

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY
MARCH 8, 2016
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT:

___ TODD RULISON, CHAIRMAN
___ JOSEPH SEMIONE, VICE CHAIRMAN
___ WILLIAM SULLIVAN, TREASURER
___ JOE GILLIS, SECRETARY
___ DIANA PUTNAM, MEMBER
___ DAVE D'AMORE, MEMBER
___ TIM MUNN, MEMBER
___ JAMES MRAZ, IDA EXECUTIVE DIRECTOR
___ RON PETERS, FULTON COUNTY CENTER FOR REGIONAL GROWTH
___ MIKE ANICH, LEADER-HERALD
___ AMY PEDRICK, WEST & COMPANY
___ CHRIS MARTELL, HODGSON RUSS, LLC

I. MINUTES FROM FEBRUARY 9, 2016 MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :

II. BUDGET REPORT:

MOTION :
MADE BY :
SECONDED :
VOTE :

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- No report.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. OLD BUSINESS:

A. Tryon Technology Park Project:

1. Vireo Health Lot Sale:

- Closing scheduled for March 28, 2016.
- Closing documents have been executed by IDA Chairman and forwarded to Vireo Health.
- Payment to Fulton County?

IDA DISCUSSION:

2. License Agreement:

- Amendment No. 2 to License Agreement has been executed. This Amendment extends the License Agreement until March 31, 2016.

3. Tryon Website:

- www.tryontechnologypark.com
- Site went live 3/1/16.

4. Tryon Marketing Brochure:

- Review Brochure.

5. Tryon Sign:

- Sign will be located on left side of entrance road.

6. Tryon Targeted Industry Cluster:

- DCG Corplan has identified the following seven (7) Industry Clusters that Tryon should be marketed to:
 - Biomedical Research & Development

- Food & Beverage
- HQ & Business Services
- Health Care Products & Services
- Electronics
- Renewable Energy
- Software & Media

- Prospectuses for each cluster have been prepared.

7. Tryon Lead Generation:

- DCG Corplan has retained Applied Marketing from Evans, Indiana to perform Lead Generation work for Tryon.
- Applied Marketing will attempt to develop “Qualified Leads” in these Industry Clusters.
- Qualified leads will be turned over to Fulton County for the County’s Economic Development Team to reach out to and contact to discuss Tryon.

8. Tryon Lawn Mowing for 2016:

- RFP will be going out shortly to obtain proposals from local firms to cut grass at Tryon.
- Proposals due April 20, 2016.

9. Tryon Wastewater Pump Station:

- One (1) section of sewer drain just prior to pump station needs to be cleaned out.
- C.T. Male obtain price: Estimated \$3,000-\$5,000

V. **NEW BUSINESS:**

A. **Review Draft Audit of IDA’s 2015 Financial Statements:**

1. **Key Finding:**

- Based upon West & Company’s review of the IDA’s 2015 financial records, West & Company has issued an “unqualified opinion.”
- This is the best opinion the IDA can receive.
- The IDA has consistently received unqualified opinions on its audits.

2. **Presentation by West & Company: (Amy Pedrick)**

IDA DISCUSSION:

IDA ACTION:

MOTION: To approve the Audit as submitted by the West & Company and authorize the Executive Director to file the Audit in PARIS.

MADE BY:

SECONDED:

VOTE:

B. Proposed Johnstown Renewables Project:

1. Background:

- At its February 9, 2016 meeting, IDA member received and reviewed a Project Application from Johnstown Renewables, LLC (JR).

2. Project Ownership:

- JR is organized as a Delaware limited liability company and is authorized to do business in New York State.
- Members include:
 - CRE Capital, LLC
 - New Age Renewable Energy

3. Project Structure:

- A lease/leaseback arrangement with the IDA is proposed for this project.
- In this structure, following the sale from the IDA to JR, JR would lease the property to the IDA and then the IDA would lease the land and improvements back to the Company to operate.
- It is proposed to enter into a 10-year lease with JR.

