created as a result of the redevelopment project and a description of skills required for filling the positions.

Policy Requirements: The Agency shall have the authority to modify the participation goals of this section after a showing of just cause through the appeal process. This includes the refilling of those jobs for the duration of the employment plan.

Project Description: The build-to-suit owner/lessee is required to submit an employment plan which describes how the operation will employ Las Vegas Redevelopment Area residents and aspire to employ persons who are: Economically Disadvantaged, Members of Racial Minorities, Woman, Disabled and Veterans.

Referral Agencies: The build-to-suit owner/lessee shall, as part of the employment plan, utilize one or more of the referral agencies in the Policy for the purpose of receiving qualified job applicants. Only nominal administrative fees may be charged to the employee by non-profit referral agencies for referral or job placement. The following referral agencies, by virtue of their activities, are recognized as having knowledge of the applicant pool available to assist in the location of and, in some cases, training and upgrading of skills of qualified applicants to fill the unique needs of each business.

<p>Asian Chamber of Commerce 2560 Montessori St. Ste. 205 Las Vegas, NV 89117 (702) 737-4300 lvacc.org</p>	<p>Key Foundation 1001 N. A St. Las Vegas, NV 89106 (702) 384-0202</p>	<p>NAACP, Las Vegas Chapter 3340 S. Topaz St. Ste. 150 Las Vegas, NV 89121 (702) 638-1300 naacplv.org</p>	<p>Nevada Partners, Inc. 710 W. Lake Mead Blvd. Las Vegas, NV 89030 (702) 399-5627 nevadapartners.com</p>
<p>Bureau of Vocational Rehabilitation of So. Nevada 3016 W. Charleston Las Vegas, NV 89102 (702) 486-5230 http://detr.state.nv.us/</p>	<p>Las Vegas Indian Center 2300 W. Bonanza Rd. Las Vegas, NV 89106 (702) 647-5842 lasvegasindiancenter.org</p>	<p>National Association of Women in Construction (NAWIC) 150 N. Durango Dr., Ste. 100 Las Vegas, NV 89145 (702) 796-9986 nawiclasvegas.org</p>	<p>Urban Chamber of Commerce 1951 Stella Lake St. Ste.26 Las Vegas, NV 89106 (702) 648-6222 urbanchamber.org</p>
<p>College of Southern Nevada 6375 W. Charleston Blvd. Las Vegas, NV 89146 (702) 651-7563 csn.edu</p>	<p>Las Vegas Urban League 1024 W. Owens Ave Las Vegas, NV 89106 (702) 483-4200 lvccul.org</p>	<p>Nevada Job Connect 3405 S. Maryland Parkway Las Vegas, NV 89169 (702) 486-0129 nevadajobconnect.com</p>	<p>Veterans Chamber of Commerce 2691 Industrial Rd. #40 Las Vegas, NV 89109 (702) 791-1791 veteranschamberv.org</p>
<p>Easter Seals of Southern Nevada 6200 West Oakey Blvd. Las Vegas, NV 89146 (702) 870-7050 http://sn.easterseals.com</p>	<p>Latin Chamber of Commerce 300 N. 13th St. Las Vegas, NV 89101 (702) 385-7367 lvcc.com</p>	<p>Nevada Minority Business Enterprise Center (NMBEC) 626 S. 9th St. Las Vegas, NV 89101 (702) 382-9522 http://newventurescdc.com/nv</p>	<p>Women's Chamber of Commerce 2300 W. Sahara Ste. 800 Las Vegas, NV 89102 (702) 733-3955 womenschamberofnevad</p>

		mbec.html	a.org
Foundation for an Independent Tomorrow 1931 Stella Lake Drive Las Vegas, NV 89106 (702) 367-4348 lasvegasfit.com	National Association of Women Business Owners (NAWBO) PO Box 96355 Las Vegas, NV 89193 (702) 571-0462 nawbosnv.org	Nevada Office of Veterans Services 950 W. Owens Dr. Room 111 Las Vegas, NV 89106 (702) 636-3070 veterans.nv.gov	Women's Development Center 4020 Pecos McLeod Las Vegas, NV 89121 (702) 796-7770 wdclv.org

Training: Build-to-suit owner/lessee shall establish an in-house training program for promoting employees, provided the business employs more than total of twenty-five (25) employees. The training program shall be included as part of the employment plan.

