

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, the person participating (Participant) in the Infrastructure Grant Program (Program) must demonstrate that a proposed Project conforms to the City of Elko Master Plan and RDA 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

C. Program Summary

This program provides reimbursement for qualifying expenses incurred in making upgrades to blighted or dilapidated building(s) which have lost their legal non-conforming status or are determined not to be code-compliant as a result of a change of use in light of current and proposed business uses. The Program Participant must demonstrate that the property does not comply with the current Elko City Code, including adopted portions of the International Building Code and/or International Fire Code, or the Americans With Disabilities Act. Reimbursement for the approved project will take place after final inspection and approval of the project by the City of Elko Building Department for the required permit, subject to the terms and conditions of a Participation Agreement.

D. 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. If the lessee is the Program Participant, they must provide written permission from the property owner to apply and the property owner must agree to satisfy any remaining obligations in the Participation Agreement (e.g., maintenance) if the lessee defaults.
- The maximum Program grant funding that may be awarded is \$15,000 per lot or parcel with a single Assessor’s Parcel Number, except as otherwise authorized by the Agency. This restriction does not disqualify a parcel with a single Assessor’s Parcel Number from qualifying for multiple grants, as long

as the collective amount of the grants does not exceed the maximum cumulative award of \$15,000 and complies with G(6) of these Guidelines.

- The Program Participant shall pay 50% or more of the total project costs, depending upon the decision of the 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.

E. Application Period

- Applications will be accepted by the Agency bi-annually. The first application period will be January 1st to January 31st of each year and the second application period will be July 1st to July 31st of each year. If January 31st or July 31st 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.
- If the available, budgeted funding is not fully expended in any given application review cycle, budgeted funding will be advanced to the following application period.

F. Completion of Improvements

- No Work shall be undertaken until the proposed design has been submitted to and the grant has been approved by the Agency and all permits, if applicable, have been issued by the City of Elko Building Department.
- All Work shall be completed within twelve (12) months of the effective date of the Participation Agreement or the date a building permit is issued by the City of Elko (whichever is later). If a building permit is required, the Program Participant 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, unless sooner required by the Elko City Code.
- 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 amounts under the Program.

G. Eligible Properties and Businesses

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

1. The Project must consist of improvements required to bring the building(s) into compliance with the current Elko City Code, including adopted portions of the International Building Code and/or International Fire Code, and provisions of State law incorporated by reference into the City Code, or the Americans With Disabilities Act on building(s) which have lost their legal non-conforming status or are determined not to be code-compliant as a result of a change of use and based on current and proposed future business use(s). Descriptions of proposed business use(s) must be submitted with

the Application. The proposed uses must comply with applicable zoning and other City requirements.

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

H. 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, with the exception of conditionally-approved apartment complexes within the C- General Commercial zoning district.
3. Buildings constructed ten (10) or fewer years prior to application unless the applicant is proposing a change of use.
4. Properties which have received funding for capital improvements, on-site improvements or off-site improvements from the Agency or from the City of Elko, within five or fewer years prior to Application.
5. 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.
6. Government offices and agencies (non-governmental lessees are eligible) or other non-taxed entities.
7. New construction.

I. Eligible Improvements

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

- All upgrades to a building required by a code adopted by the City of Elko that are required to bring a property into conformance after loss of legal non-conforming status or a change of use.
- All upgrades to a building required by the Americans With Disabilities Act after loss of legal non-conforming status or a change of use.
- Requirements by the NRS for pre-treatment or post-treatment of City utilities as per Elko City Code Title 9, specifically Chapter 1 Section 16 and Chapter 5 Section 57.
- Water or sewer service connections related to a full remodel on a property in which upgrades are required due to change of use or non-conformance.

J. Ineligible Improvements

The following types of improvements are ineligible for Program funding:

- Installation, maintenance or repair of landscaping.
- Installation, maintenance or repairs of roofs.
- Repair of foundations or any other structural repairs.
- Installation or repair of sidewalks with the exception of improvements required for compliance with the Americans With Disabilities Act.
- 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.
- Façade improvements or signage which would be covered under the Storefront Improvement Grant.
- Purchase, installation or repair of personal property or equipment.
- Repairs to asphalt and parking lots with the exception of improvements required for compliance with the Americans With Disabilities Act.
- All other improvement not identified in Section I.

K. Bidding/Construction/Permits

1. Program Participants must obtain at least two (2) competitive third-party contractor bids for the project. 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.
2. 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.
3. The contractor that is selected to perform the work 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.

L. Redevelopment Agency Approval

The following process will be used in awarding Program funding:

1. The Agency will schedule a meeting within sixty (60) days after completion of application period for review and consideration of each grant application.
2. The Agency has the discretion to approve or deny any and/or all of the Applications.
3. The Agency has the discretion to determine the amount of funding for each project based on the merit of the project. The consideration of funding is based on 50% of the lowest bid not to exceed \$15,000.00, although the Program Participant is not obligated to use the contractor with the lowest bid.
4. The Agency or its designated representative will notify the Applicant within fourteen (14) days after the Agency meeting of grant approval or denial and, if the grant is approved, the award amount.
5. Program Participants with Agency-approved projects will be required to sign a participation agreement with the Agency. A notice of the Participation Agreement will be recorded with the Elko County Recorder.

M. Disbursement of funds

Within ninety (90) days after completion of the Work and upon final inspection and acceptance of the Work by the Agency or its authorized representative, the Participant shall complete and submit to the Agency a properly completed and executed **Reimbursement Request Form** (supplied by the Agency) showing all expenses incurred in performing the Work. In addition, the Participant shall submit to the Agency proof of payment of the expenditures listed on the **Reimbursement Request Form** and final lien waivers from all contractors and subcontractors.

Funds will be disbursed only after the following conditions have been met.

1. All Work required for the project has been completed, inspected and approved by the Agency or a representative designated by the Agency.
2. All permits for the Project have been issued and the permit requirements satisfied as determined by the City of Elko Building Department.

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. The Agency or a representative designated by the Agency will inspect improvements annually for three (3) years to determine whether improvements are being properly maintained.
3. In the event the Program Participant fails to adequately maintain improvements that have been completed with Program grant funds for a period of three (3) years, the Agency may, in its discretion, disqualify the Program Participant from receiving future funds from the Agency.

O. Checklist

- Improvements designed by properly licensed Contractor or Design Professional
- Obtain two (2) written bids on the construction of the improvements from a licensed contractor
- January 1- January 31st or July 1-July 31st : Submit completed Grant Application to the City of Elko Planning Department
- Redevelopment Agency awards grants
- Within thirty (30) days after the grant is awarded, Property owner and Program Participant (if different) must sign participation agreement and notice of agreement and record the notice with the Elko County Recorder
- Owner instructs contractor to provide Redevelopment Agency with certificate of insurance with limits as shown in Section K.
- Within one hundred twenty (120) days from date of Agency approval, contractor obtains proper permits from the City of Elko Building Department, if required.
- Construction begins
- All improvements must be completed within twelve (12) months of the effective date of the signed participation 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
- 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