4. Project Description:

a. General:

- JR is proposing to construct and operate an acid whey processing plant in the Johnstown Industrial Park.
- The JR Project consists of two (2) key components:
 - 1) Acid Whey Processing Facility.
 - 2) Acid whey pipeline.

b. Acid Whey Processing Facility:

- The acid whey processing facility will consist of two (2) major components:
 - 1) Acid whey dewatering using filtration technology.
 - 2) Processing of acid whey concentrate into renewable commodities using fermentation and distillation technology.
- The facility shall include the following key components:
 - 1) Acid whey receiving Area Receiving buffer tank, offloading bay.
 - 2) 35' tall, pre-engineered metal processing building Area: Whey de watering, fermentation, by products processing, storage and office space.
 - 3) Distillation Area: 69' distillation columns, finished product tank, water tank, product offloading. All tanks will be installed on own concrete slabs.

c. Acid Whey Pipeline:

- Two (2) 4" stainless steel, underground pipelines will transport acid whey from FAGE's plant to JR's Acid Whey Processing Facility.
- Both lines will have the capacity to transmit 200 gallons per minute (gpm) of whey.
- There will be approximately 780' of piping installed.

d. Products to be made from Acid Whey:

- Ethyl Alcohol
- Dry yeast feed for livestock

- e. Water and Wastewater:
 - Process will require City water only for the human consumption.
 - All process water will be produced via filtration of acid whey.
 - Wastewater discharged to the wastewater treatment plant will be similar to a regular household strength.
 - The plant, at its peak, will discharge up to 160 gpm or 230,400 gallons/day of wastewater into the existing City's sanitary sewer infrastructure.
- f. Agreement with FAGE:
 - JR has executed an Agreement with FAGE to take FAGE's acid whey.
 - This Agreement calls for JR to start accepting FAGE's whey by October 31, 2016.

5. Permits/Approvals Required:

<u>Agency</u>	<u>Permit/Approval</u>	<u>Status</u>
• City Planning Board	: Site Plan	Approved 3/1/16
• City Zoning Board of Appeals	: Area Variance	Approved 2/2/16*
• City Common Council	: Easement to cross Enterprise Drive	
• IDA	: Sell Lot/Site Plan	
• NYSDEC	: Air Permit	

* Planning Board approved the variance needed to install tanks that would be higher than allowed by City's Zoning Ordinance.

6. SEQR:

- IDA has received and reviewed an Environmental Assessment Form (EAF) for the proposed project.
- City of Johnstown Planning Board met on February 2, 2016 and designated themselves as SEQR Lead Agency.
- City of Johnstown Planning Board met on March 1, 2016 and issued a Negative Declaration.
- Based upon the IDA's review of the Project Application, EAF and Site Plan, the proposed project can be constructed and operated without creating any significant impacts on the environment.

IDA DISCUSSION:

IDA ACTION:

MOTION: To ratify the City of Johnstown's finding that the proposed project will not create any significant impacts on the environment and that a Negative Declaration should be issued.

MADE BY:

SECONDED:

VOTE:

7. Purchase and Sale Agreement:

- Johnstown Renewables desires to purchase 5.374 acres of land on the north side of Enterprise Drive.
- Total Lot Sale: 5.374 x \$20,000/acre = \$107,500
- A Purchase and Sale Agreement has been prepared and reviewed by IDA Counsel.
- The IDA Board at its February 9, 2016 meeting authorized the Chairman to execute the Agreement subject to its final review and approval by the IDA Attorney and Executive Director.

8. Administrative Fee:

- As a straight lease project, the IDA's Fee Schedule calls for the Applicant to pay an Administrative Fee to the IDA.
- Administrative Fee would be .25% of the total expenditures that will be subject to Sales Tax Exemption.
- This fee would be paid at the closing.

9. Application for Tax Exemption:

a. Financial Assistance Requested:

- 1) 485-b Real Estate Tax Exemption.
 - 50% exemption on real property taxes in year 1.
 - The exemption would decrease 5%/year.
 - The exemption would expire at the end of year 10.
- 2) Sales Tax Exemption.
 - Estimated \$13 million of machinery and equipment would be purchased that would be subject to the Sales Tax Exemption.
- 3) Mortgage Recording Tax Exemption.

b. Public Hearing:

- 1) The value of the financial assistance requested by Johnstown Renewables exceeds \$100,000.
- 2) As a result, the IDA was required to schedule and conduct a public hearing.
- 3) The public hearing was held on:

**Tuesday
March 1, 2016
2:00 p.m
Common Council Chambers
Johnstown City Hall
33-41 East Main Street
Johnstown, NY**

- 4) No one spoke at the public hearing.

IDA DISCUSSION:

IDA ACTION

MOTION: To approve the financial assistance requested by Johnstown Renewables on their Application for Tax Exemption.