Procedural Guidelines for Outreach/Hiring: The build-to-suit owner/lessee agrees to submit written notification to the referral agency of job positions available for hire at least thirty (30) working days prior to the employer's anticipated hiring date.

- Such written notification shall include a description of the required job qualifications, the rate of pay, the anticipated hiring date, and the date by which the referral agency must refer qualified applicants to the build-to-suit owner/lessee in order to be considered for hiring to the vacant position including management, technical, and professional positions.
- The build-to-suit owner/lessee need not notify the referral agency of any vacancy to be filled by an internal promotion from the existing work force.
- In the event the referral agency fails to refer qualified individuals within thirty (30) working days for consideration of the vacant job openings of which the build-to-suit owner/lessee has notified the referral agency, the build-to-suit owner/lessee will be free to directly fill any remaining positions after so notifying the referral agency in writing.
- The build-to-suit owner/lessee shall make the final decision on hiring new employees but shall be encouraged to select employees from among qualified persons referred by the referral agencies. This does not release the build-to-suit owner/lessee from the requirements of this Policy.
- The build-to-suit owner/lessee will not discriminate against any applicant for employment because of race, religion, age, handicap, color, sex or national origin.
- The Agency shall be copied on all written correspondence between the build-to-suit owner/lessee and the referral agency.

Owners/Lessees: An owner/lessee of speculative space is under no obligation to submit an employment plan for tenants or lessee of speculative space, but may do so on a voluntary basis. The initial owners/lessees of speculative space who submit an employment plan and meet the resident and minority participation goals of that plan are eligible for an incentive in the same manner as a build-to-suit owner/lessee.

REPORTING REQUIREMENTS

When the Agreement for the project has been executed, the developer or build-to-suit owner/lessee will be required to submit an employment plan in accordance with NRS 279.482

(2) and the Agency's Employment Plan Policy. The submittal of the reporting templates is a demonstration of a good faith effort. **Failure to report is grounds for denial of the resident preference incentive.**

A report to the Agency is due within thirty (30) calendar days after the end of each calendar quarter. In an effort to provide accountability, accuracy and consistency, a standard Agency reporting template has been developed, a copy of which is found in Section 3 of the Policy. All exhibit checklists shall be complete and copies of correspondence and advertisements are to be attached to the report. The templates may be modified by the Agency at any time to ensure uniform and accurate reporting.

The Agency shall use this information for the sole purpose of determining compliance of the owner/lessee with the submitted employment plan. Affected employees shall be notified that this information is being reported to the Agency. This information shall not be submitted to any other person or organization for any other purpose.

APPEALS

If, after diligently implementing the employment plan, a developer or build-to-suit owner/lessee fails to achieve contractually agreed upon participation goals, an appeal may be submitted. The developer or build-to-suit owner/lessee must be prepared to present the following analysis for consideration:

- A demonstration of specific actions taken in the pursuit of fulfilling the resident participation requirements and minority participation goals.
- Must be able to show there are no significant opportunities for subcontractors to perform a commercially useful function in the contract.
- Subcontract opportunities will significantly and adversely affect the overall cost of the project.

The procedure for submission and hearing of appeals is as follows:

- Contact the City's Equal Opportunity Contracting Section for an appointment to present analysis and to discuss obstacles for meeting the resident participation requirements or minority participation goals. A staff recommendation will be made and forwarded to the Executive Director of the Agency.
- The Executive Director will review the analysis and staff recommendation and make a decision on whether a project-specific employment plan modification is warranted. If the decision is in favor of no modification, the developer/client may appeal to the Governing Board of the Agency.
- Final decisions regarding ability to meet the Policy requirements in the agreement shall rest with the Governing Board of the Agency.

NEVADA REVISED STATUTES

NRS 279.482 The imposition of conditions on developers, build-to-suit owner/lessees and purchasers; employment plan required in proposal for redevelopment project.

As appropriate for the particular project, each proposal for a redevelopment project must also include an employment plan. The employment plan must include:

- (a) A description of the existing opportunities for employment within the area;
- (b) A projection of the effect that the redevelopment project will have on opportunities for employment within the area; and
- (c) A description of the manner in which an employer relocating a business into the area plans to employ persons living within the area of operation who:
 - (1) Are economically disadvantaged;
 - (2) Have a physical disability;
 - (3) Are members of racial minorities;
 - (4) Are veterans; or
 - (5) Are women.