

Program Guidelines

A. Purpose

- NRS 279.566 requires that every redevelopment plan must provide for the participation and assistance in the redevelopment of property in the redevelopment area by the owners of all or part of that property if the owners agree to participate in conformity with the redevelopment plan adopted by the legislative body for the area.

B. Program Goals

To ensure that all projects receiving City of Elko Redevelopment Agency (Agency) funds are consistent with the City of Elko Redevelopment Plan and the Nevada Revised Statutes, any person participating (Participant) in the Storefront Improvement Program (Program) must demonstrate that the proposed Project conforms to the City of Elko Master Plan and that it furthers one or more of the following goals:

- The Project will eliminate blighted conditions
- The Project will promote economic revitalization
- The Project will stimulate private development
- The Project will enhance the City's historic preservation efforts

C. Participation and Funding Requirements

- To participate in the Program, a person must be an owner or lessee of the property to be improved, referred to in these Guidelines as the "Program Participant."
- Either a lessee or a property owner may apply to be a Program Participant. However, the property owner must sign the Participation Agreement. The lessee may sign the Participation Agreement as well.
- The maximum Program grant funding that may be awarded is \$25,000 per lot or parcel with a single Assessor's Parcel Number.
- The minimum Program grant funding that may be awarded is \$2,500 per lot or parcel with a single Assessor's Parcel Number.
- The Program Participant shall pay 50% or more of the total project costs, depending upon the decision of the Elko Redevelopment Agency (Agency). Total project cost includes construction costs and expenses incurred in the preparation and permitting of plans for the improvements, including building permit fees, design work and construction drawings.
- Program Participants are competing for a very limited amount of funds and, as such, may meet all criteria and yet still not receive any funds or the full amount of their request.

D. Application Period

- Applications will be accepted by the Agency between January 1st and March 31st of each year. If March 30th falls on a Saturday, Sunday or legal holiday under the Laws of the United States or the

State of Nevada, then the time of such period shall be extended to the next date which is not a Saturday, Sunday or legal holiday.

- The Grant Review Committee, which is comprised of the five (5) members of the Redevelopment Advisory Council (RAC), will meet in April to rate each application using the rating sheet provided in grant program.
- The RAC will then make a recommendation to the Agency at its May meeting. The recommendation will include proposed recipients and funding for each project.
- If the available, budgeted funding is not fully expended in any given application review cycle, applications will be accepted on a first-come, first-served basis until all available, budgeted funding is exhausted.

E. Completion of Storefront Improvements

- No Work shall be undertaken until the proposed design has been submitted to and approved by the RDA.
- All Work shall be completed within twelve (12) months of the date of the signed participant agreement or a building permit is issued by the City of Elko (whichever is later). If a building permit is required, the grant recipient must submit all necessary applications and other documentation needed to obtain the building permit to the City of Elko Building Department within one hundred twenty (120) days of the date of Agency approval.
- Failure to meet any deadline may, at the discretion of the Agency, result in the cancellation of all Agency obligations to reimburse the Program Participant for any otherwise eligible past or future Program costs.

F. Eligible Properties and Businesses

All of the following requirements must be satisfied for a Project to receive funding:

1. The Project must be located within the City of Elko Redevelopment Area.
2. The Applicant must be the property owner(s) or a lessee(s) of a program-eligible building.
3. The property owner must sign the Application or provide a signed letter clearly stating support for the lessee's Application.
4. The property owner must sign the Program Participation Agreement, which is a binding contract.
5. The Program Participant may not apply for more than one (1) Agency-funded incentive per Agency fiscal year.
6. The property on which the Project is situated must be free of all mechanic's liens at the time of Application.
7. Neither the Program Participant nor the property owner may be listed as debtors in bankruptcy proceedings, or have declared bankruptcy within five (5) years prior to the date the Application is submitted.
8. The Program Participant must have a current City of Elko business license, if required.
9. The Project property must be properly zoned for all existing and proposed uses.

10. Neither the Program Participant nor the property owner may be delinquent on any Federal, state, or local taxes.
11. Neither the Applicant nor the property owner may be delinquent on any bills or debts payable to the City of Elko.