MADE BY:
SECONDED:
VOTE:

10. New Jobs:

- JR's Project Application states that the project would create approximately 27 permanent, new jobs with an average rate of \$26/hour.

11. 90-Day Notice:

- 90-day notice was sent on February 9, 2016.
- The IDA must wait until May 9, 2016 to close on selling the 5.374 acre parcel to JR.

12. License Agreement:

- JR desires to purchase the 5.374 acre parcel from the IDA to construct and operate a whey processing facility on.
- JR desires to start work on its project as soon as possible.
- The IDA can't sell the 5.374 acre parcel until after May 9, 2016.
- As a result, it is proposed that the IDA enter into a License Agreement with Johnstown Renewables.
- The License Agreement would allow JR, if they were ready, to start work on their project while the land is still owned by the IDA.
- This would be a similar arrangement the IDA had with Vireo Health.
- The License Agreement would terminate on the earlier of:
 - June 30, 2016
 - Date JR closes on the purchase of the 5.374 acre parcel from the IDA.
- This Agreement would only be executed if JR was ready to start construction prior to May 9, 2016.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to execute a License Agreement with Johnstown Renewables, LLC subject to the License Agreement's final approval by the IDA Attorney and Executive Director.

MADE BY:
SECONDED:
VOTE:

13. Appointment of Project Operator:

- NYS Department of Taxation and Finance requires IDA's to file an ST-60 Form which appoints a Project Operator.
- The Project Operator is the entity that will receive Sales Tax Exemptions and report those exemptions to the NYS Department of Taxation and Finance.
- The period for which Sales Tax Exemptions will be granted for this project shall be the date the Preliminary Agreement is signed to June 1, 2017.

14. Preliminary Agreement:

- Kara Lais has prepared a Preliminary Agreement between the IDA and JR.
- The Preliminary Agreement outlines the IDA's and JR's rights and duties with respect to the proposed project, outlines the structure of the project and designates JR as the IDA's Project Operator.
- This Preliminary Agreement would remain in effect until the Lease Agreement is executed.
- The Preliminary Agreement was e-mailed to IDA members on Wednesday, March 2, 2016.
- Review Preliminary Agreement.

15. Inducement Resolution:

- Kara Lais has prepared an Inducement Resolution for the IDA Board to act on.
- Inducement Resolution was e-mailed to all IDA Board members on March 2, 2016.
- Review Inducement Resolution.

IDA DISCUSSION:

IDA ACTION:

MOTION: Approve an Inducement Resolution to take preliminary action toward undertaking the Johnstown Renewables' Project, appoint Johnstown Renewables, LLC Agent of the IDA for the purpose of constructing and equipping the Project Facility, authorizing and directing the IDA Attorney or Executive Director to file an ST-60 Form with NYS Taxation and Finance and authorizing and directing the Chairman to execute a Preliminary Agreement by and between the IDA and Johnstown Renewables, LLC subject to the final approval of IDA Counsel and Executive Director.

MADE BY:

SECONDED:

VOTE:

C. Executive Session:

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:
 - i. matters which will imperil the public safety if disclosed;
 - ii. any matter which may disclose the identity of a law enforcement agent or informer;
 - iii. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - iv. discussions regarding proposed, pending or current litigation;
 - v. collective negotiations pursuant to article fourteen of the civil service law;
 - vi. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 - vii. the preparation, grading or administration of examinations;
 - viii. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.**

MOTION: To go into Executive Session to discuss, **“the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.”**

MADE BY :
SECOND :
VOTE :
TIME :

MOTION : To go out of Executive Session.
MADE BY :
SECOND :
VOTE :
TIME :

D. Capital Resources Corporation:

1. Background:

- On January 31, 2008, the provisions of the New York State General Municipal Law that authorized the Fulton County Industrial Development Agency and other IDA's to issue tax-exempt revenue bonds for charitable entities expired.
- The NYS Legislature has not adopted new legislation to allow IDA's to continue to provide this type of financing to not-for-profit entities.
- Historically, tax exempt revenue bond financing has been an important economic development tool.
- Not-for-profit entities in Fulton County that have benefitted from this tax-exempt financing include Nathan Littauer Hospital and Fulton County YMCA.