G. Ineligible Properties and Uses

The following are ineligible for participation in the Program:

1. Single family residential properties
2. Multi-family residential properties that have no commercial permitted use on same parcel
3. Buildings constructed within five (5) years prior to Application
4. Properties determined by the City of Elko to be in violation of the City Code (not to include legal non-conforming uses)
5. Properties which have received funding from the Agency, or from the City of Elko, within the year prior to Application for capital improvements, on-site improvements or off-site improvements
6. Government offices and agencies (non-governmental tenants are eligible) or other non-taxed entities
7. Properties with respect to which a portion of the property taxes (if property taxes are required) are not allocated to the City of Elko Redevelopment Agency

H. Eligible Improvements

The following are the types of improvements considered eligible for Program funding:

- Painting of the entire building façade, including decorative architectural elements. This includes all facades viewable from the public right-of-way.
- Installation of new or repair/replacement of existing windows and doors
- Remodeling of entry ways
- Installation or restoration of lighting
- Installation of new or repair/replacement of existing awnings
- Cleaning of exterior walls
- Restoration or renovation of exterior façades, including but not limited to siding, stone, tile, stucco and brick, to include demolition of existing façade
- Installation of new or repair of existing fascia, cornices, architectural details, gutters and downspouts
- Installation of new or restoration of existing signage
- Installation of roofs that are a visible decorative element of the facade

I. Ineligible Improvements

The following types of improvements are ineligible for Program funding:

- Installation, maintenance or repair of landscaping

- Installation, maintenance or repairs of roofs (except for roofs that are a visible decorative element of the façade)
- Repair of foundations
- Installation or repair of sidewalks
- Improvements required solely for compliance with the Americans with Disabilities Act
- Installation or repair of billboards that are not affixed to the building
- Installation or repair of security systems, including but not limited to video cameras, security bars and razor or barbed wire fencing.
- Installation or repair of window coverings
- Interior modifications
- Purchase, installation or repair of personal property or equipment
- Repairs to asphalt and parking lots
- Installation, repair or maintenance of personal property that has not been permanently attached to the building
- Installation, maintenance or repair of awnings, without more

J. Bidding/Construction/Permits

1. Program Participants are responsible for the design of the Project and for obtaining the necessary bids.
2. Program Participants must obtain three (3) competitive third-party contractor bids for the proposed work. All such contractors must be licensed by the State of Nevada, have in effect any required contractor's bonds, and have in place all necessary City of Elko licenses.
3. Reimbursement amounts for Progress and Final Payments will be calculated based on the lowest of the three (3) bids. The Program Participant may select any of the three (3) bidders to construct the Project; however, the Program Participant will be responsible for any such costs in excess of the lowest bid.
 - a. Construction contracts will be between the Program Participant and the contractor; the Agency will not be a party to any construction contract under the Program. The contractor must obtain all required permits prior to commencing work.
 - b. The contractor that is selected to perform the Project must provide the Agency with certificates of insurance evidencing coverage against bodily injury and property damage, with limits of \$1M occurrence/\$2M aggregate; \$1M commercial auto coverage; and Nevada workers compensation coverage (or employer's liability coverage) covering all employees for no less than the amount required by law.
4. The final selection of a contractor is the sole responsibility of the Program Participant. The Agency has no responsibility for the performance of the work.
5. The quality, timeliness and completeness of the work performed on the Project are matters to be resolved between the Program Participant and the contractor, notwithstanding the Agency's reimbursement requirements.

6. The Program Participant is advised, for its own protection, to obtain a written warranty for the Project work from the contractor.
7. Design work is a reimbursable expense (as stated in Section C); provided, design work must be included in the three (3) competitive bids to be considered part of the Program grant.