2. Capital Resources Corporation:

- a. An alternative now exists to provide not-for-profit entities access to tax-exempt revenue bond financing.
- b. This involves the formation of a Capital Resource Corporation (CRC) under the New York State Not-For-Profit Corporation Law.
- c. A CRC would generally exist for the same public purposes as the IDA and have the power to issue tax-exempt bonds for the benefit of not-for-profit borrowers.
- d. Hodgson Russ, the IDA's Bond Counsel, submitted a written request to the Internal Revenue Service (IRS) for a private letter ruling regarding the authority of a CRC to issue tax-exempt revenue bonds for the benefit of not-for-profit corporations.
- e. The IRS issued a positive ruling thereby validating that CRC's can issue tax exempt financing for not-for-profit entities.

3. Formation of a Capital Resource Corporation:

- a. The following steps would need to be taken to forming and structuring a Fulton County Capital Resource Corporation:
 - 1) Agency Resolution. The IDA Board would adopt a resolution approving a proposed Certificate of Incorporation and authorize the Chairman or Executive Director to approach the Board of Supervisors regarding the formation of a CRC.
 - 2) Board of Supervisors' Resolution. The IDA would present the proposed Certificate of Incorporation, along with the resolution approving such proposed Certificate of Incorporation, to the Board of Supervisors and request that the Board of Supervisors approve the proposed Certificate of Incorporation and the formation of a CRC.
 - 3) Filing of the Certificate of Incorporation. Once approved by the Board of Supervisors, the IDA would file the certificate of incorporation and the CRC begins its existence. Once formed, the IDA Board would comprise the Board of Directors of the newly formed CRC.

4. Key Terms of the Certificate of Incorporation:

- a. The purpose of the CRC would be to promote community and economic development and creation of jobs in the non-profit and for-profit sectors.
- b. The CRC would be subject to the provisions of the Public Authorities Accountability Act of 2005.
- c. The CRC would be authorized to issue bonds.
- d. The CRC's operations would be limited to Fulton County.
- e. The CRC would be managed by a Board of Directors appointed by and serve at the pleasure of the Board of Supervisors.

- f. The CRC's Board of Directors shall consist of the members of the IDA. The members of the Board of Directors shall not be entitled to compensation.
- g. The CRC shall prepare an annual financial report and file it with the County. The CRC shall be subject to audit by the County, the Authority Budget Office and the Office of the State Comptroller.
- h. The CRC would be a "public body" for purposes of the Open Meetings Law.
- i. The CRC must hold a public hearing with respect to proposed projects with the same notice as required under Section 859-a of the General Municipal Law.
- j. Any amendment of the Certificate of Incorporation or by-laws of the CRC would be subject to approval by the Chairman of the Board of Supervisors.

5. Questions from February 9, 2016 Meeting:

- At the February 9, 2016 meeting, IDA Board members raised several questions regarding a CRC and asked Jim Mraz to forward those questions to Hodgson Russ, LLC. The following responses were received:

Q. What risks would there be to the IDA if a CRC was created and then deemed by New York State to no longer be eligible to issue tax exempt financing?

A. There is a risk that NYS Law could be changed to eliminate their power to issue bonds. Any such change would be prospective.

Q. What purposes could a CRC expend funds on? Would a CRC be able to expend funds in a similar capacity that an IDA can?

A. The powers of the CRC are also very broad. Can make loans and make grants.

Q. Would there need to be an Executive Director type position for a CRC similar to an IDA.

A. Yes. A parallel structure to the IDA.

Q. Can some other entity other than a CRC issue tax exempt financing?

A. No local entity in Fulton County. The State Dormitory Authority has power to issue bonds for NFP corporations.

Q. Is there any chance that the NYS Legislature will re-establish the authority of an IDA to issue tax exempt financing?

A. Possibility. But any such Legislation would be obviously subject to the legislative process (and the demands of various interest groups (e.g., prevailing wages, etc.)

6. Presentation by Chris Martell, Hodgson Russ, LLC:

7. Resolution:

- See proposed Resolution.

IDA DISCUSSION:

IDA ACTION:

MOTION: To adopt a Resolution approving the creation of a Capital Resources Corporation, to recommend to the Board of Supervisors to create a Capital Resources Corporation and authorizing and directing the Executive Director or Chairman to submit the IDA Board's recommendation to the Board of Supervisors.