K. Grant Review

Applicants will be selected for participation in the Program and reimbursement amounts will be calculated based on the following process:

1. The Grant Review Committee will determine the eligibility of each Application using a rating sheet.
2. Each member of the Grant Review Committee will rate each proposed Project based on the points shown on the rating sheet. A total score will be given to each proposed Project based upon the total of all points on the rating sheets.
3. Reimbursement amounts will be determined based on the lowest bid amount submitted in the Application, even if the Program Participant selects a different contractor.
4. Any costs associated with the Project that are not shown on lowest bid will be the sole responsibility of the Program Participant and will not be included in the reimbursement calculation.

L. Redevelopment Agency Approval

The following process will be used in awarding Program grants:

1. The Grant Review Committee will recommend to the Agency the proposed recipient(s) of each grant and the program funding amount.
2. The Agency has the discretion to approve or deny any and/or all the recommended Applications.
3. Program Participants with Agency approved projects must sign a participation agreement with the Agency before the Agency has any obligation to the Program Participant. The participation agreement must be signed by the participant and submitted to the Agency within thirty (30) days of Agency approval. The participation agreement is a binding contract that establishes the rights and obligations of the parties.
4. Notwithstanding any other provision contained in these Guidelines, in the event the Grant Review Committee is prevented from meeting due to circumstances beyond the control of the Agency, to include acts of God, such as severe acts of nature or weather events including floods, fires, earthquakes, hurricanes, or explosions; war, acts of terrorism, and epidemics; acts of governmental authorities such as expropriation, condemnation, and changes in laws and regulations; and strikes and labor disputes, then the Agency may act without the prior recommendation of the Grant Review Committee.

M. Disbursement of funds

Within ninety (90) days after completion of the Work and upon final inspection and acceptance of the Work by the RDA or its authorized representative, the Participant shall complete and submit to the RDA a properly executed **Reimbursement Request Form** (supplied by the RDA) showing all expenses incurred in performing

the Work. In addition, the Participant shall submit to the RDA proof of payment of the expenditures listed on the **Reimbursement Request Form** and final lien waivers from all contractors and subcontractors.

For Projects which exceed \$10,000, reimbursements can be requested at both 50% and 100% of Project completion.

N. Maintenance Obligation

The Program Participant will have the following maintenance obligations following Project completion or final inspection by the City, whichever comes later:

1. The Program Participant shall maintain all improvements funded by the Program in good condition and in accordance with local and State building codes.
2. Conditions that constitute a failure to maintain the property in good condition include, but are not limited to: peeling paint, chipped surfaces, broken windows, torn awnings, broken lights, broken walls/fences, boarded windows, excessive bird droppings or debris, graffiti and illegal or non-conforming signage, and obstructed windows.
3. Agency staff will inspect improvements annually for three (3) years to determine whether improvements are being properly maintained.
4. Failure to maintain improvements that have been completed with Program grant monies for a period of three (3) years will result in ineligibility for future financial incentives to that Program Participant.

O. Checklist

- Storefront improvements designed by Contractor or Design Professional
- Obtain three (3) written bids on the construction of the storefront improvements
- January 1- March 30th: Submit completed Grant Application to the City of Elko Planning Department
- April: Grant review committee recommends to the Redevelopment Agency a list of recipients and grant amounts for each
- May: Redevelopment Agency awards grants
- Within (30) thirty days after the grant is awarded, Property owner and Program Participant must sign participation agreement and notice of agreement and record the notice with the Elko County Recorder
- Owner selected contractor to provide Redevelopment Agency with certificate of insurance with limits as shown in Section J.
- Within (120) one hundred twenty days from date of Agency approval, contractor obtains proper permits from the City of Elko Building Department, if required.
- Construction begins



Storefront Improvement Grant Program

- All storefront improvements must be completed within twelve (12) months of the effective date of the signed participant agreement or the date a building permit is issued by the City of Elko (whichever is later), unless a written extension is granted by the Agency
- Reimbursement request at 50% completion if awarded grant exceeds \$10,000
- Request final inspection from Redevelopment Manager at completion of project
- Within (90) ninety days from the date of final inspection, Program Participant must file Reimbursement request with the City of Elko
- 3 years of maintenance as required in Participation Agreement
- Notice of Release filed with Elko County Recorder at completion of 3 years of maintenance