MADE BY:
SECONDED:
VOTE:

VI. OTHER BUSINESS:

A. Fulton County Development Strategy:

- Fulton County will be hiring a professional consultant to prepare a Fulton County Development Strategy.
- The Strategy will:
 - Identify a vision for where Fulton County wants to be in 10 years.
 - Identify a series of projects, initiatives, ideas, goals and recommendations to achieve that vision.
- Key work tasks to be completed include:

1. Prepare a Fulton County Profile:

- A. Prepare Fulton County Profile to utilize in promotional/marketing materials.
- B. The color Profile will provide a "snapshot" of information about the County and will include graphs, tables, charts, maps, photos and images.

2. Prepare Two (2) Marketing Videos:

- A. The first video shall be an overall County video that will be placed on the County's website. This video shall highlight the positive aspects of living and doing business in Fulton County.
- B. The second video shall be of the Tryon Technology Park that will be placed on the Tryon website.

3. Prepare Marketing Brochure for Two (2) Development Areas:

A. Hales Mills Road Extension and Vails Mills Development Areas:

- 1. Attend meetings of Town Planning Boards to:
 - a. Assist the Towns in developing a vision and plan for the Development Area.
 - b. Assess the potential for retail, commercial and housing developments in the Development Areas:
 - Conduct a Retail Trade Area analysis and market research to document the potential for retail development.
 - Assess the potential for developing the type of housing identified in the Housing Study.
 - Assess the potential for commercial development.
- 2. Prepare color maps of the Development Areas that show the Town's vision/plan for the area. This map should identify:
 - Potential retail sites.
 - Potential housing sites.
 - Potential commercial sites.
 - Open space.
 - Other spaces.
- 3. Prepare graphic illustration of one (1) retail and one (1) housing development.

4. Prepare a Marketing Brochure to provide developers, contractors and investors who may be interested in pursuing a retail, commercial or residential project along these Development Areas. At a minimum, the Brochure shall include:
 - Color map of the Development Area showing potential retail, commercial, residential and other uses.
 - Color graphic illustrations of one (1) retail and one (1) housing sites. Illustrations shall include lot size, setbacks, maximum lot development ratio and other site information.
 - Excerpts from Housing Strategy documenting need for the type of housing shown on map.
 - Retail Trade Area analysis and market research to document that site(s) can support retail development.
 - Other data and technical analyses to support potential for retail, commercial and housing development in this Area.

4. Prepare a Fulton County Housing Strategy:

- A. Inventory the existing housing stock in Fulton County:
 - # of housing units by type: single-family, apartment, townhouse, condo, etc.)
 - # of housing units by units in structure
 - # of housing units by occupancy status and tenure
 - # of housing units by year structure built
 - # of housing units by ownership
 - Home values
 - Rents paid
 - Other
- B. Identify current and projected housing demand/needs:
 - Identify and quantify existing and potential future market demand/need for different housing types.
 - Identify and quantify special housing needs (i.e.; intergenerational/life cycle housing, senior housing).
 - Contact Gloversville Housing Authority, Fulton County Community Heritage Corporation, Fulton County realtors and others involved with housing to identify and quantify unmet housing needs and housing demand.
- C. Meet with at least three (3) housing developers to discuss:
 - Fulton County's existing housing stock.
 - Their assessment of the housing market in Fulton County.
 - What impediments exist to investing in housing in Fulton County.
 - What incentives are needed to encourage investment into housing in Fulton County.
- D. Identify other potential impediments of housing development in Fulton County (i.e.; State codes, local regulations, etc.).
- E. Identify all programs and incentives available to encourage investment into housing:
 - Recommend ideas and local incentives to attract private investment into new housing in the County.
 - Recommend financing and marketing initiatives to encourage private investment into new housing in the County.
- F. Meet with the Cities of Gloversville and Johnstown to:
 - Identify and map existing buildings having potential to be repurposed into housing.
 - Identify and map existing buildings to demolish to make room for new housing.
 - Identify and map existing vacant sites for new housing.
 - Identify and map targeted residential neighborhoods that the Cities desire to redevelop.
 - Identify the types of municipal assistance (infrastructure development, streetscape improvements, tax breaks, marketing) that would encourage housing development in targeted neighborhoods.

- G. Based on the County’s “SMART Waters” initiative, identify and map sites outside the two (2) Cities where larger-scale residential developments could be pursued:
 - Prepare illustrations of three (3) sites for new housing developments.
- H. Prepare Fulton County Housing Strategy Report.

5. Prepare Retail Strategies for Retail Trade Areas:

A. Identify Retail Trade Areas:

1. Define Retail Trade Area for the following four (4) Areas:
 - Hales Mills Road Extension
 - Vails Mills
 - Downtown Gloversville
 - Downtown Johnstown
2. Within each Retail Trade Area collect and analyze, at a minimum, the following data:
 - Population Detail
 - Age
 - Households
 - Educational Attainment
 - Occupied Dwellings
 - Other
 - Per Capita and median family income
 - Traffic Counts
 - Other
3. Prepare Profiles for each Retail Trade Area.
4. Within each Retail Trade Area:
 - Identify and map existing retail types.
 - Perform Retail Gap Analysis to estimate the spending potential.
 - Identify and map potential retail sites.

B. Prepare Retail Strategy for each Retail Trade Area that, at a minimum, includes:

1. All data collected and analyzed.
2. Identify what retail opportunities exist in each Retail Trade Area.
3. Recommend strategies to attract Retail to each Retail Trade Area.

6. Downtown Redevelopment:

- A. Conduct two (2) meetings with officials in each City to obtain their input on:
- 1) Defining the boundaries of each “Downtown.”
 - 2) Their vision for their Downtown.
 - 3) Their ideas, projects and initiatives to achieve that vision.
 - 4) Their top three (3) projects/initiatives each City desires to implement to promote downtown redevelopment.

7. Economic Summit:

- A. Schedule and conduct an Economic Summit meeting at which time the Consultant shall present a Status Report to County officials, local officials, businesses, and the public on the Fulton County Development Strategy.

8. Prepare Fulton County Development Strategy:

- A. The Development Strategy shall, at a minimum, including:
- Fulton County Profile
 - SWOT Analysis

- 10-year Vision
- Projects and initiatives to achieve 10-year vision
- At a minimum, the Strategy shall include the following components:
 - 1) Tryon Technology Park
 - 2) Two (2) Development Areas
 - 3) Retail Strategy
 - 4) Housing Strategy
 - 5) Downtown Redevelopment
 - 6) Regional Business Park
 - 7) Municipal Comprehensive Plans

IDA DISCUSSION:

B. IDA Reform Legislation:

1. Background:

- IDA Reform Legislation passed the legislature on June 19, 2015.
- It was signed into law in December 2015.
- The legislation becomes effective 180 days after being signed by the Governor.

2. Key Provisions:

- a. The legislation establishes common minimum standards for IDA applications for financial assistance, including:
 1. An estimate of capital costs of the project.
 2. The projected number of full-time equivalent jobs that would be retained or created if the request for financial assistance is granted.
 3. A statement acknowledging that the submission of any knowingly false or misleading information may lead to immediate termination of any financial assistance and reimbursement of an amount equal to all or part of any tax exemption claimed as a result of the project.
 4. The IDA could require supplemental information as it determines to be appropriate.

- b. The legislation requires IDAs to adopt criteria for the evaluation and selection of each category of projects for which financial assistance would be provided. Such criteria would require:
 1. A written cost-benefit analysis that identifies the extent to which a project will create or retain permanent, private sector jobs.
 2. The estimated value of any tax exemptions to be provided.
 3. The amount of private sector investment generated or likely to be generated by the proposed project the likelihood of accomplishing the proposed project in a timely fashion.
 4. The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts.

- c. The legislation requires each IDA to develop a common minimum standards for IDA project agreements that would set forth the terms and conditions under which financial assistance would be provided, including:
 1. A requirement for an annual certification and documentation by the project owner, occupant or operator of full time equivalent jobs created and retained as a result of the financial assistance.
 2. A provision for the suspension or discontinuance of financial assistance, or for the modification of any payment in lieu of tax agreement to require increased payments, in accordance with policies developed by the IDA.
 3. A provision for the return of all or a part of the financial assistance provided for the project, as provided for in policies developed by the IDA.
 4. A provision that the business certify, under penalty of perjury, that it is in substantial compliance with all local, state and federal tax, worker protection and environmental laws, rules and regulations.

- d. The legislation requires IDAs to develop policies for the suspension or discontinuance of financial assistance, and annually assess the progress each project approved after January 1, 2016 is making toward achieving its goals.
- e. The Reform Legislation requires each IDA to develop policies:
 - For the suspension, discontinuance, or modification of financial assistance provided for a project.
 - For the recapture of all or part of the financial assistance provided for a project.
 - To annually monitor the progress of projects with respect to investment and job creation/retention goals.

IDA DISCUSSION:

VII. NEXT MEETING:

Tuesday
April 12, 2016
8:00 a.m.

VIII. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :